FEDERAL REGISTER

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Agricultural Stabilization and Conservation Service
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Business and Defense Services Administration
Civil Aeronautics Board
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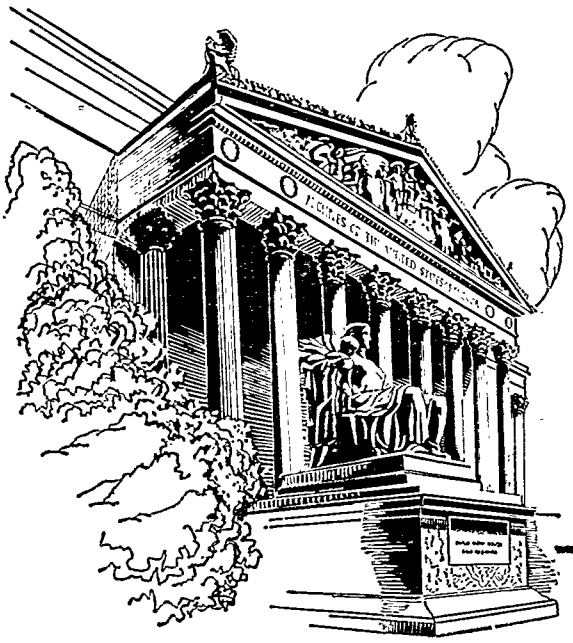

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(As of January 1, 1970)

Title 7—Agriculture (Parts 0–45) (Revised) $2.75

Title 26—Internal Revenue (Parts 500–599) (Revised) .. 1.75

Title 49—Transportation (Parts 1–199) (Revised) 3.75

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SUBCHAPTER G—DETERMINATION OF PROPORTIONATE SHARES

[Amdt. 2]

PART 850—DOMESTIC BEET SUGAR PRODUCING AREA

Proportionate Shares for Farms; 1970 Crop

Pursuant to the provisions of the Sugar Act of 1948, as amended, Part 850 of Chapter VIII, Title 7 of the Code of Federal Regulations, published October 23, 1969 (34 F.R. 17153 and 17155), is further amended by revising § 850.214 (a) and (c), and by adding § 850.230 to read as follows:

§ 850.214 National acreage requirement, contingency acreage, and State acreage allocations.

(a) *National acreage requirement.* A national sugar beet acreage requirement of 1,550,000 acres is hereby established for the 1970 crop of sugarbeets.

* * * * *

(c) *State acreage allocations.* After deducting the acreage as heretofore provided in this section, the balance of the national acreage requirement totaling 1,549,000 acres is allocated to States by application of the following formula: The larger of (1) 70 percent of the 1969 acreage plus 30 percent of the 1967–68 average acreage, or (2) 85 percent of the highest acreage for any year during the period 1965–69. The resulting base acreages are then factored to the national acreage requirement less the contingency reserve. The acreage allocations resulting from application of this formula are as follows:

State	*Acres*
Arizona	28,697
Arkansas	62
California	313,531
Colorado	184,061
Idaho	190,384
Illinois	855
Indiana	44
Iowa	2,288
Kansas	42,399
Maine	20,880
Michigan	89,209
Minnesota	154,211
Missouri	188
Montana	65,213
Nebraska	82,985
Nevada	1,813
New Jersey	932
New Mexico	5,837
New York	16,717
North Dakota	89,706
Ohio	35,761
Oregon	23,184
Pennsylvania	1,069
Texas	43,599
Utah	32,079
Washington	60,285
Wyoming	63,011

* * * * *

§ 850.230 Use of acreage made available to States under § 850.214, as amended.

(a) A national sugar beet acreage requirement of 1,450,000 acres was originally established in § 850.214. By amendment, such acreage requirement is being established at 1,550,000 acres, representing an increase of 100,000 acres. That part of such increase of 100,000 acres allocated to each State is hereinafter referred to in this section as supplemental acreage. The provisions of this section govern the dispositon of supplemental acreage except as provided in paragraph (g) of this section.

(b) Allotment to areas: Where a State is divided into allotment areas, the supplemental acreage shall be prorated to allotment areas in accordance with § 850.217 on the same basis that the original State allocation was prorated to the allotment areas.

(c) Set-aside: The set-asides provided for in § 850.219 shall not be made from the supplemental acreage.

(d) Requests for additional shares: If the State committee determines that requests for additional acreage by the operators of old-producer farms for which 1970 proportionate shares have been determined is necessary to utlize the supplemental acreage, such operators may be given the opportunity of requesting additional proportionate share acreage from the supplemental acreage. In such case, the committee shall establish a closing date for filing such requests.

(e) Revision of proportionate shares: The State's supplemental acreage or an allotment area's portion of the supplemental acreage shall be used first to revise proportionate shares determined pursuant to § 850.224 for old-producer farms for which the acreages originally requested as provided in § 850.218 exceeds the shares established from the original State allocation, except supplemental acreage shall not first be used to revise shares for small old-producer farms for which minimum shares were established by the State committee. The supplemental acreage shall be distributed pro rata to such farms on the basis of the shares established but not to exceed the acreages originally requested. Any acreage remaining after the proration shall be used to adjust the shares established for old-producer farms, as increased by any proration made under this paragraph, for which additional proportionate share acreage is requested pursuant to paragraph (d) of this section. Such adjustments shall be made in accordance with the criteria set forth in § 850.223.

(f) Distribution of unused supplemental acreage: Any supplemental acreage not used to increase shares pursuant to paragraph (e) of this section may be used as determined by the State committee (1) to adjust new-producer farm shares established pursuant to § 850.225 but not to exceed the acreage requested and (2) to establish new-producer shares for farms for which requests have been made by persons who have been rated outstanding or well-qualified but for which shares could not be established because of insufficient acreage in the new-producer farm set-aside. If such shares are to be established, the provision of paragraphs (b), (d), and (e) of § 850.225 shall be applicable. Any acreage not used pursuant to the foregoing provisions of this section shall be distributed as provided in § 850.227.

(g) Use of supplemental acreage in the late planting area of Arizona (counties of Pinal and Maricopa) and in the area of Southern California as designated in § 891.2: The proration of the supplemental acreage to these allotment areas shall be made as provided in paragraph (b) of this section. Paragraphs (c), (d), (e), and (f) of this section shall not apply to these allotment areas, and the original area allotment, as increased by the supplemental acreage, shall be used in establishing farm proportionate shares as provided in the applicable §§ 850.215 through 850.229.

STATEMENT OF BASES AND CONSIDERATIONS

The determination of proportionate shares for the 1970 crop, issued on October 23, 1969, established a national sugar beet acreage requirement of 1,450,000 acres. That determination was based in part on expected sugar production from the 1969 crop of 3,820,000 tons, raw value.

Unusually severe and early freezes during the harvest season in many localities, and below normal sugar content in some other localities, resulted in substantially lower beet sugar production than originally expected. Present prospects are that total sugar production from the 1969 crop will approximate 3,421,000 tons, raw value. At that level of production, the resulting effective inventory and estimated 1970 crop production based on the original national objective of 1,450,000 acres might not be sufficient to enable the sugar beet area to fill its sugar marketing quota in 1970 and retain a relationship between the effective inventory on January 1, 1971, and that year's quota within the range suggested by the Congress (82–90 percent).

In order that the sugar beet producing area may meet its quota and retain a normal carryover inventory, the national acreage requirement for the 1970 crop

is increased from 1,450,000 acres to 1,550,000 acres.

State acreage allocations have been adjusted in the same proportion as the total requirement. No change has been made in the formula for determining the base acreages and acreage allocations for sugar beet producing States.

Provision is made for the distribution of the additional acreage among the allotment areas, if any, within each State on the same basis that the original State allocation was prorated.

Many States have completed the establishment of proportionate shares from the original acreage. Others have completed the detailed statistical work leading towards the establishment of proportionate shares. Accordingly, the proration of additional acreage to farms has been made with the view of eliminating, insofar as possible, additional detailed work.

Essentially, the additional acreage will be prorated to old-producer farms, the operators of which requested a larger acreage than the shares established, on the basis of the shares established from the original State allocations. Where any State committee determines that such procedure is necessary to provide for the utilization of the additional acreage, it may provide for the filing of requests for additional acreage by the operators of old-producer farms. Any acreage not used to increase the shares for old-producer farms may be used to increase new-producer farm shares or to establish additional new-producer farm shares for qualified persons who previously requested shares but for whom shares could not be established because of insufficient acreage.

Any acreage remaining after the aforegoing uses will be redistributed in accordance with procedures contained in the original regulation.

Accordingly, I hereby find and conclude that the foregoing amendment will effectuate the applicable provisions of the Sugar Act of 1948, as amended.

(Secs. 301, 302, 403, 61 Stat. 929, 930, as amended, 932; 7 U.S.C. 1131, 1132, 1153)

Effective date: Date of publication.

Signed at Washington, D.C., on February 20, 1970.

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

[F.R. Doc. 70-2435; Filed, Feb. 26, 1970; 8:52 a.m.]

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

PART 924—FRESH PRUNES GROWN IN DESIGNATED COUNTIES IN WASHINGTON AND IN UMATILLA COUNTY, OREG.

Changes in District Representation

On January 30, 1970, notice was published in the FEDERAL REGISTER (35 F.R. 1239) that the Department was considering issuance of rules and regulations (Subpart—Rules and Regulations), as hereinafter set forth, pursuant to § 924.31 and other applicable provisions of the marketing agreement and Order No. 924 (7 CFR Part 924), regulating the handling of fresh prunes grown in designated counties in Washington and in Umatilla County, Oreg., effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

The notice afforded opportunity for the submission of written data, views, or arguments for consideration in connection with the proposal; and no such comments were submitted. The proposal related to reapportionment of the grower members and alternate grower members of the committee in view of shifts in fresh prune production within the production area. The apportionment of the handler members on the committee would remain unchanged.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, which was submitted by the Washington-Oregon Fresh Prune Marketing Committee (established pursuant to said amended marketing agreement and order as the agency to administer the provisions thereof), it is hereby found that the reapportionment of the grower members and their alternates on the committee, as hereinafter set forth in Subpart—Rules and Regulations, reflects, insofar as practicable, shifts in prune production within the districts and the production area, is otherwise in accordance with the provisions of said marketing agreement and order, and will tend to effectuate the declared policy of the act.

Subpart—Rules and Regulations governing the apportionment of grower members and handler members and their respective alternates on the Washington-Oregon Fresh Prune Marketing Committee is hereby promulgated reading as follows:

Subpart—Rules and Regulations

§ 924.101 Changes in district representation.

Beginning with the 1970-71 fiscal period, the representation or membership on the Washington-Oregon Fresh Prune Marketing Committee is reapportioned as follows:

(a) Three (3) grower members and their respective alternates shall be producers of prunes in District 1;

(b) Three (3) grower members and their respective alternates shall be producers of prunes in District 2;

(c) Two (2) handler members and their respective alternates shall be producers of prunes in District 1; and

(d) One (1) handler member and his alternate shall be handlers of prunes in District 2.

It is hereby further found that good cause exists for not postponing the effective date of this subpart until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) notice of proposed rule making concerning the issuance of these rules and regulations was published in the FEDERAL REGISTER on January 30, 1970 (35 F.R. 1239), and no objection to the issuance of such rules and regulations was received; (2) the recommendation and supporting information for these rules and regulations were submitted to the Department after an open meeting of the Washington-Oregon Fresh Prune Marketing Committee on December 15, 1969, which was held to consider recommendations for issuance of such rules and regulations after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; (3) the provisions of such rules and regulations are identical with the aforesaid recommendation of the committee; (4) information concerning such provisions has been disseminated among growers and handlers of fresh prunes in Washington and Oregon; and (5) these rules and regulations should become effective promptly because a new term of office for committee members and their alternates commences on April 1, 1970, and nominations of persons for such positions on the committee must, under order provisions, be concluded by March 1, 1970; hence, the Washington-Oregon prune industry should have the maximum time to make such nominations as will conform to the changes in district representation.

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

Dated, February 24, 1970, to become effective upon publication in the FEDERAL REGISTER.

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

[F.R. Doc. 70-2437; Filed, Feb. 26, 1970; 8:52 a.m.]

[966.307, Amdt. 3]

PART 966—TOMATOES GROWN IN FLORIDA

Limitation of Shipments

Findings. (a) Pursuant to Marketing Agreement No. 125 and Order No. 966, both as amended (7 CFR Part 966), regulating the handling of tomatoes grown in the production area, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Florida Tomato Committee, established pursuant to said marketing agreement and order, and upon other available information, it is hereby found that the effective date of the amendment to the limitation of shipments (35 F.R. 3159) should be delayed until March 16, 1970.

(b) Supply and demand conditions for tomatoes are changing day by day. Because of adverse weather, shipments of Florida tomatoes have recently declined and the size composition of the supply is smaller than earlier expected. As a

result, the market demand has strengthened slightly. Therefore, it now appears that the effective date of such amendment to the regulation can be delayed.

Supplies of Florida tomatoes are expected to increase again by March 16, and this more restrictive amendment to the regulation will be needed at that time.

(c) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice or engage in public rule making procedure on this amendment (5 U.S.C. 553) in that (1) tomatoes grown in the production area are currently being marketed; (2) compliance with this amendment will not require any special preparation by handlers; (3) information regarding the committee's recommendation has been made available to producers and handlers in the production area; and (4) this amendment relieves restrictions on the handling of production area tomatoes by delaying the effective date of the more restrictive minimum sizes.

Regulation, as amended. In § 966.307 (34 F.R. 18090, 19746 and 35 F.R. 3159) the effective date of Amendment No. 2 is hereby amended to read March 16, 1970.

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

Dated: February 20, 1970.

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

[F.R. Doc. 70-2383; Filed, Feb. 26, 1970; 8:47 a.m.]

[980.204, Amdt. 2]

PART 980—VEGETABLES; IMPORT REGULATIONS

Tomatoes

Pursuant to the requirements of section 8e-1 of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 608e-1), Tomato Import Regulation § 980.204 (34 F.R. 18091 and 35 F.R. 3160) is hereby amended as set forth below.

Tomato import regulation, as amended. In § 980.204, *Tomato import regulation,* the effective date of Amendment No. 1 is hereby amended to read March 16, 1970.

Findings. This amendment conforms with a simultaneous amendment to the limitation of shipments effective on domestic shipments of tomatoes (§ 966.307, Amdt. 3) under Marketing Order No. 966, as amended (7 CFR Part 966) regulating the handling of tomatoes grown in Florida. It is hereby found that it is impractical and contrary to the public interest to give preliminary notice or engage in public rule making procedure on this amendment (5 U.S.C. 553) in that (1) the requirements of section 608e-1 of the Act make this amendment mandatory, (2) compliance with this amendment will not require any special preparation by importers which cannot be completed by the effective date, and (3) this amendment relieves restrictions by delaying the effective date of the more restrictive minimum sizes until March 16, 1970.

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

Dated: February 20, 1970.

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

[F.R. Doc. 70-2382; Filed, Feb. 26, 1970; 8:47 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, paragraph (e)(17) relating to the State of Virginia, a new subdivision (viii) relating to Nansemond and Isle of Wight Counties is added to read:

(17) *Virginia.* * * *

(viii) The adjacent portions of Nansemond and Isle of Wight Counties bounded by a line beginning at the junction of U.S. Highway 17 and the west bank of the Nansemond River; thence, following the west bank of the Nansemond River in a southwesterly direction to the north bank of Western Branch; thence, following the north bank of Western Branch in a northwesterly direction to Secondary Highway 603; thence, following Secondary Highway 603 in a northeasterly direction to Secondary Highway 602; thence, following Secondary Highway 602 in a northeasterly direction to Secondary Highway 600; thence, following Secondary Highway 600 in a southeasterly direction to Primary Highways 32, 10; thence, following Primary Highways 32, 10 in a southerly direction to the Nansemond-Isle of Wight County line; thence, following the Nansemond-Isle of Wight County line in a northeasterly direction to U.S. Highway 17; thence, following U.S. Highway 17 in a southeasterly direction to its junction with the west bank of the Nansemond River.

(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 quarantines portions of Nansemond and Isle of Wight Counties in Virginia 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 the quarantined areas designated herein.

The amendment imposes certain further restrictions necessary to prevent the interstate spread of hog cholera and must be made effective immediately to accomplish its purpose in the public interest. 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 contrary to the public interest and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 20th day of February.

R. J. ANDERSON,
Acting Administrator, Agricultural Research Service.

[F.R. Doc. 70-2384; Filed, Feb. 26, 1970; 8:48 a.m.]

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Areas Quarantined

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

1. In § 76.2, the introductory portion in paragraph (e) is amended by adding thereto the name of the State of Kansas.

2. In § 76.2, a new paragraph (e)(19) relating to the State of Kansas is added to read:

(19) *Kansas.* That portion of Sedgwick County bounded by a line beginning at the junction of State Highway 96 and Federal Aid Secondary Highway 695; thence, following State Highway 96 in a generally southeasterly direction to Interstate Highway 235; thence, following Interstate Highway 235 in a southwesterly direction to U.S. Highway 54; thence, following U.S. Highway 54 in a southwesterly direction to Federal Aid

Secondary Highway 695; thence, following Federal Aid Secondary Highway 695 in a northerly direction to its junction with State Highway 96.

2. In § 76.2, paragraph (e)(4) relating to the State of Illinois is amended to read:

(4) *Illinois.* (i) That portion of Christian County comprised of Greenwood, Johnson, King, and Ricks Townships.

(ii) That portion of Greene County comprised of Linder, Rabicon, Rockbridge and Wrights Townships.

(iii) That portion of Montgomery County comprised of Audobon, Bois Darc, Harvel, Nokomis, and Witt Townships.

(iv) That portion of Shelby County comprised of Big Springs and Oak Grove Townships.

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

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

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

The amendments quarantine a portion of Sedgwick County in Kansas 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 the quarantined areas designated herein.

The amendments also exclude portions of Gallatin, Macoupin, Saline, Montgomery, and Shelby Counties in Illinois, and a portion of James City County in Virginia from the areas heretofore quarantined because of hog cholera. Therefore, the restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will not apply to the excluded areas, but will apply to the quarantined areas described in § 76.2. Further, the restrictions pertaining to the interstate movement from nonquarantined areas contained in said Part 76 will apply to the areas excluded from quarantine.

Insofar as the amendments relieve certain restrictions presently imposed, they must be made effective immediately to be of maximum benefit to affected persons. Insofar as the amendments impose restrictions, they should be made effective without delay in order to protect the livestock of the United States. 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 the amendments effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 20th day of February 1970.

R. J. ANDERSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 70-2385; Filed, Feb. 26, 1970; 8:48 a.m.]

Chapter III—Consumer and Marketing Service (Meat Inspection), Department of Agriculture

SUBCHAPTER A—MEAT INSPECTION REGULATIONS

PART 327—IMPORTED PRODUCTS

Monthly Supervisory Visits by Foreign Officials to Approved Foreign Export Meat Plants

On October 14, 1969, there was published in the FEDERAL REGISTER (34 F.R. 15800) a notice of proposed amendment to § 327.2(a)(1) of the Federal Meat Inspection Regulations (9 CFR 327.2(a)(1)). The amendment was proposed to require supervisory visits by foreign officials to foreign meat plants if the plants are to be eligible to have their products imported into the United States and to provide for reports by such officials.

Statement of considerations. The Federal Meat Inspection Act requires that the Secretary of Agriculture shall each year report to the appropriate committees of the Congress with respect to administration of the section of the Act dealing with importation of livestock carcasses, meats and meat products. The Act specifies that this report shall include a certification that foreign plants exporting such carcasses or meat or meat products for importation into the United States have complied with requirements at least equal to all provisions of the Act and regulations issued thereunder. Such certification can only be made if the supervisory inspection exercised by the national governments of the countries in which such foreign plants are located is adequate to maintain standards and operating procedures equivalent to those established by the U.S. meat inspection program.

As the result of the publication in the FEDERAL REGISTER of the notice of proposed amendment to § 327.2(a)(1) of the regulations, the Department received 12 letters of comment—seven from foreign countries and five from American farm and producer organizations.

The Department has carefully considered all of the information presented to it in these comments, and all other available information and has made the following decisions on the proposal to amend the regulations under the Federal Meat Inspection Act:

Frequency of visit. [Decision: Monthly supervisory visits to each approved plant will be required.] This decision is necessary to assure uniform application of U.S. requirements to each certified establishment and to give the certifying foreign official current information on which to base continuing certification of establishments.

Report of findings. [Decision: Foreign supervisors will be required to prepare written reports of findings and make such reports available to Department representatives.]

This decision will insure that monthly visits are made and serve to inform the Department of the condition of the establishment at the time of the supervisory visits.

Scope of reports. [Decision: Reports will cover requirements referred to in (*a*) through (*f*) of subdivision (ii) of subparagraph (1), paragraph (a) of § 327.2.]

This decision will insure that the monthly examination covers the criteria prescribed for approved establishments by § 327.2 and permits exclusion from the report of matters not pertinent to U.S. meat importation.

These are the considerations on which the decisions were made. The specific amendment to the regulations is as follows:

Section 327.2(a)(1) is amended by adding a new subdivision (iv) to read as follows:

§ 327.2 Eligibility of foreign countries for importation of product into the United States.

(a) * * *

(1) * * *

(iv) The foreign inspection system must maintain a program of periodic supervisory visits to each certified establishment to assure that requirements referred to in (*a*) through (*f*) of subdivision (ii) of this subparagraph, at least equal to those of the Federal system of meat inspection of the United States, are being met. A representative of the foreign inspection system shall make at least one such supervisory visit each month to each such establishment and prepare a written report of his findings in respect to the requirements referred to in (*a*) through (*f*) of subdivision (ii) of this subparagraph, copies of which shall be available to the representative of the Department at the time of his review upon request by said representative to a responsible foreign meat inspection official: *Provided,* That such visits and reports are not required with respect to any establishment during a period when the establishment is not operating or is not engaged in producing meat food products.

(Sec. 21, 34 Stat. 1260, as amended, 21 U.S.C. 621; 29 F.R. 16210, as amended; 33 F.R. 10750)

The foregoing amendment differs in some respects from the proposal set forth in the notice of rulemaking. The differences are due to changes made pursuant to comments received in the rulemaking proceeding. It does not appear that further public rulemaking procedure on the amendment would make additional information available to the Department. Therefore, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that such further proceedings are unnecessary.

The foregoing amendment shall become effective 30 days following publication of this notice in the FEDERAL REGISTER.

Done at Washington, D.C., on February 24, 1970.

ROY W. LENNARTSON,
Administrator.

[F.R. Doc. 70-2436; Filed, Feb. 26, 1970; 8:52 a.m.]

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. D]

PART 204—RESERVES OF MEMBER BANKS

Officers' Checks as Deposits

Effective April 2, 1970, § 204.113 is added to read as follows:

§ 204.113 Officers' checks in repayment of "Federal funds" transactions included as "gross demand deposits".

(a) The Board has reviewed its ruling (1928 Federal Reserve Bulletin page 656) that a check issued by a member bank in repayment of a Federal funds transaction may be excluded from its deposit liabilities.

(b) Such ruling is in effect an exemption from the provisions of § 204.1(g) of Regulation D, which requires all officers' checks issued by a member bank to be included in its gross demand deposits for reserve purposes. Nonetheless, a member bank is permitted by § 204.2(b) of Regulation D to deduct all "cash items in process of collection" from its gross demand deposits, in computing its reserve requirements. Permitting the issuing bank to exclude from its deposit liabilities a check issued by it and also permitting the receiving bank to deduct the item from its deposit liabilities is inconsistent with the basis of the provision for cash-item deductions—to avoid situations in which two member banks maintain reserves against the same funds.

(c) The Board considers that it should bring its regulations and interpretations in this area into harmony. Withdrawal of the 1928 ruling would eliminate the incongruity between such ruling and the provisions of § 204.1(g). Most Federal funds transactions are presently handled through entries on the books of the Reserve Banks (and do not involve the issuance of a check), and all such transactions can be handled in that manner. Consequently, withdrawal of the 1928 ruling would have little impact. Also, adopting such course of action seems clearly preferable to modifying § 204.2(b) to prohibit the deduction from gross demand deposits of a certain class of cash items—namely, those received in repayment of a Federal funds transaction.

(d) Accordingly, the 1928 ruling is withdrawn. Hereafter, as provided in § 204.1(g) of Regulation D, "The term 'gross demand deposits' means the sum of all demand deposits, including * * * all outstanding certified and officers' checks".

(Interprets and applies 12 U.S.C. 461 and 465)

By order of the Board of Governors, February 17, 1970.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[F.R. Doc. 70-2398; Filed, Feb. 26, 1970; 8:49 a.m.]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of International Commerce, Department of Commerce

SUBCHAPTER B—EXPORT REGULATIONS

[12th Gen. Rev. of the Export Regs. (Amdt. 12)]

MISCELLANEOUS AMENDMENTS TO CHAPTER

Parts 370, 371, 372, 373, 376, and 388 of the Code of Federal Regulations are amended as set forth below.

(Sec. 3, 63 Stat. 7; 50 U.S.C. App. 2023; E.O. 10945, 26 F.R. 4487, 3 CFR 1959-1963 Comp.; E.O. 11038, 27 F.R. 7003, 3 CFR 1959-1963 Comp.)

Effective date: February 26, 1970.

RAUER H. MEYER,
Director, Office of Export Control.

PART 370—EXPORT LICENSING GENERAL POLICY AND RELATED INFORMATION

In § 370.2, the introductory paragraph and the definition of Export Control Law are amended and a definition of Export Administration Act is added to read as follows:

§ 370.2 Definition of export control terms.

The following are definitions of terms as used in the Export Control Regulations. In addition, wherever the term "Export Control Act", or "Export Control Law" appears in the Export Control Regulations it shall be construed to mean "Export Administration Act of 1969."

Export Administration Act. Export Administration Act of 1969.

Export Control Law. Replaced by Export Administration Act of 1969, effective January 1, 1970.

* * * * *

PART 371—GENERAL LICENSES

In § 371.14 paragraph (b) is amended to read as follows:

§ 371.14 General License GLC; exports of commercial vehicles by certain civil airlines and by private or commercial carriers.

* * * * *

(b) *Air carriers.* Civil aircraft operating under an Air Carrier Operating Certificate issued by the Federal Aviation Agency or operating under specifications approved by the Federal Aviation Agency pursuant to Part 129 of the regulation of the Federal Aviation Agency, may depart from the United States for any destination other than a destination in Country Group S, Y, or Z (excluding Cuba); except that United States registered aircraft shall not depart for the purpose of sale, resale, lease, charter, or any other disposition to a foreign country or any national thereof, and except that the aircraft's U.S. registration shall not be changed while abroad.

* * * * *

PART 372—INDIVIDUAL VALIDATED LICENSES AND AMENDMENTS

In § 372.11(i), subparagraphs (1) (ii) and (iii) and (2) (ii) and (iii) are amended to read as follows:

§ 372.11 Amending export licenses.

* * * * *

(i) *Action on amendment request*—(1) *By Office of Export Control.* * * *

(ii) *Returned without action.* When Form IA-763, Request for and Notice of Amendment Action, is returned without action, the reason(s) therefor will be indicated on Form IA-763A, Advice on Amendment Request Returned Without Action. All copies of Form IA-763 with original of Form IA-763A, plus any attachments will be returned to the individual named in the item of Form IA-763 entitled "Return Copy of Amendment Notice To." The license (if submitted with the amendment request) will also be returned unless it has expired or the return without action requires that it be canceled. An amendment request may be resubmitted on the same set of Form IA-763 where corrections or documents are required. If the changes are extensive, a complete new set of Form IA-763 must be submitted.

(iii) *Rejected.* When a request is rejected, the reason(s) therefor will be indicated on the triplicate copy of Form IA-763, and such copy, plus any attachments, will be returned to the individual named in the item entitled "Return Copy of Amendment Notice To." The license (if submitted with the request) will also be returned unless it has expired or the rejection required that it be canceled.

(2) *By field office.* * * *

(ii) *Returned without action.* When Form IA-763, Request for and Notice of Amendment Action, is returned without action, the amending officer will indicate the reason(s) therefor on Form IA-763A, Advice on Amendment Request Returned Without Action. All copies of Form IA-763 with original of Form IA-763A, plus any attachments, will be returned to the individual named in the item of Form IA-763 entitled "Return Copy of Amendment Notice To." An amendment request may be resubmitted on the same set of Form IA-763 where corrections or documents are required. If the changes are extensive, a complete new set of Form IA-763 must be submitted.

(iii) *Rejected.* When a request is rejected, the amending officer will indicate the reason(s) therefor in the item entitled "For Official Use Only," sign, date, and identify the field office. The triplicate, plus any attachments, will be sent to the individual named in the item entitled "Return Copy of Amendment Notice To."

* * * * *

PART 373—SPECIAL LICENSING PROCEDURES

In § 373.4, paragraphs (a) (2) and (3) and (c) (2) are revised; a new paragraph (c) (5) is established; paragraph (d) (1) is revised; subparagraphs (2) and (3) of paragraph (f) are redesignated as (3) and (4), respectively; a new paragraph (f) (2) is established; and redesignated paragraph (f) (4) is revised to read as set forth below.

§ 373.4 Foreign-based warehouse procedure.

* * * * *

(a) *Definitions.* * * *

(2) *Foreign-based stock.* A "foreign-based stock" consists of U.S.-origin commodities not identified by the symbol "B" in the last column of the Commodity Control List (see § 399.1 of this subchapter), which have been licensed by the Office of Export Control to be stocked outside the United States by a U.S. exporter or his subsidiary for distribution in three or more countries to customers appoved by the Office of Export Control.

(3) *Distributor.* A "distributor" is a subsidiary of the U.S. exporter not located in Country Group S, W, Y, or Z that distributes or sells the U.S. commodities exported under this procedure exclusively to customers located in three or more countries who have been approved by the Office of Export Control; and delivery is: (i) From foreign-based stocks; (ii) directly from the United States, based on the distributor's instructions, to fill an urgent need or a specialized requirement for a commodity covered by the procedure but not available for shipment from the foreign-based stock; or (iii) directly from the United States to an approved customer for use in repairing equipment originally manufactured by the U.S. exporter.

* * * * *

(c) *Application to participate in the foreign-based warehouse procedure.* * * *

(2) *Form FC-243.* Each customer to whom distribution is proposed, whether or not in the country where the foreign-based stock is located, must complete and submit to the distributor or to the U.S. exporter six copies of Form FC-243, Multiple Transactions Statement by Customer of Distributor of U.S. Commodities Stocked Abroad. (See Supplement S-10 for facsimile.) The U.S. exporter shall submit these forms to the Office of Export Control either with or subsequent to his filing the Form FC-243. Form FC-243 may authorize the customer to resell or otherwise redistribute the commodities received. If, however, the distributor himself wishes to distribute the commodities similarly in the country where his warehouse is located, while relying on his customers to redistribute elsewhere, such distributor is not precluded from submitting his own Form FC-243 as well as those of his customers. In such a case, he assumes all of the responsibilities of a customer in the country where his warehouse is located in addition to the responsibilities of a distributor.

* * * * *

(5) *Table of Denial and Probation Orders.* The U.S. exporter shall also furnish promptly to each approved customer, other than an end-user of the commodities, current reprints of the "Table of Denial and Probation Orders Currently in Effect" and each addendum thereto. Copies of these reprints, issued on or about April 1 and October 1, may be obtained without charge from the Office of Export Control.

(d) *Action on application to participate in the foreign-based warehouse procedure*—(1) *U.S. Exporter.* If a Form FC-143 is approved, two validated copies will be sent to the U.S. exporter containing the validation number and the expiration date. The exporter shall keep one copy and send the other to his distributor. Generally, the expiration date is June 30 of the year following the date on which the Form FC-143 is signed by the U.S. exporter, unless an earlier termination date is requested. The distributor is permitted, until the expiration or revocation of his validated Form FC-143, to distribute without obtaining prior Office of Export Control approval for each separate individual transaction, to any customer who has been approved by the Office of Export Control; whether such customer is in the country where the foreign-based stock is located or in any other country. If the Form FC-143 is not approved, the form will be returned to the U.S. exporter with a notice informing him of the reason for this action. The letter of transmittal to any approved customer other than an end user shall notify each customer that he will be receiving from the exporter reprints of the U.S. Department of Commerce "Table of Denial and Probation Orders Currently in Effect" and addendum thereto listing individuals and firms to whom the consignee may not sell or otherwise dispose of the U.S. commodities received.

* * * * *

(f) *Exports and redistribution.* * * *

(2) A request for specific authorization to export, reexport, distribute, or resell a commodity under the provisions of the Foreign-Based Warehouse Procedure to any person or firm not approved under this procedure shall be submitted by letter to the Office of Export Control (Attention: 852), U.S. Department of Commerce, Washington, D.C. 20230. The letter shall show the export license number and application case number, the name and address of the consignee and the commodity description, quantity, and value involved in each transaction. In addition, each request shall be supported by any document that is required under the provisions of Part 375 of this subchapter in support of an application for a license to export such commodities from the United States directly to the country of the proposed ultimate consignee.

* * * * *

(4) The U.S. exporter shall enter one of the two following destination control statements on the Shipper's Export Declaration, commercial invoice, and bill of lading covering exports under the Foreign-Based Warehouse Procedure:

(i) "These commodities licensed by the United States for ultimate destination (name of country where the foreign-based stock is located). Diversion contrary to U.S. law prohibited."

(ii) "These commodities licensed by the United States for ultimate destination (name of country where the foreign-based stock is located) and for distribution or resale in (name(s) of country (ies) where approved customers are located). Diversion contrary to U.S. law prohibited."

Use of the statement in subdivision (i) of this subparagraph in no way prohibits distribution of the commodities to customers in other countries if they have been approved by the Office of Export Control on a Form FC-243.

* * * * *

PART 376—SPECIAL COMMODITY POLICIES AND PROVISIONS

§ 376.5 [Deleted]

Section 376.5, *Molybdenum commodities: Certification by supplier,* is deleted in its entirety.

In § 376.10, paragraphs (a) and (b) are amended to read as follows:

§ 376.10 Electronic computers and related equipment.

(a) *Applications for computers.* An application for a license to export electronic computers (Export Control Commodity No. 71420) to Country Groups W and Y, shall include the following information, as applicable:

(1) *Analog computers.* (i) The quantity and accuracy rating of each type of summer, integrator, multiplier, or function generator employed; and

(ii) The number of integrator time scales and whether or not they are switchable during operation.

(2) *Digital computers.* (i) The quantity, type and specification for each central processor;

(ii) The internal memory read/write cycle time;

(iii) The size of internal memory (bits) to be supplied with the computer being exported;

(iv) The maximum internal memory (designed capability in bits);

(v) The CPU bus rate;

(vi) The I/O bus rate;

(vii) The processing rate;

(viii) The processing data rate; and

(ix) The average number of bits transferred per instruction.

(b) *Applications for peripheral equipment.* An application for a license to export peripheral equipment, magnetic recording equipment, and magnetic

recording media (Export Control Commodity Nos. 71430, 71492, and 89120) to Country Groups W and Y, shall include the following information, as applicable:

(1) The quantity, type and specification for each peripheral or magnetic recording device;

(2) The average access time;

(3) The average seek time;

(4) The latency time;

(5) The net capacity;

(6) The total number of accesses; and

(7) The total effective bit transfer rate.

* * * * *

PART 388—ADMINISTRATIVE PROCEEDINGS

In § 388.51(a), subparagraph (3) is amended to read as set forth below, subparagraphs (4) and (5) are redesignated (5) and (6), respectively, and a new subparagraph (4) is established to read as set forth below:

§ 388.51 Supplement 1; table of denial and probation orders currently in effect.

(a) *Contents.* * * *

(3) *Denial orders—temporary and indefinite.* The rules provide for temporary and indefinite orders. The table shows the expiration date of temporary orders in the "Expiration Dates" column as either a specific date, or "Until Further Notice." An indefinite denial order is issued under § 388.15 because of failure to answer interrogatories or produce evidence. The order remains in effect until there is proper response or adequate reasons are given for failure to do so. The expiration date is shown as "Indefinite."

(4) *Denial order for "duration" of export controls.* Whenever the word "Duration" is shown in the "Expiration Dates" column of the Table it means that a denial order has been issued denying export privileges for the duration of export controls; that is, as long as the Export Administration Act of 1969, or successor legislation that provides for carryover, is in effect.

* * * * *

[F.R. Doc. 70-2429; Filed, Feb. 26, 1970; 8:51 a.m.]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Release No. 34-8812]

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

PART 249—FORMS, SECURITIES EXCHANGE ACT OF 1934

Annual Income and Expense Reports

1. On December 30, 1969, the Securities and Exchange Commission published a proposal in Securities Exchange Act Release No. 8782 and in the FEDERAL REGISTER for January 20, 1970 (35 F.R. 777), to amend certain portions of the General Instructions, Introduction, and Parts I, II, and III of Form X-17A-10 (17 CFR 249.618) under the Securities Exchange Act of 1934 ("Act"). The amendments are mostly technical in nature and will not require the filing of additional financial information. They are designed primarily to aid in maintaining statistical continuity of the data to be compiled from the reports over a period of time and to clarify questions which have arisen regarding the reporting requirements. Rule 17a-10 (17 CFR 240.17a-10) under the Act requires every registered broker or dealer and every exchange member to file each year with the Commission a report giving financial and other information on Form X-17A-10 unless such member, broker or dealer has filed the information required by the form with a national securities exchange or a registered national securities association in conformity with a plan adopted by the exchange or association pursuant to paragraph (b) of the rule.

Comments on the proposed amendment have been received and considered and the Commission has adopted the amendments as described in Release No. 8782. It has also revised the language of Question 14 in the Introduction for the purpose of clarifying the term "foreign sources" as used therein. Question 14 will now read as follows:

> 14. Show the approximate percentage of respondent's gross securities income which was obtained from foreign sources during the calendar year. (The term "foreign sources" as used in this question includes those customers of the firm who are not residents, citizens, or nationals of the United States.)

A reporting firm may use any reasonable method for making the approximation required by question 14 of the Introduction.

2. The Commission also announced that it has decided to amend the text of Rule 17a-10 (17 CFR 240.17a-10) under the Exchange Act in certain respects.

It has come to the Commission's attention that a substantial number of firms would have difficulty in meeting the present time schedule for filing the reports required by Rule 17a-10, particularly since this is the first year in which they will have to file this report. Rule 17a-10 has therefore been amended to extend the time within which required reports shall be filed. Paragraph (a) of the rule, as amended, requires reports to be filed within 120 days after the close of the calendar year instead of the 90-day period now provided. This time schedule, however, will be reexamined by the Commission after the first year in light of its experience with the rule and its desire to be in a position to evaluate and utilize the data obtained as promptly as practicable.

In addition, under new paragraph (d) of the rule a procedure has been established for obtaining extensions of time for filing to a specified date not later than 150 days after the close of the calendar year for which the report is made. Requests for extension must be made by written application stating reasons why the broker, dealer or member cannot file the report within 120 days after the close of the calendar year for which the report is made without undue hardship. The application must specify a date on or before which the report will be filed and contain an agreement that it will be filed on or before that date. This amendment is intended to provide for an orderly procedure for obtaining extensions.

3. At this time it is anticipated that the New York Stock Exchange (NYSE), the National Association of Securities Dealers, Inc. (NASD), and any other exchange which qualifies a plan pursuant to paragraph (b) of Rule 17a-10 will furnish copies of their respective versions of Form X-17A-10 directly to their members who will file the completed forms directly with their respective organizations.[1] Such NASD and exchange firms would not file directly with the Commission. We will anticipate that broker-dealers that are members of both the NASD and NYSE will file a form supplied by that exchange. All other registered broker-dealers and exchange members will obtain forms from and file reports directly with the Commission.

It is presently contemplated that definitive forms covering calendar year 1969 for those firms required to file directly with the Commission in 1970 will be available in February 1970. We also anticipate that the NYSE and NASD will make copies of their respective forms covering calendar year 1969 available to their members around the same time.

Commission action. The Securities and Exchange Commission, acting pursuant to the provisions of the Securities Exchange Act of 1934, particularly sections 17(a) and 23(a) thereof, and deeming it necessary for the exercise of the functions invested in it, and necessary and appropriate in the public interest and for the protection of investors, hereby amends § 240.17a-10 of Chapter II of Title 17 of the Code of Federal Regulation as set forth below, amends Form X-17A-10 (17 CFR 249.618) as proposed in Securities Exchange Act Release No. 8782 and in the FEDERAL REGISTER dated January 20, 1969 (35 F.R. 777), and clarifies question 14 of the Introduction to Form X-17A-10 (17 CFR 249.618) as described above, effective March 23, 1970. The effect of the amendments to § 240.17a-10 is to relax the requirements of the rule by extending the time within which required reports must be filed and providing a procedure for the extension of time in proper cases; and the effect of the change in question 14 is merely to clarify this item of the form. The Commission has accordingly concluded that the notice and procedure pursuant to the Administrative Procedure Act (5 U.S.C. 553) are unnecessary with respect to such amendments to the rule and the

[1] At this time, it is anticipated that the NASD, NYSE, and some other exchanges will qualify a plan with the Commission pursuant to paragraph (b) of Rule 17a-10.

clarification of Question 14. Filings on amended Form X-17A-10 (17 CFR 249.618) will, however, be accepted prior to the above effective date.

§ 240.17a-10 Report of income and expenses.

(a) Every member of a national securities exchange and every broker or dealer registered pursuant to section 15 of the Act shall, not later than 120 days after the close of each calendar year (commencing with the calendar year 1969), file a report of his income and expenses and related financial and other information for such calendar year on Form X-17A-10 (§ 249.618 of this chapter).

* * * * *

(d) In the event any member, broker or dealer finds that he cannot file his report for any year within the time specified in paragraph (a) of this section without undue hardship, he may file with the Commission an application for an extension of time to a specified date which shall not be later than 150 days after the close of the calendar year for which the report is made. The application shall state the reasons for the requested extension and shall contain an agreement to file the report on or before the specified date.

A description of the amendments to Form X-17A-10 (17 CFR 249.618) has been filed with the Office of the Federal Register, and copies of Release No. 34-8812, which contains such description, may be obtained from the headquarters office of the Securities and Exchange Commission, Washington, D.C. 20549 or from any of its regional offices.

(Secs. 17(a), 23(a), 48 Stat. 897, 901, as amended, 49 Stat. 1379, 15 U.S.C. 78q, 78w)

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

FEBRUARY 9, 1970.

[F.R. Doc. 70-2407; Filed, Feb. 26, 1970; 8:49 a.m.]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 53—TOMATO PRODUCTS

Canned Tomatoes, Identity Standard; Optional Forms of Tomatoes, Increased Calcium Salts, and Use of Cyclamic Acid

In the matter of amending the standard of identity for canned tomatoes (21 CFR 53.40) to specifically provide for (1) optional cut forms of the tomato ingredient and label declaration therefor, (2) optional increased use of calcium salts when the tomato ingredient is in cut form, (3) optional use of cyclamic acid when the tomato ingredient is in cut form, and (4) optional modification of the name of the food by the word "whole":

A notice of proposed rule making in the above-identified matter was published in the FEDERAL REGISTER of July 1, 1969 (34 F.R. 11099), and was based on a petition submitted by the Del Monte Corp., San Francisco, Calif. 94105.

Of the nine comments received in response to the proposal, four were favorable and three questioned the safety of cyclamic acid. One suggested excessive calcium might result in the diet. A manufacturer suggested establishing a separate standard for cut forms of canned tomatoes that would provide for additional optional ingredient; however, he did not object to the proposal.

A State agency commented that tomatoes should be soft and tender and not artificially hardened and that consumers might be misled into thinking canned cut forms of tomatoes are fresh tomatoes.

One of the respondees is a manufacturer of canned tomato products who produces canned sliced tomatoes, with tomato juice as the packing medium, containing approximately 0.1 percent of calcium in the form of a calcium salt. The manufacturer maintains (1) that the present standard of identity for canned tomatoes does not provide for tomato juice as a packing medium and recommends that the standard specifically provide for tomato juice as an optional ingredient and (2) that to maintain the integrity of the tomato slices in its product sufficient to meet consumer criteria of firmness, a greater amount of calcium than that proposed by the petitioner is sometimes required. The firm urges that the proposed amendment provide for optional increased use of calcium salts, when the tomato ingredient is diced, sliced, or wedge-shaped, to a maximum of 0.1 percent calcium by weight of the finished food.

By order of the Commissioner of Food and Drugs, published in the FEDERAL REGISTER of October 21, 1969 (34 F.R. 17063), cyclamates are no longer generally recognized as safe. By a letter of November 3, 1969, to the Commissioner, the petitioner withdrew from his petition the portion proposing use of cyclamic acid as an optional ingredient in canned tomatoes.

Section 53.40(a)(3) already provides for tomato juice as an optional ingredient, and apparently this was overlooked by the person suggesting tomato juice be provided for.

The present provision for calcium salts in canned tomatoes resulted from evidence given at a hearing held in 1940 to the effect that consumers object to excessively softened tomatoes. When tomatoes are cut, then canned, heat-processed, and shipped, they require additional calcium salts to keep their cut shapes. Available information on per capita consumption of canned tomatoes indicates that the increased intake of calcium that would result in the diet by permitting up to the 0.1 percent level in canned tomatoes in the cut form only would not be excessive or even significant considering the level of daily calcium intake recommended by nutritional authorities.

Although it is the intent of packers of cut forms of canned tomatoes to promote such products for uses similar to those of fresh tomatoes, the differences between the canned and fresh product are such that consumers would not confuse canned tomatoes in cut forms with their fresh counterparts.

In consideration of the information submitted in the petition, the comments received, and other relevant material, the Commissioner concludes that it will promote honesty and fair dealing in the interest of consumers to amend § 53.40 as proposed, except that: (1) The proposed use of cyclamic acid has not been adopted, (2) the optional increased use of calcium salts when cut forms of the tomato ingredients are used has been changed to a maximum of 0.1 (instead of the proposed 0.05) percent of calcium by weight of the food, and (3) the language in regard to the placement of the label statements of optional ingredients has been revised to be more specific.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and under authority delegated to the Commissioner (21 CFR 2.120): *It is ordered,* That § 53.40 be revised to read as follows:

§ 53.40 Canned tomatoes; identity; label statement of optional ingredients.

(a) Canned tomatoes are mature tomatoes of red or reddish varieties properly prepared for canning in one of the forms specified in paragraph (b) of this section, each such form being an optional tomato ingredient. One or more of the following optional ingredients may be added:

(1) The liquid draining from such tomatoes during or after peeling or coring.

(2) The liquid strained from the residue from preparing such tomatoes for canning, consisting of peelings and cores, with or without such tomatoes and pieces thereof.

(3) The liquid strained from mature tomatoes of such varieties.

(4) Tomato puree or tomato paste complying with the compositional requirements of §§ 53.20 and 53.30.

(5) Purified calcium chloride, calcium sulfate, calcium citrate, monocalcium phosphate, or any two or more of these calcium salts, in a quantity reasonably necessary to firm the tomatoes, but the amount of the calcium added thereby is not more than 0.026 percent of the weight of the finished canned tomatoes, except that if the optional tomato ingredient is one of the forms specified in paragraph (b)(2) of this section the amount of calcium added is not more than 0.1 percent of the weight of the finished food.

(6) Any edible organic acid added for the purpose of acidification, and which is either not a food additive as defined in section 201(s) of the Federal Food, Drug, and Cosmetic Act, or if it is a food

additive as so defined, is used in conformity with regulations established pursuant to section 409 of the act.

(7) When any edible organic acid provided for in subparagraph (6) of this paragraph is added, any nutritive sweetener in solid form may be added in a quantity reasonably necessary to compensate for any tartness resulting from such added acid.

(8) Salt.

(9) Spices.

(10) Flavoring.

It is sealed in a container and so processed by heat as to prevent spoilage.

(b) The optional tomato ingredients referred to in paragraph (a) of this section are:

(1) Tomatoes which may or may not be peeled and are cored, except that tomatoes of those varieties having a negligible amount of core material need not be cored.

(2) Tomatoes prepared in accordance with subparagraph (1) of this paragraph and cut into one of the following forms:

(i) Diced.

(ii) Sliced or slices.

(iii) Wedges.

(c) (1) The name of the food is "tomatoes," except that when the tomatoes are not peeled, the name of the food is "unpeeled tomatoes," and wherever the latter name appears on the label the words "unpeeled" and "tomatoes" shall be displayed together and with equal prominence and conspicuousness. If the optional tomato ingredient present is that specified in paragraph (b)(1) of this section and not less than 80 percent of the drained weight of the finished food, as determined in accordance with the method prescribed in § 53.41(b)(1), consists of whole tomatoes, the name of the food may be modified by the word "whole." When none of the optional ingredients specified in paragraph (a) (1), (2), (3), and (4) of this section are used, the label may bear the statement "solid pack." When the optional tomato ingredient is one of the cut forms specified in paragraph (b)(2) of this section, the name of the food shall be modified by the name of the corresponding cut form as set forth in paragraph (b)(2) (i), (ii), or (iii) of this section.

(2) When the optional ingredient specified in paragraph (a)(2) of this section is present, the label shall bear the statement "with added strained residual tomato material from preparation for canning." When one of the optional ingredients specified in paragraph (a)(4) of this section is present, the label shall bear the statement "with added tomato paste" or "with added tomato puree," as appropriate, followed by any statements of optional ingredients required by the applicable standard of identity. When one or more of the optional ingredients specified in paragraph (a)(5) of this section is present, the label shall bear the statement "trace of _____ added," or "with added trace of _____," the blank being filled in with the words "calcium salt" or "calcium salts," as the case may be, or with the name or names of the particular calcium salt or salts added. When the optional ingredient provided for in paragraph (a)(6) of this section is present, the label shall bear the statement "with _____ acid added" or "with added _____ acid," the blank to be filled in with the common name of the acid used. When one or more of the optional ingredients provided for in paragraph (a)(7) of this section is present, "_____ added" or "with added _____," the blank being filled in with the common name of the sweetener added. When the optional ingredient specified in paragraph (a)(8) of this section is present, the label shall bear the statement "salt added" or "with added salt." When one or more of the optional ingredients provided for in paragraph (a) (9) and (10) of this section are present, the label shall bear the statement or statements "spice added" or "with added spice" and/or "flavoring added" or "with added flavoring," as the case may be. If two or more of the optional ingredients provided for in paragraph (a) (2), (4), (5), (6), (7), (8), (9), and (10) of this section are present, such statements as required may be combined; for example, "with added strained residual tomato material from preparation for canning, spice, and flavoring." In lieu of the words "spice" or "flavoring" in such statement or statements, the common or usual name of such spice or flavoring may be used.

(3) The words and statements specified in subparagraph (2) of this paragraph showing the optional ingredients present shall be listed on the principal display panel or panels or any appropriate information panel without obscuring design, vignettes, or crowding. The declaration shall appear in conspicuous and easily legible letters of boldface print or type the size of which shall be not less than one-half of that required by Part 1 of this chapter for the statement of net quantity of contents appearing on the label, but in no case less than one-sixteenth of an inch in height. The entire ingredient statement shall appear on at least one panel of the label and in lines generally parallel to the base on which the container rests as it is designed to be displayed.

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

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

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

Dated: February 17, 1970.

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

[F.R. Doc. 70-2399; Filed, Feb. 26, 1970; 8:49 a.m.]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

[T.D. 7028]

SUBCHAPTER A—INCOME TAX

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

SUBCHAPTER F—PROCEDURE AND ADMINISTRATION

PART 301—PROCEDURE AND ADMINISTRATION

Date for Filing Income Tax Returns by Farmers and Fishermen in Lieu of Declarations of Estimated Tax or Amended Declarations

In order to conform the Income Tax Regulations (26 CFR Part 1) and the Regulations on Procedure and Administration (26 CFR Part 301) to section 6015(f) of the Internal Revenue Code of 1954 as amended by section 944 of the Tax Reform Act of 1969 (83 Stat. 729), such regulations are amended as follows:

PARAGRAPH 1. Section 1.6015(f) is amended by revising that part of section 6015(f) which precedes paragraph (1) thereof, and revising the historical note. The amended provision reads as follows:

§ 1.6015(f) Statutory provisions; declaration of estimated income tax by individuals; return as declaration or amendment.

SEC. 6015. *Declaration of estimated income tax by individuals* * * *

(f) *Return as declaration or amendment.* If on or before January 31 (or March 1, in the case of an individual referred to in section 6073(b), relating to income from farming or fishing) of the succeeding taxable year the taxpayer files a return, for the taxable year for which the declaration is required, and pays in full the amount computed on the return as payable, then, under regulations prescribed by the Secretary or his delegate.—

* * * * *

(Sec. 6015(f) as amended by sec. 74, Technical Amendments Act 1958 (72 Stat. 1660); sec. 1(a)(1), Act of Sept. 25, 1962 (Public Law 87-682, 76 Stat. 575); sec. 944, Tax Reform Act 1969 (83 Stat. 729))

PAR. 2. Subparagraph (1) of § 1.6015 (f)-1(a) is amended to read as follows:

§ 1.6015(f)-1 Return as declaration or amendment.

(a) *Time for filing return.* (1) (i) If a taxpayer pays in full the amount computed on the return as payable, and

(*a*) If a taxpayer (other than a taxpayer referred to in (*b*) of this subdivision)—

(*1*) On the calendar year basis, files his return on or before January 31 of the succeeding calendar year, or

(*2*) On a fiscal year basis, files his return on or before the last day of the first month immediately succeeding the close of such fiscal year, or

(*b*) If an individual referred to in section 6073(b), relating to income from farming, or, with respect to taxable years beginning after December 31, 1962, from fishing—

(*1*) On the calendar year basis, for taxable years beginning before January 1, 1969, files his return on or before February 15, or

(*2*) On a fiscal year basis, for taxable years beginning before January 1, 1969, files his return on or before the 15th day of the second month after the close of his fiscal year, or

(*3*) On the calendar year basis, for taxable years beginning after December 31, 1968, files his return on or before March 1, or

(*4*) On a fiscal year basis, for taxable years beginning after December 31, 1969, files his return on or before the first day of the third month after the close of his fiscal year, then—

(ii) (*a*) If the declaration is not required to be filed during the taxable year, but is required to be filed on or before January 15 of the succeeding year (or the date corresponding thereto in the case of a fiscal year), such return shall be considered as such declaration; or

(*b*) If a declaration was filed during the taxable year, such return shall be considered as the amendment of the declaration permitted by section 6015 (c) to be filed on or before January 15 of the succeeding year (or the date corresponding thereto in the case of a fiscal year).

Hence, for example, an individual taxpayer on the calendar year basis who, subsequent to September 1, 1963, first meets the requirements of section 6015 (a) which necessitate the filing of a declaration for 1963, may satisfy the requirements as to the filing of such declaration by filing his return for 1963 on or before January 31, 1964 (February 15, 1964, in the case of a farmer or fisherman), and paying in full at the time of such filing the tax shown thereon to be payable. Likewise, if a taxpayer files on or before September 15, 1963, a timely declaration for such year and subsequent thereto and on or before January 31, 1964, files his return for 1963, and pays at the time of such filing the tax shown by the return to be payable, such return shall be treated as an amended declaration timely filed.

* * * * *

PAR. 3. Section 301.6015 is amended by revising that part of subsection (f) thereof which precedes paragraph (1) of such subsection, and revising the historical note. The amended provision reads as follows:

§ 301.6015 Statutory provisions; declaration of estimated income tax by individuals.

SEC. 6015. *Declaration of estimated income tax by individuals.*— * * *

(f) *Return as declaration or amendment.* If on or before January 31 (or March 1, in the case of an individual referred to in section 6073(b), relating to income from farming or fishing) of the succeeding taxable year the taxpayer files a return, for the taxable year for which the declaration is required, and pays in full the amount computed on the return as payable, then, under regulations prescribed by the Secretary or his delegate.—

* * * * *

(Sec. 6015 as amended by sec. 74, Technical Amendments Act 1958 (72 Stat. 1660); sec. 5(a), Act of Sept. 14, 1960 (Public Law 86-779, 74 Stat. 1000); sec. 1(a)(1), Act of Sept. 25, 1962 (Public Law 87-682, 76 Stat. 575; sec. 944, Tax Reform Act 1969 (83 Stat. 729))

Because this Treasury decision amends existing regulations merely by changing a date for filing a tax return in a manner favorable to taxpayers concerned in conformity with an amendment made by section 944 of the Tax Reform Act of 1969 (83 Stat. 729), it is hereby found that it is unnecessary to issue this Treasury decision with notice and public procedure thereon under section 553(b) of title 5 of the United States Code, or subject to the effective date limitation of section 553(d).

(Sec. 7805, Internal Revenue Code of 1954, 68A Stat. 917; 26 U.S.C. 7805)

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

Approved: February 24, 1970.

EDWIN S. COHEN,
Assistant Secretary of the Treasury.

[F.R. Doc. 70-2388; Filed, Feb. 26, 1970; 8:48 a.m.]

[T.D. 7027]

PART 301—PROCEDURE AND ADMINISTRATION

Shortening Period the United States Is Required To Hold Real Property Purchased for It at Sale Under Levy

On September 13, 1969, notice of proposed rule making with respect to the amendment of the Regulations on Procedure and Administration (26 CFR Part 301) under section 7506 of the Internal Revenue Code of 1954 to reflect the changes made in section 6337(b) of such Code by section 104(e) of the Federal Tax Lien Act of 1966 (80 Stat. 1137) was published in the FEDERAL REGISTER (34 F.R. 14384). No objections to the proposed rules were received during the 30-day period prescribed in the notice and the regulations as proposed are hereby adopted.

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

Approved: February 24, 1970.

EDWIN S. COHEN,
Assistant Secretary of the Treasury.

In order to conform the Regulations on Procedure and Administration (26 CFR Part 301) to the change made in section 6337(b) of the Internal Revenue Code of 1954 by section 104(e) of the Federal Tax Lien Act of 1966 (80 Stat. 1137), paragraph (b)(1) of § 301.7506-1 of such regulations is amended to read as follows:

§ 301.7506-1 Administration of real estate acquired by the United States.

* * * * *

(b) *Sale.* * * *

(1) *Property purchased at sale under levy.* If the property was acquired as a result of being declared purchased for the United States at a sale under section 6335, relating to sale of seized property, the property shall not be sold until after the expiration of 120 days (or 1 year in the case of such sale under levy before November 3, 1966) after such sale under levy.

* * * * *

[F.R. Doc. 70-2387; Filed, Feb. 26, 1970; 8:52 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of Transportation

SUBCHAPTER I—ANCHORAGES

[CGFR 70-12]

PART 110—ANCHORAGE REGULATIONS

Subpart A—Special Anchorage Areas

AMISTAD RESERVOIR, DEL RIO, TEX.

1. The Commander, 8th Coast Guard District, New Orleans, La., by letter dated December 5, 1969, requested the establishment of three special anchorage areas on the Amistad Reservoir, within the Amistad Recreation Area, Del Rio, Tex. A public hearing was held in the office of the Superintendent, Amistad Recreation Area, Del Rio, Tex., on December 5, 1969, describing the proposed anchorages. In addition, a notice of proposed rule making was published in the FEDERAL REGISTER of December 16, 1969 (34 F.R. 19722). No objections were received. Therefore, the request to establish three special anchorage areas on the Amistad Reservoir within the Amistad Recreation Area, Del Rio, Tex., is granted. In these special anchorage areas, vessels

not more than 65 feet in length, when at anchor, are not required to carry or exhibit anchor lights.

2. In Part 110, Subpart A is amended by adding a new § 110.77 following § 110.75, reading as follows:

§ 110.77 Amistad Reservoir, Tex.

(a) *Diablo East, Tex.* That portion of the Amistad Reservoir enclosed by a line connecting the following points, excluding a 300-foot-wide fairway extending northerly from the launching ramp as established by the Superintendent of Amistad Recreation Area:

	Latitude	*Longitude*
"a"	29°28'54" N.	101°01'10" W.
"b"	29°28'21" N.	101°01'08" W.
"c"	29°28'34" N.	101°00'32" W.
"d"	29°28'54" N.	101°00'32" W.

(b) *Rough Canyon, Tex.* That portion of the Amistad Reservoir enclosed by a line connecting the following points, excluding a 300-foot-wide fairway extending westerly from the launching ramp to the Devils River main channel as established by the Superintendent of Amistad Recreation Area:

	Latitude	*Longitude*
"a"	29°34'43" N.	100°58'54" W.
"b"	29°34'05" N.	100°58'46" W.
"c"	29°34'16" N.	100°58'20" W.
"d"	29°34'27" N.	100°58'11" W.
"e"	29°34'27" N.	100°58'36" W.
"f"	29°34'52" N.	100°58'35" W.

(c) *Laughlin Air Force Base Site, Tex.* That portion of Amistad Reservoir enclosed by a line connecting the following points:

	Latitude	*Longitude*
"a"	29°28'29" N.	101°02'26" W.
"b"	29°28'13" N.	101°02'03" W.
"c"	29°28'30" N.	101°01'45" W.
"d"	29°28'42" N.	101°02'00" W.

NOTE: The areas will be principally for use by yachts and other recreational craft. The anchoring of vessels and the placing of temporary moorings will be under the jurisdiction and at the discretion of the Superintendent, Amistad Recreation Area.

(Rule 13, R.S. 4233, as amended, sec. 6(g)(1)(D) 80 Stat. 937; 33 U.S.C. 322, 49 U.S.C. 1655 (g)(1)(D); 49 CFR 1.4(a)(3)(iv))

Effective date. This amendment shall become effective on April 1, 1970.

Dated: February 20, 1970.

P. E. TRIMBLE,
Vice Admiral, U.S. Coast Guard,
Acting Commandant.

[F.R. Doc. 70-2391; Filed, Feb. 26, 1970; 8:48 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 1—Federal Procurement Regulations

PART 1-19—TRANSPORTATION

Performance Capability of Motor Carriers Performing Certain Federal Moving Contracts

This amendment ensures that motor carriers performing Government moving contracts involving the relocation of Federal offices shall be properly authorized and competent to perform whether a move of this type is intrastate or interstate in nature. Essentially, in effectuating this purpose, the amendment requires that such transportation services shall be provided by a carrier having Interstate Commerce Commission or State certification, as appropriate, or other suitable indication of competence. This requirement, however, is only additional to other FPR provisions governing the responsibility of prospective contractors.

The table of contents for Part 1-19 is amended by adding the following entry:

Sec.
1-19.110 Moving contracts for the relocation of a Federal office.

Subpart 1-19.1—General

Section 1-19.110 is added as follows:

§ 1-19.110 Moving contracts for the relocation of a Federal office.

To insure that a prospective contractor is properly authorized and competent to perform a moving contract involving the relocation of a Federal office, whether a move of this type takes place between States including the District of Columbia (i.e., an interstate move) or wholly within the borders of one State or the District of Columbia (i.e., an intrastate move), the following provisions shall be included in each such invitation and in the resulting contract:

PERFORMANCE CAPABILITY

(a) If the move specified herein is to be performed by the contractor as carrier within the borders of more than one State including the District of Columbia (i.e., an interstate move), the contractor shall have obtained and hold appropriate and current operating authority from the Interstate Commerce Commission.

(b) If the move specified herein is to be performed by the contractor as carrier wholly within the borders of one State or the District of Columbia (i.e., an intrastate move), the contractor shall, when required by the State or the District of Columbia in which the move is to take place, have obtained and hold appropriate and current operating authority from such jurisdiction, in the form of a certificate, permit, or equivalent license to operate, or if no such authority to operate is required by the State or the District of Columbia in which the move is to take place, then the contractor as carrier shall maintain facilities, equipment, and a business address within the jurisdiction in which the move is to take place: *Provided,* That if the move is to originate and/or terminate within an area of one State or the District of Columbia which comprises a part of a recognized Commercial Zone (see 49 CFR Part 1048) whose boundaries encompass portions of more than one State or the District of Columbia, it shall be sufficient if the contractor as carrier maintains facilities, equipment, and a business address within the Commercial Zone and holds appropriate operating authority, if required, from the jurisdiction within which he maintains such facilities, equipment, and business address.

(c) If the move specified herein will not be performed by the contractor as carrier it must be performed for the contractor by a carrier operating under a subcontract with the contractor. In such instance, the contractor shall not be subject to the requirements of paragraphs (a) and (b), above, but it shall be the responsibility of the contractor to require and ensure that the subcontractor carrier complies with such requirements in every respect.

(d) There shall be compliance with the applicable requirements of this clause on or before the date that performance of the contract shall commence under the terms and conditions herein specified.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. These regulations are effective April 1, 1970, but may be observed earlier.

Dated: February 20, 1970.

JOHN W. CHAPMAN, Jr.,
Acting Administrator of General Services.

[F.R. Doc. 70-2414; Filed, Feb. 26, 1970; 8:50 a.m.]

Chapter 7—Agency for International Development, Department of State

MISCELLANEOUS AMENDMENTS TO CHAPTER

Chapter 7 of Title 41 is amended as follows:

PART 7-1—GENERAL

Subpart 7-1.10—Publicizing Procurement Actions

1. Section 7-1.1001(b) is revised to read as follows:

§ 7-1.1001 General policy.

* * * * *

(b) (1) In furtherance of this policy, as well as the requirements set forth in FPR 1-1.1001, A.I.D. obtains the maximum practicable publicity for its direct procurements of supplies and services through publication of notice of such procurement actions in the "Commerce Business Daily".

(2) Also, a Contractor's Index is maintained in Washington by the A.I.D. Office of Small Business. Prospective Contractors wishing to perform contracts for A.I.D. should file AID Form 1420-6 (Management Consultant Questionnaire), 1420-5 (Architect-Engineer Questionnaire), 1420-19 (Urban and Regional Planner Consultant Questionnaire) or 1420-7 (Construction Contractor's Questionnaire), as appropriate with the Office of Small Business, Agency for International Development, Washington, D.C. 20523 and should keep current the information so filed.

(3) Prospective contractors who are interested in specific future procurements about which notice has been given, either through the Commerce Business Daily or otherwise, should submit an indication of their interest or a proposal to the cognizant A.I.D. office, as directed in the notice. In addition, the prospective contractor should forward the appropriate AID Form (1420-5, 1420-6, 1420-19, or 1420-7) to the A.I.D. Office of Small Business, if a form has not previously been filed.

PART 7–3—PROCUREMENT BY NEGOTIATION

Subpart 7–3.8—Price Negotiation Policies and Techniques

1. Section 7–3.807–2(c) is revised to read as follows:

§ 7–3.807–2(c) Offeror's analysis of cost proposals.

(a) The "Offeror's Analysis of Cost Proposal" form contained in AIDPR 7–16.955 provides for a standardized analysis of estimated costs, suitable for detailed review, to be submitted by an offeror. Use of this form is mandatory for all negotiated procurements for which written cost or pricing data is required under FPR 1–3.807–3, and may be used in other procurements at the discretion of the Contracting Officer.

(b) The Offeror must also submit supplementary information as detailed on the form. If, by FPR 1–3.807–3 and 1–3.807–4, a "Certificate of Current Cost or Pricing Data" is required in connection with the procurement, this document should also be appended to the "Offeror's Analysis of Cost Proposal" form.

PART 7–4—SPECIAL TYPES AND METHODS OF PROCUREMENT

Subpart 7–4.53—Procurement Under the A.I.D. Research and Analysis Program

§ 7–4.5301 [Amended]

1. The last sentence of § 7–4.5301(e) is revised to read as follows: "Such an award shall be made upon a determination by the Assistant Administrator having primary responsibility for the research activity."

PART 7–10—BONDS AND INSURANCE

1. The contents of Part 7–10 is revised to add:

Subpart 7–10.1—Bonds

Sec.
7–10.106 Advance payment bonds.

2. New § 7–10.106 is added as follows:

§ 7–10.106 Advance payment bonds.

(a) Generally, advance payment bonds will not be required in connection with A.I.D. contracts containing an advance payment provision. In lieu thereof, Contracting Officers will follow procedures set forth in Federal Procurement Regulations § 1–30.413.

(b) Whenever a Contracting Officer considers that an advance payment bond is necessary, the Contracting Officer will (1) establish a bond penalty that will adequately protect interests of the Government, (2) use the A.I.D. Advance Payment Bond format, (3) place bond with a surety currently approved by the U.S. Treasury Department according to the latest Treasury Department Circular 570, (4) stipulate that the cost of the bond shall not exceed a rate of $7.50 per $1,000 per annum based on the penalty of the bond, without the prior written approval of the Insurance Advisor, PROC/CSD.

PART 7–16—PROCUREMENT FORMS

Subpart 7–16.9—Illustrations of Forms

§ 7–16.952 [Amended]

1. General Provision 16 of § 7–16.952 is revised to add new paragraph (d) as follows:

(d) Contractor shall submit two copies of each report dealing with technical matters (e.g. progress and final reports) prepared pursuant to this clause, or a clause of the Schedule of this contract, to the A.I.D. Reference Center (PPC/PTIS/ARC), Agency for International Development, Washington, D.C. 20523.

2. General Provision 32 of § 7–16.952 is deleted in its entirety and the following is inserted in lieu thereof:

32. EQUAL OPPORTUNITY

(The following clause is applicable unless this contract is exempt under the rules, regulations, and relevant orders of the Secretary of Labor: see 41 Code of Federal Regulations, Chapter 60, as implemented in Federal Procurement Regulation, Section 1–12.804).

During the performance of this contract, the Contractor agrees as follows:

(a) The Contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin. The Contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex, or national origin. Such action shall include, but not be limited to the following: Employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The Contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Contracting Officer setting forth the provisions of this nondiscrimination clause.

(b) The Contractor will, in all solicitations or advertisements for employees placed by or on behalf of the Contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, or national origin.

(c) The Contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the agency Contracting Officer, advising the labor union or workers' representative of the Contractor's commitments under section 202 of Executive Order No. 11246 of September 24, 1965, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

(d) The Contractor will comply with all provisions of Executive Order No. 11246 of September 24, 1965, and of the rules, regulations, and relevant orders of the Secretary of Labor.

(e) The Contractor will furnish all information and reports required by Executive Order No. 11246 of September 24, 1965, and by the rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by the contracting agency and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

(f) In the event of the Contractor's noncompliance with the nondiscrimination clause of this contract or with any of the said rules, regulations, or orders, this contract may be cancelled, terminated or suspended in whole or in part and the Contractor may be declared ineligible for further Government contracts in accordance with procedures authorized in Executive Order No. 11246 of September 24, 1965, and such other sanctions may be imposed and remedies invoked as provided in Executive Order No. 11246 of September 24, 1965, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.

(g) The Contractor will include the provisions of paragraphs (a) through (g) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to section 204 of Executive Order No. 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor.[1] The Contractor will take such action with respect to any subcontract or purchase order as the contracting agency may direct as a means of enforcing such provisions including sanctions for noncompliance: *Provided, however*, That in the event the Contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the contracting agency, the Contractor may request the United States to enter into such litigation to protect the interests of the United States.

3. General Provision 43 of § 7–16.952 is revised to add the following after the table in paragraph (k):

NOTE: For the purpose of this clause, "net weight" and "gross weight" are defined and determined in accordance with the provisions of § 162.1 of the Standardized Regulations (Government Civilians, Foreign Areas).

§ 7–16.953 [Amended]

4. General Provision 6 of § 7–16.953 is revised to add the following after the table in paragraph (b)(11):

NOTE: For the purpose of this clause, "net weight" and "gross weight" are defined and determined in accordance with the provisions of § 162.1 of the Standardized Regulations (Government Civilians, Foreign Areas).

5. General Provision 29 of § 7–16.953 is revised to add new paragraph (d) as follows:

(d) Contractor shall submit two copies of each report dealing with technical matters (e.g. progress and final reports) prepared pursuant to this clause, or a clause of the Schedule of this contract, to the A.I.D. Reference Center (PPC/PTIS/ARC), Agency for International Development, Washington, D.C. 20523.

6. General Provision 41 of § 7–16.953 is deleted in its entirety and the following inserted in lieu thereof:

[1] Unless otherwise provided, the "Equal Opportunity" clause is not required to be inserted in subcontracts below the second tier except for subcontracts involving the performance of "construction work" at the "site of construction" (as those terms are defined in the Secretary of Labor's rules and regulations) in which case the clause must be inserted in all such subcontracts. Subcontracts may incorporate by reference the "Equal Opportunity" clause.

41. EQUAL OPPORTUNITY

(The following clause is applicable unless this contract is exempt under the rules, regulations, and relevant orders of the Secretary of Labor: See 41 CFR, Chapter 60, as implemented in Federal Procurement Regulations § 1-12.804).

During the performance of this contract, the Contractor agrees as follows:

(a) The Contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin. The Contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex, or national origin. Such action shall include, but not be limited to the following: Employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The Contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Contracting Officer setting forth the provisions of this nondiscrimination clause.

(b) The Contractor will, in all solicitations or advertisements for employees placed by or on behalf of the Contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, or national origin.

(c) The Contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the agency Contracting Officer, advising the labor union or Workers' representative of the Contractor's commitments under section 202 of Executive Order No. 11246 of September 24, 1965, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

(d) The Contractor will comply with all provisions of Executive Order No. 11246 of September 24, 1965, and of the rules, regulations, and relevant orders of the Secretary of Labor.

(e) The Contractor will furnish all information and reports required by Executive Order No. 11246 of September 24, 1965, and by the rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by the contracting agency and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

(f) In the event of the Contractor's noncompliance with the nondiscrimination clause of this contract or with any of the said rules, regulations, or orders, this contract may be cancelled, terminated or suspended in whole or in part and the Contractor may be declared ineligible for further Government contracts in accordance with procedures authorized in Executive Order No. 11246 of September 24, 1965, and such other sanctions may be imposed and remedies invoked as provided in Executive Order No. 11246 of September 24, 1965, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.

(g) The Contractor will include the provisions of paragraphs (a) through (g) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to section 204 of Executive Order No. 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor.[1] The Contractor will take such action with respect to any subcontract or purchase order as the contracting agency may direct as a means of enforcing such provisions including sanctions for noncompliance: *Provided, however,* That in the event the Contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the contracting agency, the Contractor may request the United States to enter into such litigation to protect the interests of the United States.

§ 7-16.954 [Amended]

7. General Provision 27 of § 7-16.954 is revised to add new paragraph (d) as follows:

(d) Contractor shall submit two copies of each report required by paragraphs (b) and (c) above or any other report of a technical nature required by the Schedule or a Task Order to the A.I.D. Reference Center (PPC/PTIS/ARC), Agency for International Development, Washington, D.C. 20523.

8. General Provision 39 of § 7-16.954 is deleted in its entirety and the following inserted in lieu thereof:

39. EQUAL OPPORTUNITY

(The following clause is applicable unless this contract is exempt under the rules, regulations, and relevant orders of the Secretary of Labor: See 41 CFR, Chapter 60, as implemented in Federal Procurement Regulations, § 1-12.804).

During the performance of this contract, the Contractor agrees as follows:

(a) The Contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin. The Contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex, or national origin. Such action shall include, but not be limited to the following: employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The Contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Contracting Officer setting forth the provisions of this nondiscrimination clause.

(b) The Contractor will, in all solicitations or advertisements for employees placed by or on behalf of the Contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, or national origin.

(c) The Contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the agency Contracting Officer, advising the labor union or workers' representative of the Contractor's commitments under section 202 of Executive Order No. 11246 of September 24, 1965, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

[1] Unless otherwise provided, the "Equal Opportunity" clause is not required to be inserted in subcontracts below the second tier except for subcontracts involving the performance of "construction work" at the "site of construction" (as those terms are defined in the Secretary of Labor's rules and regulations) in which case the clause must be inserted in all such subcontracts. Subcontracts may incorporate by reference the "Equal Opportunity" clause.

(d) The Contractor will comply with all provisions of Executive Order No. 11246 of September 24, 1965, and of the rules, regulations, and relevant orders of the Secretary of Labor.

(e) The Contractor will furnish all information and reports required by Executive Order No. 11246 of September 24, 1965, and by the rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by the contracting agency and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

(f) In the event of the Contactor's noncompliance with the nondiscrimination clause of this contract or with any of the said rules, regulations, or orders, this contract may be canceled, terminated or suspended in whole or in part and the Contractor may be declared ineligible for further Government contracts in accordance with procedures authorized in Executive Order No. 11246 of September 24, 1965, and such other sanctions may be imposed and remedies invoked as provided in Executive Order No. 11246 of September 24, 1965, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.

(g) The Contractor will include the provisions of paragraphs (a) through (g) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to section 204 of Executive Order No. 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor.[1] The Contractor will take such action with respect to any subcontract or purchase order as the contracting agency may direct as a means of enforcing such provisions including sanctions for noncompliance: *Provided, however,* That in the event the Contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the contracting agency, the Contractor may request the United States to enter into such litigation to protect the interests of the United States.

Amended effective dates: As stated in AIDPR Notice 70-1, the effective dates of AIDPR Amendment No. 6 (published in the FEDERAL REGISTER on Jan. 3, 1969) and AIDPR Amendment No. 7 (published in the FEDERAL REGISTER on Apr. 30, 1969) have been amended to October 1, 1969.

Cancellation: This amendment cancels AIDPR Notice 70-1 in its entirety. The provisions of the notice are incorporated in this amendment.

Effective date: This amendment is effective 90 days after publication in the FEDERAL REGISTER, but may be observed earlier.

FRED C. FISCHER,
Associate Assistant Administrator for Administration.

FEBRUARY 18, 1970.

[F.R. Doc. 70-2406; Filed, Feb. 26, 1970; 8:49 a.m.]

[1] Unless otherwise provided, the "Equal Opportunity" clause is not required to be inserted in subcontracts below the second tier except for subcontracts involving the performance of "construction work" at the "site of construction" (as those terms are defined in the Secretary of Labor's rules and regulations) in which case the clause must be inserted in all such subcontracts. Subcontracts may incorporate by reference the "Equal Opportunity" clause.

Chapter 101—Federal Property Management Regulations

SUBCHAPTER E—SUPPLY AND PROCUREMENT

PART 101-26—PROCUREMENT SOURCES AND PROGRAMS

Subpart 101-26.5—GSA Procurement Programs

NOTIFICATION OF VEHICLE DEFECTS

Section 101-26.501-8(a) is amended to include the addresses of certain vehicle manufacturers for use by agencies when furnishing current address locations to which motor vehicle defect notices are to be sent. Section 101-26.501-8(b) is revised to clarify the instructions for furnishing vehicle address locations when the address of the manufacturer is not shown in § 101-26.501-8(a) and is not known.

Section 101-26.501-8(a) is amended to add addresses of manufacturers and (b) is revised to read as follows:

§ 101-26.501-8 Notification of vehicle defects.

* * * * *

(a) * * *

Director, Product Reliability, Diamond Reo Truck Division, White Motor Corp., 1330 South Washington Avenue, Lansing, Mich. 48920.

Director of Service, FWD Corp., 105 East 12th Street, Clintonville, Wis. 54929.

General Parts and Service Manager, GMC Truck and Coach Division, General Motors Corp., 660 South Boulevard, East, Pontiac, Mich. 48053.

Mack Trucks, Inc., Service Operations, Post Office Box 1000, Somerville, N.J. 08876.

Supervisor, Vehicle Service and Safety Programs, White Trucks, A division of White Motor Corp., Post Office Box 5757, Cleveland, Ohio 44101.

(b) When motor vehicles are manufactured by a concern other than one for whom an address is shown in § 101-26.501-8(a) and the address of the manufacturer is not known, agencies shall inform GSA of the vehicle location address. (This includes those vehicles manufactured by the General Motors Corp. other than the Chevrolet Motor Division and the GMC Truck and Coach Division.) In such cases, agencies shall forward the vehicle location address to the General Services Administration, Federal Supply Service, Procurement Operations Division—FPNM, Washington, D.C. 20406. GSA will, in turn, forward the vehicle location address to the manufacturer or advise the agency concerned.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. This regulation is effective upon publication in the FEDERAL REGISTER.

Dated: February 20, 1970.

JOHN W. CHAPMAN, Jr.,
Acting Administrator of General Services.

[F.R. Doc. 70-2413; Filed, Feb. 26, 1970; 8:50 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 18574; FCC 70-175]

PART 73—RADIO BROADCAST SERVICES

FM Broadcast Stations; Table of Assignments, Exmore, Va., etc.

Second report and order. In the matter of amendment of § 73.202, *Table of Assignments,* FM Broadcast Stations (Lineville and Roanoke, Ala.; Bloomington, Ind.; St. George, S.C.; Muskegon, Mich.; Paintsville and Jackson, Ky.; Exmore, Va.; Montour Falls, N.Y.; Catlettsburg, Ky.; Winona, Miss.; Braddock Heights or elsewhere in Maryland, Virginia, or West Virginia); Docket No. 18574, RM-1394, RM-1397, RM-1400, RM-1405, RM-1407, RM-1416, RM-1420, RM-1426, RM-1431, RM-1404.

1. The Commission has under further consideration its notice of proposed rule making issued June 18, 1969 (FCC 69-669, 34 F.R. 9811), inviting comments on a number of changes in the FM Table of Assignments. In a first report and order issued on November 19, 1969, all the petitions for rule making in the above-entitled matters were disposed of with the exception of RM-1394 (Lineville and Roanoke, Ala.), RM-1404 (Braddock Heights, Md.), and RM-1416 (Exmore, Va.). The following determinations will dispose of the remaining petitions, except for RM-1394, which will be considered in a subsequent report and order. All population figures are from the 1960 U.S. Census, unless otherwise stated.

2. *RM-1404, Braddock Heights, Md.* In response to a petition filed on February 6, 1969, by Musical Heights, Inc. (Musical Heights), licensee of Station WMHI, daytime-only AM, Braddock Heights, Md., we invited comments on the requested assignment of Channel 280A to Braddock Heights by substituting Channel 288A for 280A at Front Royal, Va.

3. Braddock Heights is an unincorporated residential community of 660 persons located 5 miles west of the center of Frederick, both in Frederick County.[1] Frederick has a population of 21,744 persons and Frederick County, 71,930. Braddock Heights has a daytime-only AM station, licensed to petitioner. There are four other aural outlets in the county, consisting of a Class B FM and fulltime AM at Frederick (commonly owned), a daytime-only AM at Brunswick, and a 100-watt Class IV AM at Thurmont. A request for rule making is pending (RM-1450) for a new Class A FM channel at Brunswick.

4. The petition included an engineering showing that the proposed assignment to Braddock Heights would require a site about midway between Hagerstown and Frederick, about 7.5 miles from the nearest boundary of Braddock Heights, in order to meet the minimum spacing requirements of the rules. The petitioner urges that the proposed assignment would not necessitate a waiver of the rules and would provide Braddock Heights with its first (local) nighttime service and a first (local) competitive FM service for Frederick County.

5. We observed in the notice for this case that the town limits of Braddock Heights were about 2 miles in length and 0.32 to 0.48 miles in width, as established in the earlier proceeding involving petitioner's AM application. Musical Heights, Inc., Docket No. 12530, 29 FCC 1, 7; 19 R.R. 49, 51 (1960). Because of the distance required between the community and a site meeting spacing requirements for the proposed channel, it was not possible to determine from the information included with the original petition that the minimum required signal could be provided over the farthest limits of Braddock Heights, as defined above. (See § 73.315(a) of the rules.) It was further noted that if Channel 280A were deleted from Front Royal, it could also be assigned to one of a number of other larger communities with populations between 2,005 and 2,428, including Hancock, Md., Strasburg, Va., and Romney, W. Va. Comments with supporting data were invited from all interested parties on these and other matters raised in the notice.

6. Musical Heights filed comments with an accompanying engineering statement satisfactorily demonstrating that, with maximum allowable Class A facilities at an assumed elevated site meeting spacing requirements, the minimum required signal (70 dbu) would be provided to the entire town limits of Braddock Heights. As to the larger places mentioned in the notice that would be precluded from the proposed channel, the petitioner determined that three other and technically unrelated Class A channels are available for assignment at Romney, W. Va., and two at Strasburg, Va. It is not indicated whether another channel is available to Hancock, Md.

7. Reply comments in opposition to the Musical Heights proposal, insofar as it would substitute Channel 288A for 280A at Front Royal, were filed by Wayside Inn Since 1797, Inc. (Wayside). The opposition urges denial of the plan primarily on the grounds that Channel 288A at Front Royal would result in an inefficient utilization of the only Front Royal assignment, since it could not be used with a transmitter location north/northwest

[1] Braddock Heights is not listed in the 1960 U.S. Census. The population of 660 was accepted in another proceeding involving petitioner's application for Station WMHI(AM). In comments in the instant case, petitioner estimated that the population has increased to 800 persons (January 1969).

of the community.[2] It is contended that as a consequence, the potential coverage that could be provided by a Front Royal station to the communities of Strasburg, Stephens City, Middletown, and Winchester would be severely limited. All of the places mentioned, except Winchester, are about 8 to 10 miles north/northwest of Front Royal. Wayside indicates it has plans to apply for a new station at Front Royal with a transmitter site at Middletown.[3]

8. We are always reluctant to make an assignment where it is obviously necessary to locate the transmitter at a great distance from the community of assignment, as is the case here for Braddock Heights. We indicated in the notice that, because of the small size of Braddock Heights, the question of being able to obtain the minimum required signal over the community, its proximity to the larger city of Frederick, and the potential preclusion aspects of the plan, we were not persuaded by the information then before us that the proposal represented an efficient or desirable utilization of the spectrum. However, as noted earlier, the principal question concerning the possibility of obtaining the minimum required signal over Braddock Heights has been resolved, and it is shown that multiple channels are available to most of the area that might be precluded from future use of the channel, if assigned as requested. Petitioner states that based on its exhaustive search for a possible channel assignment, only that proposed here offers any possibility of being used for Braddock Heights. There were no comments filed opposing the Braddock Heights assignment, per se, nor any proposing use of the channel under consideration at any other community, other than Wayside's request that its present assignment at Front Royal not be disturbed.

9. The Braddock Heights assignment is contingent on deleting the same channel from Front Royal. We agree that Channel 288A proposed to be substituted at Front Royal, although meeting the spacing requirements for the standard reference point there, cannot be used more than about 1 mile northwest of the city. We believe that there is merit in this instance in preserving the latitude in selecting a site that will enable a better signal to be provided to the nearby communities to the northwest of Front Royal. We have determined that another alternate channel appears available to Front Royal that would satisfy the objectives set forth by Wayside. For example, Channel 257A, if moved from Luray, could be assigned to Front Royal; Channel 280A could then also be assigned as a replacement at Luray, as well as to Braddock Heights.[4][5] Since Luray and Front Royal are only slightly more than 20 miles apart, the exchange of Channels 257A and 280A between them essentially eliminates the previous concern for preclusion impact that might result from the original proposal to assign Channel 288A to Front Royal, except for Hancock, Md.

10. With respect to the possible preclusion of Channel 280A at Hancock, we note that the community is located in Washington County (population 91,219) where four FM assignments, two Class A and two Class B, have already been provided, one of which remains vacant. The Braddock Heights assignment would result in only two, a Class A in addition to the existing Class B, for the relatively sizable county of Frederick (population 71,930). There was no response to our invitation in the notice for a counterproposal to use Channel 280A at Hancock. In light of these factors, we believe on balance that making the channel available to the smaller community of Braddock Heights would constitute a fair and equitable distribution of available facilities between the two counties.

11. In view of the foregoing discussions, we conclude that assignment of Channel 280A to Braddock Heights, with the accompanying exchange between the vacant Front Royal and Luray assignments, would be in the public interest. The number of existing assignments in each community involved will remain the same and Braddock Heights will gain a first assignment. Accordingly, we are hereinafter adopting the following changes in assignments for the communities listed:

City	Channel No.	
	Delete	Add
Braddock Heights, Md		280A
Front Royal, Va	280A	257A
Luray, Va	257A	280A

12. *RM-1416, Exmore, Va.* A petition was filed on February 28, 1969, by Parker-Rew Enterprises[6] requesting assignment of Channel 298 to Exmore, Va., as that community's first FM channel without requiring any other changes in the table. Exmore is a community of 1,566 persons in Northampton County, population 17,404, located at about the midpoint of the Delmarva Peninsula. The peninsula contains the two Virginia counties of Northampton and Accomack, which provide a combined population of 47,601, the total area (696 square miles) comprising that commonly referred to as the "Eastern Shore of Virginia". The presently authorized facilities on the peninsula are limited to a daytime-only AM station and a Class B FM station, WESR and WESR-FM, located at Tasley and under common ownership. Tasley, population 742,[7] is located in Accomack County in the north central part of the Eastern Shore, about 15 miles north of Exmore.

13. Petitioner estimates the current population within the Exmore town limits at 2,200 persons and the total population of Virginia's Eastern Shore at more than 55,000.[8] It is further represented that Exmore is the leading commercial and retail market in a 60-mile radius and that it serves as the primary shopping center for the region. The Exmore proponent submits that the Eastern Shore has long been recognized as a leading agricultural and seafood area, and that Exmore is experiencing a significant growth in industry, population and general importance within the area. It is shown by an engineering study included with the Exmore petition that the proposed assignment would permit a first FM service to a 51-square-mile area containing 2,598 persons and a second such service to an area of 360 square miles with a population of 26,683 persons. The represented gains, totally confined to the Eastern Shore area, are based on an assumed Exmore operation of 50 kw. at 170 feet and includes consideration of the authorized Tasley FM operation of 50 kw. at 320 feet. It appears from petitioner's engineering study that the area to which Channel 298 could be assigned without other changes in existing assignments is essentially limited to the Eastern Shore and that no community of significantly greater size on either the Eastern Shore or the mainland would be precluded from its assignment if the Exmore assignment were adopted.

14. A counterproposal and opposition in part to the Parker-Rew request was filed by Mr. Vernon H. Baker, majority stockholder of the WESR-AM and FM

[2] The Wayside reply comments were filed on Sept. 16, 1969, long after the last date for reply comments in this proceeding. Despite the petition filed simultaneously asking their acceptance, we are not persuaded that good cause exists for the late filing. However, the matters raised therein relate to technical questions of site availability and efficient channel utilization, and therefore are matters which the Commission should take into account in any decision. We consider them on our own motion.

[3] An application, File No. BPH-6946, was filed on Nov. 7, 1969, by Wayside for Channel 280A at a site described as 4.6 miles northwest of the Front Royal city limits. Channel 288A, proposed in the notice to be substituted at Front Royal, would not meet the minimum spacing requirements at this site.

[4] Although Channel 257A will not meet the spacing requirements at the Front Royal standard reference point, or east thereof, it will at the site specified in Wayside's pending application for Front Royal. It is noted that other channels could be used in Front Royal proper, in the event a future need can be established.

[5] It may appear that assignment of Channel 280A to Luray would be short-spaced to Channel 282 at Harrisonburg, as the communities are but 30 miles apart where 40 miles would normally be required. However, it is noted that the Harrisonburg assignment must be used at a distance of at least 15 miles southwest thereof; therefore, the required minimum separation with the Luray assignment can be easily maintained.

[6] The notice to this proceeding inadvertently identified petitioner as James A. Rew, Jr., the individual who signed the petition on behalf of Parker-Rew Enterprises.

[7] Population obtained from FM Channel Assignments, Tasley, Va., Docket No. 15935, 30 F.R. 9690, 5 R.R. 2d 1754 (1965).

[8] Population estimates (July 1, 1968) compiled by the University of Virginia, included in comments to this proceeding by Vernon H. Baker, show the area to have a population of 45,182, which is less than the 1960 U.S. Census and that estimated here by the Exmore petitioner.

combination at Tasley. The counterproposal would assign a Class A channel to Exmore instead of a Class B, and substitute a Class A for a vacant Class C at Elizabeth City, N.C., so as to permit a second Class B assignment to Chesapeake-Portsmouth-Virginia Beach, Va., as follows:

City	Channel No.	
	Present	Proposed
Exmore, Va		292A
Elizabeth City, N.C	229, 295	229, 292A
Chesapeake-Portsmouth-Virginia Beach, Va	235	235, 297

The Parker-Rew and Baker proposals are also in conflict insofar as the respective assignments of adjacent Channels 298 and 297 to Exmore and Chesapeake-Portsmouth-Virginia Beach are concerned. The principal objective of the Baker counterproposal appears to be the addition of Channel 297 to the hyphenated listing in the table for Chesapeake-Portsmouth-Virginia Beach. Mr. Baker submits that he plans to apply for the assignment as a Virginia Beach facility, if his counterproposal is adopted.

15. As to the proposed assignment of a Class B channel at Exmore, Mr. Baker contends that because of the limited land area contained on the narrow peninsula comprising the Eastern Shore, over 50 percent of the service area provided by a Class B station at Exmore would fall over water,[9] that this would therefore result in an inefficient utilization of the assignment, and that any "white area" served thereby could be served by a Class A station at Exmore, or, better still, by a Class A station at Eastville, which is some 30 miles south of Tasley and about 15 miles south of Exmore. The "white area" gain shown by Parker-Rew is challenged by Mr. Baker, who claims with supporting exhibits that if the determination were based on assumed maximum allowable facilities for Stations WVEC-FM, Newport News, and WESR-FM, Tasley, rather than their actual authorized facilities, there would be no "white area". However, we find that the original determinations of first and second FM services by the Exmore petitioner are within the usual criteria that have been accepted on numerous occasions for showings of this sort.[10]

16. In reply comments to the counterproposal for a Class A channel at Exmore, Parker-Rew submits that Virgina's Eastern Shore is presently limited to a daytime-only AM and a Class B FM station at Tasley, both of which are under the common ownership of the same principal party, Mr. Baker, proponent of the counterproposal, and that its adoption would preclude the establishment of technically comparable competition on the peninsula. It is urged that the Baker proposal would result in degredation of potential service to remote rural population centers (Exmore and Elizabeth City) to obtain an additional channel in an adequately served metropolitan area (Norfolk-Portsmouth) and, further, that intermixing of classes of services would result in a technical disparity between assignments. Finally, Parker-Rew notes that no reason has been shown why Mr. Baker has failed to apply for the vacant channel, 235, recently assigned to Chesapeake-Portsmouth-Virginia Beach.

17. After careful consideration of all the data and comments before us in this proceeding, we conclude that the initial proposal to assign Channel 298 to Exmore and denial of the counterproposal to assign a Class A channel instead would best serve the public interest. Although Exmore is the size of community for which we would ordinarily limit our consideration to the assignment of a Class A channel, we are persuaded that sufficient additional second fulltime FM service would be provided in this case to warrant the assignment of a Class B channel. It would afford an opportunity for most of the relatively isolated population of Virginia's Eastern Shore to have a second locally originated source of programing, to a significantly greater extent than would be possible with a maximum Class A facility. Providing for a second fulltime service to as great a population as possible ranks well on the list of priorities used in establishing the original FM Table of Assignments and is preceded only by priorities applicable to the first Class B assignment on the peninsula at Tasley.[11]

18. With respect to the remainder of the counterproposal as it concerns the primary objective of achieving an additional assignment in the Virginia Beach area, and without here weighing the merits of such a proposal, we find that it and the associated changes are so extensive that they go far beyond the scope of the notice of the instant proceeding. Proper consideration therefore could not be made without the benefit of comments from all interested parties obtained in response to a further notice of proposed rule making. We do not consider that further delay in reaching a decision on the Exmore petition is warranted. Accordingly, we are denying further consideration of the Baker counterproposal in this proceeding. Of course, any interested party may pursue the assignment of an additional assignment to the Virginia Beach area by a formal petition for rule making. We note in passing that if the Class C channel were to be deleted from Elizabeth City, N.C., as proposed, another channel would also become available to the Virginia Beach area, which would not conflict with the Exmore assignment being adopted herein. It is further noted that Channel 292A proposed to be substituted at Elizabeth City would be in conflict with the proposed assignment of Channel 293 at New Bern, N.C., in Docket 18765, FCC 69-1348. However, it appears that another Class A channel could be assigned to Elizabeth City.

19. In accordance with the above findings, we are adopting the assignment of Channel 298 to Exmore, Va., and denying the counterproposal of Vernon H. Baker in its entirety.

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

21. In view of the foregoing determinations: *It is ordered,* That effective April 3, 1970, § 73.202 of the Commission's rules, the FM Table of Assignments, is amended to read, with respect to the communities listed below, as follows:

City	*Channel No.*
Maryland:	
Braddock Heights	280A
Virginia:	
Exmore	298
Front Royal	257A
Luray	280A, 292A

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

Adopted: February 18, 1970.

Released: February 20, 1970.

FEDERAL COMMUNICATIONS COMMISSION,[12]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 70-2431; Filed, Feb. 26, 1970; 8:51 a.m.]

Title 49—TRANSPORTATION

Chapter X—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. 995, Amdt. 3]

PART 1033—CAR SERVICE

Appointment of Embargo Agents

At a session of the Interstate Commerce Commission, Division 3, held in Washington, D.C., on the 10th day of December 1969.

Upon further consideration of Service Order No. 995 (32 F.R. 11948, 20817, 33 F.R. 19017) and good cause appearing therefor:

It is ordered, That:

Section 1033.995 *Service Order No. 995* (Appointment of embargo agents) be, and it is hereby amended by substituting the following paragraph (f) for paragraph (f) thereof:

(f) *Expiration date.* This order shall expire at 11:59 p.m., December 31, 1970, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., December 31, 1969.

[9] It is noted that the authorized Class B facility at Tasley also includes less land than water area within the 1 mv/m contour. The same is apparently true for an assumed maximum Class B facility at Virginia Beach as portrayed on an exhibit included with the Baker counterproposal.

[10] See third report and order in Docket No. 17095, FCC 67-948, 10 R.R. 2d 1777 (1967).

[11] See priorities in further notice of proposed rule making, released Aug. 1, 1962, in Docket No. 14185.

[12] Commissioner Cox concurring in the result.

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

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

By the Commission, Division 3.

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

[F.R. Doc. 70-2421; Filed, Feb. 26, 1970; 8:51 a.m.]

[S.O. 1002, Amdt. 4]

PART 1033—CAR SERVICE

Car Distribution Directions—Appointment of Agents

At a session of the Interstate Commerce Commission, Division 3, held in Washington, D.C., on the 10th day of December 1969.

Upon further consideration of Service Order No. 1002 (33 F.R. 11453), as amended, and good cause appearing therefor:

It is ordered, That:

Section 1033.1002 *Service Order No. 1002* (Car distribution directions—appointment of agents) be, and it is hereby amended, by substituting the following paragraph (d) for paragraph (d) thereof:

(d) *Expiration date.* This order shall expire at 11:59 p.m., December 31, 1970, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., December 31, 1969.

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

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

By the Commission, Division 3.

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

[F.R. Doc. 70-2422; Filed, Feb. 26, 1970; 8:51 a.m.]

[S.O. 994, Amdt. 3]

PART 1034—ROUTING OF TRAFFIC

Rerouting of Traffic—Appointment of Agents

At a session of the Interstate Commerce Commission, Division 3, held in Washington, D.C., on the 10th day of December 1969.

Upon further consideration of Service Order No. 994 (32 F.R. 11949, 20817, 33 F.R. 19018) and good cause appearing therefor:

It is ordered, That:

Section 1034.994 *Service Order No. 994* (Rerouting of traffic—appointment of agents) be, and it is hereby amended by substituting the following paragraph (d) for paragraph (d) thereof:

(d) *Expiration date.* This order shall expire at 11:59 p.m., December 31, 1970, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., December 31, 1969.

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

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

By the Commission, Division 3.

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

[F.R. Doc. 70-2420; Filed, Feb. 26, 1970; 8:51 a.m.]

Title 50—WILDLIFE AND FISHERIES

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

PART 33—SPORT FISHING

Erie National Wildlife Refuge, Pa.

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

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

PENNSYLVANIA

ERIE NATIONAL WILDLIFE REFUGE

Sport fishing on the Erie National Wildlife Refuge, Pa., is permitted on areas designated by signs as open to fishing. Boats are permitted in Lake Creek above Sugar Lake where designated by signs. These open areas are delineated on maps available at refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, Mass. 02109. Fishing shall be in accordance with all applicable State regulations.

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

DON REESE, *Acting Regional Director, Bureau of Sport Fisheries and Wildlife.*

FEBRUARY 19, 1970.

[F.R. Doc. 70-2403; Filed, Feb. 26, 1970; 8:49 a.m.]

Chapter II—Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior

SUBCHAPTER E—NORTHWEST ATLANTIC COMMERCIAL FISHERIES

PART 240—GROUNDFISH FISHERIES

Miscellaneous Amendments

Since the adoption of amendments to the groundfish fisheries regulations effective January 7, 1970 (35 F.R. 228) it has been determined that an amendment of the regulations for purposes of clarification is needed. The amendment will clarify the present regulations and be less restrictive. The amendment is hereby adopted under the authority contained in subsection (a) of section 7 of the Northwest Atlantic Fisheries Act of 1950 (64 Stat. 1069; 16 U.S.C. 986) and is set forth below.

Effective date. This amendment is effective upon publication under authority granted in 5 U.S.C. 553(d)(1), since the amendment will only clarify and render the regulations less restrictive.

Issued at Washington, D.C., pursuant to authority delegated to me by the Secretary of the Interior on August 26, 1966 (31 F.R. 11685) and dated February 17, 1970.

PHILIP M. ROEDEL, *Director, Bureau of Commercial Fisheries.*

1. Paragraph (a) of § 240.2 is amended to read as follows:

§ 240.2 Registration certificates.

(a) All commercial fishing vessels of any tonnage which shall fish for, catch and offer for sale haddock taken in any manner must be licensed annually by the Department of the Interior, Bureau of Commercial Fisheries.

* * * * *

2. Subparagraphs (1), (4) and (7) of § 240.5(d) and subdivision (i) of § 240.5(d)(1) are amended to read as follows:

§ 240.5 Certain persons and vessels exempted.

* * * * *

(d) * * *

(1) The owner or operator of a fishing vessel proposed to be operated under the exemption authorized in this paragraph may obtain without charge a certificate of exemption by furnishing, on a form to be supplied by the Bureau of Commercial Fisheries, information specifying the name and address of the owner and operator of the vessel and the name, official number, and the home port of the vessel. The application form shall be submitted, in duplicate, to the Regional Director, Bureau of Commercial Fisheries, Gloucester, Mass., who shall grant a certificate of exemption valid for the calendar year. The certificate shall authorize during this period the use of the vessel, for which issued, in the taking of the regulated species within the regulatory area without regard to restrictions on fishing gear imposed, respectively, by §§ 240.2 and 240.3 provided:

(i) The vessel and its fishing gear are not used to take the regulated species within Subareas 3, 4, or 5 in quantities in excess of 10 percent by weight for each of cod, haddock, and the aggregate of the other regulated species, of all the trawl-caught fish taken by means of such vessel during the period covered by the certificate.

* * * * *

(4) No renewal shall be granted if it is determined by said Regional Director that the vessel for which a renewal is sought was used to take quantities of regulated species in excess of the allowable percentages during the period covered by the expiring certificate of exemption.

* * * * *

(7) The owner or operator of a fishing vessel for which a certificate of exemption is in force, who proposes to use such vessel in fishing primarily for the regulated species during any period of time within the period covered by the certificate, may obtain a temporary suspension of such certificate in like manner as provided in § 240.4 and may make application to engage in fishing for the regulated species under a registration certificate as provided in § 240.2. Any of the regulated species taken by means of a vessel for which a registration certificate is in force and by means of fishing for the regulated species conducted in conformity with the restrictions on fishing gear prescribed by § 240.3, shall be excluded from the total of all trawl-caught fish taken during the applicable period when computing the ratio of the regulated species to the trawl-caught fish taken during such periods. For the purposes of computing the quantities of the regulated species so to be excluded, the owner or operator of a fishing vessel covered by a suspended certificate of exemption and taking the regulated species while operating under a registration certificate shall submit catch reports in like manner as provided in subparagraph (6) of this paragraph.

3. In § 240.10, paragraph (a) and subparagraph (1) of said paragraph are amended; subparagraph (2) of paragraph (a) is revoked; subparagraph (1) of paragraph (b) is amended; and paragraph (c) is revoked.

§ 240.10 Reports and recordkeeping.

(a) All persons, firms, or corporations that shall buy from fishing vessels or from vessels which are either registered or enrolled with the U.S. Coast Guard or from a carrier licensed as a common carrier engaged in either interstate or intrastate commerce, haddock or any other species of finfish taken within the Convention area by a fishing vessel of the United States, shall keep and shall furnish to an authorized officer of the Bureau of Commercial Fisheries, within 72 hours of sale, records of each purchase.

(1) The statistical return must be full and correct in all respects.

(2) [Revoked]

* * * * *

(b) * * *

(1) The master or operator of any vessel licensed under the regulations in this part may be required by an authorized officer of the Government of the United States to certify to the correctness of such log record to the best of his belief.

(c) [Revoked]

* * * * *

[F.R. Doc. 70-2400; Filed, Feb. 26, 1970; 8:49 a.m.]

Chapter III—International Regulatory Agencies (Fishing and Whaling)

SUBCHAPTER B—INTERNATIONAL WHALING COMMISSION

PART 351—WHALING

Miscellaneous Amendments

The Whaling Convention Act of 1949 (64 Stat. 421–425; 16 U.S.C. 916 et seq.), implements the International Convention for the Regulation of Whaling signed at Washington, D.C., December 2, 1946, by the United States of America and certain other governments. Section 13 of the Act (64 Stat. 425; 16 U.S.C. 916K), provides that regulations of the International Whaling Commission shall be submitted for publication in the FEDERAL REGISTER by the Secretary of the Interior. Regulations of the Commission are defined to mean the whaling regulations in the schedule annexed to and constituting a part of the Convention in their original form or as modified, revised, or amended by the Commission. The provisions of the whaling regulations, as originally embodied in the schedule annexed to the Convention, have been amended several times by the International Whaling Commission, the last amendment having been brought into effect on October 5, 1969. The provisions of these regulations are applicable to persons and vessels under the jurisdiction of the United States.

Amendments to the whaling regulations are adopted by the International Whaling Commission pursuant to Article V of the Convention without regard to the notice and public procedure requirements of the Administrative Procedure Act (5 U.S.C. 553). Accordingly, in fulfillment of the duty imposed upon the Secretary of the Interior by section 13 of the Whaling Convention Act of 1949, the whaling regulations published as Part 351, Title 50, Code of Federal Regulations, as the same appeared in 33 F.R. 2777 are amended as follows:

1. Section 351.4(a)(1) is amended to read: "It is forbidden to kill blue whales in the North Atlantic Ocean for the 3 years ending on February 24, 1973."

2. Section 351.6(a) is amended by changing the date "1969" to "1972."

3. Section 351.8(a) is amended by changing the number "3,200," and the date, "1968/69" to "2,700" and "1969/70" respectively.

These amended regulations shall become effective upon the date of publication in the FEDERAL REGISTER.

Issued at Washington, D.C., pursuant to authority delegated to me by the Secretary of the Interior on August 26, 1966 (31 F.R. 11685), and dated February 19, 1970.

PHILIP M. ROEDEL,
Director,
Bureau of Commercial Fisheries.

[F.R. Doc. 70-2378; Filed, Feb. 26, 1970; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[43 CFR Part 3130]

COAL LEASES, PERMITS AND LICENSES

Notice of Proposed Rule Making

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by the act of February 25, 1920, as amended (30 U.S.C. 181–286), and section 2470 of the Revised Statutes (43 U.S.C. 1201) and in keeping with the policy of this Department to require only that data from applicants which is necessary for consideration of applications in conformity with applicable law, it is proposed (a) to amend 43 CFR 3131.1(d) to require appropriate data from an applicant for coal acreage, in addition to 46,080 acres of public lands which ordinarily may be held by an applicant in a State, to justify his need for such additional acreage; (b) to eliminate 43 CFR 3131.2(d); and (c) to amend 43 CFR 3132.2(a)(3) to remove the requirement for including information about non-Federal land in the statement of interest.

It is the policy of the Department, whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendments to the Bureau of Land Management (210), Washington, D.C. 20240, within thirty days of the date of publication of this notice in the FEDERAL REGISTER.

1. Paragraph (d) of § 3131.1 is hereby amended to read as follows:

§ 3131.1 Acreage limitations.

* * * * *

(d) A person, association, or corporation may file with the appropriate land office an application or applications for coal leases or permits for acreage in addition to the 46,080 acres which application or applications shall be in multiples of 40 acres, not exceeding a total of 5,120 additional acres in any one State, and shall contain: (1) A statement showing that the granting of a lease or permit for such additional lands is necessary to carry on business economically and is in the public interest, and (2) a statement of direct or indirect interests in other Federal and non-Federal coal leases and permits in the State, identifying the Federal leases by serial numbers, and (3) a statement of estimated reserve of coal that applicant has from any other source within the State.

§ 3131.2 [Amended]

2. Paragraph (d) of § 3131.2 is deleted and paragraph (e) of that section is redesignated as paragraph (d).

3. Paragraph (a)(3) of § 3132.2 is hereby amended, to read as follows:

§ 3132.2 Application for lease.

(a) * * *

(3) A statement of interests, direct or indirect, in other identified Federal coal leases, permits or applications therefor in the same State. Such total interests may not exceed 46,080 acres, except that if applicant is a railroad or corporation operating a common carrier such total interests may not exceed 10,240 acres.

* * * * *

HARRISON LOESCH,
Assistant Secretary of the Interior.

FEBRUARY 20, 1970.

[F.R. Doc. 70-2377; Filed, Feb. 26, 1970; 8:47 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Parts 91, 121, 127]

[Docket No. 10037; Notice 69-55]

FASTENING OF SAFETY BELTS DURING TAKEOFF OR LANDING

Notice of Proposed Rule Making

Correction

In F.R. Doc. 70-239 appearing at page 324 in the issue of Thursday, January 8, 1970, the reference to § 91.32 in the third paragraph of the introductory material should be changed to read "§ 91.33".

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 1]

[Docket No. 18802; FCC 70-188]

SCHEDULE OF FEES

Notice of Proposed Rule Making

In the matter of amendment of Subpart G of Part 1 of the Commission's rules relating to the schedule of fees.

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

2. The Commission first adopted rules providing for a schedule of application filing fees in 1963 (Docket No. 14507, FCC 63-414, 28 F.R. 4658; FCC 63-856, 28 F.R. 10911) and the initial fee schedule became effective on March 17, 1964.[1] In adopting that fee schedule, the Commission stated that it would undertake a continuing review of the schedule—this continuing review has since been carried forward on a regular basis and a number of changes and modifications have since been made in the original schedule.[2] The present proceeding is a reflection of the Commission's most recent review of this subject matter.

3. In the current review and its attendant changes we have fully considered the thrust of the legislation which vested authority in the Commission to establish the original schedule. The pertinent provision which is included in Title V of the Independent Offices Appropriations Act of 1952 (31 U.S.C. sec. 483(a)) and is applicable to all Federal agencies, reads as follows:

> It is the sense of the Congress that any work, service, publication, report, document, benefit, privilege, authority, use, franchise, license, permit, certificate, registration, or similar thing of value or utility performed, furnished, provided, granted, prepared, or issued by any Federal agency (including wholly owned Government corporations as defined in the Government Corporation Control Act of 1945) to or for any person (including groups, associations, organizations, partnerships, corporations or businesses), except those engaged in the transaction of official business of the Government, shall be self-sustaining to the full extent possible and the head of each Federal agency is authorized by regulation (which, in the case of agencies in the Executive Branch, shall be as uniform as practicable and subject to such policies as the President may prescribe) to prescribe therefor such fee, charge, or price, if any, as he shall determine, in case none exists, or redetermine in case of an existing one, to be fair and equitable taking into consideration direct and indirect cost to the Government, value to the recipient, public policy or interest served, and other pertinent facts, and any amount so determined or redetermined shall be collected and paid into the Treasury as miscellaneous receipts: *Provided*, That nothing contained in this title shall repeal or modify existing statutes prescribing bases for calculation of any fee, charge or price, but this provision shall not restrict the redetermination or recalculation in accordance with the prescribed bases of the amount of any such fee, charge or price.

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[1] A petition for review of the Commission's action was filed with the U.S. Court of Appeals for the Seventh Circuit and in an opinion of July 10, 1964, that Court affirmed both the validity of the Commission's action and the reasonableness of the fees adopted (Aeronautical Radio, Inc. et al v. United States and FCC, 335 F. 2d 304). On Jan. 18, 1965, the U.S. Supreme Court denied a petition for certiorari seeking review of that action of the Seventh Circuit Court, 379 U.S. 966.

[2] The current schedule of fees is contained in Subpart G, Part 1 of the Commission's rules and regulations, § 1.1101 et. seq.

4. The fee schedule initially adopted in 1964 established nominal filing fees and produced fee revenues which approximated 25 percent of the Commission's annual appropriation at that time and subsequent changes in the fee schedule have generally maintained the same ratio between fee revenues and our annual appropriations. However, after judicial affirmation of the Commission's authority to establish a schedule of fees, the Bureau of the Budget has regularly urged the establishment of higher fee schedules and many other agencies have taken steps to adopt fee schedules calling for higher fees. More recently, the House Appropriations Subcommittee expressed its concern about the Commission's fee schedule and stated that

> The Committee also feels that fee charges should be further reviewed and adjusted upward with the objective of assuring that the activities of the Commission are more nearly self-sustaining. The Committee will expect a report on these items during the budget hearings for 1971.[3]

Thereafter, the Conference Committee on the Independent Office Appropriations Bill, 1970, supported the views stated above, stating with respect to our fee schedule, that

> The committee of conference is agreed that the fee structure for the Commission should be adjusted to fully support all its activities so the taxpayers will not be required to bear any part of the load in view of the profits regulated by this agency.[4]

The fee schedule proposed herein has been prepared in the light of these Executive and Congressional directives. Additionally, since the Commission's authority to establish fees is in terms of the statutory objective to be "self-sustaining to the full extent possible," the schedule being proposed herein reflects estimated fee revenues which generally approximate our budgetary request for fiscal year 1971, beginning July 1, 1970.

5. The fee schedule being proposed herein represents a departure from the existing schedule in several major respects. The present schedule is limited to nominal fees upon the filing of applications for various types of authorizations for radio stations, operators' licenses, and communication common carriers. The approach in the newly proposed fee schedule, in addition to imposing fees in various areas where none now exist, is more closely and literally tied to the criteria stated in the above-cited Appropriations Act. Thus, the proposed fees are designed to make the Commission * * * "self-sustaining to the full extent possible * * *" in the work and services it performs in the granting of licenses, authorizations, privileges, benefits, and similar things of value. Moreover, the rationale for the formulation of the new fee schedule gives explicit recognition, in appropriately varying degrees,[5] to the "value to the recipient" of the privileges granted, as well as the public interest served and the direct and indirect cost to the Government. Therefore, in addition to a continuation of the existing concept of a fee upon filing of an "application" seeking an authorization, the new fee schedule adopts the concept of a separate fee reflecting our consideration of the "value to the recipient" factor involved in authorizations and licenses.[6] The latter fees are specifically tied to a factor of "value" either established by the recipient or graduated according to the generally recognized technical and economic status of the licensed facility being sought or being authorized.

6. As indicated above, the proposed fee schedule imposes fees in two additional areas which are not now subject to fees of any kind, but are the subject of Commission regulation and which directly or indirectly receive what in effect is a Commission authorization tantamount to a "licensee." The first area concerns Community Antenna Television systems which, as interstate communication services, are permitted to operate only in accordance with Commission rules and regulations adopted during the past 5 years. The Commission's authority to regulate the conduct of CATV activities under various permissive and restrictive regulations was affirmed by the U.S. Supreme Court in United States v. Southwestern Cable Co., 392 U.S. 157 (1968). Its regulation of this type of interstate communication service now constitutes a substantial portion of the Commission's responsibilities and a major staff unit has now been given permanent status to deal with this area. While the Commission's regulatory approach does not require a prior approval by the Commission in the form of a "license" before one may provide this communication service to subscribers, the rules and regulations which have been adopted affect every CATV system and, in effect, each of the more than 2,240 operating CATV systems has been given general authorization to provide this interstate communication service in accordance with applicable rules and regulations. There, therefore, appears to be no reason for distinguishing this service from other communication services which the Commission authorizes and which are now encompassed in the present fee schedule.

7. The second additional area of Commission regulation and authorization reflected in the proposed revised fee schedule is in the field of radio frequency equipment testing and approval. The Commission long ago established technical standards for various kinds of radio frequency equipment which could be used under Commission authorization. While these restrictions were imposed upon the users of radio frequency equipment, the Commission permitted equipment manufacturers to avail themselves of its testing, review and approval procedures.[7] Having obtained Commission approval in advance, radio equipment manufacturers were thereby enabled to assure prospective purchasers that the equipment was in compliance with the Commission's technical standards applicable[8] to such raido equipment. Subsequently, the enactment of section 302 of the Communications Act established a prohibition against the importation shipment or sale of radio frequency devices which did not comply with Commission regulations in this area. There is now outstanding a rule making proceeding which would require type approval, type acceptance or certification of such devices prior to their importation, shipment or sale.[9] Thus, in effect, the equipment approval actions of the Commission will be tantamount to an authorization which must be obtained prior to importation, shipment or sale of radio frequency devices. The Commission's activities in this area are not insubstantial and currently average some 1800 type approval, type acceptance and certifications annually. The proposed schedule, therefore, includes an appropriate schedule of fees for these various kinds of radio frequency equipment approval actions.

8. Some further observations of a general nature may be in order as to the considerations taken into account by the Commission in establishing the separate license or authorization fees included in the proposed schedule. These have been established in light of the differing factors which are unique to one or another of the many communication services under the broad aegis of the Commission. For example, licenses in the broadcast services are by statute limited to a maximum of 3 years, while the grant of certificates of public convenience and necessity for common carrier communication services under section 214 of the Act are without such time limitations. The latter situation also applies to equipment approval actions and our authorization, by rule, of CATV system operations. Similarly the "value to the recipient" factor needs be considered on a different basis amongst various services by reason of their different characteristics and operations. Broadcast services are commercial enterprises which exist on an "advertiser-supported" basis, without direct charge to the listening public, while common carrier communication companies provide

[3] House Report 91-316, June 19, 1969, pages 7 and 8.

[4] House Report 91-649, Nov. 18, 1969, page 6.

[5] The bases for the varying license and authorization fees pertaining to the different communication services regulated by the Commission are explained below in the specific sections of this notice dealing with each area.

[6] A principal exception to this concept has been made in the Safety and Special Radio Services, as explained in more detail below.

[7] "Type Approval" procedures involve equipment testing by the Commission's laboratory. "Type Acceptance" and "Certification" procedures involve testing by the equipment manufacturer and analysis of test measurements by Commission engineers.

[8] 47 U.S.C. 8302.

[9] Docket No. 18426; 34 F.R. 1057.

their services to all users at prices set forth in tariffs. On the other hand, CATV systems operate on a somewhat similar basis as common carriers but their provision of but one kind of service to each subscriber at the same price permits a different approach in considering "value to the recipient" than is possible with communications common carriers which utilize the same facilities for the provision of different services to different customers. Again, since our equipment approval actions are taken with respect to many different types of equipment which are sold at different prices, and since such actions attach to all similar units of such equipment which are produced in varying quantities by different manufacturers, consideration of the "value to recipient" factor calls for still another approach. We have therefore selected different bases for considering "value to the recipient," both for different types of actions within each service and similar types of action among different services, which we believe are fair and equitable. We fully recognize that the factors we have used may not wholly or precisely reflect "value to the recipient". But such precision or accuracy is not required since our proposed fee schedule need only reflect some consideration of "value to the recipient", and our proposed fees, in total, fall far short of the total value of Commission licenses, grants and authorizations computed by any standard. Revenues of our broadcast licensees in 1968 approximated $3.5 billion. Revenues from our authorized common carrier communication services in 1968 came close to $16 billion. In the same year, CATV system revenues approximated $220 million and in 1968, total sales of communications equipment under our equipment approval actions exceeded $3 billion. Obviously, these figures are the result of individual private business enterprise and effort and cannot be claimed to derive solely from the Commission's authorizations to the persons and companies receiving them. Nonetheless, they do serve to place in perspective the very limited extent to which the Commission has considered the "value to the recipient" factor in proposing a fee schedule which would produce estimated fee revenues approximating $24,900,000—the amount of our budget request for fiscal year 1971.

9. *Broadcast services.* As stated above, annual revenues of broadcast services provided under Commission license approximate 2.5 billion dollars per year. The broadcast services producing this revenue vary not only in type of service, such as VHF-TV, UHF-TV, AM and FM radio, but also in competitive market situation and, in radio, according to hours of operation and power authorized. Under these circumstances, it is our view that neither a uniform fee nor even a uniform basis for establishing fees would be fair and equitable for all the different types of licenses granted by the Commission. The proposed fee schedule for the broadcast services generally continues the present filing fee concept reflected in the present schedule but, in many instances, on a substantially higher basis. New distinctions are drawn in proposing these filing fees on the basis of market location, type of service, permissible hours of operation and authorized power. Additionally, new filing fees are set forth for applications for construction permits, short form (pro forma) transfers, applications for assignment of license or transfer of control, applications for subscription TV authorization and other miscellaneous applications.

The proposed schedule also sets forth separate fees for the grant of construction permits and the approval of assignments of licenses or transfer of control of existing licensees, and also an annual fee for all stations operating under Commission authorization. These separate license fees reflect Commission consideration of the "value to the recipient" factor but on varying bases in terms of the circumstances involved. A flat fee is set forth in the proposed schedule for the grant of construction permits for new stations or for major changes in existing stations which is graduated in accordance with the same categories set forth for the related application filing fees—i.e., type of service, market location, hours of operation and authorized power.

With respect to the separate fee for grant of assignment of license or transfer of control, differing circumstances make more feasible the establishment of a fee reflecting "value to the recipient" on another basis. Unlike construction permits, which often involve competitive applications and comparative hearings and which simply authorize a new station of undetermined profitability, assignments of license and transfers of control are insulated from competition and concern a going business whose profitability is reflected in a judgment by the parties who have reached agreement on the price to be paid. Transfer fees in other areas such as sale of land and securities have long been based on the purchase price involved, and the Commission proposes to establish a fee in connection with its approval of such assignments and transfers amounting to 2 percent of the total consideration specified in the purchase-sale contracts which are submitted to the Commission as part of the assignment-transfer application.

The profitability of broadcast station operation under Commission license varies greatly not only in terms of type of service, market location, hours of operation and authorized power, but also in terms of competition and varying degrees of sound business judgment and practices. Thus, profitability by itself does not adequately serve as a measure of "value to the recipient" and the use of such a standard would further require the prescription of uniform accounting practices. However, as stated above, the broadcasting industry is "advertiser supported" and its revenues derive not from direct charges to the listening public but from advertising rates which are determined by each licensee. Each broadcast station establishes a station rate card which is generally public and published. Our study indicates that the most feasible standard which would reflect the station's relative competitive position in the market is its rate card for the broadcast of commercials. We recognize that such rates vary greatly amongst the same type of station in the same market and in different markets, and that further variation exists between television stations and radio stations. It is our view, however, that these wide variations support the validity of this standard as an appropriate measure of "value to the recipient" of the Commission licenses, which takes into account the wide range of profitability of our broadcast licensees and which is fair and equitable.

In the interest of establishing a simplified fee mechanism for operating broadcast stations, the Commission therefore proposes to establish an annual fee payable by all operating broadcast stations and based upon the licensee's own determination of its rates for commercial spots as described herein. While the Commission invites comments and suggestions on these and other matters, our proposal envisages a requirement for the annual filing with the Commission of station rate cards and, on an annual basis, on a specific date, or on the anniversary date of its renewal, the station would remit to the Commission its annual fee computed on the basis of its rate card. The proposed fee schedule would establish this annual fee for television broadcast stations in an amount equal to 12 times its highest rate for a one-time "30 second" spot for the broadcast of commercials, but not less than $144 and for radio broadcast stations in an amount equal to 24 times its highest rate for a one-time "one minute" spot for the broadcast of commercials, but not less than $52.

10. *Common carrier services.* The varying nature of the authorizations granted by the Commission in the common carrier services, the differences in the facilities constructed and placed in operation in accordance with such authorizations, and the widely differing kinds of communication services provided by communication common carriers make difficult any generalized consideration of the "value to the recipient" factor in establishing a fee schedule for these services. As stated above, the proposed fee schedule does include the continuation of application filing fees and further establishes a separate fee for the grant of such authorizations. It must, however, be recognized that unique complexities exist in the common carrier services, e.g., the fact that section 214 certificates of public convenience and necessity have no fixed expiration date, while the authorization of radio facilities in the common carrier services is limited by statute to a period not in excess of 5 years; and the fact that the same physical facilities may be used for the provision of different types of common carrier services, etc. We are, therefore, of the view that due and equitable consideration of the "value to the recipient"

factor may be given in those situations where appropriate by basing the fee on construction or annual lease costs of the communications facilities encompassed by the particular authorization. Under this approach, which is somewhat similar to the basis used to establish fees for the Federal authorization of interstate natural gas facilities,[10] the application or licensee would pay a fee of 2 percent of the construction or annual lease costs of the facilities covered by the authorization. This figure is initially estimated by the applicant and set forth in his application; where construction is involved, upon completion thereof, the licensee would determine final constructions costs and pay such additional fees (or request a refund), on the basis of such adjusted costs. In other common carrier radio services where construction of the physical facilities covered by the authorization do not afford a proper basis for determination of fees, a flat license fee is set forth as reflected in the attached schedule.

11. *Safety and special radio services.* As indicated above, the tremendous number of applications filed in the Safety and Special Radio Services, in excess of 562,000 annually, together with the minimal percentage of denials of such applications, militates against the establishment of separate application filing fees and license fees at this time because of the tremendous paperwork involved. However, in proposing increases in the single fee for both application filing and license, the Commission has taken into consideration "value to the recipient" and personal benefit to the licensee. Further, we would continue to exempt from the fee requirement applications and licenses in such services as police, fire, local government, disaster communications, closed circuit educational television, and separate emergency radio services such as hospitals, disaster relief, nonprofit ambulances and rescue organizations, etc. It should be noted that the proposed schedule no longer separately lists citizens radio license applications or (except in the amateur service) applications for renewal of licenses generally. Certain types of license applications are specifically listed in the proposed schedule with the accompanying fee and all others not specifically listed would be included in the category of "applications for all authorizations except as noted below."

12. *CATV services.* We have set forth in paragraph 6, above, our basis for including CATV systems in the proposed fee schedule. This schedule proposes filing fees in generally small amounts for applications, notifications and petitions filed in the Cable Television Service. The proposed schedule also includes a separate fee reflecting our consideration of the "value to the recipient" factor attendant upon CATV system operation in accordance with our permissive and restrictive rules and regulations and after the filing of notification under § 74.1105 of our rules. Since CATV systems provide an interstate communication service upon payment of a charge directly by subscribers, the profitability of CATV systems (i.e., the "value to the recipient" factor) is most readily reflected in the number of customers or subscribers who directly pay for the provision of such service. We, therefore, propose to establish an annual fee for CATV systems computed on the basis of the number of subscribers to the service provided by each CATV system. This will provide an equitable distinction amongst the fees paid by different CATV systems in accordance with their size. It is further proposed to exempt from the payment of such fees the very small systems whose profitability is either marginal or very small. Presently available statistics reflect total CATV subscribers to approximate 3,500,000–3,750,000. Of these, less than 1.6 percent receive their service from systems which have 200 subscribers or less. We are, therefore, exempting such systems from the fee schedule which proposes an annual fee of 30 cents for each subscriber. The Commission recognizes that in this, as well as in other areas reflected in the proposed fee schedule, certain changes in substantive and procedural regulations may be required in order to perfect the mechanism by which the amount of fees payable in unusual circumstances and the time and method of payment may be determined. However, the statements made herein together with the proposed schedule attached hereto will fully set forth the scope and thrust of the Commission's proposals.

13. *Equipment testing and approval.* The wide range of radio frequency equipment which is the subject of our equipment approval actions, in terms of different types, manufacturer's selling prices and number of units which are covered by our approval action, calls for still another approach to the consideration of "value to the recipient" in establishing a schedule of fees in this area on an equitable basis. These radio frequency devices range from citizens band equipment to complicated radar systems and their selling prices from $3.98 to many thousands of dollars. They include electronic equipment tailored to unique needs and produced in small quantities as well as television receivers which are mass produced in the amount of some 10 million sets annually. It is our view that a proper approach to "value to the recipient" should include consideration of all these aspects and that the fee scheschedule should also reflect differing Commission costs for these actions. The proposed schedule, therefore, sets forth application filing fees which vary in amount depending on whether type approval, type acceptance or certification is involved. Such applications would include pertinent information concerning manufacturer's selling prices and estimated production of units of equipment covered by the application. Upon authorization of such equipment, by Commission grant of type approval, type acceptance or certification, the recipient would be required to pay a fee based upon a minimal percentage of the manufacturer's selling price of the equipment multiplied by the number of units to be covered by such authorization. Adjustments in the required fee may be made at the end of each year in the light of actual manufacturer's selling prices and actual production of such unit. We recognize that certain changes may be required either in this proposed regulation or in existing regulations governing the Commission's equipment approval actions in order to conform our requirements with the demands of the proposed fee schedule. This may include revisions designed to guard against the possible disclosure, via payment of fees, of information which is properly determined to be "trade secrets" or of a confidential character. The Commission, would, of course, welcome any comments or suggestions on this as well as other aspects of the proposed fee schedule.

14. *Radio operators licenses.* The present fee schedule relating to commercial radio operators encompasses one fee to cover both the application to take radio operator examinations and the subsequent issuance of a license. The proposed schedule makes no change in this approach. While new fees are proposed for applications for verification cards and posting statements, no increases in existing fees are proposed except for the issuance of restricted radiotelephone permits. This is based on the fact that commercial radio operator licenses are normally issued for a period of 5 years, while restricted radiotelephone permits are valid for the lifetime of the holder.

15. The present fee schedule in § 1.1105(c) provides that no fee is required for applications for Special Temporary Authorization (STA) and for waiver. Application for STA and waiver which are filed with the Commission relate to all of the services encompassed in the proposed fee schedules and some 15,000 are filed with the Commission annually. A number of such applications look to the grant of a special authorization representing a marked departure from our rules and regulations because of unusual circumstances and situations. However, many others look simply to temporary operation of short duration or to minor departures from our rules and regulations. One illustration of the former type is now encompassed in the proposed schedule for CATV systems. We are considering inclusion in the fee schedule of similar types of applications for STA and waivers which look to dispensation and authorization of an important character and which entail special efforts on the part of the Commission in processing them.

16. Authority for the adoption of the amendments herein proposed is contained in section 4(i) (47 U.S.C. sec. 154(i)) of the Communications Act, Title V of the Independent Offices Appropriation Act of 1952 (31 U.S.C. sec. 483(a)), and Budget Bureau Circular A-25 and supplements thereto.

17. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before April 20, 1970, and

[10] 18 CFR Part 159. Fees for hydroelectric projects are generally based on such factors as power generation. 18 CFR Part 11.

reply comments on or before May 11, 1970. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision on the rules of general applicability which are proposed herein, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice. No extensions of time will be granted for filing either comments or reply comments.

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

Adopted: February 18, 1970.

Released: February 19, 1970.

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

Sections 1.1111, 1.1113, 1.1115, and 1.1117 are amended and new §§ 1.1116 and 1.1120 are added to read as follows:

§ 1.1111 Schedule of fees for Radio Broadcast Services.

(a) Except as provided in paragraph (b) of this section, the fees prescribed below are applicable to applications and operations in the Radio Broadcast Services:

CONSTRUCTION PERMITS

Application for construction permit for new station or for major changes in existing station:

	Filing fee	Grant fee
VHF-Top 50 markets	$5,000	$45,000
UHF-Top 50 markets	2,500	22,500
VHF-Next 50 markets	2,000	18,000
UHF-Next 50 markets	1,000	9,000
VHF-Balance	1,000	9,000
UHF-Balance	500	4,500
FM-Class A	100	900
FM-Classes B and C	200	1,800
AM-Day-50 kw	500	4,500
AM-Day-25 kw	400	3,600
AM-Day-10 kw	300	2,700
AM-Day-5 kw	200	1,800
AM-Day-1 kw	100	900
AM-Day-500 w	50	450
AM-Day-250 w [1]	25	225
AM-Unlimited 50 kw	1,000	9,000
AM-Unlimited 25 kw	800	7,200
AM-Unlimited 10 kw	600	5,400
AM-Unlimited 5 kw	400	3,600
AM-Unlimited 1 kw	200	1,800
AM-Unlimited 500 w	100	900
AM-Unlimited 250 w [1]	50	450
AM-Class IV	100	900
For Directional Antenna in addition to the above	50	450

[1] The fee for major changes in 100 watt operations is the same as for 250 watt operations.

OTHER APPLICATIONS

The following fees shall accompany each application:

	AM	FM	TV	Translator	Auxiliary [2]
Applications filed on FCC form 316 (where more than one broadcast station license is involved, the application must be accompanied by the total amount of the fees prescribed for each license so involved)	$250	$250	$250	$50	$50
Application for construction permit to replace expired permit, FCC Form 321	500	500	500	50	50
Application for modification other than a major change	50 for each application.				
Application for change of call sign for broadcast station	100	100	100		
All other applications in the broadcast services (including television translators and auxiliaries)	50 for each application.				

[2] With respect to applications for remote pickup broadcast stations authorized under Subpart D of Part 74 of this chapter, one fee will cover the base station (if any) and all the remote pickup mobile stations of a main station, provided the applications therefor are filed at the same time.

SUBSCRIPTION TELEVISION

Application for Subscription Television Authorizations:

Application Filing Fee $1,000

ASSIGNMENTS AND TRANSFERS

Application for assignment of license or transfer of control, exclusive of FCC Form 316 applications (where more than one broadcast station license is involved, the total amount of fees prescribed for each license so involved will be paid in the manner set forth below):

Application filing fee $1,000

Assignment and Transfer fee to be paid within 30 days after Commission consent to assignment or transfer ..... 2% of consideration for assignment or transfer.

ANNUAL LICENSE FEES

Each broadcast station shall pay an annual license fee to the Commission that is based on the station's rate card. Annually, the Commission will require that each station shall file its rate card (as of a given publicly announced date) with the Commission. The annual fee will be paid on or before (a specific date) each year.

For AM and FM radio stations:

The annual fee will be a payment equal to 24 times the station's highest single "one-minute" spot announcement rate, but in no event shall be the annual payment for each AM and each FM station be less than $52;

For television broadcast stations:

The annual fee will be a payment equal to 12 times the station's highest "30-second" spot announcement rate, but in no event shall the annual payment be less than $144.

(b) Fees are not required in the following instances:

(1) Applications filed by tax exempt organizations for the operation of stations providing noncommercial educational broadcast services, whether or not such stations operate on frequencies allocated for noncommercial educational use.

(2) Applications in the AM service requesting only authority to determine antenna power by direct measurement.

§ 1.1113 Schedule of fees for Common Carrier Services.

Applications filed for Common Carrier Services shall be accompanied by the fees prescribed below:

	Filing Fee	Grant Fee
DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE [1]		
Application for initial construction permit or for relocation of a base station (including authority for mobile units, blanket dispatch station authority,[2] and standby transmitters without independent radiating systems.[3 4]	$75	2% of construction cost.
Application for initial construction permit or for relocation of a dispatch station,[5] control station or repeater station.[4]	25	Do.
Application for modification of construction permit or license for base station, dispatch station, control station or repeater station at an existing station location.	10	Do.
Application for renewal of license for base station	25	$125.
Application for renewal of license for dispatch station, control station or repeater station.	10	$50.
Application for license, modification of license, or renewal of license for individual mobile stations.	5	$70.
RURAL RADIO SERVICE		
Application for an initial construction permit or for relocation of facilities [4]	25	2% of construction cost.
Application for modification of construction permit or license	10	Do.
Application for license for operation of a rural subscriber station at temporary-fixed locations.	10	$20.
Application for license or modification of license for individual subscriber stations.	5	$20.
Application for renewal of license Rural subscriber station	5	$70.
Application for renewal of license Central Office Station	25	$100.
POINT TO POINT MICROWAVE RADIO SERVICES		
Application for construction permit or for modification of construction permit to add or change point(s) of communication or to increase service to existing points of communication or for relocation of facilities.[4]	50	2% of construction cost.
Application for license for operation of a station at temporary-fixed locations	50	$100.
Application for modification of license	50	2% of construction cost.
Application for renewal of license	25	$100.

See footnote at end of table.

	Filing Fee	Grant Fee
LOCAL TELEVISION TRANSMISSION SERVICE		
Application for construction permit or for modification of construction permit to add or change point(s) of communication or to increase service to an existing station location or for relocation of facilities.[4]	$50	$150.
Application for license for operation of an STL station at temporary-fixed locations.	50	$100.
Application for license for operation of a mobile television pickup station	50	$100.
Application for modification of license	25	$75.
Application for renewal of license	25	$50.
INTERNATIONAL FIXED PUBLIC RADIOCOMMUNICATION SERVICES		
International Fixed Public Station:		
Application for an initial construction permit for a new station or an additional transmitter(s) at an authorized station.[4]	150	$500.
application for construction permit for a replacement transmitter(s) at an authorized station (no fee will be charged for application for modification of license to delete transmitter(s) being replaced if both applications are filed simultaneously).	75	$100.
Application for change of location of an authorized station	150	$400.
Application for modification of license	25	$100.
Application for renewal of license	100	$200.
International Control Station:		
Application for an initial construction permit for a new station or an additional transmitter(s) at an authorized station.[4]	100	$400.
Application for construction permit for a replacement transmitter(s) at an authorized station (no fee will be charged for application for modification of license to delete transmitter being replaced if both applications are filed simultaneously).	50	$250.
Application for change of location of an authorized station	100	$400.
Application for modification of license	25	$100.
Application for renewal of license	50	$100.
OTHER RADIO APPLICATIONS		
Application for assignment of an authorization or transfer of control (a separate fee is required for each call sign covered by the application).	10	$50.
All other common carrier radio applications, including STA and Petitions for Waiver of Rules.	25	None.
SATELLITE COMMUNICATIONS SERVICES		
Application for initial construction permit or modification of construction permit for earth station.	500	2% of U.S. portion of construction cost.
Application for renewal of license—earth station	100	$400.
Application for authority to construct and launch satellites	500	2% of combined construction and launch cost.
Application for assignment of an earth station construction permit or license or transfer of control of a licensee or permittee.	100	$200.
Applications by Communications Common Carriers for authorization to own stock in the Communications Satellite Corp.	25	$50.
Any other application filed under the Communications Satellite Act	25	$50.
COMMON CARRIER NONRADIO APPLICATIONS		
Section 214 applications by telephone companies to extend or supplement facilities by construction or lease of wire or cable facilities:		
Domestic	50	2% of construction or annual lease cost.
Overseas (except ocean cable)	50	Do.
Section 214 applications by telegraph companies to extend or supplement facilities by construction or lease of wire or cable facilities:		
Domestic	25	Do.
Overseas (except ocean cable)	25	Do.
Section 214 applications for overseas cable construction	100	2% of U.S. share of construction cost.
Section 214 applications for satellite facilities	100	Do.
Section 214 applications to discontinue, reduce or impair service to the public:		
Telephone companies	50	$50.
Telegraph companies	10	$15.
Cable landing license	100	$100.
Section 214 acquisition application	50	$50.
Interlocking Directorate applications	10	$40.
Tariff applications to change charges or regulations on less than statutory notice.	10	$15.
All other Common Carrier nonradio applications	10	$15.
Section 221 Applications	50	$250.

[1] In this service each transmitter at a fixed location is a separate station notwithstanding the inclusion of more than one such station on a single authorization or under a single call sign.

[2] When included as part of a base station application, a request for blanket dispatch station authority made pursuant to the provisions of § 21.519(a) of this chapter does not require an individual application or fee. A request for such dispatch station authority filed separately from a base station construction permit application requires an application for modification of license and an appropriate fee.

[3] An application for a standaby transmitter having its own independent radiating system requires the same fee fee as a base station application.

[4] No additional fee will be charged for applications for licenses to cover a construction permit unless there is a modification or variation of outstanding authority involved. In that event the appropriate fee for modification is applicable.

[5] This fee applies to any request for dispatch station authority not made pursuant to § 21.519(a) of this chapter.

§ 1.1115 Schedule of fees for the Safety and Special Radio Services.

(a) Except as provided in paragraph (b) of this section, the fees set forth in the schedule below shall accompany all applications filed in the Safety and Special Radio Services:

Applications for all authorizations except as noted below	$19
Duplicate licenses	$6
Interim ship licenses including subsequent initial licenses	25
Operational fixed stations using frequencies above 952 Mc/s:	
Initial license	35
Assignment of license	35
Common Carrier Public Coast Stations:	
Initial license	75
Assignment of license	75
Amateur Service:	
Initial license, renewal and new class operator licenses	$9
Modification of license without renewal	4
Modifications of license with renewal	9
Special Call Sign (plus other applicable fee)	25

(b) Fees are not required in the following instances:

(1) Applications filed in the Police, Fire, Forestry-Conservation, Highway Maintenance, Local Government, and State Guard Radio Services.

(2) Applications filed by governmental entities in any of the Safety and Special Radio Services.

(3) Applications filed by the following in the Special Emergency Radio Service: Hospitals, disaster relief organizations, beach patrols, school buses, and nonprofit ambulance operators and rescue organizations.

(4) Applications filed in the Disaster Communications Service.

(5) Applications for ship inspections pursuant to the Great Lakes Agreement, the Safety of Life at Sea Convention, and Parts II and III, title III, of the Communications Act of 1934, as amended.

(6) Applications for Novice Class license in the Amateur Radio Service, applications for amateur stations under military auspices, and applications filed in the Radio Amateur Civil Emergency Service (RACES).

(7) Operational Fixed Microwave Applications filed for Closed Circuit Educational Television Service.

(8) Applications for Civil Air Patrol Stations, Aeronautical Radionavigation Stations and for Aeronautical Search and Rescue Stations.

(9) Application or request for an STA or waiver.

(10) Application filed by an alien pursuant to a reciprocal radio licensing agreement.

§ 1.1116 Schedule of fees for Cable Television Services.

(a) Applications, notifications, and petitions filed in the Cable Television Services shall be accompanied by the fees prescribed below:

Applications in the Community Antenna Relay Service (CARS):	
For a construction permit	$50
For a license	15
For a modification of construction permit or license	15
Petitions:	
For special relief (other than that specified below), pursuant to § 74.1109 (per each petitioner)	300
For experimental operations pursuant to paragraph 51 of the December 1968 Notice of Proposed Rule Making and Notice of Inquiry in Docket 18397 (see, also, proposed § 74.1107 (b) and (c) in Appendix C of that Notice)	25
For waiver of hearing re carriage of distant signals within the Grade A contour of a television broadcast station in a top-100 market:	

Petitions—Continued	
Per proposed commercial (a) VHF station or (b) network-affiliated UHF station, distant signal	$25
Per proposed (a) educational station, or (b) independent UHF station, distant signal	10
Notifications pursuant to § 74.1105	10

(b) The annual financial report filed by CATV system operators shall be accompanied, once a year, by fees determined in the manner prescribed below:

For each system with more than 200 subscribers, a fee equal to the number of subscribers times	$0.30

NOTE: Where a system offers bulk rates to multiple-outlet subscribers, such as apartment house or motel operators, such contracts are not viewed as individual subscriptions for purposes of fee determination. Rather, each such contract is viewed as a number of subscriptions, such number to be calculated by dividing the total annual-charge for that bulk-rate contract by the system's basic annual subscription rate for an individual household. (Thus, for example, if a CATV system charges an apartment house operator $1,000 a year for a bulk-rate contract and charges individual households a basic rate of $50 per year, the bulk-rate contract is counted as 20 subscriptions (i.e., 1000÷50=20)). It is not contemplated, however, that such calculations should be made with respect to extra payments for additional CATV outlets within the same individual household.

§ 1.1117 Schedule of fees for commercial radio operator examinations and licensing.

(a) Except as provided in paragraph (b) of this section, applications filed for commercial radio operator examinations and licensing shall be accompanied by the fees prescribed below:

Applications for operator license:	
First class license, either radiotelephone or radiotelegraph, new or renewal	$5
Second class license, either radiotelephone or radiotelegraph, new or renewal	4
Third class permit, either radiotelephone or radiotelegraph, new or renewal	3
Provisional radiotelephone third-class operator certificate with broadcast endorsement	3
Restricted radiotelephone permit	10
Application for duplicate license or replacement license	2
Application for endorsement of license	2
Application for verification card (FCC Form 758-F)	2
Application for posting statement (FCC Form 759)	2

(b) Whenever an application requests both an operator license and an endorsement, the required fee will be the fee prescribed for the license document involved.

§ 1.1120 Schedule of fees for equipment approval.

(a) Type approval, type acceptance, or certification shall require payment of fees as prescribed below. These fees shall be payable in two parts: An application filing fee to be submitted with the application (no application will be accepted for filing without this fee) and a grant fee which must be paid upon grant of type approval, type acceptance, or certification. The applicant will be notified when such grant fee must be paid.

(b) The grant fee is based on the manufacturer's selling price (MSP) or, in lieu thereof, the lease price on an annual basis, of the equipment, and also upon the number of units produced. The manufacturer shall compute the grant fee by the formula given below, using his best estimate for the MSP and the number of units to be produced. If the actual MSP turns out to be different from the estimated MSP, the manufacturer shall submit a supplemental payment, or may file for a refund, as the case may be. Similarly, if the number of units of that model actually produced differs from the number estimated, the manufacturer shall submit a supplemental payment, or may file for a refund, as the case may be.

(c) Certification:

	Filing fee	Grant fee (note 1)	
1. Application for certification of each receiver model (note 2).	$10	0.02% of MSP	Multiplied by the number of units produced.
2. Application for certification of each low power communication device (notes 2, 3).	10	0.01% of MSP	Do.
3. Application for prototype certification of equipment operating under Part 18 (notes 2, 3).	20	0.05% of MSP	Do.
4. Request for modification of a certificated receiver or low power communication device with no change in model number (note 4).	10	None	
5. Request for modification of a prototype certificated equipment operating under Part 18 with no change in model number (note 4).	20	None	
6. Application for certification of a low power communication device sold in kit form (notes 2, 3).	10	0.01% of MSP	Do.

NOTE 1: Number of units=number of units which have been produced bearing the model number for which certification has been requested.
Number of kits=number of kits which have been produced bearing the model number for which certification has been requested.
NOTE 2: Both a filing fee and a grant fee must be paid for each receiver model for which certification is requested regardless of whether these models are listed in one application or a separate application is submitted for each model.
NOTE 3: A fee must be paid for each low power communication device bearing a separate trade name and/or model number.
NOTE 4: A request for modification of a certificated equipment which involves a change in type (or model) number will be considered as an application for a new certification under items 1, 2, or 3 of the schedule.
NOTE 5: A filing fee, but not a grant fee, must be paid for each receiver which is part of a transceiver or of equipment in which one or more receivers and transmitters are packaged as an individual unit and identified by a common equipment model number. The certification and accompanying filing fee should be submitted at the same time as application for type acceptance of the associated transmitter(s) is made.

(d) Type acceptance:

	Filing fee	Grant fee	
Application for type acceptance of each equipment type (note 1.	$100	0.6% of MSP	Multiplied by the number of units produced
Application for the addition of one or more radio services (i.e., aviation, Industrial, etc.) to existing type acceptance for each equipment type, as identified by manufacturer (or trade name) and type number.	100	none	
Application for permissive change in type accepted equipment. (This is applicable only to permissive changes of the second classification as set forth in § 2.834(c) of this chapter.)			
(1) Where no change in type number is required	100	none	
(2) Where a change in type number is required	100	0.6% of MSP	Do.

NOTE 1: Applications for type acceptance of equipments which bear different identification will be considered as separate applications, regardless of whether such equipments may be otherwise identical.

(e) Exceptions: Fees for type acceptance are not required in the following cases:

(1) When a request for type acceptance is included in an application for station license and covers only items of equipment to be authorized in that particular station.

(2) When a request is made by the licensee of a station for approval of modifications to a specific item or items of existing type accepted equipment authorized in that particular station.

(f) Advance approval of subscription television systems:

	Filing Fee	Grant Fee	
For advance approval of each subscription television system.	$1000	0.1% of MSP	Multiplied by the number of units produced.

NOTE 1: MSP in this case is the manufacturer's selling price, or, if no sale takes place, the lease price on an annual basis for each decoding device for a subscriber's receiver. Number of units produced is the number of decoding devices to be produced for use with subscribers' receivers.

(g) Type approval:

	Filing Fee	Grant Fee	
Application for type approval (including an application for modification of existing type approved equipment, which modification requires retesting).	$500	0.5% of MSP	Multiplied by the number of units produced (Note 1).

	Filing Fee	Grant Fee	
Application for modification of existing type approved equipment, which modification does not require retesting.	100	none	
Application for type approval of equipment to be operated under Part 15 of the rules (low power devices).	100	0.5% of MSP	Multiplied by the number of units produced.

NOTE 1: For equipment to be operated under Parts 81 and 83 of the rules, the number of equipments produced is, for the purpose of computing grant fees, that number of equipments produced to which the FCC type approval number is affixed. Equipments produced and installed on vessels of foreign registry need not be included in the computation of grant fees.

[F.R. Doc. 70-2316; Filed, Feb. 26, 1970; 8:45 a.m.]

[47 CFR Part 73]

[Docket No. 18801; FCC 70-176]

FM BROADCAST STATIONS

Table of Assignments; Sioux Center, Iowa, Etc.

1. Notice is hereby given of proposed rule making in the above-entitled matter concerning amendments of the FM Table of Assignments contained in § 73.202 of the Commission's rules. All proposed assignments are alleged and appear to meet the spacing requirements of the rules. All population figures are from the 1960 U.S. Census. All changes proposed which are within 250 miles of the United States-Canada border require coordination with the Canadian Government under the terms of the Canadian Limited States FM Agreement of 1947 and the Working Arrangement of 1963.

2. RM-1491, Sioux Center, Iowa (Tri-State Broadcasters, Inc.);

RM-1511, Caruthersville, Mo. (Pemiscot Broadcasters);

RM-1517, Kerrville, Tex. (Harry C. Wisehart, Jr.);

RM-1527, Bradenburg, Ky. (Jane Marlow Willis, Thelma Marlow Willis, and James M. Willis);

RM-1533, Steamboat Springs, Colo. (Robert D. Zellmer);

RM-1539, Drew, Miss. (Triangle Broadcasting Co., Inc.).

In these six cases, interested parties seek the addition of a Class A channel to a community presently having no FM assignment, without requiring any other changes in the table. The communities range in size from 1,542 persons for Bradenburg, Ky., to 8,901 persons for Kerrville, Tex. Caruthersville, Bradenburg, and Steamboat Springs are county seats of their respective counties. The communities of Sioux Center and Caruthersville each has one daytime-only AM station and Kerrville has a Class IV. The remaining three communities have no local AM outlet. None of the communities is in an urbanized area (1960 U.S. Census), and each appears to warrant the requested assignment. Comments are therefore invited on the additions to the Table, as follows:

City	Channel No.
Sioux Center, Iowa	232A
Caruthersville, Mo	276A
Kerrville, Tex	232A
Bradenburg, Ky	228A
Steamboat Springs, Colo	265A
Drew, Miss	[1] 237A

[1] Assignment of this channel would be less than the prescribed distance of 105 miles from the authorized site for Station WFXM, Channel 238, Jackson, Miss. Also, it barely meets the required 65-mile separation with Senatobia, Miss., where it is proposed to assign Channel 237A in a pending rule making petition, RM-1469, Millington, Tenn. The combination of these makes the Drew proposal in potential conflict. However, a pending application for WFXM, File No. BMPH-10,727, for a different site, if granted, would resolve the short separation. Thus, the final decision for the Drew assignment will include consideration of the status at that time of the WFXM application and the Millington-Senatobia rule making proposal.

3. *RM-1502, Weston, W. Va.* Central West Virginia Service Corp. (Central), Weston, W. Va., filed a petition December 9, 1968, amending it on September 2, 1969, seeking assignment of Channel 272A to Weston as the community's first FM assignment, without requiring any other changes in assignments.

4. Weston, population 8,754 persons, is the county seat and largest community of Lewis County, population 19,711. There are no commercial FM assignments in the county and the only local aural outlet is petitioner's daytime-only AM operation, WHAW (AM), at Weston.

5. Weston is located about 2 miles inside the boundary of the zone containing the National Radio Astronomy Observatory (NRAO) and the Naval Radio Research Station (NRRS), as geographically defined by § 73.215(a) of the rules. Accordingly, the petitioner coordinated its proposal with NRAO and NRRS pursuant to the procedure indicated in report and order, Docket No. 16991, released February 17, 1967, 6 FCC 2d 793, concerning proposed FM channel assignments in the Quiet Zone. By letter of March 26, 1969, counsel for NRAO advised that it does not object to Central's proposal, but requests that if the assignment is adopted, it be on the condition that any station eventually authorized on the channel be required to suppress its signal in the direction of the Sugar Grove installation by at least 12.5 db. By subsequent amendment to its petition, Central states that it would not object to such a condition for a station operating on Channel 272A at Weston from a site within the Quiet Zone.

6. We are of the opinion that institution of rule making is warranted in this case and we are inviting comments from all interested parties on the proposal as outlined above.

7. *RM-1534, Chanute, Kans.* On November 24, 1969, Neosho County Broadcasting, Inc., a potential applicant for a new FM station at Chanute, Kans., filed a petition requesting that Channel 288A be substituted for Channel 252A at Chanute. The petitioner states that after submission of an application for Channel 252A, it learned that the channel is short-spaced with cochannel Station KCJC, Kansas City. It is demonstrated that the proposed substitution of Channel 288A will meet all minimum spacing requirements in Chanute and vicinity. We are of the opinion that the requested change to avoid a short-spaced assignment is desirable and therefore invite comments on the proposed change.

8. *RM-1556, Mexia, Tex.* The city of Dallas, Tex., licensee of Station WRR-FM, Dallas, filed a petition January 22, 1970, requesting that Channel 285A be substituted in place of Channel 265A at Mexia, Tex. In support thereof, petitioner points out that the present assignment of vacant Channel 265 is only about 78 miles from the site authorized for Station WRR-FM, whereas the required minimum spacing is 105 miles. The city states that it desires to file an application to accomplish, among other things, a change in site for WRR-FM, and wants to avoid the possibility of facing difficulties because of the short-spaced assignment. It is proposed that Channel 285A, which is shown to meet the spacing requirements, be assigned to Mexia.

9. We concur with petitioner's objective of removing an undesirable short-spaced assignment from the table. However, we are offering an alternate channel for consideration at Mexia, Channel 252A, which it appears may afford more latitude in the selection of sites by future potential applicants at Mexia, than would Channel 285A. Comments are therefore invited from interested parties on the following changes:

City	Channel No.	
	Delete	Add
Mexia, Tex	265A	252A or 285A

10. *Berlin, N.H.* In addition to the above proposals by interested parties, we propose a change on our own motion. It has come to our attention that Channel 241, now assigned to Berlin, N.H., unoccupied and unapplied for, is short-spaced with Station WSRS, Channel 241,

Worcester, Mass. The spacing is approximately 153 miles, whereas, according to the rules, it should be a minimum of 170 miles. Channel 241 has been assigned to WSRS since 1948. The Berlin assignment was inadvertently included in the original Table of Assignments, adopted in 1963. We propose to delete Channel 241 from Berlin without a replacement, since no other Class C channel conforming with the minimum spacing requirements appears to be presently available for assignment there.

11. *Boone, Iowa.* By rule making in Docket No. 16601 (second report and order, FCC 66-1156, published in the FEDERAL REGISTER on December 21, 1966, 31 F.R. 16316) Channel 255 was substituted for Channels 252A and 257A at Boone, Iowa, in response to a petition by Boone Biblical College. The license of Station KFGO-FM, Channel 257A, Boone, held by Boone Biblical College, was also modified in the same order to specify operation on Channel 255 in lieu of 257A, subject to the selection of a new site which conformed with the rules and minimum spacing requirements with a then pending application for a new station on Channel 256 at Mankato, Minn.[2]

12. In response to the order, Boone submitted a proposal involving a site that was 17 miles short with the site subsequently granted for the Mankato station (KEYC-FM). The proposal was denied because of the shortage. On July 2, 1968, Boone submitted a proposal for a site about 21 miles south-southeast of Boone, and, while this proposal met the required spacing with KEYC-FM, it resulted in a short spacing (IF taboo) with Station KDPS, Channel 201, Des Moines. Upon discovery of the further conflict, Boone amended the proposal to specify the site first denied. A request for waiver of the mileage separation requirements and a subsequent request for reconsideration were denied. The Commission stated that Channel 255 should be deleted and Channel 257A reinstated in its place. (Memordandum opinion and order, FCC 69-937, 19 FCC 2d 155, August 1969.)

13. In making the assignment of Channel 255 to Boone, the fact was overlooked that maintaining the minimum spacing with the site specified for Station KEYC-FM would not permit the required spacing to be attained with Station KDPS. Thus, the assignment was in error and had this fact been recognized at the time the assignment would not have been made. In view of the impossibility of Channel 255 being used at Boone, Iowa, in conformity with the technical provisions of the rules, it becomes necessary to delete the assignment from the table. It does not appear that any other Class C channels are assignable to Boone. We therefore propose to reassign Class A Channels 252A and 257A, which were deleted from Boone at the time Channel 255 was assigned.

14. Boone has continuously operated Station KFGO-FM on Channel 257A under an interim authority pending the change to Channel 255. Modification of the KFGO-FM license back to Channel 257A would be ordered upon adoption of the plan envisaged here. Comments are therefore requested on the following changes in the Table of Assignments.

City	Channel No.	
	Delete	Add
Boone, Iowa	255	252A, 257A

15. *Rutland, Vt.* We have recently determined that Channels 246 and 251, listed in the original FM Table of Assignments (1963) for Rutland, Vt., were on the basis that Rutland is located in Zone II. Rutland, in fact, is located in Zone I, since it is situated about 6.5 miles north of the nearest point on the zone boundary (43.5° parallel). The rules (§ 73.206 (b)) provide that assignments in Zone I, other than those designated as Class A channels, shall be classified as Class B, and that assignments in Zone II will carry a Class C classification. Neither of the Rutland assignments will meet the minimum mileage requirements on the basis of their being considered as Class C channels; however, they do meet all spacing requirements as Class B assignments. A construction permit was granted on December 16, 1968, for Station WHWB-FM, Channel 251, Rutland, on the basis of a Class B station. The facilities authorized for this station, 50 kw. at −295 feet, are within the maximum operating parameters and spacing requirements for a Class B station. No application has been filed for Channel 246 since its assignment to Rutland.

16. It now appears that no other channels are available as Class C assignments at Rutland. We therefore propose to make an exception in this instance and to designate with appropriate notations in the table that Channels 246 and 251 at Rutland will be treated henceforth as Class B assignments in all respects, including allowable facilities and required separation requirements with other assignments. Interested parties are invited to file comments on such a proposal, or to submit alternate proposals providing an acceptable solution for the above-noted discrepancies.

17. Authority for the adoption of the amendments proposed herein is contained in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended.

18. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules, interested persons may file comments on or before April 3, 1970, and reply comments on or before April 13, 1970. All 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 comments, replies, pleadings, briefs, and other documents shall be furnished the Commission.

Adopted: February 18, 1970.

Released: February 20, 1970.

FEDERAL COMMUNICATIONS COMMISSION,[3]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 70-2432; Filed, Feb. 26, 1970; 8:52 a.m.]

[2] The Mankato application was subsequently granted for the site located 24 miles southeast of Mankato, and call letters KEYC-FM assigned.

[3] Commissioner Robert E. Lee concurring in the result.

[47 CFR Part 73]

[Docket No. 18651]

AM STATION ASSIGNMENT STANDARDS AND RELATIONSHIP BETWEEN AM AND FM BROADCAST SERVICE

Order Extending Time for Filing Reply Comments

1. This proceeding was begun by notice of proposed rule making (FCC-960) adopted September 4, 1969, released September 11 and published in the FEDERAL REGISTER on September 13 (34 F.R. 14384). The date for filing comments has expired and the date for filing reply comments is presently designated as February 27, 1970.

2. On February 13, 1970, the Association on Broadcasting Standards, Inc. (ABS), filed a request for extension to and including April 17, 1970, in which to file reply comments. ABS states that the additional time is required so that it may give full consideration to each of the substantial number of comments which have been filed in this proceeding. It further states that the ABS Technical Committee and Board of Directors are scheduled to meet in Chicago on April 5th in connection with the NAB Convention. Final revision will be made to the draft Reply Comments and authorization will be obtained for the filing of those comments at that time.

3. It is noted that the comments filed in this proceeding are voluminous, occupying two docket volumes. Therefore, it appears that the additional time requested is warranted and would serve the public interest. *Accordingly, it is ordered,* That the time for filing reply comments in Docket 18651 is extended to and including April 17, 1970.

4. This action is taken pursuant to authority found in section 4(i), 5(d)(1), and 303(2) of the Communications Act of 1934, as amended and § 0.281(d)(8) of the Commission's rules.

Adopted: February 17, 1970.

Released: February 20, 1970.

FEDERAL COMMUNICATION COMMISSION,
[SEAL] GEORGE S. SMITH,
Chief, Broadcast Bureau.

[F.R. Doc. 70-2434; Filed, Feb. 26, 1970; 8:52 a.m.]

FEDERAL POWER COMMISSION

[18 CFR Part 141]

[Docket No. R-383]

ANNUAL REPORT OF MUNICIPAL ELECTRIC UTILITIES

Revision of Condensed Income Statement

FEBRUARY 19, 1970.

1. Pursuant to section 553 of title 5 of the United States Code, notice is hereby given that the Federal Power Commission proposes to revise, effective for the reporting year 1970, certain schedules in FPC Annual Report Form 1-M prescribed by § 141.7 of the Commission's regulations (18 CFR 141.7) for use by municipal electric utilities having annual electric operating revenues of $250,000 or more. The purpose of the proposed revision is to extend to municipal electric utilities filing annual reports with the Commission the "all-inclusive income statement" concept adopted by the Commission for privately owned Class A and Class B electric utilities in Order No. 389, October 9, 1969 (34 F.R. 17434, Oct. 29, 1969) and Supplemental Order No. 389A, January 14, 1970 (35 F.R. 879, Jan. 22, 1970). In accordance with this concept, all items of revenue and expense, with few exceptions, would be required to be included in the current income statement. The proposed revision would make information supplied by municipal electric utilities on FPC Form 1-M uniform for statistical purposes with that reported by privately owned electric utilities on FPC Form 1, and would permit consistent treatment of the income statements of all utilities reporting to the Commission.

2. Basically, the proposed revision of FPC Form 1-M would be accomplished by revising the Condensed Income Statement on page 3 (lines 15, 21-23) of FPC Form 1-M:

(1) By adding the following new items, "Income Before Extraordinary Items", "Extraordinary Income", and "Extraordinary Deductions";

(2) By relocating the position of the item entitled "Interest Charged to Construction Credit" so that an offset to interest charges would not be implied; and

(3) By adding an additional footnote to the list of related footnotes, formerly located on page 2 of the report, explaining the kinds of items to be included in the "Extraordinary Income" and "Extraordinary Deductions" accounts.

In addition certain minor revisions of an editorial nature have been made on pages 1, 2, 3, and 4 of FPC Form 1-M. All these changes are detailed in Attachment A[1] which contains pages 1 through 4 of FPC Form 1-M, the only pages of that form affected by the proposed revision.

3. On the whole, the Commission believes it unlikely that the proposed revision of FPC Form 1-M will significantly increase the reporting burden on respondent municipalities. However, any burden which might accrue would be more than offset by the advantages to be gained by extending the "all-inclusive income statement" concept to municipal electric systems filing annual reports with the Commission.

4. This revision of FPC Form 1-M is proposed to be issued under the authority granted by the Federal Power Act, as amended, particularly sections 309 and 311 thereof (49 Stat. 858, 859; 16 U.S.C. 825h, 825j).

5. Accordingly, it is proposed to revise, effective for the reporting year 1970, the Annual Report for Municipal Electric Utilities, FPC Form 1-M, prescribed by § 141.7, Subchapter D, Chapter I, Title 18 of the Code of Federal Regulations, by revising pages 1 through 4 thereof, all as set out in Attachment A hereto.[1]

6. Any interested person may submit to the Federal Power Commission, Washington, D.C. 20426, not later than April 6, 1970, data, views, and comments in writing concerning the proposed revisions to FPC Form 1-M. An original and 14 conformed copies should be filed with the Commission. In addition, interested persons wishing to have their comments considered in the clearance of the proposed revisions under the provisions of the Federal Reports Act of 1942 (44 U.S.C. 3501-3511) may at the same time submit a conformed copy of their comments directly to the Clearance Officer, Office of Statistical Standards, Bureau of the Budget, Washington, D.C. 20503. Submittals to the Commission should indicate the name, title, and mailing address of the person to whom communications concerning the matter should be addressed. The Commission will consider all such written submittals before acting on the proposed revisions.

7. 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. 70-2375; Filed, Feb. 26, 1970; 8:47 a.m.]

[1] Attachment A filed as part of original document.

Notices

DEPARTMENT OF STATE

[Public Notice 321]

CULTURALLY SIGNIFICANT OBJECTS

Temporary Exhibition Within United States

Notice is hereby given of the following determination:

Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985), Executive Order 11312, dated October 14, 1966 (31 F.R. 202, Oct. 18, 1966) and Delegation of Authority No. 113, dated December 23, 1966 (3 F.R. 58, Jan. 1, 1967), I hereby determine that (1) the objects hereinafter enumerated as items 1 to 43, inclusive, to be imported, pursuant to an agreement between the Government of the United Arab Republic and the Metropolitan Museum of Art, New York, and the Museum of Fine Arts, Boston, for temporary exhibition without profit within the United States are of cultural significance, and that (2) the temporary exhibition or display of such objects within the United States by such museums is in the national interest:

ANTIQUITIES LOANED BY THE GOVERNMENT OF THE UNITED ARAB REPUBLIC FROM THE CAIRO MUSEUM TO THE METROPOLITAN MUSEUM OF ART, THE MUSEUM OF FINE ARTS, BOSTON, AND THE LOS ANGELES COUNTY MUSEUM OF ART

1. The Libya Palette—Catalogue général 14238.
2. Kneeling Statue of a Priest—Catalogue général 1.
3. Schist Dish Imitating Basketry—Journal d'Entrée 71298.
4. Wooden Panel of Hesy-Ra—Catalogue général 1427.
5. Offering Niche of Khai-bau-Sokar—Catalogue général 1385.
6. Diorite Statue of Chephren—Catalogue général 14.
7. Statue of Mycerinus, the Goddess Hathor and Personification of the Dog Nome—Journal d'Entrée 40679.
8. Fragment of relief with two birds from pyramid temple of Weserkaf—Temporary number 6-9/32-1.
9. Schist Head of King Weserkaf—Journal d'Entrée 90220.
10. Statue of Ranofer, High Priest of Memphis—Catalogue général 19.
11. Relief showing a Boat Tournament—Catalogue général 1535.
12. Statue of Seneb and his Family—Journal d'Entrée 51281.
13. Jewelery [sic] of the Princess Khnumet (gold)—Catalogue général 52975-52979.
14. Statue of Queen Nofret—Catalogue général 381.
15. Relief from the Tomb of Djehuty-hotpe—Journal d'Entrée 30199.
16. Group Statue of Ukh-hotpe—Catalogue général 459.
17. Statue of Amenemhet III—Catalogue général 395.
18. Statue of Si-kahika—Journal d'Entrée 43928.
19. Broad Collar of Queen Ahhotpe (gold)—Catalogue général 52672.
20. Statue of Sennemut and the Princess Nefru-Re—Catalogue général 42116.
21. Relief showing the Queen of Punt—Temporary number 12-11/26-5.
22. Schist Statue of Tuthmosis III—Catalogue général 42054.
23. Schist Statue of Amenophis II—Catalogue général 42077.
24. Statue of Sen-nufer and His Wife—Catalogue général 42126.
25. Scribal Statute of Amen-hotpe, Son of Hapu—Journal d'Entrée 44861.
26. Colossal head of Akhenaten—Temporary number 29-5/49-1.
27. Sketch representing an Amarna Princess—Journal d'Entrée 48035.
28. Stela showing Akhenaten and His Family—Journal d'Entrée 44865.
29. Statue of a Scribe and baboon—Journal d'Entrée 59291.
30. Statue of Tut-ankh-Amun—Catalogue général 42091.
31. Statue of the Wife of Nakht-Min—Catalogue général 779B.
32. Bust of Ramesses II—Catalogue général 616.
33. Relief showing Dancers at a Funeral—Journal d'Entrée 4872.
34. Papyrus: Cats Serving a Mouse—probably Journal d'Entrée 31199 (published in *Zeitschrift für ägyptische Sprache* 35 [1897] 140 f.).
35. Papyrus: Here-Ubekhet and the Fields of the Blessed—Temporary number 14-7/35-6.
36. Statue of Hor-em-akhet, Son of King Shabaka—Catalogue général 42204.
37. Bust of Mentuemhat, Governor of Upper Egypt—Catalogue général 647.
38. Statue of a cow and the Overseer of Sealers, Psamtik—Catalogue général 784.
39. Statue of Psamtik-sa-Neith—Catalogue général 726.
40. Relief of Nefer-seshem-Psamtik—Journal d'Entrée 10978.
41. Statue of Hor-si-Hor—Catalogue général 697.
42. Head of a Frowning Man with Laurel-Wreath Diadem—Journal d'Entrée 65424A.
43. Bust of a Roman Caesar—Catalogue général 7257.

Public notice of this determination is ordered to be published in the FEDERAL REGISTER.

JOHN RICHARDSON, Jr.,
Assistant Secretary of State for Educational and Cultural Affairs.

FEBRUARY 18, 1970.

[F.R. Doc. 70-2381; Filed, Feb. 26, 1970; 8:47 a.m.]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

FRED DUKE

Notice of Granting of Relief

Notice is hereby given that Fred Duke, 1224 East Grand Boulevard, Detroit, Mich. 48211, 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 July 22, 1958, in the U.S. District Court, Detroit, Mich., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Fred Duke 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 Fred Duke to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Fred Duke'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 Fred Duke 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 19th day of February 1970.

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

[F.R. Doc. 70-2390; Filed, Feb. 26, 1970; 8:48 a.m.]

JIM EDD SLOAN

Notice of Granting of Relief

Notice is hereby given that Jim Edd Sloan, Route 2, Ferrum, Va. 24088, 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 8, 1937, in the U.S. District Court for the Western District of Virginia of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Jim Edd Sloan

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. Sloan to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Jim Edd Sloan'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 Jim Edd Sloan 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 19th day of February 1970.

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

[F.R. Doc. 70-2389; Filed, Feb. 26, 1970; 8:48 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[ES 6149]

ARKANSAS

Notice of Proposed Withdrawal and Reservation of Lands

FEBRUARY 20, 1970.

The Forest Service, Department of Agriculture, has filed an application for the withdrawal, subject to valid existing rights, of the national forest lands described below from location and entry under the mining laws, but not the mineral leasing laws:

FIFTH PRINCIPAL MERIDIAN, ARKANSAS

T. 2 S., R. 23 W., Montgomery County
Sec. 23, E½;
Sec. 24, N½, N½S½, SE¼SW¼;
Sec. 25, NE¼NW¼;
Sec. 26, NW¼NE¼.
Containing an aggregate of 920 acres.

The lands were withdrawn for the Arkansas National Forest by Presidential Proclamation No. 786 of December 18, 1907, now the Ouachita National Forest, and have been open to entry under the general mining laws.

The applicant desires the exclusion of mining activity to permit use of such lands for recreational areas and the development of a scenic drive, which use is incompatible with mineral development. The lands will be a part of the Hickory Nut Mountain recreational complex.

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 Eastern States Land Office, Bureau of Land Management, Department of the Interior, 7981 Eastern Avenue, Silver Spring, Md. 20910. If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

DORIS A. KOIVULA,
Manager.

FEBRUARY 19, 1970.

[F.R. Doc. 70-2401; Filed, Feb. 26, 1970; 8:49 a.m.]

[Serial No. Idaho 3378]

IDAHO

Notice of Proposed Withdrawal and Reservation of Lands

FEBRUARY 18, 1970.

The Bureau of Reclamation, Department of the Interior, has filed an application, Serial No. I-3378, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws including the mining laws but not the mineral leasing laws.

The applicant desires the land to provide additional storage facilities in connection with the proposed Lynn Crandall Reservoir site and Clark Ranch Dam on the Snake River below Palisades Dam.

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, Department of the Interior, 550 West Fort Street, Boise, Idaho 83702.

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 applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

He 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 Bureau of Reclamation.

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 it, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

CLARK RANCH DAM AND RESERVOIR

BOISE MERIDIAN, IDAHO

T. 3 N., R. 41 E.,
Sec. 10, lots 1, 2, 3, SE¼SW¼;
Sec. 11, lots 2, 3, 4, 6, 7, N½SE¼SE¼;
Sec. 12, N½SW¼SW¼ and those portions of lots 4, 5, NE¼SW¼, S½NE¼ lying outside H.E.S. No. 256;
Sec. 14, lots 6, 7, 8, 9, 10, 11;
Sec. 15, lots 6, 7, 9, 10, 11, 12, 13, 15, 16, 17, 18.
T. 3 N., R. 42 E.,
Sec. 6, that part of the E½SE¼ lying south of H.E.S. No. 260 and H.E.S. No. 555;
Sec. 7, lot 1 and those portions of lots 2 and 4 lying outside H.E.S. 256.

and all the unsurveyed islands in the Snake River located within the following sections:

T. 3 N., R. 41 E.,
Secs. 12 and 13.
T. 3 N., R. 42 E.,
Secs. 4, 5, 7, 8, 9, and 10.

The areas described contain approximately 695.74 surveyed acres and approximately 150.00 unsurveyed acres.

LYNN CRANDALL DAM AND RESERVOIR

BOISE MERIDIAN, IDAHO

T. 2 N., R. 42 E.,
Sec. 25, E½NE¼;
Sec. 36, NW¼NE¼.
T. 3 N., R. 42 E.,
Sec. 1, lot 1, N½SE¼, SE¼SE¼;
Sec. 2, S½SW¼;
Sec. 11, N½NW¼, NW¼NE¼.
T. 1 N., R. 43 E.,
Sec. 1, lots 5, 6, 9, 10, 11, 30, 43, 44, 45, 46, 48, 49, 50, 51, 55, 58, 61, 66, 69, 70, 73, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 91, 92, 93 and 96;
Sec. 3, N½SW¼;
Sec. 4, lot 4, SW¼NE¼, S½NW¼, S½SE¼SE¼;
Sec. 5, lots 1, 3, 4, SE¼NW¼ and that portion of H.E.S. No. 754 lying within the NW¼;
Sec. 6, lot 1, SW¼NE¼, and that portion of H.E.S. No. 754 lying within the NE¼;
Sec. 8, SE¼NE¼, SE¼;
Sec. 9, NW¼NE¼, S½NE¼, NW¼, N½SW¼;
Sec. 10, lot 5;
Sec. 12, lots 11 through 19, inclusive, SW¼SW¼;
Sec. 13, lots 3 through 8, inclusive;
Sec. 17, N½NE¼, NE¼NW¼.
T. 2 N., R. 43 E.,
Sec. 17, NW¼SE¼;
Sec. 19, lot 2;
Sec. 31, S½SW¼, SW¼SE¼;
Sec. 32, S½SE¼;
Sec. 35, SE¼NW¼, NW¼SW¼, N½SE¼.

T. 3 N., R. 43 E.,
Sec. 6, lots 4, 5;
Sec. 18, lots 1, 2, 3, E½NW¼, SE¼SW¼;
Sec. 29, NW¼SW¼, SE¼SW¼;
Sec. 31, lot 9;
Sec. 33, S½SW¼.
T. 1 N., R. 44 E.,
Sec. 7, lot 5;
Sec. 17, W½SE¼NE¼SE¼SE¼, E½SW¼NE¼SE¼SE¼, S½NW¼SE¼SE¼, NE¼SW¼SE¼SE¼, E½NW¼SW¼SE¼SE¼, S½SW¼SE¼SE¼, W½SE¼SE¼SE¼, W½NW¼SW¼SE¼, S½NE¼SW¼SE¼, E½NW¼NE¼SW¼SE¼, NE¼NE¼SW¼SE¼;
Sec. 18, lot 10, E½SW¼SW¼;
Sec. 19, lot 5, SW¼NE¼, E½NW¼, E½NW¼NW¼, NE¼SE¼;
Sec. 20, lots 5 through 9, inclusive;
Sec. 21, NW¼SE¼;
Sec. 22, E½NW¼;
Sec. 27, lots 2, 3;
Sec. 28, lot 5, S½NW¼, NE¼SW¼, NW¼SE¼, SE¼SE¼;
Sec. 29, NE¼NE¼;
Sec. 34, lots 2, 3, 4, NE¼SE¼;
Sec. 35, W½SW¼.
T. 1 S., R. 44 E.,
Sec. 1, lots 1, 5.
T. 1 S., R. 45 E.,
Sec. 6, lat. 5.

and all the unsurveyed islands in the Snake River located within the following sections:

T. 3 N., R. 42 E.,
Secs. 10, 13, 15.
T. 1 N., R. 43 E.,
Secs. 2, 3, 4, 11, 12, and 13.
T. 3 N., R. 43 E.,
Secs. 18, 30, 31, and 32.
T. 1 N., R. 44 E.,
Secs. 7, 18, 19, 20, 21, 27, 28, 34, and 35.
T. 1 S., R. 44 E.,
Sec. 1.
T. 1 S., R. 45 E.,
Sec. 6.

The areas described contain approximately 4,416.19 surveyed acres and approximately 250 unsurveyed acres.

The total areas described aggregate approximately 5,111.93 surveyed acres and approximately 400 unsurveyed acres, all in Bonneville County.

ORVAL G. HADLEY,
Manager, Land Office.

[F.R. Doc. 70-2376; Filed, Feb. 26, 1970; 8:47 a.m.]

Fish and Wildlife Service

[Docket No. B-481]

EUGENE LESLIE BRACY

Notice of Loan Application

FEBRUARY 19, 1970.

Eugene Leslie Bracy, Box 171, Horse Point Road, Port Clyde, Maine 04855, has applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a new 30-foot length overall fiber glass vessel to engage in the fishery for lobsters.

Notice is hereby given pursuant to the provisions of Public Law 89-85 and Fisheries Loan Fund Procedures (50 CFR Part 250, as revised) that the above-entitled application is being considered by the Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, Bureau of Commercial Fisheries, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operations of the vessel will or will not cause such economic hardship or injury.

C. E. PETERSON,
Chief,
Division of Financial Assistance.

[F.R. Doc. 70-2379; Filed, Feb. 26, 1970; 8:47 a.m.]

[Docket No. S-497]

BERLE D. ROTHROCK

Notice of Loan Application

FEBRUARY 19, 1970.

Berle D. Rothrock, Route 2, Box 42, Milton-Freewater, Oreg. 97862, has applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a used 32-foot registered length wood vessel to engage in the fishery for salmon.

Notice is hereby given pursuant to the provisions of Public Law 89-85 and Fisheries Loan Fund Procedures (50 CFR Part 250, as revised) that the above-entitled application is being considered by the Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, Bureau of Commercial Fisheries, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operations of the vessel will or will not cause such economic hardship or injury.

C. E. PETERSON,
Chief,
Division of Financial Assistance.

[F.R. Doc. 70-2402; Filed, Feb. 26, 1970; 8:49 a.m.]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

PRICE SUPPORT PROGRAMS; 1964 AND SUBSEQUENT CROPS

Announcement of Interest Rate

This is a revision of the Announcement by Commodity Credit Corporation published in 29 F.R. 4109, as amended at 29 F.R. 11133, 30 F.R. 7198, 32 F.R. 17899, 33 F.R. 15487, and 34 F.R. 13485, of the rate of interest applicable to price support programs on 1964 and subsequent crops or production. The revised announcement, as applicable to 1970 and subsequent crops, changes the manner of computation of interest on nonrecourse loans and purchases, increases the rate of interest in cases of fraud and unlawful dispositions and eliminates the nonwork day grace period. The revised announcement reads:

1. Loans made or extended on barley, corn, dry edible beans, flaxseed, grain sorghums, honey, oats, farm-stored peanuts, rice, rye, soybeans, tung oil, and wheat, and Form A loans on cotton shall bear interest as follows:

a. For 1969 and prior crops, loans shall bear interest at the rate of 30 cents per $100 (fractions disregarded) for each calendar month or fraction thereof that the loan is outstanding, excluding the calendar month of repayment. When the last day of a calendar month falls on a nonwork day for the ASCS county office, repayment made on the first work day of the next succeeding calendar month shall be considered as repayment during the preceding calendar month for computation of interest, except on loans made or extended on or after July 1, 1969.

b. For 1970 and subsequent crops, loans shall bear interest at the rate of 30 cents for each unit of $100 and interest on each unit of $10 of any amount under $100 (rounded to the nearest $10 increment) at one-tenth of such rate for each calendar month or fraction thereof that the loan is outstanding, excluding the calendar month of repayment if the principal amount of the loan has been outstanding during all or any part of two or more calendar months.

2. Loans on all other commodities shall bear interest at the per annum rate of 3½ percent from the date of disbursement of the loan.

3. Notwithstanding the foregoing if there has been fraudulent representation in the loan documents, in obtaining the loan, or in connection with settlement or delivery under the loan, or there has been an unlawful disposition of any part of the commodity under loan, the loan indebtedness and related charges shall bear interest from the date of disbursement thereof as follows: (a) At the per annum rate of 6 percent with respect to 1969 and prior crops or production; and (b) at the per annum rate of 12 percent with respect to 1970 and subsequent crops or production: *Provided,* That, notwithstanding the provisions of the loan documents, if CCC determines that the unlawful disposition was an innocent, nonwillful conversion, the loan indebtedness and related charges shall bear interest at the regular price support rate specified in paragraphs 1 and 2, as applicable, of this announcement.

4. If there has been a fraudulent representation in connection with settlement or delivery under the purchase provisions of a price support program, or in connection with any documents thereunder, any amount paid by CCC on such purchase shall bear interest from the date of disbursement thereof as follows: (a) At the rate of 6 percent per annum

with respect to 1969 and prior crops or production; and (b) at the rate of 12 percent per annum with respect to 1970 and subsequent crops or production.

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

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

[F.R. Doc. 70-2386; Filed, Feb. 26, 1970; 8:48 a.m.]

DEPARTMENT OF COMMERCE

Business and Defense Services Administration

ALBERT EINSTEIN COLLEGE OF MEDICINE

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. 70-00084-33-46040. Applicant: Albert Einstein College of Medicine, 1300 Morris Park Avenue, Bronx, N.Y. 10461. Article: Electron microscope, Model Elmiskop 101. Manufacturer: Siemens AG, West Germany.

Intended use of article: The article will be used to investigate ultrastructural changes occurring within diseased nervous tissues and within cultures of mammalian nervous tissue. Essentially, the latter involves the exposure of healthy organized cultures to sera, cells, cell fractions, viruses and ferritin or isotope-labeled material from diseased tissue. The early changes occurring within the myelin sheath, the plasma membrane, ribosomes, microtubules, extracellular space and synaptic complexes will be observed. These changes will be compared with those known to occur in the central nervous system of man and animals in several neurological disorders.

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

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

Reasons: (1) The foreign article provides a resolving capability of 3.5 angstroms. (The lower the numerical rating in terms of angstrom units, the better the resolving capability.) The most closely comparable domestic instrument is the Model EMU-4B electron microscope which was formerly being manufactured by the Radio Corp. of America but which is currently being manufactured by the Forgflo Corp. The Model EMU-4B provided a resolving capability of 5 angstroms. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated January 8, 1970, that the additional resolving capability provided by the foreign article is pertinent to the purposes for which the article is intended to be used. (2) The foreign article permits continuous magnification from the lowest to the highest power, without the need to change pole pieces, whereas a change in pole pieces is required in the Model EMU-4B in order to obtain magnifications below 1,400X which provides high quality micrographs. HEW, in the memorandum cited above, advises that breaking the pole pieces subjects the specimen to contamination and possible damage.

For the foregoing reasons, we find that the Model EMU-4B is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article for the purposes for which such article is intended to be used, which is being manufactured in the United States.

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

[F.R. Doc. 70-2355; Filed, Feb. 26, 1970; 8:45 a.m.]

BATTELLE MEMORIAL INSTITUTE

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. 70-00060-65-14200. Applicant: Battelle Memorial Institute, 505 King Avenue, Columbus, Ohio 43201. Article: Quantimet TV Analyzing Computer, Type B. Manufacturer: Metals Research, Ltd., United Kingdom.

Intended use of article: The article will be used for scientific research purposes. The article is designed to provide quantitative data of the structural (or microstructural) parameters of materials and the physically and/or chemically distinct identities which might be contained within the structure of materials. Most of the programs are specifically concerned with obtaining fundamental relationships between various microstructural features of materials (mainly metals and ceramics) and their properties. Although this information can be obtained manually, the amount of time required to obtain a statistically significant sample is usually prohibitive.

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

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

Reasons: The applicant intends to acquire statistically significant data on parameters of distinct entities, particles sizes, particle size distributions, particle shapes, particle counts, mean free particle paths, grain size, and dislocation densities by quantitative measurement of the structures contained within various materials. The foreign article is capable of collecting large quantities of such data in a relatively short time by automatic, or semiautomatic means, either by direct analysis of the specimen under a microscope or by analysis of photomicrographs obtained from such specimens. These characteristics of the foreign article are pertinent to the purposes for which the foreign article is intended to be used. We are advised by the National Bureau of Standards (NBS) in a memorandum dated October 17, 1969 that it knows of no instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

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

[F.R. Doc. 70-2357; Filed, Feb. 26, 1970; 8:45 a.m.]

CHEYNEY STATE COLLEGE

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. 70-00250-98-26000. Applicant: Commonwealth of Pennsylvania, Cheyney State College, Cheyney, Pa. 19319. Article: Theory of electricity device, Model EG ZA/ZT Ba, Bb. Manufacturer: Dr. Clemenz, West Germany.

Intended use of article: The article will be used in classes of electricity for teaching the basic theory of electricity. This device teaches the student to construct electrical articles by actual practice.

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

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

Reasons: The foreign article provides a means of demonstrating electrical phenomena to students, through construction by the students of alternating and direct current generators, three-phase synchronous motors etc.

We are advised by the National Bureau of Standards (NBS) in its memorandum dated December 22, 1969, that it knows of no comparable apparatus being manufactured in the United States, which is capable of fulfilling the purposes for which the foreign article is intended to be used.

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

[F.R. Doc. 70-2351; Filed, Feb. 26, 1970; 8:45 a.m.]

HARBOR 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. 70-00075-33-46500. Applicant: Harbor General Hospital, 1000 West Carson Street, Torrance, Calif. 90509. Article: Ultramicrotome IKB 8800 Ultrotome III. Manufacturer: IKB Produkter AB, Sweden.

Intended use of article: The article will be used to produce ultrathin sections for electron microscopic examination. Liver, heart, and skeletal muscle will be examined, as well as pellets of centrifuged homogenates of subcellular fractions. These will be embedded in various resin mixtures to alter block hardness to match the hardness or toughness of the specimen. In studies of pellets, it is necessary to be able to cut samples in three directions. The reason is that the pellets of subcellular organelles are not homogeneous but are rather stratified because of the different densities of centrifugated homogenate organelles.

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

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

Reasons: The foreign article has a guaranteed minimum thickness capability of 50 angstroms. The most closely comparable domestic instrument available at the time the application was received was the Model MT-2 ultramicrotome that was being manufactured by Ivan Sorvall, Inc. (Sorvall). The Sorvall Model MT-2 had a guaranteed minimum thickness capability of 100 angstroms. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated January 8, 1970 that the applicant's research studies require uniform serial sections of less than 100 angstroms. Therefore, the lower minimum thickness capability of the foreign article is pertinent to the purposes for which the article is intended to be used.

For this reason, we find that the Sorvall Model MT-2 ultramicrotome is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instruments or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the application was received.

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

[F.R. Doc. 70-2366; Filed, Feb. 26, 1970; 8:46 a.m.]

JOHNS HOPKINS UNIVERSITY

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

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

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

Docket No. 70-00105-98-72000. Applicant: The Johns Hopkins University, 34th and Charles Streets, Baltimore, Md. 21218. Article: Rheogoniometer, Weissenberg Model D. Manufacturer: Sangamo Controls Ltd., United Kingdom.

Intended use of article: The article will be used to measure both normal stresses and the response of fluids to oscillations and also superposed oscillation on a steady shear. Both of these features are extremely important for experimentally confirming theoretical predictions and characterizing the viscometric properties of fluids. The applicants research activities are currently being directed toward a fundamental understanding of the mechanical properties of liquids.

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

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

Reasons: The foreign article has the capability of measuring normal force, as well as viscosity as a function of the rate of shear. This capability of the foreign article is pertinent to the purposes for which the article is intended to be used.

The Department of Commerce knows of no instrument being manufactured in the United States, which provides the capability of measuring both normal stress and viscosity as a function of the rate of shear.

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

[F.R. Doc. 70-2368; Filed, Feb. 26, 1970; 8:46 a.m.]

KENDALL SCHOOL FOR THE DEAF

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. 70-00071-33-01200. Applicant: Kendall School for the Deaf, Gallaudet College, Seventh Street and Florida Avenue NE., Washington, D.C. 20002. Article: Acoustic apparatus (visual intonation indicators). Manufacturer: Special Instrument AB, Sweden.

Intended use of article: The article will be used to stimulate and improve the quality and quantity of speech production in deaf school-age children.

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

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

Reasons: The foreign article is part of an integrated system ordered by the applicant which detects and visually displays the various patterns of vibration associated with speech production. These displays can give direct feedback of articulary movements which can be used to evaluate and improve the quality and quantity of speech in deaf children. The role of the foreign article in providing effective visual aid for speech analysis is pertinent to the applicant's continuing program of research in the development of methods for training the deaf. We are advised by the Department of Health, Education, and Welfare (HEW), in its memorandum dated December 22, 1969, that a complete system similar to that containing the foreign article is not available domestically. HEW further advises that domestically available components cannot be integrated into a system having comparable capabilities without an undue amount of effort and experimentation.

We therefore find that no instrument or apparatus of equivalent scientific value to the foreign article for such purposes as this article is intended to be used is being manufactured in the United States.

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

[F.R. Doc. 70-2359; Filed, Feb. 26, 1970; 8:45 a.m.]

KENDALL SCHOOL FOR THE DEAF

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. 70-070-33-01200. Applicant: Kendall School for the Deaf, Gallaudet College, Seventh Street and Florida Avenue NE., Washington, D.C. 20002. Article: Acoustic apparatus (visual spectrum indicator). Manufacturer: Special Instrument AB, Sweden.

Intended use of article: The article will be used to stimulate and improve the quality and quantity of speech production in deaf school-age children.

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

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

Reasons: The foreign article is part of an integrated system ordered by the applicant which detects and visually displays the various patterns of vibration associated with speech production. These displays can give direct feedback of articulary movements which can be used to evaluate and improve the quality and quantity of speech in deaf children. The role of the foreign article in providing effective visual aid for speech analysis is pertinent to the applicant's continuing program of research in the development of methods for training the deaf. We are advised by the Department of Health, Education, and Welfare (HEW), in its memorandum dated December 22, 1969, that a complete system similar to that containing the foreign article is not available domestically. HEW further advises that domestically available components cannot be integrated into a system having comparable capabilities without an undue amount of effort and experimentation.

We therefore find that no instrument or apparatus of equivalent scientific value to the foreign article for such purposes as this article is intended to be used is being manufactured in the United States.

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

[F.R. Doc. 70-2362; Filed, Feb. 26, 1970; 8:46 a.m.]

KENDALL SCHOOL FOR THE DEAF

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. 70-00072-33-01200. Applicant: Kendall School for the Deaf, Gallaudet College, Seventh Street and Florida Avenue NE., Washington, D.C. 20002. Article: Acoustic apparatus (S indicators). Manufacturer: Special Instrument AB, Sweden.

Intended use of article: The article will be used to stimulate and improve the quality and quantity of speech production in deaf school age children.

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

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

Reasons: The foreign article is part of an integrated system ordered by the applicant which detects and visually displays the various patterns of vibration associated with speech production. These displays can give direct feedback of articulary movements which can be used to evaluate and improve the quality and quantity of speech in deaf children. The role of the foreign article in providing effective visual aid for speech analysis is pertinent to the applicant's continuing program of research in the development of methods for training the deaf. We are advised by the Department of Health, Education, and Welfare (HEW), in its memorandum dated December 22, 1969, that a complete system similar to that containing the foreign article is not available domestically. HEW further advises that domestically available components cannot be integrated into a system having comparable capabilities without an undue amount of effort and experimentation.

We therefore find that no instrument or apparatus of equivalent scientific value to the foreign article for such purposes as this article is intended to be used is being manufactured in the United States.

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

[F.R. Doc. 70-2363; Filed, Feb. 26, 1970; 8:46 a.m.]

MASSACHUSETTS GENERAL HOSPITAL ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

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

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

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

Docket No. 70-00433-33-43780. Applicant: The Massachusetts General Hospital, Fruit Street, Boston, Mass. 02114. Article: Hip joint replacements, 16 each. Manufacturer: Protek Ltd., Switzerland.

Intended use of article: The articles will be used for a study and scientific assessment of hip reconstructions, using total hip replacement in contrast to previously existing modes of reconstructive hip surgery. Application received by Commissioner of Customs: January 23, 1970.

Docket No. 70-00462-01-77030. Applicant: Massachusetts Institute of Technology, 77 Massachusetts Avenue, Cambridge, Mass. 02130. Article: NMR spectrometer, Model HFX-10. Manufacturer: Bruker Scientific, Inc., West Germany.

Intended use of article: The article will be used for studies of the heteronuclear lock and heteronuclear double resonance with all frequencies locked together, for nuclear Overhauser studies in Fourier Transform 13C spectra and 2_H nuclei bonded to 13C; for kinetics of 19_F pseudorotation using dynamic polarization experiments; for 13C studies of organometallic compounds and for 2_H kinetic studies of D-labeled compounds. Application received Commissioner of Customs: February 5, 1970.

Docket No. 70-00467-33-46040. Applicant: University of Wisconsin, 750 University Avenue, Madison, Wis. 53706. Article: Electron microscope, Model EM6B. Manufacturer: Associated Electrical Industries, Ltd., United Kingdom.

Intended use of article: The article will be used for the study of membranes in relation to the overall morphology and anatomy of the insects studied. The projects concern the chemoreception and the membranes associated with this phenomena in insects; the changes in membranes as a result of chlorinated hydrocarbon treatment; and the proteins of viruses infecting insect symbionts. Application received by Commissioner of Customs: February 6, 1970.

Docket No. 70-00469-33-46040. Applicant: Memorial Hospital, 444 East 68th Street, New York, N.Y. 10021. Article: Electron microscope, Model Elmiskop 101. Manufacturer: Siemens AG, West Germany.

Intended use of article: The article will be used by the Pathology Department for research and teaching purposes. The principal use is for study of human tumors, both rare and common benign and malignant. Many of these tumors contain specific organelles and inclusions with a very fine and complicated substructure. Other studies concern human oncocytomas; extracellular substances produced by certain tumors; and a program for the study of macromolecules (DNA and proteins) extracted from various diseased tissues. Application received by Commissioner of Customs: January 16, 1970.

Docket No. 70-00470-80-84300. Applicant: State University of New York at Buffalo, Office of Facilities Planning, Equipment Division, 3258 Main Street, Buffalo, N.Y. 14214. Article: Subsonic turbulence suppression section and subsonic tunnel test section. Manufacturer: Experimental Engineering Equipment, Ltd., Canada.

Intended use of article: The article will be used for instruction in three Mechanical Engineering courses dealing with pressure, kinematic, and temperature measurements on heated cylinders and plates, wing sections and spinning bodies of revolution, as well as the study of the wake flows generated by these bodies. Wind tunnel similitude and model verification studies will also be conducted. Application received by Commissioner of Customs: February 9, 1970.

Docket No. 70-00472-33-46040. Applicant: University of Pennsylvania School of Medicine, 36th and Hamilton Walk, Philadelphia, Pa. 19104. Article: Electron microscope, Model EM 9S. Manufacturer: Carl Zeiss, West Germany.

Intended use of article: The article will be used for teaching and training residents and research fellows in the Department of Orthopaedic Surgery and in the Department of Pathology as well as for research on the fine structure of healing fractures and on the fine structure of the pineal gland. The fine structure of healing fractures in vivo and in vitro will be investigated. Application received by Commissioner of Customs: February 9, 1970.

Docket No. 70-00473-88-66800. Applicant: The Johns Hopkins University, Charles and 34th Streets, Baltimore, Md. 21218. Article: Measuring Projector, Model CRP MK.11. Manufacturer: Watson, Manasty & Co., United Kingdom.

Intended use of article: The article will be used for petrographic examination of large thin slices of rock, for textural relationship, and for identification of the minerals in the rock. "Large Finite Strain Analysis" and "Material Properties of Naturally Deformed Rocks" are two courses in which the article will be used. Application received by Commissioner of Customs: February 9, 1970.

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

[F.R. Doc. 70-2358; Filed, Feb. 26, 1970; 8:45 a.m.]

MASSACHUSETTS INSTITUTE OF TECHNOLOGY

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. 70-00059-33-46500. Applicant: Massachusetts Institute of Technology, 77 Massachusetts Avenue, Cambridge, Mass. 02139. Article: Ultramicrotome, Model LKB 8800A Ultrotome III. Manufacturer: LKB Produkter AB, Sweden.

Intended use of article: The article will be used to prepare ultrathin and thin sections for electron as well as light microscopic examination. The research is concerned with the action of psychotropic drugs and liver carcinogens on the fine structure of the rat liver cell. It is important in this regard to study the alterations in cellular organization and individual organelles after treatment with these compounds. In order to study the specific spatial alterations, it is mandatory that long series of equal thickness serial sections be obtained of the rat liver nucleolus after treatment with these carcinogens.

Comments: No comments received with respect to this application.

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

Reasons: The foreign article has a guaranteed minimum thickness capability of 50 angstroms. The most closely comparable domestic instrument being manufactured in the United States at the time the application was received was the Model MT-2 ultramicrotome that was being manufactured by Ivan Sorvall, Inc. (Sorvall). The Sorvall Model MT-2 had a guaranteed minimum thickness capability of 100 angstroms. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated December 18, 1969, that the applicant's research studies require uniform serial sections of less than 100 angstroms. The better minimum sectioning capability of the foreign article is, therefore, pertinent. For this reason, we find that the Sorvall Model MT-2 is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instruments or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the application was received.

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

[F.R. Doc. 70-2352; Filed, Feb. 26, 1970; 8:45 a.m.]

MASSACHUSETTS INSTITUTE OF TECHNOLOGY

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. 70-00222-00-66700. Applicant: Massachusetts Institute of Technology, 77 Massachusetts Avenue, Cambridge, Mass. 02139. Article: Prevost projector spare parts. Manufacturer: Prevost, Italy.

Intended use of article: The article will be used as spare parts to an existing prevost projector.

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

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

Reasons: The application relates to a set of spare parts for a prevost projector already in possession of the applicant.

The Department of Commerce knows of no similar parts being manufactured in the United States, which are interchangeable with, or are adaptable to the instrument in which the foreign articles are intended to be used.

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

[F.R. Doc. 70-2360; Filed, Feb. 26, 1970; 8:45 a.m.]

NORTHWESTERN 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. 70-00443-00-16030. Applicant: Northwestern University, Department of Biological Sciences, 303 Swift Hall, Evanston, Ill. 60201. Article: Snap Cap Scintillation Vials, with push-in snap cap, 17-mm. opening, of 5 cm. usable height, and with straight walls down to within 1 mm. of bottom. Intended use of article: The articles will be used for scintillation counting. Application received by Commissioner of Customs: January 28, 1970.

Docket No. 70-00444-00-86500. Applicant: New York Medical College, Fifth Avenue at 106th Street, New York, N.Y. 10029. Article: Twin filter unit for Model R. 17 Weissenberg rheogoniometer. Manufacturer: Sangamo Controls Ltd., United Kingdom. Intended use of article: The article is a part for a Weissenberg rheogoniometer used for biological research. Application received by Commissioner of Customs: January 28, 1970.

Docket No. 70-00445-01-77030. Applicant: Boyce Thompson Institute for Plant Research, 1086 North Broadway, Yonkers, N.Y. 10701. Article: NMR spectrometer, Model JNM-C-60-HL. Manufacturer: Japan Electron Optics Laboratory Co., Inc., Japan. Intended use of article: The article will be used for the following specific research:

(1) Routine monitoring of crude reaction mixtures by examining proton or other resonances several times per hour to follow the progress of experiments such as synthesis or transformations of fluorinatedaamino acid analogs, fluorinated heterocyclic compounds, etc.

(2) Precision nmr spectroscopy of selected organic or organometallic compounds, e.g. 8-quinolinols, their metal chelates, insect pheromones, and terpenes to determine chemical shifts and coupling constants with great accuracy and suitable for theoretical analysis of spectra.

(3) Correlations of chemical shifts and coupling constants with molecular structure in fluorinated amino acids and 8-quinolinols using fluorine-19 resonance.

Application received by Commissioner of Customs: January 29, 1970.

Docket No. 70-00446-33-46095. Applicant: Pasadena Foundation for Medical Research, 99 North El Molino Avenue, Pasadena, Calif. 91101. Article: Interference microscope with accessories. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article will be used for quantitative analysis and research on normal and diseased cells in tissue culture. For example, Hela cancer cells will be grown in culture on cover slips and chemically synchronized with respect to the cell cycle by means of the excess thymidine technique. At specific periods in the cell cycle, either in the living state or after chemical fixation, it is desired to measure either the thickness or refractive index of the nucleus, nucleolus and cytoplasm. These measurements made by determining phase differences allow the dry mass of the cellular component to be calculated at different stages in the cellular life cycle. Application received by Commissioner of Customs: January 29, 1970.

Docket No. 70-00448-33-46500. Applicant: Ohio State University Research Foundation, 1314 Kinnear Road, Columbus, Ohio 43212. Article: Ultramicrotome, Model LKB 4800A, and accessories. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used in an investigation to evaluate the enhancement effect of high amounts of Vitamin A on DMBA—carcinoma of the hamster cheek pouch epithelium. This will involve histochemistry and electron microscopy. Soft tissue specimens will be used and section thickness between 50 angstroms and 2 microns will be needed. Application received by Commissioner of Customs: January 30, 1970.

Docket No. 70-00450-00-11000. Applicant: Rockland State Hospital, Research Center, Orangeburg, N.Y. 10962. Article: Mass marker, Model LKB 9010. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is an accessory for an existing instrument. Application received by Commissioner of Customs: January 30, 1970.

Docket No. 70-00451-33-46500. Applicant: Downstate Medical Center, State University of New York, 450 Clarkson Avenue, Brooklyn, N.Y. 11203. Article: Ultramicrotome, Model LKB Ultrotome III. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used in a project studying the differentiation of embryonic pancreas in-utero and in organ culture and would include light and electron microscopy of development, morphogenesis and differentiation of pancreas and electron microscope autoradiography to demonstrate differentiating processes such as variation of DNA, RNA, and protein synthesis. Ultrathin sectioning is required for ultrastructural studies. Educational uses include pathology courses for graduate and medical students. Application received by Commissioner of Customs: January 30, 1970.

Docket No. 70-00453-00-46040. Applicant: Battelle-Northwest, Post Office Box 999, Richland, Wash. 99352. Article: Dark field accessory for JEM-7 electron microscope, Model ABD-2. Manufacturer: Japan Electron Optics Laboratory Co., Japan. Intended use of article: The article is an accessory to an existing electron microscope used for research. Application received by Commissioner of Customs: January 30, 1970.

Docket No. 70-00454-65-46070. Applicant: Columbia University, Lamont-Doherty Geological Observatory, Palisades, N.Y. 10964. 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 projects concerning:

(A) Marine Sedimentology—
(1) Nepheloid layer studies;
(2) Sand grain surface textures; and
(3) Lithification and early diagenesis in carbonate sediments.
(B) Paleontology—
(1) Molluscan shell microstructure-recent and fossil;
(2) Planktonic foraminifera; and
(3) Studies of radiolaria.
(C) Biology—
(1) Studies on Erythrocyte structure;
(2) Mechanisms of attachment of bacteria to marine surfaces; and
(3) Morphological study of Antarctic marine diatoms.

Application received by Commissioner of Customs: February 4, 1970.

Docket No. 70-00457-00-84500. Applicant: Michigan State University, AEC Plant Research Laboratory, Wilson Road, East Lansing, Mich. 48823. Article: Electron beam gun and apparatus. Manufacturer: Balzers High Vacuum Corp., Liechtenstein. Intended use of article: The article will be used with a high vacuum freeze etch system for research concerning basic properties such as organization of macromolecules, and shadowcasting of macromolecules and membranes by tantaliridium. Application received by Commissioner of Customs: February 4, 1970.

Docket No. 70-00449-33-11000. Applicant: Federal Aviation Administration, Civil Aeromedical Institute, 6500 South MacArthur Boulevard, Oklahoma City, Okla. 73125. Article: Gas chromatograph-mass spectrometer, Model LKB 9000. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used for the analysis of samples of tissues obtained from the remains of aircraft accident victims, which are normally obtainable in small quantities, to identify any discernable toxic agents or drugs and to investigate the causal relationship between the presence of such agents and drugs and the victim's death. Application received by Commissioner of Customs: January 30, 1970.

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

[F.R. Doc. 70-2353; Filed, Feb. 26, 1970; 8:45 a.m.]

PENNSYLVANIA STATE UNIVERSITY

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

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

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

Docket No. 70-00237-00-46070. Applicant: Pennsylvania State University, University Park, Pa. 16802. Article: 1 JSM-TS tensile stage, 1 JSM-SHS hot stage for a scanning electron microscope. Manufacturer: Japan Electron Optics Laboratory Co., Japan.

Intended use of article: The article will be used in conjunction with an existing scanning electron microscope to study the mechanisms of rock deformation and failure under pressure.

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 the purposes for which this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article consists of accessories to a priorly imported scanning electron microscope manufactured by the same source that supplies the article.

The Department of Commerce knows of no similar accessories which are interchangeable with the foreign article, or can readily be adapted to the scanning electron microscope with which the article is intended to be used.

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

[F.R. Doc. 70-2369; Filed, Feb. 26, 1970; 8:46 a.m.]

PORTLAND STATE UNIVERSITY

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

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

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

Docket No. 70-00063-01-46040. Applicant: Portland State University, Post Office Box 751, Portland, Oreg. 97207. Article: Electron microscope, Model HU-125 C (used). Manufacturer: Hitachi, Ltd., Japan.

Intended use of article: The article will be used for both education and research. Education will include both instruction on the use of the electron-microscope and instruction in light and electron microscopy of metals. Current research for which the article will be used is concerned with the microstructure of the permanent magnet alloys, Alnico 5 and Alnico 6. Information about the morphology and crystallography of solid state phase changes in these materials is desired. Electron transmission microscopy, both dark and bright field, and selected area electron diffraction techniques will be used to obtain this information.

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

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

Reasons: The foreign article provides a maximum accelerating voltage of 125 kilovolts (kv). The most closely comparable domestic instrument available at the time the foreign article was ordered was the EMU-4B electron microscope which was then manufactured by the Radio Corporation of America (RCA) and which is currently being produced by Forgflo Corporation (Forgflo). The EMU-4B provides a maximum accelerating voltage of 100 kv. The higher the accelerating voltage, the greater is the penetration of the specimen by the electron beam. As the thickness of the specimen increases, greater penetration is needed to insure adequate resolution. We find that the greater maximum acceleration of the foreign article is pertinent because the applicant requires the greater penetration provided to study relatively thick samples of bulk materials, metals and inorganic crystalline materials and also because the higher voltage causes reduced electron radiation damage which might significantly alter such specimens.

For this reason, we find that the RCA Model EMU-4B electron microscope is not of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article for the purposes for which such article is intended to be used, which is being manufactured in the United States.

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

[F.R. Doc. 70-2364; Filed, Feb. 26, 1970; 8:46 a.m.]

THOMAS S. CLARKSON MEMORIAL COLLEGE OF TECHNOLOGY

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 aparatus 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 Divison, 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 Divison, Department of Commerce, Washington, D.C.

Docket No. 70-00456-80-41750. Applicant: Thomas S. Clarkson Memorial College of Technology, Potsdam, N.Y. 13676. Article: Glass lathe, Model EXE. Manufacturer: Exeter Engineering Co., United Kingdom.

Intended use of article: The lathe is employed to fabricate specialty glass apparatus in support of research leading to the M.S. and Ph. D. degrees at Clarkson College of Technology in the areas of engineering and physical sciences. Such research is required for the degree thesis. Application received by Commissioner of Customs: February 4, 1970.

Docket No. 70-00458-33-11700. Applicant: Battelle-Northwest, Battelle Memorial Institute, Pacific Northwest Laboratory, Post Office Box 999, Richland, Wash. 99352. Article: Ten each modified type Hamburg 2 smoking machines, each machine containing one each vacuum pump. Manufacturer: Heinrich Borgwaldt, West Germany.

Intended use of article: The smoking machines will be used to simulate the conditions under which smoke is inhaled by human cigarette smokers. Application received by Commissioner of Customs: February 5, 1970.

Docket No. 70-00459-33-43780. Applicant: The Massachusetts General Hospital, Fruit Street, Boston, Mass. 02114. Article: Total hip joint replacements, 4 each. Manufacturer: Protek Ltd., Switzerland.

Intended use of article: The purposes for which the articles are intended to be used are for a study and scientific assessment of hip reconstructions, using total hip replacement in contrast to previously existing modes of reconstructive hip surgery. Application received by Commissioner of Customs: February 5, 1970.

Docket No. 70-00463-99-46040. Applicant: University of Southern California, University Park, Los Angeles, Calif. 90007. Article: Electron microscope, Model EM 9A. Manufacturer: Carl Zeiss, West Germany.

Intended use of article: The main use of the article is for educational purposes to teach and train dental students, graduate dentists in residency programs (pedodontics, oral pathology, periodontics, etc.), Ph. D. candidates, post-doctoral fellows, and visiting fellows electron microscopy. The purpose of the trainee program in the Biology of Connective Tissue is to train future dental research people. The article will also be used for research purposes. The primary objective of the research program is to investigate the structure, synthesis and inter-relationships of the various cellular and extracellular components of connective tissue. Application received by Commissioner of Customs: February 6, 1970.

Docket No. 70-00465-56-46040. Applicant: University of Rhode Island, Graduate School of Oceanography, Kingston, R.I. 02881. Article: Electron microscope, Model EM 9S. Manufacturer: Carl Zeiss, West Germany.

Intended use of article: The article will be used for teaching and research purposes in the fields of phytoplankton systematics, morphology, biogeography, and life history. Accurate identification of phytoplankton organisms from different areas of the world will be the main research purpose. The electron microscope will be used as a teaching and demonstration instrument for technicians and graduate students who are involved with phytoplankton biology. Application received by Commissioner of Customs: February 6, 1970.

Docket No. 70-00466-65-46040. Applicant: U.S. Department of the Interior, Geological Survey, Room G318, General Services Building, 18th and F Streets NW., Washington, D.C. 20242. Article: Electron microscope, Model JEM 300, and Giometer Stage. Manufacturer: Japan Electron Optics Lab. Co., Japan.

Intended use of article: The article will be used in research aimed at detecting and characterizing particulate inorganic material in size ranges smaller than 1 micrometer in diameter. The materials under investigation are varied, including soils, atmospheric dust, suspended materials in water, and soil returned from the moon. The morphology of particles and their crystal structure (by electron diffraction) will be studied. Application received by Commissioner of Customs: February 6, 1970.

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

[F.R. Doc. 70-2361; Filed, Feb. 26, 1970; 8:46 a.m.]

UNIVERSITY OF CALIFORNIA

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. 70-00073-88-46040. Applicant: University of California at Santa Barbara, Santa Barbara, Calif. 93106. Article: Electron microscope, Model JEM-100U. Manufacturer: Japan Electron Optics Lab. Co., Ltd., Japan.

Intended use of article: The article will be used for the instruction and thesis research of graduate and qualified undergraduate geology majors, and for postdoctoral fellows. Geology faculty research projects include:

1. Studies of the ultrastructure of the microbiotas of the primitive earth.
2. Study the morphological relationship of these fossil organisms with the present living genera and families at the molecular level.
3. Search for still smaller fossil remains than have yet been found in the sediments of the sediments of the primitive earth and for connections between them, the viruses, and possible prebiotic structures.

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

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

Reasons: The foreign article has a guaranteed resolving power of 4 angstroms. The most closely comparable domestic instrument available at the time the application was submitted was the EMU-4B electron microscope which was formerly manufactured by the Radio Corp. of America (RCA) and which is currently being produced by Forgflo Corp. (Forgflo). The EMU-4B has a guaranteed resolving power of 5 angstroms. (The lower the numerical rating in terms of angstroms, the better the resolving power.)

We are advised by the Department of Health, Education and Welfare (HEW) in its memorandum dated December 16, 1969, that the additional resolving capability of the foreign article is pertinent to the purposes for which the article is intended to be used. We, therefore, find that the Model EMU-4B electron microscope is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article for the purposes for which such article is intended to be used, which is being manufactured in the United States.

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

[F.R. Doc. 70-2350; Filed, Feb. 26, 1970; 8:45 a.m.]

UNIVERSITY OF CHICAGO

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.: 70-00087-33-46040. Applicant: University of Chicago, Department of Pathology, 950 East 59th Street, Chicago, Ill. 60637. Article: Electron microscope, Model Elmiskop 51. Manufacturer: Siemens AG, West Germany.

Intended use of article: The article will be used for the following studies:

(a) Aid in fast diagnosis of surgically removed, light microscopically "undifferentiated" tumors of human patients, and in differential diagnosis of human lymphomas and leukemias.

(b) Rapid screening of muscle biopsies of patients with various myopathies.

(c) Rapid screening of testis biopsies of patients with infertility.

(d) Checking of preparation procedures.

(e) Training of residents of Surgical Pathology and Surgery, and trainees in hemotopathology ultrastructure.

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

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

Reasons: The foreign article is a portable, relatively simple electron microscope which overlaps between the high end of the resolution and magnification ranges of light microscopes, and the lower resolution and magnification ends of electron microscopes. The most closely comparable domestic instrument is the Model EMU-4B electron microscope that was formerly manufactured by the Radio Corp. of America (RCA) and which is currently being produced by Forgflo Corp. (Forgflo). The Model EMU-4B is a highly sophisticated instrument designed for research, which requires a fixed installation and trained technicians for its operation. We are advised by the Department of Health, Education, and Welfare (HEW), in its memorandum of January 8, 1970, that the characteristics of mobility, simplicity of operation and ease of transition from light to electron microscopy are pertinent to the educational purposes for which the foreign article is intended to be used. For these reasons, we find that the Model EMU-4B is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article for the purposes for which such article is intended to be used, which is being manufactured in the United States.

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

[F.R. Doc. 70-2354; Filed, Feb. 26, 1970; 8:45 a.m.]

UNIVERSITY OF FLORIDA

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. 70-00031-67-54600. Applicant: University of Florida, Department of Metallurgical and Materials Engineering, Gainesville, Fla. 32601. Article: Optical diffractometer. Manufacturer: The Rank Organization—Rank Pullin Controls, United Kingdom.

Intended use of article: The article will be used primarily for teaching diffraction theory to graduate and undergraduate students of metallurgical and materials engineering. It will also be utilized by graduate students in some areas of research.

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

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the foreign article was ordered, January 26, 1967.

Reasons: The foreign article can be used to significantly facilitate the solution of X-ray diffraction problems. This capability is pertinent to the purposes for which the article is intended to be used. We are advised by the National Bureau of Standards (NBS) in a memorandum dated October 7, 1969, that there was no comparable domestic instrument available at the time the foreign article was ordered and it knows of no other domestic instrument or apparatus which is capable of fulfilling the purposes for which the foreign article is intended to be used.

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

[F.R. Doc. 70-2365; Filed, Feb. 26, 1970; 8:46 a.m.]

UNIVERSITY OF HOUSTON

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. 70-00202-00-72000. Applicant: University of Houston, 3800 Cullen Boulevard, Houston, Tex. 77004. Article: Low temperature insulated chamber for a Weissenberg rheogoniometer. Manufacturer: Sangamo Controls Ltd., United Kingdom.

Intended use of article: The article will be used as a constant temperature jacket around the measuring elements of an existing Weissenberg rheogoniometer in connection with undergraduate and graduate laboratory work with Non-Newtonian Fluids.

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

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

Reasons: The foreign article is an accessory for a Weissenberg Rheogoniometer that is in the possession of the applicant. The accessory is being furnished by the manufacturer of the instrument with which the accessory will be used.

The Department of Commerce knows of no similar accessory being manufactured in the United States which is interchangeable with the foreign article or can be adapted to the instrument with which the article is intended to be used.

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

[F.R. Doc. 70-2367; Filed, Feb. 26, 1970; 8:46 a.m.]

UNIVERSITY OF VERMONT

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. 70-00095-33-46040. Applicant: The University of Vermont College of Medicine, Department of Anatomy, C425 Given Building, Burlington, Vt. 05401. Article: Electron microscope, Model EM 300. Manufacturer: Philips Electronics, N.V.D., The Netherlands.

Intended use of article: The article will be used to investigate parainfluenza virus infection of the trachea in organ culture that leads to the formation of multinucleated giant cells which migrate to tracheal cartilage and are involved with degenerative changes of the cartilage. Another study concerns the development of diabetes mellitus in mice and nonhuman primates following infection with encephalomyocarditis virus. A continuing investigation of the pathogenesis of cytomegalovirus infection requires ultrastructural studies.

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

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

Reasons: (1) The foreign article provides a resolving capability of 3.5 angstroms. (The lower the numerical rating in terms of angstrom units, the better the resolving capability.) The most closely comparable domestic instrument is the Model EMU-4B electron microscope which was formerly being manufactured by the Radio Corp. of America but which is currently being manufactured by the Forgflo Corp. The Model EMU-4B provided a resolving capability of 5 angstroms. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated January 8, 1970, that the additional resolving capability provided by the foreign article is pertinent to the purposes for which the article is intended to be used. (2) The foreign article permits continuous magnification from the lowest to the highest power, without the need to change pole pieces, whereas a change in pole pieces is required in the Model EMU-4B in order to obtain magnifications below 1,400X which provides high quality micrographs. HEW, in the memorandum cited above, advises that breaking the pole pieces subjects the specimen to contamination and possible damage.

For the foregoing reasons, we find that the Model EMU-4B is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article for the purposes for which such article is intended to be used, which is being manufactured in the United States.

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

[F.R. Doc. 70-2349; Filed, Feb. 26, 1970; 8:45 a.m.]

UNIVERSITY OF VIRGINIA

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. 70-00083-01-77030. Applicant: University of Virginia, Charlottesville, Va. 22901. Article: NMR Spectrometer, Model R-20. Manufacturer: Hitachi-Perkin-Elmer, Japan.

Intended use of article: The article will be used for research and teaching. Teaching purposes include the following courses: Chem 14a Organic Laboratory, Chem 101a Advanced Organic Laboratory, Chem 104 Modern Organic Techniques, and Chem 207 Instrumental Theory and Techniques in Organic Chemistry. Research will include structure determination of natural products, proof of structure of new compounds, conformational analysis, determination of equilibrium constants of charge transfer complexes, interaction of proteins with small molecules, kinetics of reactions in fused salts, studies in silicon, phosphorus, boron and fluorine chemistry.

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

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the applicant placed the order for the foreign article. (Prior to July 31, 1969.)

Reasons: The foreign article has both an internal and external lock. The most closely comparable domestic nuclear magnetic resonance (nmr) spectrometer available at the time the foreign article was ordered was the Model HA 60-IL manufactured by Varian Associates (Varian). The Model HA 60-IL spectrometer provides either an external or internal lock but not both in the same instrument. We are advised by the National Bureau of Standards (NBS) in a memorandum dated October 14, 1969, that for the educational purposes for which the foreign article is intended to be used, both internal and external lock are necessary.

For this reason, we find that the Varian Model HA 60-IL NMR spectrometer was not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article for the purposes for which such article is intended to be used, which was being manufactured in the United States at the time the applicant placed the order for the foreign article.

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

[F.R. Doc. 70-2356; Filed, Feb. 26, 1970; 8:45 a.m.]

Office of the Secretary

[Dept. Organization Order 40-1B, Amdt. 1]

BUSINESS AND DEFENSE SERVICES ADMINISTRATION

Organization

This material amends the material appearing at 33 F.R. 10158 of July 16, 1968.

Department Organization Order 40-1B (formerly Department Order 152-B) of July 1, 1968, is hereby amended as follows:

1. In section 4. *Assistant Administrator for Industrial Analysis and Business Programs,* paragraph .02 is amended to read:

.02 The Office of Business Programs shall develop and conduct or coordinate broad functional programs designed to assist business community growth such as those concerned with conservation and utilization of industrial and natural resources; e.g., Pollution Abatement and Conservation of Economic Resources (PACER) program, oceanographic problems and programs concerning sea-bed resources, agribusiness (promoting U.S. industry participation in export sales of farm machinery, food processing and canning equipment, and fertilizer, pesticides, and insecticides), licensing the importation of foreign excess property, and related business assistance and development projects, including trade adjustment assistance, and the coordination of Federal Procurement Conferences. The Office shall also serve as the focal point within the Administration for the DIB Comprehensive Economic Reporting Program which collects and classifies information on business and industrial sector developments abroad; operate the program of furnishing information on foreign trade opportunities to U.S. businessmen; and provide technical advice and assistance to public and private organizations, and cooperate with them on programs to promote industrial stability and growth.

2. In section 6. *Assistant Administrator for Industry Operations,* the lead paragraph is amended and a new paragraph .06 is added to read:

The Assistant Administrator for Industry Operations shall be the principal assistant and adviser to the Administrator on commodity/industry activities essential to American industrial sector growth and stability, and on matters pertaining to international primary commodity resources problems. He shall direct and coordinate programs; direct commodity/industry activities; control the design and release of commercial/technical information of U.S. industries and commodities; supervise external relations with trade associations, industrial corporations, and other industrial groups;

provide for advice and assistance to industry and Government on problems of common concern; and arrange for appropriate commodity/industry expertise input to support efforts of the Assistant Administrators for Industrial Analysis and Business Programs and Industrial Mobilization. The Assistant Administrator shall direct the International Commodities Staff and the following offices: Office of Consumer Goods, Office of Producer Goods, Office of Basic Materials, and Office of Textiles.

.06 The International Commodities Staff shall make analyses and formulate policy recommendations pertaining to international primary commodity resources problems and programs, including international commodity arrangements and agreements, and shall provide representation for the Department on governmental and international committees and study groups concerning such problems. Activities described in paragraph .01 above are not applicable to the International Commodities Staff.

3. The organization chart, attached to DOO 40-1B, is amended by adding the International Commodities Staff under the Assistant Administrator for Industry Operations.

Effective date: February 22, 1970.

Dated: February 20, 1970.

LARRY A. JOBE,
Assistant Secretary for Administration.

[F.R. Doc. 70-2430; Filed, Feb. 26, 1970; 8:51 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-333]

POWER AUTHORITY OF THE STATE OF NEW YORK AND NIAGARA MOHAWK POWER CORP.

Notice of Hearing on Application for Provisional Construction Permit

In the matter of Power Authority of the State of New York and Niagara Mohawk Power Corporation (James A. FitzPatrick Nuclear Power Plant); Docket No. 50-333.

Pursuant to the Atomic Energy Act of 1954, as amended (the Act), and the regulations in Title 10, Code of Federal Regulations, Part 50, "Licensing of Production and Utilization Facilities," and Part 2, "Rules of Practice," notice is hereby given that a hearing will be held at 10 a.m. local time, on March 31, 1970, in the Oswego County Courthouse, South Jefferson Street, Pulaski, N.Y., to consider the application filed under section 104b of the Act by Power Authority of the State of New York and Niagara Mohawk Power Corp. (the applicants), for a provisional construction permit for a boiling water nuclear reactor designed to operate initially at 2436 megawatts (thermal) located on the Power Authority of the State of New York's site on the shore of Lake Ontario in Oswego County, approximately 7 miles northeast of Oswego, N.Y.

The hearing will be conducted by the Atomic Safety and Licensing Board designated by the Atomic Energy Commission, consisting of Dr. Rolf Eliassen, Stanford, Calif.; Dr. David B. Hall, Los Alamos, N. Mex.; and James P. Gleason, Esq., Washington, D.C., chairman. Dr. Clark Williams, Upton, Long Island, N.Y., has been designated as a technically qualified alternate, and J. D. Bond, Esq., Washington, D.C., has been designated as an alternate qualified in the conduct of administrative proceedings.

A prehearing conference will be held by the Board in Room 117, Lafayette Building, 811 Vermont Avenue NW., Washington, D.C., on March 18, 1970, at 2 p.m. local time, to consider the matters provided for consideration by 10 CFR 2.752 and section II of Appendix A to 10 CFR Part 2.

The Director of Regulation proposes to make affirmative findings on Item Nos. 1-3 and a negative finding on Item 4 specified below as the basis for the issuance of a provisional construction permit to the applicants.

1. Whether in accordance with the provisions of 10 CFR 50.35(a) of the Commission's rules of practice;

(a) The applicants have described the proposed design of the facility including, but not limited to, the principal architectural and engineering criteria for the design, and have identified the major features or components incorporated therein for the protection of the health and safety of the public;

(b) Such further technical or design information as may be required to complete the safety analysis and which can reasonably be left for later consideration, will be supplied in the final safety analysis report;

(c) Safety features or components, if any, which require research and development have been described by the applicants and the applicants have identified, and there will be conducted, a research and development program reasonably designed to resolve any safety questions associated with such features or components; and

(d) On the basis of the foregoing, there is reasonable assurance that (i) such safety questions will be satisfactorily resolved at or before the latest dates stated in the application for completion of construction of the proposed facility, and (ii) taking into consideration the site criteria contained in 10 CFR Part 100, the proposed facility can be constructed and operated at the proposed location without undue risk to the health and safety of the public;

2. Whether the applicants are technically qualified to design and construct the proposed facility;

3. Whether the applicants are financially qualified to design and construct the proposed facility; and

4. Whether the issuance of a permit for the construction of the facility will be inimical to the common defense and security or to the health and safety of the public.

In the event that this proceeding is not a contested proceeding, as defined by 10 CFR 2.4 of the Commission's rules of practice, the Board will, without conducting a de novo evaluation of the application, consider the issues of whether the application and the record of the proceeding contain sufficient information, and the review by the Commission's regulatory staff has been adequate, to support the findings proposed to be made and the provisional construction permit proposed to be issued by the Director of Regulation.

In the event that this proceeding becomes a contested proceeding, the Board will consider and initially decide, as the issues in this proceeding, Item Nos. 1 through 4 above as the basis for determining whether a provisional construction permit should be issued to the applicants.

As they become available, the application, the proposed provisional construction permit, the applicants' summary of the application, the report of the Commission's Advisory Committee on Reactor Safeguards (ACRS) and the Safety Evaluation by the Commission's regulatory staff will be placed in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., where they will be available for inspection by members of the public. Copies of this notice of hearing, the proposed provisional construction permit, the ACRS report, the applicants' summary of the application and the regulatory staff's Safety Evaluation will also be available at the Oswego County Courthouse, South Jefferson Street, Pulaski, N.Y., for inspection by members of the public each weekday between the hours of 10 a.m. to 4 p.m. Copies of the proposed provisional construction permit, the ACRS report and the regulatory staff's Safety Evaluation may be obtained by request to the Director of the Division of Reactor Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545.

Any person who wishes to make an oral or written statement in this proceeding setting forth his position on the issues specified, but who does not wish to file a petition for leave to intervene, may request permission to make a limited appearance pursuant to the provisions of 10 CFR 2.715 of the Commission's rules of practice. Limited appearances will be permitted at the time of the hearing in the discretion of the Board, within such limits and on such conditions as may be fixed by the Board. Persons desiring to make a limited appearance are requested to inform the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545, by March 13, 1970.

Any person whose interest may be affected by the proceeding who does not wish to make a limited appearance and who wishes to participate as a party in the proceeding must file a petition for leave to intervene.

Petitions for leave to intervene, pursuant to the provisions of 10 CFR 2.714 of the Commission's rules of practice, must be received in the Office of the

Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Branch, or the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., not later than March 13, 1970, or in the event of a postponement of the prehearing conference, at such time as the Board may specify. The petition shall set forth the interest of the petitioner in the proceeding, how that interest may be affected by Commission action, and the contentions of the petitioner in reasonably specific detail. A petition which sets forth contentions relating only to matters outside the Commission's jurisdiction will be denied. A petition for leave to intervene which is not timely filed will be denied unless the petitioner shows good cause for failure to file it on time.

A person permitted to intervene becomes a party to the proceeding, and has all the rights of the applicants and the regulatory staff to participate fully in the conduct of the hearing. For example, he may examine and cross-examine witnesses. A person permitted to make a limited appearance does not become a party, but may state his position and raise questions which he would like to have answered to the extent that the questions are within the scope of the hearing as specified in the issues set out above. A member of the public does not have the right to participate unless he has been granted the right to intervene as a party or the right of limited appearance.

An answer to this notice, pursuant to the provisions of 10 CFR 2.705 of the Commission's rules of practice, must be filed by the applicants on or before March 13, 1970.

Papers required to be filed in this proceeding may be filed by mail or telegram addressed to the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Branch, or may be filed by delivery to the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Pending further order of the Board, parties are required to file, pursuant to the provisions of 10 CFR 2.708 of the Commission's rules of practice, an original and 20 conformed copies of each such paper with the Commission.

With respect to this proceeding, the Commission has delegated to the Atomic Safety and Licensing Appeal Board the authority and the review function which would otherwise be exercised and performed by the Commission. The Commission has established the Appeal Board pursuant to 10 CFR 2.785 of the Commission's rules of practice, and has made the delegation pursuant to paragraph (a)(1) of this section. The Appeal Board is composed of the Chairman and Vice-Chairman of the Atomic Safety and Licensing Board Panel and a third member who is technically qualified and designated by the Commission. The Commission has designated Dr. Lawrence Quarles, Dean of the School of Engineering and Applied Science, The University of Virginia, as this third member.

Dated at Washington, D.C., this 25th day of February 1970.

UNITED STATES ATOMIC ENERGY COMMISSION,
F. T. HOBBS,
Assistant Secretary.

[F.R. Doc. 70-2466; Filed, Feb. 26, 1970; 8:52 a.m.]

[Docket No. 50-206]

SOUTHERN CALIFORNIA EDISON CO. AND SAN DIEGO GAS AND ELECTRIC CO.

Order Extending Provisional Operating License Expiration Date

Southern California Edison Co. and San Diego Gas and Electric Co. having filed Application Amendment No. 17 dated January 29, 1970, for an extension of the expiration date of Provisional Operating License No. DPR-13 which authorizes the possession and operation of the San Onofre Nuclear Generating Station Unit No. 1, a pressurized light water reactor, at thermal power levels not to exceed 1347 megawatts located in San Diego County, Calif., and good cause having been shown in the application for this extension pursuant to 10 CFR 50.57(d) of the Commission's regulations: *It is hereby ordered,* That the expiration date of Provisional Operating License No. DPR-13 is extended from March 27, 1970, to March 27, 1971.

Dated at Bethesda, Md., this 18th day of February 1970.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[F.R. Doc. 70-2394; Filed, Feb. 26, 1970; 8:48 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 20291; Order 70-2-91]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Delayed Inaugural Flights

Issued under delegated authority February 20, 1970.

An agreement has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's economic regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Joint Conference 3-1 of the International Air Transport Association (IATA), and adopted by mail vote. The agreement has been assigned the above-designated CAB agreement number.

The agreement permits China Airlines to postpone to a date not later than December 31, 1970, (1) the performance of its second inaugural flights on its Taipei-San Francisco and San Francisco-Taipei routes; and (2) the performance of its inaugural flights in connection with the introduction of its new Boeing 707 equipment between Taipei and Hong Kong.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14:

1. It is not found, on a tentative basis, that the portion of the above-designated agreement relating to transportation between Taipei and San Francisco [JT31 (Mail 175) 200h] is adverse to the public interest or in violation of the Act, and

2. It is not found that the portion of the above-designated agreement relating to transportation between Taipei and Hong Kong [JT31(Mail 175)200h] affects air transportation within the meaning of the Act.

Accordingly, it is ordered, That:

1. Action on that portion of Agreement CAB 21602 as set forth in finding paragraph 1 is deferred with a view toward eventual approval, and

2. Jurisdiction is disclaimed with respect to that portion of Agreement CAB 21602 as set forth in finding paragraph 2.

Persons entitled to petition the Board for review of this order, pursuant to the Board's regulations, 14 CFR 385.50, may, within 10 days after the date of service of this order, file such petitions in support of or in opposition to our proposed action herein.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[F.R. Doc. 70-2415; Filed, Feb. 26, 1970; 8:50 a.m.]

[Dockets Nos. 21127, 21128; Order 70-2-96]

OZARK AIR LINES, INC.

Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 24th day of February 1970.

On June 26, 1969, Ozark Air Lines, Inc. (Ozark), filed an application requesting the Board to issue an order to show cause why its petition in Docket 21127 should not be granted. That petition asked that the certificate of public convenience and necessity for route 107 be amended to consolidate service at Cedar Rapids and Iowa City by designating Cedar Rapids and Iowa City as a hyphenated point, to be served through the Cedar Rapids airport. On December 23, 1969, Ozark amended its application to provide the most recent traffic data and to show a greater increase in subsidy need reduction than indicated in the initial application.

The city of Cedar Rapids and the Cedar Rapids Airport Commission have filed answers in support of Ozark's application. No answers in opposition to the application have been filed.

Upon consideration of the pleadings and all the relevant facts, we have decided to issue an order to show cause proposing to amend Ozark's certificate as requested. We tentatively find and conclude that the public convenience and

necessity require amendment of Ozark's certificate for route 107 so as to redesignate Cedar Rapids and Iowa City as Cedar Rapids-Iowa City.

In support of our ultimate finding, we tentatively find and conclude as follows: That the cities of Cedar Rapids and Iowa City are today served by the Cedar Rapids and Iowa City airports, respectively; that the two cities are approximately 25 miles apart; that an interstate highway from Iowa City to within 1½ miles of the Cedar Rapids airport has been approved by the Bureau of Public Roads; that the payload restrictions at the Iowa City airport make Ozark's use of FH-227B aircraft uneconomic; that there are no plans to make the improvements required for unrestricted operation of FH-227B aircraft at Iowa City airport; that the grant of Ozark's application will result in a substantial subsidy need reduction; that hyphenation of Cedar Rapids and Iowa City ultimately will result in a more efficient and economic operation for Ozark.

Interested persons will be given 20 days following service of this order to show cause why the tentative findings and conclusions set forth herein should not be made final. We expect such persons to direct their objections, if any, to specific markets and to support such objections with detailed answers, specifically setting forth the tentative findings and conclusions to which objection is taken. Such objections should be accompanied by arguments of fact or law and should be supported by legal precedent or detailed economic analysis. If an evidentiary hearing is requested, the objector should state in detail why such a hearing is considered necessary and what relevant and material facts he would expect to establish through such a hearing. General, vague, or unsupported objections will not be entertained.

Accordingly, it is ordered, That:

1. All interested persons are directed to show cause why the Board should not issue an order making final the tentative findings and conclusions stated herein and amending Ozark's certificate of public convenience and necessity for route 107 so as to redesignate the points Cedar Rapids and Iowa City as Cedar Rapids-Iowa City;

2. Any interested person having objection to the issuance of an order making final any of the proposed findings, conclusions, or certificate amendments set forth herein shall, within 20 days after service of a copy of this order, file with the Board and serve upon all persons made parties to this proceeding a statement of objections together with a summary of testimony, statistical data, and other evidence expected to be relied upon to support the stated objections;

3. If timely and properly supported objections are filed, full consideration will be accorded the matters and issues raised by the objections before further action is taken by the Board;

4. In the event no objections are filed, all further procedural steps will be deemed to have been waived and the Board may proceed to enter an order in accordance with the tentative findings and conclusions set forth herein; and

5. A copy of this order shall be served upon Ozark Air Lines, Inc., the City of Cedar Rapids, Iowa, Cedar Rapids Airport Commission, and the City of Iowa City, who are hereby made parties to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK, *Secretary.*

[F.R. Doc. 70-2416; Filed, Feb. 26, 1970; 8:50 a.m.]

[Docket No. 11278; Order 70-2-97]

TRANS CARIBBEAN AIRWAYS, INC.

Order Regarding Container Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 24th day of February 1970.

Petition of Trans Caribbean Airways, Inc., to modify the minimum rate order in the New York-San Juan market by introducing container rates.

By petition filed January 15, 1969, Trans Caribbean Airways, Inc. (Trans Caribbean), requests the Board to modify the outstanding minimum rate order in the New York-San Juan market[1] and permit the introduction of the container discounts previously approved by the Board for domestic traffic.[2] The agreement is applicable to carrier-owned Type A pallets and pallet-igloo containers, as well as shipper-owned Type B, B-2, and D containers. The minimum loads for these container units range from 437 to 3,200 pounds, representing a density minimum of from 6.40 to 9.20 pounds per cubic foot (lb./cu. ft.).[3] As in the domestic container agreement, Trans Caribbean would not charge a container rental fee for the Type A unit, and would grant free tare weight (empty weight) of all containers, along with the standard $0.35 to $1 per 100 pounds unitization discount, and, on general commodity traffic only, a further 33 percent off for poundage in excess of approximately 7 lb./cu. ft.

In support of its petition, Trans Caribbean points to the fact that the geographical scope of the cited domestic container agreement specifically includes Puerto Rico, that Trans Caribbean has a pressing need for container rates, both to provide additional incentives for shippers to use containers which can be handled efficiently, and to stimulate additional traffic by attracting traffic now moving by sea, as well as to reduce claims due to pilferage and handling costs.

Airlift International, Inc. (Airlift), and Eastern Air Lines, Inc. (Eastern), have filed answers to Trans Caribbean's petition, protesting the requested modification of the Board's minimum rate order, and asking that the petition be denied. The protestants' position is essentially that the resulting container rates will be below the minimum rates prescribed, that Trans Caribbean is currently suffering financial losses, that no cost or claim expense reduction data are submitted in support of the petition, that Trans Caribbean has not availed itself of the Board's earlier modification permitting container rates, and that the alleged attraction of new traffic now moving by surface mode is inconsistent with Airlift's experience in the market.[4]

Airlift, Eastern, and Pan American World Airways, Inc. (Pan American), offer all-cargo aircraft service in this market, and Trans Caribbean states it intends to offer jet freighter service in the market in February 1970.

The requested relief is substantially similar to that previously granted, the major difference being the $0.35-$1 unitization discounts previously denied. In the interim, however, the New York-San Juan carriers have increased their rates in this market by approximately 7.5 percent.[5] Hence the application of the proposed reductions should not result in yields below the 16.38 cents per ton-mile anticipated by the Board[6] at the time of the minimum rate order.

In light of the foregoing, and in consideration of the power the Board has reserved in Order E-23840 to make modifications in the minimum rate without hearing, and of the fact that no hearing has been requested by any party, we have determined to grant Trans Caribbean's request. In this regard the Board notes that both Airlift and Eastern are signatories to the domestic container agreement, which includes Puerto Rico, and neither offers any factual data as to why the present experimental modification should not be extended and expanded to match the domestic agreement. In addition, there is little doubt that the revenue return to the carriers under the container rates will at least equal the floor set by the Board. The Board therefore finds no basis for withholding the agreed containerization program from the Puerto Rico market.

While it is true that the density discount may reduce the average rate per

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[1] Orders E-23431, dated Mar. 28, 1966, and E-23840, dated June 21, 1966, as modified by Order 69-4-32, dated Apr. 4, 1969, to permit the introduction of container rates, and bearing an expiry date of Mar. 1, 1970.

[2] Agreement CAB 21225, approved by Order 69-12-27 dated Dec. 4, 1969.

[3] The minimum density rule embodied in the Board's minimum rate order in the San Juan market is 7.3 lb./cu. ft.

[4] In its answer to the protests of Eastern and Airlift, Trans Caribbean notes the absence of factual data by the protestants, that the absorption of rental charges was approved by the Board in conjunction with Agreement CAB 21225, and that the previously disapproved unitization discounts would not now result in rates below the minimum prescribed by the Board.

[5] Order 69-11-51 dated Nov. 13, 1969.

[6] For the third quarter of 1969, carrier reports to the Board indicate yields (cents per ton-mile) in this market as follows:

Airlift	15.5
Eastern	18.2
Pan American	17.9
Trans Caribbean	17.3
All	16.7

pound and per ton-mile on containers loaded in excess of approximately 7 lb./cu. ft., such excess traffic poundage will be contained within the same cubic unit (the container). This additional weight without increasing the cube should improve the utilization of the carriers' containers and aircraft, and result in an improved load factor, reduced unit costs, and increased revenue. Both San Juan traffic and container traffic are currently being reported to the Board (CAB Forms T-94 and T-103 in Dockets 11278 and 16080, respectively), and it should be possible, at a future date, to determine the impact of containers in this market. Should any carrier desire to extend the program beyond the experimental period herein provided, the Board will expect the carriers to be prepared to furnish additional factual data as to traffic handling and claim costs in the market so as to permit a more complete analysis of these factors at the conclusion of the experimental period, and in order that a determination may be made as to extension or expansion of the relief herein granted.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 1002 thereof:

It is ordered, That:

1. The motion of Trans Caribbean Airways, Inc., dated February 4, 1970, and the petition dated January 15, 1970, to modify the minimum rate orders in Docket 11278 by implementing the provisions of Agreement CAB 21225 are granted;

2. Order E-23431, dated March 28, 1966, as amended by Orders E-23840 dated June 21, 1966, and 69-4-32, dated April 4, 1969, is hereby further amended as follows:

(a) The transportation of shipper-loaded/consignee-unloaded containers as defined in Agreement CAB 21225 may be performed without charging for the empty (tare) weight of such containers as provided in such agreement;

(b) Unitization and density incentive discounts may be applied to such containers as provided in said agreement;

(c) A minimum payload for such containers shall be imposed as provided in said agreement;

(d) Detention charges shall be assessed on such containers as provided in said agreement; and

3. Direct air carriers which elect to transport containers in accordance with paragraph 2 above shall publish appropriate tariff provisions therefor bearing an expiry date of not later than June 3, 1971, and shall report such container traffic to the Board on a monthly basis on CAB Form T-103, or in such other form as may be authorized.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK, *Secretary*.

[F.R. Doc. 70-2417; Filed, Feb. 26, 1970; 8:50 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Report 480]

COMMON CARRIER SERVICES INFORMATION [1]

Domestic Public Radio Services Applications Accepted for Filing [2]

FEBRUARY 24, 1970.

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

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

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

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

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

APPENDIX

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

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

4588-C2-P-70—Aircall New York Corp. (KEA 627), C.P. to add AM transmitter to operate on base frequency 43.58 MHz at station located at Empire State Building, New York, N.Y.

4590-C2-P-70—Ridge Telephone Co., Inc. (New), C.P. for a new 2-way station to be located at Main at Watson Street, Ridge Spring, S.C. to operate on frequency 152.60 MHz.

4591-C2-P-70—Comex, Inc. (KCI295), C.P. to add transmitter to operate on frequency 43.22 MHz at a new site to be identified as location No. 3: 377 feet northwest of intersection Dracutt Road and Sherburne Road, approximately 4 miles southeast of Nashua, N.H.

4592-C2-P-(2)-70—Southern Bell Telephone & Telegraph Co. (KIQ514), C.P. to change antenna system operating on frequencies 152.69 MHz (Base) and 157.95 MHz (Test) at station located at 400 Southwest Second Avenue, Gainesville, Fla.

4608-C2-P-70—All Services, Inc. (New), C.P. for a new 1-way station to be located at Mount Pleasant Street, Charleston, S.C., to operate on base frequency 158.70 MHz.

4610-C2-P-70—Miami Valley Radiotelephone (KQK592), C.P. to add a third channel to operate on base frequency 152.06 MHz at station located at 2009 Old Oxford Road, near Hamilton, Ohio.

4611-C2-P-(4)-70—Industrial Communications Systems, Inc. (KMD990), C.P. for additional facilities at location No. 1: End of Silverado Canyon Road, Santiago Peak, Calif., to operate on frequencies 454.075, 454.125 MHz and location No. 3: Verdugo Peak, Calif., to operate on frequencies 454.075 and 454.125 MHz.

4612-C2-P-70—Southwestern Bell Telephone Co. (KKB859), C.P. to change antenna system for frequency 152.66 MHz at station located near Farm Road 499, 1.8 miles east of Cumby, Tex.

4615-C1/C2-AL-(2)-70—Olney Communications, Inc. (KSJ770), Consent to assignment of license from: Olney Communications, Inc. Assignor to: Credit Bureau of Decatur, Inc., Assignee.

4639-C2-P-70—The Mountain States Telephone & Telegraph Co. (New), C.P. for a new (Air-Ground) station to be located at 7 miles south-southeast of Monroe, Utah, to operate on frequencies 454.675 MHz (Signaling) and 454.950 MHz (Base).

4638-C2-P-70—The Mountain States Telephone & Telegraph Co. (New), C.P. for a new (Air-Ground) station to be located at 5 miles east of Kaysville, Utah, to operate on frequencies 454.675 MHz (Signaling) and 454.850 MHz (Base).

4640-C2-P-70—The Mountain States Telephone & Telegraph Co. (New), C.P. for a new (Air-Ground) station to be located at 6 miles south-southwest of Casper, Wyo., to operate on frequencies 454.675 MHz (Signaling) and 454.700 MHz (Base).

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE—continued

4690-C2-P-70—General Telephone Co. of Illinois (New), C.P. for a new 2-way station to be located at county line road, 0.7 mile west of Streator city limits, Streator, Ill., to operate on frequency 152.78 MHz.

4692-C2-P-70—Comex, Inc. (KCI295), C.P. for a new 1-way station to operate on frequency 43.22 MHz to be located at a new site to be identified as location No. 4: Mount Agamenticus, Agamenticus Village, Maine.

4691-C2-P-(2)-70—Southern Bell Telephone & Telegraph Co. (KIG291), C.P. to change antenna system for base frequencies 152.51 and 152.75 MHz at station located at 45 North Magnolia Street, Orlando, Fla.

4609-C2-P-(2)-70—Joseph N. Thomason (KOP261), C.P. to change antenna system and replace transmitter for repeater facilities at location No. 1: Rattlesnake Mountain, 16.5 miles west-northwest of Richland (Benton), Wash., to operate on frequencies 459.200 MHz and 459.150 MHz. Add transmitter at a new site to be identified as location No. 4: 126 South First Street, Othello, Wash., to operate on control frequency 454.200 MHz.

4695-C2-P-70—The Mountain States Telephone & Telegraph Co. (New), C.P. for a new (Air-Ground) station to be located at 299 C Street, Idaho Falls, Idaho, to operate on frequencies 454.675 MHz (Signaling) and 454.875 MHz (Base).

4696-C2-P-70—The Mountain States Telephone & Telegraph Co. (New), C.P. for a new (Air-Ground) station to be located at 7.5 miles south of Phoenix, Ariz., to operate on frequencies 454.675 MHz (Signaling) and 454.775 MHz (Base).

4697-C2-P-70—The Mountain States Telephone & Telegraph Co. (New), C.P. for a new (Air-Ground) station to be located at 5 miles west of Sweet, Idaho, to operate on frequencies 454.675 MHz (Signaling) and 454.800 MHz (Base).

4698-C2-P-70—The Mountain States Telephone & Telegraph Co. (New), C.P. for a new (Air-Ground) station to be located at 3.8 miles south-southwest of Vaughn, Mont., to operate on frequencies 454.675 MHz (Signaling) and 454.900 MHz (Base).

4699-C2-P-70—The Mountain States Telephone & Telegraph Co. (New), C.P. for a new (Air-Ground) station to be located at 6.5 miles southeast of Billings, Mont., to operate on frequencies 454.675 MHz (Signaling) and 454.825 MHz (Base).

4700-C2-P-70—The Mountain States Telephone & Telegraph Co. (New), C.P. for a new (Air-Ground) station to be located at 3.5 miles east of Missoula, Mont., to operate on frequencies 454.675 MHz (Signaling) and 454.725 MHz (Base).

4701-C2-P-70—The Mountain States Telephone & Telegraph Co. (New), C.P. for a new (Air-Ground) station to be located at 10.3 miles east of Glendive, Mont., to operate on frequencies 454.675 MHz (Signaling) and 454.850 MHz (Base).

4702-C2-P-70—The Mountain States Telephone & Telegraph Co. (New), C.P. for a new (Air-Ground) station to be located at 10.4 miles west-southwest of Albuquerque, N. Mex., to operate on frequencies 454.675 MHz (Signaling) and 454.750 MHz (Base).

4705-C2-P-70—The Mountain States Telephone & Telegraph Co. (New), C.P. for a new (Air-Ground) station to be located at Ranger Peak, El Paso, Tex., to operate on frequencies 454.675 MHz (Signaling) and 454.825 MHz (Base).

4703-C2-P-70—The Mountain States Telephone & Telegraph Co. (New), C.P. for a new (Air-Ground) station to be located at 601 West Grand Avenue, Artesia, N. Mex., to operate on frequencies 454.675 MHz (Signaling) and 454.950 MHz (Base).

4704-C2-P-70—The Mountain States Telephone & Telegraph Co. (New), C.P. for a new (Air-Ground) station to be located at 1.6 miles southwest of Pinos Altos, N. Mex., to operate on frequencies 454.675 MHz (Signaling) and 454.850 MHz (Base).

4708-C2-P-70—Northern States Power Co. (KLF615), C.P. to replace transmitter for base frequency 152.84 MHz at station located at 16th Avenue and 18th Street SW., Minot, N. Dak.

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE (AIR-GROUND)

The following applications were filed for developmental stations prior to the release of a Commission report and order in Docket No. 16073 (FCC 69-1391) regarding the establishment of a public air-ground service on a regular basis. Pursuant to said order, applicants must within 30 days from the date of this notice appropriately modify (amend) their applications to conform with the rules adopted therein.

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

7923-C2-P-(2)-69—Arlington Telephone Co. (New), C.P. for a new (Air-Ground) station to be located at 615 West Dodge Street, Arlington, Nebr., to operate on frequencies 454.700 MHz (Base) and 459.700 MHz (Signaling).

1006-C2-P-70—General Telephone Co. of Wisconsin (New), C.P. for a new (Air-Ground) station to be located at Rib Mountain, 2.5 miles south of Wausau, Wis., to operate on frequencies 454.675 MHz (Signaling) and 454.750 MHz (Base).

1104-C2-P-70—The Mountain States Telephone & Telegraph Co. (New), C.P. for a new (Air-Ground) station to be located 5 miles northwest of Elizabeth, Colo., to operate on frequencies 454.675 MHz (Signaling) and 454.725 MHz (Base).

1105-C2-P-70—General Telephone Co. of California (New), C.P. for a new (Air-Ground) station to be located at Santa Ynez Peak, 8 miles southeast of Santa Ynez, Calif., to operate on frequencies 454.675 MHz (Signaling) and 454.80 MHz (Base).

1120-C2-P-70—Southern Bell Telephone & Telegraph Co. (New), C.P. for a new (Air-Ground) station to be located at Sweat Mountain, approximately 10 miles northeast of Marietta, Ga., to operate on frequencies 454.675 MHz (Signaling) and 454.775 MHz (Base).

1186-C2-P-70—General Telephone Co. of Florida (New), C.P. for a new (Air-Ground) station to be located 1.2 miles, 5° east of south from Ruskin, Fla., to operate on frequencies 454.750 MHz (Base) and 454.675 MHz (Signaling).

1187-C2-P-70—Southern Bell Telephone & Telegraph Co. (New), C.P. for a new (Air-Ground) station to be located at approximately 1.5 miles southwest of Perrine, Fla., to operate on frequencies 454.675 MHz (Signaling) and 454.775 MHz (Base).

1915-C2-P-70—Southwestern Bell Telephone Co. (New), C.P. for a new (Air-Ground) station to be located at 2.2 miles south-southwest of Spring, Tex., to operate on frequencies 454.675 MHz (Signaling) and 454.950 MHz (Base).

1916-C2-P-70—Southwestern Bell Telephone Co. (New), C.P. for a new (Air-Ground) station to be located at 5355 Illinois Street, Dallas, Tex., to operate on frequencies 454.800 MHz (Base) and 454.675 MHz (Signaling).

1917-C2-P-70—The Pacific Telephone & Telegraph Co. (New), C.P. for a new (Air-Ground) station to be located at Round Top Hill, 5.3 miles northeast of Oakland Civic Center, Calif., to operate on frequencies 454.675 MHz (Signaling) and 454.775 MHz (Base).

1918-C2-P-70—The Pacific Telephone & Telegraph Co. (New), C.P. for a new (Air-Ground) station to be located at 5.6 miles north of Julian, Calif. to operate on frequencies 454.675 MHz (Signaling) and 454.725 MHz (Base).

1919-C2-P-70—The Pacific Telephone & Telegraph Co. (New), C.P. for a new (Air-Ground) station to be located at Oat Mountain, 5.5 miles southwest of Newhall, Calif., to operate on frequencies 454.675 MHz (Signaling) and 454.800 MHz (Base).

1930-C2-P-70—Southwestern Bell Telephone Co. (New), C.P. for a new (Air-Ground) station to be located at 1425 Oak Street, Kansas City, Mo., to operate on frequencies 454.675 MHz (Signaling) and 454.900 MHz (Base).

1935-C2-P-70—Southwestern Bell Telephone Co. (New), C.P. for a new (Air-Ground) station to be located at 2651 Olive Street, St. Louis, Mo., to operate on frequencies 454.675 MHz (Signaling) and 454.800 MHz (Base).

1983-C2-P-70—South Central Bell Telephone Co. (New), C.P. for a new (Air-Ground) station to be located at 3951 Erato Street, New Orleans, La., to operate on frequencies 454.675 MHz (Signaling) and 454.850 MHz (Base).

2545-C2-P-70—Pacific Northwest Bell Telephone Co. (New), C.P. for a new (Air-Ground) station to be located at Gold Mountain, 7.4 miles west of Bremerton, Wash., to operate on frequencies 454.675 MHz (Signaling) and 454.950 MHz (Base).

2546-C2-P-70—Northwestern Bell Telephone Co. (New), C.P. for a new (Air-Ground) station to be located at 6002 28th Avenue South, Minneapolis, Minn., to operate on frequencies 454.675 MHz (Signaling) and 454.850 MHz (Base).

3525-C2-P-(2)-70—Western California Telephone Co. (New), C.P. for a new (Air-Ground) station to be located at Manganito Avenue, Black Point Novato, Calif., to operate on frequencies 454.700 MHz (Base) and 454.675 MHz (Signaling).

3622-C2-P-70—Indiana Bell Telephone Co. (KSJ612), C.P. to change antenna location from: Beach Hilltop Subdivision Road, 1346 feet northeast of Hillcrest Road, Vincennes, Ind., to: 2.2 miles east-southeast of Vincennes, Ind., operating on freqeuncies 454.675 MHz (Signaling) and 454.800 MHz (Base), replace transmitter for same.

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE (AIR-GROUND)—continued

4585-C2-P-70—The Pacific Telephone & Telegraph Co. (New), C.P. for a new (Air-Ground) station to be located at Sugarloaf Mountain, 4 miles south-southwest of Delta, Calif., to operate on frequencies 454.675 MHz (Signaling) and 454.700 MHz (Base).

4586-C2-P-70—Bell Telephone Co. of Nevada (New), C.P. for a new (Air-Ground) station to be located at Peavine Peak, 7 miles northwest of Reno, Nev., to operate on frequencies 454.675 MHz (Signaling) and 454.900 MHz (Base).

Informative

It appears that the following applications may be mutually exclusive and subject to the Commission's rules regarding ex parte presentations, by reasons of potential electrical interference.

Pennsylvania

Susquehanna Mobile Communications Inc. (New), 2873-C2-P-69.
Pennsylvania Radio Telephone Corp. (New), 2991-C2-P-69.

RURAL RADIO SERVICE

4615-C1/C2-AL-(2)-70—Olney Communications, Inc. (KSQ52), Consent to assignment of license from: Olney Communications, Inc. Assignor to: Credit Bureau of Decatur, Inc., Assignee.

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

4613-C1-P-70—The Mountain States Telephone & Telegraph Co. (KPY70), C.P. to add frequencies 5989.7 and 6108.3 MHz toward Williams, Ariz., a new point of communication. Station location: Bill Williams Mountain, 3.5 miles southwest of Williams, Ariz.

4614-C1-P-70—The Mountain States Telephone & Telegraph Co. (New), C.P. for a new station located at 303 West Grant, Williams, Ariz. Frequencies: 6241.7 and 6360.3 MHz toward Bill Williams Mountain, Ariz.

4693-C1-P-70—Western States Telephone Co., Inc. (New), C.P. for a new station located at 3.5 miles north-northeast of Ruidoso, Alto Vista, N. Mex. Frequencies: 3930.0 and 4010.0 MHz toward White Oaks, N. Mex.

Major Amendment

2586-C1-P-70—The Mountain States Telephone & Telegraph Co (New), Change frequency 11,565 MHz toward Mount Ord, Ariz., via passive reflector to 11,325 MHz. Station location: 0.2 mile south of Pine, Ariz. All other particulars same as reported on public notice dated Nov. 17, 1969, Report No. 466.

Informative

It appears that the following applications to provide specialized common carrier service on the west coast may be mutually exclusive and subject to the Commission's rules regarding ex parte presentations, by reason of economic competition and/or electrical interference:

Astron Corp., Files Nos. 4347 through 4402-C1-P-70.
MCI Pacific Coast, Inc., Files Nos. 2445 through 2500-C1-P-70.
Microwave Service Co., Inc., Files Nos. 4437 through 4501-C1-P-70.
Southern Pacific Communications Co., Files Nos. 4502 through 4558-C1-P-70.
Microwave Transmission Corp. and Western Tele-Communication, Inc., Files Nos. 4422 through 4436-C1-P-70 and 4265 through 4290-C1-P-70 respectively.

Preliminary determination concerning the possibility of Data Transmission Corp.'s applications, Files Nos. 2942 through 3169-C1-P-70 also being mutually exclusive with any or all of the above applications has not yet been made.

POINT-TO-POINT MICROWAVE RADIO SERVICE (NONTELEPHONE)

4641-C1-P/L-70—Garden State Micro Relay, Inc. (WAY88), C.P. and license for a station to operate pursuant to section 21.707 of the FCC rules to provide service of a temporary nature in the State of New Jersey and bordering States.

4709-C1-P-70—American Microwave and Communications, Inc. (KQM44), C.P. to change frequencies 6325.0 and 6415.0 MHz to 6160.2 and 6100.9 MHz toward Elmira, Mich., and replace transmitters with Raytheon type KTR3A and power split frequency 6160.2 MHz toward a new point of communication at Mount Tom, Mich., for the purpose of improving the quality of the WJRT-TV signal which is presently picked up at Mount Tom. No new service is proposed. Location: 7 miles southwest of Grayling, Mich. at lat. 44°34'41" N., long. 84°47'44" W.

4710-C1-ML-70 and 4711-C1-ML-70—American Microwave and Communications, Inc. (KQN52) and (KXR64), Modification of licenses to add audio subcarrier service for the purpose of carrying the signal of CBS radio network to Escanaba, Mich., for delivery to WDBC radio station.

Correction

4298-C1-TC-(3)-70—Correct to read name of licensee: Racom, Inc. All other terms in exact accordance with Public Notice Report No. 479, dated Feb. 16, 1970.

[F.R. Doc. 70-2433; Filed, Feb. 26, 1970; 8:52 a.m.]

FEDERAL MARITIME COMMISSION

[Docket No. 70-7]

DILLINGHAM LINE, INC.

Increases in Freight Charges in U.S. Pacific Coast/Guam Trade; Order of Investigation and Suspension

There recently have been filed with the Federal Maritime Commission by Dillingham Line, Inc. the following pages to its Guam Freight Tariff No. 1, FMC-F No. 2, scheduled to become effective February 26, 1970, which contain certain increased rates and charges; and establish an arbitrary on cargo loaded or discharged at Portland, Oreg. and/or Seattle, Wash.:

Second revised page 54 (all references to Note 5).
Fourth revised page 55 (note 5).
First revised page 66 (rule No. 8).
First revised page 67 (rule No. 9).
First revised page 132 (Item 1051D).
First revised page 149 (Item 1628).
First revised page 167 (Items 2420 and 2421).
First revised page 168 (Items 2422 and 2423).

Upon consideration of said schedules, the Commission is of the opinion that the above designated tariff changes should be made the subject of a public investigation and hearing to determine whether they are unjust, unreasonable or otherwise unlawful under section 18(a) of the Shipping Act, 1916, and/or sections 3 and 4 of the Intercoastal Shipping Act, 1933, and good cause appearing therefore;

It is ordered, That pursuant to the authority of section 22 of the Shipping Act, 1916 and sections 3 and 4 of the Intercoastal Shipping Act, 1933, an investigation is hereby instituted into the lawfulness of said increased rates and charges, and the proposed arbitrary, published on the aforementioned tariff pages, with a view to making such findings and orders in the premises as the facts and circumstances warrant. In the event the matter hereby placed under investigation is further changed, amended or reissued upon termination of the suspension period before the investigation has been concluded, such changed, amended or reissued matter will be included in this investigation.

It is further ordered, That pursuant to section 3, Intercoastal Shipping Act, 1933, the operation of the matter hereby placed under investigation is suspended and the use thereof be deferred to and including June 25, 1970, unless otherwise ordered by this Commission;

It is further ordered, That there shall be filed immediately with the Commission by Dillingham Line, Inc., a consecutively numbered supplement to the aforesaid tariff which supplement shall bear

no effective date, shall reproduce the portion of this order wherein the suspended matter is described and shall state that the aforesaid matter is suspended and may not be used until June 26, 1970, unless otherwise authorized by the Commission; and the rates and charges or other provisions heretofore in effect, and which were to be changed by the suspended matter shall remain in effect during the period of suspension, and neither the matter suspended, nor the matter which is continued in effect as a result of such suspension, may be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission;

It is further ordered, That copies of this order shall be filed with the said tariff schedule in the Bureau of Domestic Regulation of the Federal Maritime Commission;

It is further ordered, That Dillingham Line, Inc., be named as respondent in this proceeding;

It is further ordered, That this proceeding be assigned for public hearing before an examiner of the Commission's Office of Hearing Examiners and that the hearing be held at a date and a place to be determined and announced by the presiding examiner;

It is further ordered, That (I) a copy of this order be forthwith served upon the respondent herein and published in the FEDERAL REGISTER; and (II) the said respondent be duly served with notice of time and place of the hearing.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies) having an interest in this proceeding and desiring to intervene therein, should notify the Secretary of the Commission promptly and file petitions for leave to intervene in accordance with Rule 5(1) of the Commission's rules of practice and procedure (46 CFR 502.72) with a copy to all parties to this proceeding.

By the Commission.

[SEAL] FRANCIS C. HURNEY, *Secretary.*

[F.R. Doc. 70-2409; Filed, Feb. 26, 1970; 8:50 a.m.]

ORIENT OVERSEAS LINE

Notice of Application for Casualty Certificate

Security for the protection of the public; financial responsibility to meet liability incurred for death or injury to passengers or other persons on voyages.

Notice is hereby given that the following persons have applied to the Federal Maritime Commission for a certificate of financial responsibility to meet liability incurred for death or injury to passengers or other persons on voyages pursuant to the provisions of section 2, Public Law 89-777 (80 Stat. 1356, 1357) and Federal Maritime Commission General Order 20, as amended (46 CFR Part 540):

Oriental South America Lines, Inc. and/or Chinese Maritime Trust Ltd. (Orient Overseas Line), 80 Broad Street, Monrovia, Liberia.

Dated: February 20, 1970.

FRANCIS C. HURNEY, *Secretary.*

[F.R. Doc. 70-2411; Filed, Feb. 26, 1970; 8:50 a.m.]

ORIENT OVERSEAS LINE

Notice of Application for Performance Certificate

Security for the protection of the public; indemnification of passengers for nonperformance of transportation.

Notice is hereby given that the following persons have applied to the Federal Maritime Commission for a certificate of financial responsibility for indemnification of passengers for nonperformance of transportation pursuant to the provisions of section 3, Public Law 89-777 (80 Stat. 1357, 1358) and Federal Maritime Commission General Order 20, as amended (46 CFR Part 540):

Oriental South America Lines, Inc. and/or Chinese Maritime Trust Ltd. (Orient Overseas Line), 80 Broad Street, Monrovia, Liberia.

Dated: February 20, 1970.

FRANCIS C. HURNEY, *Secretary.*

[F.R. Doc. 70-2412; Filed, Feb. 26, 1970; 8:50 a.m.]

[Docket No. 70-8]

PACIFIC FAR EAST LINE, INC.

General Increase in Break-Bulk Rates in U.S. Pacific/Guam Trade; Order of Investigation

There recently has been filed with the Federal Maritime Commission by Pacific Far East Line, Inc., Supplement No. 4 to its Freight Tariff FMC-F No. 5, bearing an effective date of February 25, 1970, which increases break-bulk rates between Pacific and Hawaii ports and ports in Guam, Wake, and Midway by 15 percent.

Upon consideration of said schedule and a protest filed thereto by the Government of Guam there is reason to believe that the above designated increased rates should be made the subject of a public investigation and hearing to determine whether they are unjust, unreasonable or otherwise unlawful under section 18(a) of the Shipping Act, 1916, and/or sections 3 and 4 of the Intercoastal Shipping Act, 1933; and good cause appearing therefor:

It is ordered, That pursuant to the authority of section 22 of the Shipping Act, 1916, and sections 3 and 4 of the Intercoastal Shipping Act, 1933, an investigation is hereby instituted into the lawfulness of said increased rates with a view to making such findings and orders in the premises as the facts and circumstances warrant. In the event the matter hereby placed under investigation is further changed, amended or reissued before the investigation has been concluded, such changed, amended or reissued matter will be included in this investigation;

It is further ordered, That Pacific Far East Line, Inc., be named as respondent in this proceeding;

It is further ordered, That the Government of Guam be named as a petitioner in accordance with the Commission's rules of practice and procedure;

It is further ordered, That this proceeding be assigned for public hearing before an examiner of the Commission's Office of Hearing Examiners and that the hearing be held at a date and a place to be determined and announced by the presiding examiner;

It is further ordered, That (I) a copy of this order shall forthwith be served on the respondent and petitioner herein and published in the FEDERAL REGISTER; and (II) the said respondent and petitioner be duly served with notice of the time and place of the hearing.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies) having an interest in this proceeding and desiring to intervene therein, should notify the Secretary of the Commission promptly and file petitions for leave to intervene in accordance with Rule 5(a) of the Commission's rules of practice and procedure (46 CFR 502.72) with a copy to all parties to this proceeding.

By the Commission.

[SEAL] FRANCIS C. HURNEY, *Secretary.*

[F.R. Doc. 70-2410; Filed, Feb. 26, 1970; 8:50 a.m.]

[Docket No. 70-6]

U.S. ATLANTIC/PUERTO RICO TRADE

Order of Investigation Regarding Rates and Charges

The numerous and far-reaching developments in the U.S. Atlantic/Puerto Rico trade over the past few years convince us that it is both necessary and proper for us at this time to conduct a thorough examination of all of the questions relating to the lawfulness of the rates of return of the carriers operating in this trade to determine whether they are just and reasonable.

The nature of the competitive relationships of the carriers in this trade, moreover, requires that several issues be examined in this proceeding in addition to the matters which are generally material to investigations of carriers' rates

of return. We will specifically require the examination of whether the operating and financial relationships between Sea-Land Service, Inc., and Gulf-Puerto Rico Lines, Inc., both wholly owned subsidiaries of McLean Industries, are proper under the Shipping Acts, and whether they should be treated as a single entity for regulatory purposes. We will also specifically require the examination of whether the competitive relationships of the carriers operating in the U.S. Atlantic/Puerto Rico trade, i.e., all of the respondents in this proceeding except Gulf-Puerto Rico Lines, Inc., are such that there is a need to maintain overall rates, in the interests of adequate, varied and modern service, at a higher level than would be the case if the operations of these carriers were considered without respect to those of their competitors.

Therefore, it is ordered, That, pursuant to the authority of sections 18(a) and 22 of the Shipping Act, 1916, and sections 3 and 4 of the Intercoastal Shipping Act, 1933, an investigation is hereby instituted to determine whether the general level of the present tariff rates and charges of each of the carriers except Gulf-Puerto Rico Lines, Inc., named as respondents herein operating in the U.S. Atlantic/Puerto Rico trade is just and reasonable or whether it results in an unreasonably high or unreasonably low rate of return.

It is further ordered, That, in the event such rates and charges are changed, amended or reissued before the investigation has been concluded, such changed, amended or reissued matter will be included in this investigation; and

It is further ordered, That the investigation in this proceeding shall specifically include the questions of whether the financial and operating relationships between Sea-Land Service, Inc., and Gulf-Puerto Rico Lines, Inc., are proper under the Shipping Acts, and whether they shall be treated in the future as a single entity for regulatory purposes; and

It is further ordered, That, in addition to the matters which are generally material to investigations into carriers' rates of return and such other issues as have been or may in the future by order be placed under investigation herein, this proceeding shall include an examination of the need for a requirement that the overall rates of carriers in the U.S. Atlantic/Puerto Rico trade be maintained, in the interests of adequate, varied, and modern service, at a higher level than if the operations of such carriers were considered separately, and the utilization of such requirement, if appropriate, in the establishment of rates of return;

It is further ordered, That South Atlantic & Caribbean Line, Inc., TMT Trailer Ferry, Inc. (Thomas J. Kirkland, Trustee), Seatrain Lines, Inc., Transamerican Trailer Transport, Inc., Sea-Land Service, Inc., and Gulf-Puerto Rico Lines, Inc., be named as respondents in this proceeding; and

It is further ordered, That this proceeding be assigned for public hearing before an examiner of the Commission's Office of Hearing Examiners and that the hearing be held at a date and a place to be determined and announced by the presiding examiner; and

It is further ordered, That (1) a copy of this order shall forthwith be served on all respondents herein; (2) the said respondents be duly notified of the time and place of hearing; and (3) this order be published in the FEDERAL REGISTER and notice of said hearing be served upon respondents.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies) having an interest in this proceeding and desiring to intervene therein, should notify the Secretary of the Commission promptly and file petitions for leave to intervene in accordance with Rule 5(1) of the Commission's rules of practice and procedure (46 CFR 502.72) with a copy to all parties to this proceeding.

By the Commission.

[SEAL] FRANCIS C. HURNEY, *Secretary.*

[F.R. Doc. 70-2408; Filed, Feb. 26, 1970; 8:50 a.m.]

FEDERAL POWER COMMISSION

[Project No. 2375]

INTERNATIONAL PAPER CO.

Notice of Application for Approval of Exhibit R (Recreational Use Plan) and Revised Exhibit K for Constructed Project

FEBRUARY 19, 1970.

Public notice is hereby given that application has been filed under the regulations under the Federal Power Act (16 U.S.C. 791a–825r) by International Paper Co. (correspondence to: William A. Hanway, Secretary, International Paper Co., 220 East 42d Street, New York, N.Y. 10017) for approval of Exhibit R and revised Exhibit K as part of the license for the Otis-Livermore Falls Project No. 2375 located on the Androscoggin River in Androscoggin, Franklin, and Oxford Counties, Maine, near the towns of Canton, Livermore Falls, and Livermore, and the villages of Riley, Jay, and Chisholm.

According to the Exhibit R, the recreational potential of the project is limited, owing to such factors as polluted conditions on the Androscoggin River, a railroad paralleling much of one side of the project reservoir, and the small amount of land (4 acres) owned by the licensee in fee; however, the latter has constructed a picnic area at the project with tables, fireplaces and sanitary facilities, and has reserved land adjacent to the picnic area for a future boat launching site. The Revised Exhibit K reflects the recreation lands within the project boundary.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 15, 1970, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB, *Acting Secretary.*

[F.R. Doc. 70-2370; Filed, Feb. 26, 1970; 8:46 a.m.]

[Docket No. CP70-192]

IOWA-ILLINOIS GAS AND ELECTRIC CO.

Notice of Application

FEBRUARY 19, 1970.

Take notice that on February 10, 1970, Iowa-Illinois Gas and Electric Co. (Applicant), 206 East Second Street, Davenport, Iowa 52808, filed in Docket No. CP70-192 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain facilities to be used in the transportation of natural gas in interstate commerce, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate approximately 9.6 miles of 16-inch line which will be a continuation of and an extension to 33.3 miles of existing looping line. The proposed line will run from the interconnection with the existing line in the Northeast quarter of sec. 14, T. 81 N., R. 7 W. of the fifth P.M., Johnson County, Iowa, and terminating in the Northeast quarter of sec. 36, T. 83 N., R. 7 W. of the fifth P.M., Linn County, Iowa. The stated purpose of the application is to provide additional capacity and greater service reliability for the customers within Applicant's Cedar Rapids District.

The total estimated cost of the proposed facility is $655,700, which will be financed from funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 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) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party

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

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

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

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-2371; Filed, Feb. 26, 1970; 8:46 a.m.]

[Docket No. RI70-1091, etc.]

TEXACO, INC., ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates; Correction

FEBRUARY 13, 1970.

In the order providing for hearings on and suspension of proposed changes in rates, issued January 28, 1970, and published in the FEDERAL REGISTER February 5, 1970 (35 F.R. 2613), under Dockets Nos., change "RI70-299" to "RI62-299" as shown above.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-2373; Filed, Feb. 26, 1970; 8:46 a.m.]

[Docket No. E-7525]

UNION ELECTRIC CO.

Order Suspending Proposed Revised Tariff Sheets and Providing for Hearing and Hearing Procedures

FEBRUARY 19, 1970.

Union Electric Co. (Union), a public utility subject to the jurisdiction of this Commission, on December 22, 1969, tendered for filing proposed changes in its presently effective W-2 Wholesale Electric Service Tariff.[1] The proposed changes would result in an estimated increase in jurisdiction revenues from 13 wholesale customers of $819,000 (10.7 percent) annually based on estimated sales for the 12-month period ending January 1971, as adjusted. The changes are proposed to become effective on February 20, 1970. This order suspends the operation of the proposed rate schedule changes and order a public hearing concerning the lawfulness of the proposed rates.

In support of its filing, Union contends that the proposed increase is necessary to defray increasing costs, particularly with respect to the high interest cost of current debt. Union further states that increasing revenues are necessary in order to attract sufficient capital to finance its 5-year construction program.

Three wholesale customers have protested the proposed increase in Union's rates. One customer, Arkansas-Missouri Power Co., noted that Union's rate to another utility, Missouri Utilities Co., for its Southeast Missouri operations is not being changed. Arkansas-Missouri suggests that Union's proposed increase may thus be unduly selective and discriminatory. City of Kirkwood, Mo., states that Union in its application has not justified the increased rate requested and, consequently, should be required to prove the reasonableness of its request. Citizens Electric Corp. stated that it had assumed Union's increase request would be in the order of 7 percent rather than the amount actually proposed. The Company therefore requested an opportunity to study the filed cost of service to determine its participation in this proceeding. The Missouri Public Service Commission responded to our request for comments, but stated that it had no comment at this time.

As part of its filing, Union submitted cost of service data for the test year 1968. In reviewing that submittal, we note that there are certain issues raised which should be developed in an evidentiary proceeding. Those issues, inter alia, are rate of return, and allowances for the 1969 Federal income tax surcharge and the effect of current labor union wage negotiations, as well as the adjustment for bond indebtedness in computing income tax allowance.

The Commission finds:

(1) The proposed increased rates and charges have not been shown to be justified and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful under the Federal Power Act.

(2) It is necessary and appropriate for the purposes of the Federal Power Act, particularly sections 205, 206, 301, 307, 308, and 309 thereof, that the Commission enter upon a hearing concerning the lawfulness of the rates and charges contained in Union's FPC Electric Tariff, as proposed to be amended; that the proposed revised tariff sheets designated above be suspended and the use thereof deferred; and that the hearing be expedited in accordance with the procedures set forth below, all as hereinafter provided.

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by the Federal Power Act and pursuant to the Commission's rules of practice and procedure, a public hearing shall be convened to commence with a prehearing conference to be held on March 10, 1970, at 10 a.m., e.s.t., at the offices of the Federal Power Commission in Washington, D.C., concerning the lawfulness of the rates and charges contained in Union's FPC Electric Tariff, as proposed to be amended.

(B) Pending such hearing and decision thereon, First Revised Sheets Nos. 5 and 7 to Union's FPC Electric Tariff are hereby suspended and the use thereof deferred until July 20, 1970. On that day, those revised tariff sheets shall take effect in the manner prescribed by the Federal Power Act, and Union, subject to further orders of the Commission, shall charge and collect the increased rates and charges set forth in those revised tariff sheets for all power sold and delivered thereunder.

(C) Union shall refund at such times and in such manner as may be required by final order of the Commission, the portion of the increased rates and charges found by the Commission in this proceeding not justified, together with interest at the prime rate of interest on July 20, 1970, from the date of payment to Union until refunded; shall bear all cost of any such refunding; shall keep accurate accounts in detail of all amounts received by reason of the increased rates or charges effective as of July 20, 1970, for each billing period; and shall report (original and one copy) in writing and under oath, to the Commission monthly, for each billing period, by customer, the billing determinants of electric energy sold and delivered under the above-described revised tariff sheets, and the revenues resulting therefrom as computed under the rates in effect immediately prior to July 20, 1970, and under the rates and charges made effective by this order, together with the differences in the revenues so computed.

(D) Unless otherwise ordered by the Commission, Union shall not change the terms or provisions of its FPC Electric Tariff, as proposed to be amended, until this proceeding has been terminated or until the period of suspension has expired.

(E) Presiding Examiner Dyer Justice Taylor, or any other Examiner designated by the Chief Examiner for that purpose (see Delegation of Authority, 18 CFR 3.5(d)), shall preside at the hearing in this proceeding and shall prescribe relevant procedural matters not herein provided.

(F) Notices of intervention and petitions to intervene in this proceeding may be filed with the Federal Power Commission, Washington, D.C. 20426, on or before March 13, 1970, in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.37). Answers to those petitions may be filed on or before March 25, 1970.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 70-2374; Filed, Feb. 26, 1970; 8:46 a.m.]

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[1] The tender is designated as First Revised Sheets Nos. 5 and 7 to Union's FPC Electric Tariff.

FEDERAL RESERVE SYSTEM

CHARTER NEW YORK CORP.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made, pursuant to section 3(a) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)), by Charter New York Corp., which is a bank holding company located in New York, N.Y., for prior approval by the Board of Governors of the acquisition by applicant of 100 percent of the voting shares of Ogdensburg Trust Co., Ogdensburg, N.Y.

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

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

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

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

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

Dated at Washington, D.C., this 19th day of February 1970.

By order of the Board of Governors.

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

[F.R. Doc. 70-2396; Filed, Feb. 26, 1970; 8:48 a.m.]

FIRST NATIONAL BANCORPORATION, INC.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made, pursuant to section 3(a) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)), by The First National Bancorporation, Inc., which is a bank holding company located in Denver, Colo., for prior approval by the Board of Governors of the acquisition by applicant of 80 percent or more of the voting shares of The First National Bank of Pueblo, Pueblo, Colo.

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

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

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

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

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

Dated at Washington, D.C., this 18th day of February 1970.

By order of the Board of Governors.

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

[F.R. Doc. 70-2395; Filed, Feb. 26, 1970; 8:48 a.m.]

TENNESSEE NATIONAL BANCSHARES, INC.

Notice of Amendment to Application

In the matter of the application of Tennessee National Bancshares, Inc., Maryville, Tenn., pursuant to section of the Bank Holding Company Act of 1956.

On November 6, 1969, there was published in the FEDERAL REGISTER (34 F.R. 17972) a notice of receipt by the Board of Governors of an application filed pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(1)), by Tennessee National Bancshares, Inc., Maryville, Tenn., for prior approval by the Board of action whereby applicant would become a bank holding company through the acquisition of at least 80 percent of the voting shares of each of the following banks: The Blount National Bank of Maryville, Maryville; Merchants & Farmers Bank, Greenback; and The First National Bank of Oneida, Oneida, all located in the State of Tennessee.

The aforestated published notice provided that within 30 days of publication comments and views on the proposal could be filed with the Board.

Notice is hereby given that an amendment to the application has been filed, whereby applicant seeks approval to acquire more than 50 percent of the voting shares of Merchants & Farmers Bank, Greenback, rather than at least 80 percent of such shares as proposed in the original application.

Not later than fourteen (14) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the amended proposal may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application and amendment may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Atlanta.

Dated at Washington, D.C., this 17th day of February 1970.

By order of the Board of Governors.

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

[F.R. Doc. 70-2397; Filed, Feb. 26, 1970; 8:48 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[70-4771]

NORTHEAST UTILITIES

Notice of Filing of Post-Effective Amendment Proposing Additional Issue and Sale of Short-Term Notes and Additional Capital Contributions

FEBRUARY 20, 1970.

Notice is hereby given that Northeast Utilities ("Northeast"), 174 Brush Hill Avenue, West Springfield, Mass. 01089, a registered holding company, has filed a post-effective amendment to a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"). The declaration, as amended by the post-effective amendment, designates sections 6, 7, and 12(b) of the Act and Rules 45 and 50(a)(5) promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the declaration, as amended, which is summarized below, for a complete statement of the proposed transactions.

By order dated August 22, 1969 (Holding Company Act Release No. 16454), this Commission permitted to become effective the declaration now being amended, which order authorized Northeast to issue and sell to banks, not later than July 1, 1971, its short-term unsecured

promissory notes up to an aggregate principal amount outstanding at any one time of $35 million. Northeast now seeks authorization to increase the aggregate amount of short-term notes that may be outstanding from $35 million to $70 million, and to issue and sell short-term notes in the form of commercial paper. The commercial paper notes will be issued in denominations of not less than $50,000 and not more than $1 million and will be sold by Northeast directly to Lehman Commercial Paper, Inc. ("Lehman"), at the discount rate per annum prevailing at the date of issuance for commercial paper of comparable quality and of the particular maturity sold by public-utility issuers to commercial paper dealers. No commercial paper notes will be issued having a maturity of more than 90 days after June 30, 1971, if such commercial paper notes would have an effective interest cost which exceeds the effective interest cost at which Northeast could borrow from banks. Northeast states that it desires the flexibility to allocate its short-term borrowings between bank notes and commercial paper notes to enable it to realize economies in the proposed short-term financing. No commission or fee will be payable in connection with the issuance and sale of the commercial paper. Maturities of the commercial paper will be not more than 270 days.

Lehman, as principal, will reoffer the commercial paper to institutional investors at a discount of not more than ⅛ of 1 percent per annum less than the prevailing discount rate to Northeast. The commercial paper will be reoffered to not more than 200 identified and designated customers in a list (nonpublic) prepared in advance by Lehman. It is anticipated that the commercial paper will be held by customers to maturity, but if such customers desire to resell prior to maturity, Lehman, pursuant to a verbal repurchase agreement, will repurchase the commercial paper and reoffer the same to others in the group of 200 customers.

Northeast requests exemption from the competitive bidding requirements of Rule 50 pursuant to paragraph (a)(5)(B) thereof. Northeast states that it is not practicable to invite competitive bids for commercial paper and that current rates for commercial paper of prime borrowers such as Northeast are published daily in financial publications.

By order dated October 15, 1969 (Holding Company Act Release No. 16493), the Commission authorized Northeast to make a $15 million capital contribution to the Connecticut Light and Power Co. ("CL&P"), one of its subsidiary companies. Northeast now seeks authorization to make additional capital contributions to CL&P, and to The Hartford Electric Light Co. ("Hartford") and to Western Massachusetts Electric Co. ("WMECO"), both of which are also subsidiary companies of Northeast. Cash contributions will be made to Hartford and to CL&P in the amounts of $10 million and $20 million, respectively, and the contribution to WMECO will be in the amount of $11,450,000 and will consist of the conversion of WMECO's outstanding loan in that amount from Northeast. Hartford, CL&P and WMECO will credit the capital contributions to their capital surplus accounts and will apply such contributions, together with other funds available to them, to finance their 1970 construction programs and for other corporate purposes.

Notice is further given that any interested person may not later than March 13, 1970, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said amended declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as amended by said post-effective amendment or as it may be further amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 70-2405; Filed, Feb. 26, 1970; 8:49 a.m.]

SMALL BUSINESS ADMINISTRATION

[License No. 10/10-0028]

BUSINESS LOAN AND INVESTMENT CORP.

Surrender of License

Notice is hereby given that Business Loan and Investment Corp. (Business Loan) has, pursuant to § 107.105 of the regulations governing small business investment companies (13 CFR 107.33; F.R. 326) surrendered its license to operate as a small business investment company.

Business Loan was incorporated under the laws of the State of Louisiana, and issued license number 10/10-0028 by the Small Business Administration on October 4, 1960.

Business Loan was licensed solely to operate under the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 et seq.).

Under the authority vested in Small Business Administration by the Small Business Investment Act of 1958, as amended, and the regulations promulgated thereunder, the surrender of the license of Business Loan is hereby accepted and, accordingly, it is no longer licensed to operate as a small business investment company.

For SBA (pursuant to delegated authority).

Dated: February 3, 1970.

A. H. SINGER, *Associate Administrator for Investment.*

[F.R. Doc. 70-2380; Filed, Feb. 26, 1970; 8:47 a.m.]

CITY OF COMMERCE INVESTMENT CO.

Application for License as Minority Enterprise Small Business Investment Company

Notice is hereby given concerning the filing of an application with the Small Business Administration (SBA) pursuant to § 107.102 of the Regulations Governing Small Business Investment Companies (33 F.R. 326; 13 CFR Part 107) under the name of City of Commerce Investment Co., 2500 South Atlantic Boulevard, Los Angeles, Calif. 90022, for a license to operate in the State of California as a minority enterprise small business investment company (MESBIC) under the provisions of the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 et seq.) (Act).

The proposed officers and directors are as follows:

John Robert Fluor, 1245 Hillside Road, Pasadena, Calif. President, Director.
Jay Loyd Reed II, 89 Linda Isle, Newport Beach, Calif. Vice President, Director.
Thomas Potter Pike, 1475 Circle Drive, San Marino, Calif. Vice President, Director.
Richard Bernard Humbert, 975 Darby Road, San Marino, Calif. Secretary, Director.
Donald Marvin Morgan, 4321 Linden Avenue, Long Beach, Calif. Treasurer, Director.

The company's initial capitalization will be $200,000. It is a wholly owned subsidiary of Fluor Corp., 2500 South Atlantic Boulevard, Los Angeles, Calif., a public company which is a worldwide leader in the construction of oil refineries. As a MESBIC, the company's investment policy is that its investments will be made solely to small business concerns which will contribute to a well-balanced national economy by facilitating ownership in such small business concerns by persons whose participation in the free enterprise system is hampered because of social and economic disadvantages.

Matters involved in SBA's consideration of the application include the general business reputation and character of the management, and the probability

of successful operations of the new company under their management, including adequate profitability and financial soundness, in accordance with the Act and regulations.

Notice is further given that any interested person may, not later than 10 days from the date of the publication of this notice, submit to SBA in writing relevant comments on the proposed company. Any 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 Los Angeles, Calif.

For SBA (pursuant to delegated authority).

Dated: February 16, 1970.

A. H. SINGER,
Associate Administrator for Investment.

[F.R. Doc. 70-2404; Filed, Feb. 26, 1970; 8:49 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 18]

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

FEBRUARY 20, 1970.

The following applications are governed by Special Rule 247[1] of the Commission's general rules of practice (49 CFR 1100.247 as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

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

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

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

No. MC 921 (Sub-No. 19), filed January 23, 1970. Applicant: DEAN TRUCK LINE, INC., Post Office Drawer 32, Fulton Drive, Corinth, Miss. 38834. Applicant's representative: James W. Wrape, 2111 Sterick Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), between Tupelo, Miss., and Hattiesburg, Miss.: From Tupelo over U.S. Highway 45 to Shannon, Miss., thence over U.S. Highway Alternate 45 to Brooksville, Miss., thence over U.S. Highway 45 to Meridian, Miss., thence over U.S. Highway 11 to Hattiesburg (also from Meridian, Miss., over Interstate Highway 59 to Hattiesburg), and return over the same routes, serving all intermediate points on and south of U.S. Highway 80. NOTE: Applicant states that it holds authority over the above-described route in MC 921 Sub 13. However, such authority restricts the transportation of any traffic between points in the Memphis, Tenn., commercial zone, as defined by the Commission, on the one hand, and, on the other, points on and south of U.S. Highway 80. The purpose of this application is to remove subject restriction. Applicant further states that no duplication of routes or authority is sought. If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss., or Memphis, Tenn.

No. MC 2653 (Sub-No. 25), filed January 26, 1970. Applicant: MUNROE AND ARNOLD-MERRITT EXPRESS, INC., 183A Lafayette Street, Salem, Mass. 01970. Applicant's representatives: Francis E. Barrett and Francis P. Barrett, 60 Adams Street, Milton, Mass. 02187. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass rods and tubing; rejected or returned shipments of glass rods and tubing; pallets and packing materials* used in the transportation of such products, between Danvers, Mass., and Greenland, N.H. 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 Boston, Mass.

No. MC 2860 (Sub-No. 72), filed January 22, 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: *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 Carriers Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and/or cold storage facilities utilized by Wilson & Co., at Logansport, Ind., to points in Connecticut, Delaware, District of Columbia, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, and Rhode Island; restricted to traffic originating at the above-named origin and destined to the above-named destinations. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., Philadelphia, Pa., or Washington, D.C.

No. MC 9325 (Sub-No. 47), filed January 29, 1970. Applicant: K LINES, INC., Post Office Box 187, Lebanon, Oreg. Applicant's representative: Norman E. Sutherland, 1200 Jackson Tower, Portland, Oreg. 97205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement, pozzolan, and fly ash*, in bulk, between points in Washington in and east of Okanogan, Chelan, Kittitas, Yakima, and Klickitat Counties, Wash. NOTE: Common control may be involved. Applicant states that in the event the application is granted it would be tacked with any presently held authority or future authority acquired. 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 no duplication of authority is requested by this application. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg., or Seattle, Wash.

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

No. MC 13250 (Sub-No. 104), filed February 2, 1970. Applicant: J. H. ROSE TRUCK LINE, INC., 5003 Jensen Drive, Post Office Box 16190, Houston, Tex. 77022. Applicant's representative: James M. Doherty, Suite 401, First National Life Building, Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles*, from Pueblo, Colo., and points in its commercial zone, to points in Arizona, Arkansas, California, Idaho, Illinois, Indiana, Kansas, Kentucky, Louisiana, Missouri, Nevada, Oklahoma, Oregon, Tennessee, Texas, and Washington. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 13250 (Sub-No. 105), filed February 2, 1970. Applicant: J. H. ROSE TRUCK LINE, INC., 5003 Jensen Drive, Post Office Box 16190, Houston, Tex. 77022. Applicant's representative: James M. Doherty, Suite 401, First National Life Building, Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities*, the transportation of which, because of their size or weight, requires the use of special equipment, and *related machinery parts and related contractor's materials and supplies* when their transportation is incidental to the transportation by said carrier of commodities which by reason of size or weight require special equipment; (2) *self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies* moving in connection therewith (restriction to commodities which are transported on trailers); and (3) *construction, agricultural, maintenance, and industrial machinery, equipment, materials, and supplies and parts, attachments and accessories*, between points in Washington, Oregon, California, Nevada, Arizona, New Mexico, and Texas, on the one hand, and, on the other, points in Alabama, Georgia, Florida, North Carolina, South Carolina, Tennessee, and Mississippi. NOTE: Applicant states that the authority sought could and would be tacked so as to transport some or all of the involved commodities between points in Alaska, Wyoming, Idaho and Montana, Utah, Colorado, Kansas, Oklahoma, Louisiana, and Arkansas, on the one hand, and, on the other, points in Alabama, Georgia, Florida, North Carolina, South Carolina, Tennessee, and Mississippi, with tacking taking place in Arizona and/or Texas. If a hearing is deemed necessary, Applicant requests it be held 1 week each at San Francisco, Calif.; Los Angeles, Calif.; and New Orleans, La.

No. MC 26968 (Sub-No. 2), filed January 30, 1970. Applicant: CARL S. EPPS TRUCKING, INC., 55 Provost Street, Brooklyn, N.Y. 11222. Applicant's representatives: Martin Werner and Norman Weiss, 2 West 45th Street, New York, N.Y. 10036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Floor covering and materials and supplies* used in the installation and maintenance of floor covering, from Teterboro, N.J., to New York, N.Y., and points in Nassau, Rockland, and Westchester Counties, N.Y., under a continuing contract or contracts with Empire Carpet Corp. and *returned and refused shipments* of the same commodities, on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 41404 (Sub-No. 87), filed January 29, 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), vehicles equipped with mechanical refrigeration, from Jacksonville (Morgan County), Ill., to points in Alabama, Arkansas, Georgia, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Missouri, Mississippi, Nebraska, North Dakota, Ohio, South Dakota, Tennessee, and Wisconsin. NOTE: Common control and dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., Springfield, Ill., or Chicago, Ill.

No. MC 52704 (Sub-No. 72), filed January 28, 1970. Applicant: GLENN McCLENDON TRUCKING COMPANY, INC., Post Office Box 49, LaFayette, Ala. 36862. Applicant's representatives: Archie B. Culbreth and Guy H. Postell, 1273 West Peachtree Street NE., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper and paper products*, from Palatka, Fla., to points in Alabama, Arkansas, Georgia, Louisiana, Maryland, Mississippi, North Carolina, South Carolina, Tennessee, Texas, and Virginia; and (2) *equipment, materials, and supplies* used in the process and manufacture of paper and paper products (except commodities in bulk and articles requiring the use of special equipment), from the destination States in (1) above to Palatka, Fla. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Jacksonville, Fla., or Atlanta, Ga.

No. MC 52752 (Sub-No. 18), filed January 19, 1970. Applicant: WESTERN TRANSPORTATION COMPANY, a corporation, 1300 West 35th Street, Chicago, Ill. 60609. 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 regular routes, transporting: *General commodities* (except those of unusual value, and except livestock, classes A and B explosives, commodities in bulk, household goods as defined by the Commision, commodities requiring special equipment, and those injurious or contaminating to other lading), serving the site of the Duane Arnold Energy Center located near Palo (Linn County), Iowa, as an off-route point in connection with applicant's presently authorized regular routes. NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 59622 (Sub-No. 2), filed January 28, 1970. Applicant: INTERLINE MOTOR FREIGHT, INC., 119 Lincoln Road, North Pekin, Ill. 61554. Applicant's representative: Anthony T. Thomas, 1811 West 21st Street, Chicago, Ill. 60608. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Sheboygan and La Crosse, Wis., and Newport, Ky., to McComb, Lincoln, Canton, Pekin, East Peoria, and Peoria, Ill. NOTE: Applicant states that it does not intend to tack. Common control and duel operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago or Springfield, Ill.

No. MC 61129 (Sub-No. 6), filed January 26, 1970. Applicant: KENNETH L. SWIGART, doing business as B. & H. FREIGHT LINE, Post Office Box 354, Harrisonville, Mo. 64701. Applicant's representative: Herman W. Huber, 101 East High Street, Jefferson City, Mo. 65101. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Garden City and Clinton, Mo., over Missouri Highway 7, serving all intermediate points, in connection with applicant's presently authorized regular-route operations between Kansas City, Mo.-Kans. and Garden City, Mo. NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 61403 (Sub-No. 202), filed December 31, 1969. Applicant: THE MASON AND DIXON TANK LINES, INC., Eastman Road, Box 969, Kingsport, Tenn. 37662. Applicant's representative: W. C. Mitchell, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Chemical and petroleum products*, in bulk, in tank vehicles, from Seymour, Ind., and points within 10 miles thereof, to points in Illinois, Indiana, Kentucky, Michigan, Ohio, Tennessee, and Wisconsin; and (2) *contaminated shipments of chemical and petroleum products*, in bulk, in tank vehicles, from points in Illinois, Indiana, Kentucky, Michigan, Ohio, Tennessee, and Wisconsin, to Seymour, Ind., and points within 10 miles thereof. 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 Louisville, Ky., or Washington, D.C

No. MC 65697 (Sub-No. 43), filed January 5, 1970. Applicant: THEATERS SERVICE COMPANY, a corporation, Post Office Box 1695, Atlanta, Ga. 30301. Applicant's representative: Guy H. Postell, 1273 West Peachtree Street NE., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except classes A and B explosives, livestock, and household goods as defined by the Commission), serving Duluth, Ga., as an off-route point in connection with applicant's authorized regular route operations. NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 79135 (Sub-No. 44), filed January 28, 1970. Applicant: COSSITT MOTOR EXPRESS, INC., 63 West Kendrick Avenue, Hamilton, N.Y. 13346. 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: *Calendars, calendar bases, calendar date pads, calendar pads, stationery, and equipment materials and supplies* used or useful in the manufacture and sale of advertising matter and novelties, between Sidney, N.Y., on the one hand, and, on the other, points in Connecticut, Delaware, Florida, District of Columbia, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Vermont, and Virginia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Syracuse or Utica, N.Y.

No. MC 83835 (Sub-No. 63), filed February 5, 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: *Tubing*, other than oilfield tubing, between points in Tulsa County, Okla., on the one hand, and, on the other, points in the United States (except Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Tulsa or Oklahoma City, Okla.

No. MC 87487 (Sub-No. 6), filed January 29, 1970. Applicant: ROSS ESBENSHADE, Rural Delivery No. 2, New Holland, Pa. 17557. Applicant's representative: Joseph E. Tolson, Post Office Box 206, Reading, Pa. 19607. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Brick*, from Wyomissing (Berks County), Pa., to points in Connecticut, Delaware, Maryland, New Jersey, New York, 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 Washington, D.C.

No. MC 87966 (Sub-No. 14), filed January 26, 1970. Applicant: ELEVELD CHICAGO FURNITURE SERVICE, INC., 4020 West 24th Street, Chicago, Ill. 60623. Applicant's representative: Donald S. Mullins, 4704 West Irving Park Road, Chicago, Ill. 60641. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Store and office fixtures*, as defined in appendix III to Ex Parte MC-45, as amended, and *parts* thereof; also, *supplies and materials* used in the installation of said store and office fixtures (except commodities in bulk) between the plantsite and facilities of Packerland Woodworking Corp., at or near Oconto, Wis., on the one hand, and on the other, points in Connecticut, Delaware, District of Columbia, Illinois, except points in the Chicago, Ill., commercial zone, Rockford, St. Charles, Elgin, Naperville, and Kankakee, Ill., Indiana, except Michigan City, Ind., Iowa, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, New Jersey, New York, North Dakota, Ohio, Pennsylvania, Rhode Island, South Dakota, Vermont, Virginia, Washington, and West Virginia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 94350 (Sub-No. 253), filed January 22, 1970. Applicant: TRANSIT HOMES, INC., Post Office Box 1628, Haywood Road, Greenville, S.C. 29602. Applicant's representative: Mitchell King (same address as above). 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 *building* in sections, mounted on wheeled undercarriages, from De Soto Parish, La., to points in Arkansas, Texas, Oklahoma, Missouri, Mississippi, Alabama, Tennessee, Kansas, New Mexico, Georgia, and Florida. 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 Shreveport, La.

No. MC 100623 (Sub-No. 22), filed January 22, 1970. Applicant: HOURLY MESSENGERS, INC., doing business as H. M. PACKAGE DELIVERY SERVICE, 20th and Indiana Avenue, Philadelphia, Pa. 19132. Applicant's representatives: V. Baker Smith and James Patterson, 2107 The Fidelity Building, Philadelphia, Pa. 19109. 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 requiring special equipment, cash letters, cash and currency, narcotics, and processed and unprocessed film), from points in East Whiteland Township, Chester County, Pa., and King of Prussia, Montgomery County, Pa., to points in Burlington, Camden, Gloucester, Hunterdon, Mercer, Salem, and Warren Counties, N.J., and New Castle County, Del. Restrictions: (1) No service shall be rendered in the transportation of any package or article weighing more than 50 pounds or exceeding 108 inches in length and girth combined, and each package or article shall be considered as a separate and distinct shipment; (2) no service shall be provided in the transportation of packages or articles weighing in the aggregate more than 500 pounds from one consignor at one location to one consignee at one location on any one (1) day; and (3) no delivery services shall be provided, under the authority sought herein, to the premises of persons who or which have entered into contracts with applicant and are served by it pursuant to permits issued by the Interstate Commerce Commission. NOTE: Applicant states that it does not intend to tack. Applicant holds contract carrier authority under MC-102799, therefore, dual operations may be involved. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 100623 (Sub-No. 24), filed January 23, 1970. Applicant: HOURLY MESSENGERS, INC., doing business as H. M. PACKAGE DELIVERY SERVICE, 20th and Indiana Avenue, Philadelphia, Pa. 19132. Applicant's representatives: V. Baker Smith and James W. Patterson, 2107 The Fidelity Building, Philadelphia, Pa. 19109. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), cash letters, cash and currency, narcotics, and processed and unprocessed film, between Camden, Burlington, and Gloucester Counties, N.J., on the one hand, and, on the other, points in Delaware and Pennsylvania subject to the following restrictions: (1) No service shall be rendered in the transportation of any package or article weighing more than 50 pounds or exceeding 108 inches in length and girth combined, and each package or article shall be considered as a separate and distinct shipment; (2) no service shall be provided in the transportation of packages or articles weighing in the aggregate more than 300 pounds from one consignor at one location to one consignee at one location on any one (1) day; and (3) no delivery service shall be provide under the authority granted herein to the premises or persons who or which have entered into contract with applicant and are served by it pursuant to permits issued by Commission. NOTE:

Applicant states that the requested authority can be tacked whenever possible when certificate are issued in pending proceedings. Applicant holds contract carrier authority under MC 102799, therefore, dual operations and common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 100666 (Sub-No. 160), filed January 26, 1970. Applicant: MELTON TRUCK LINES, INC., Post Office Box 7666, Shreveport, La. 71107. Applicant's representatives: Wilburn L. Williamson, 600 Leininger Building, Oklahoma City, Okla. 73112, and Paul Caplinger (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled hydraulic loaders including parts, attachments, and accessories*, from Mullinville, Kans., to points in Oklahoma, Texas, Arkansas, Louisiana, Tennessee, Mississippi, Alabama, Georgia, and Florida. 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 Wichita, Kans., or Oklahoma City, Okla.

No. MC 103993 (Sub-No. 498), filed February 2, 1970. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexingington Avenue, Elkhart, Ind. 46514. Applicant's representatives: Paul D. Borhesani and Ralph H. Miller (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Truck campers and camp coaches* in truckaway service, from points in Lane County, Oreg., to points in Washington, Oregon, Idaho, California, Montana, Nevada, Utah, and Arizona; and (2) *undercarriages*, from points in Lane and Benton Counties, Oreg., 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 Eugene, Oreg.

No. MC 106398 (Sub-No. 448), filed January 22, 1970. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, Okla. 74151. Applicant's representatives: Irvin Tull also Fred Rahal, Jr. (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: (1) *Plywood and plywood products, plywood and plywood products combined with veneer and plastics, paneling, doors, composition wood, and composition wood products, and accessories, materials, and supplies* used in connection with the manufacture and distribution of the above-described commodities, from Oshkosh, Wis., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia; and (2) *materials and supplies*, used in the manufacture and distribution of the above-described commodities, from points in the above destination States to Oshkosh, Wis. 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 Milwaukee or Madison, Wis.

No. MC 106398 (Sub-No. 449), filed January 22, 1970. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, Okla. 74151. Applicant's representatives: Irvin Tull and Fred Rahal, Jr. (same address as above). 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 Linn 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. Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Cedar Rapids or Waterloo, Iowa.

No. MC 106398 (Sub-No. 451), filed January 26, 1970. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, Okla. 74151. Applicant's representatives: Irvin Tull and Fred Rahal, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles, in initial movements, from points in Franklin 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. Applicant further states that it seeks no duplicating authority. Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Raleigh or Greensboro, N.C.

No. MC 106398 (Sub-No. 453), filed January 23, 1970. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, Okla. 74151. Applicant's representatives: Irvin Tull and Fred Rahal, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings*, complete, knocked down, or in sections and *component parts*, except buildings, in sections, mounted on wheeled undercarriages, with hitchball connector, from points in Muscogee County, Ga., to points in New Mexico, Colorado, Texas, Oklahoma, and Florida. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states that no duplicating authority is being sought, Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Columbus or Atlanta, Ga.

No. MC 106644 (Sub-No. 104), filed January 26, 1970. Applicant: SUPERIOR TRUCKING COMPANY, INC., 2770 Peyton Road NW., Post Office Box 916, Atlanta, Ga. 30301. Applicant's representatives: K. Edward Wolcott (same address as applicant), and Duane W. Acklie, Post Office Box 806, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: I. Regular routes: *General commodities* (except household goods as defined by the Commission, commodities which because of size or weight require the use of special equipment, and commodities in bulk); (1) between Savannah, Ga., and San Diego, Calif., over U.S. Highway 80; (2) between Jacksonville, Fla., and Los Angeles, Calif: (a) From Jacksonville over U.S. Highway 90 to Van Horn, Tex., thence over U.S. Highway 80 to Las Cruces, N. Mex., thence over U.S. Highway 70 to Globe, Ariz., thence over U.S. Highway 60 to Los Angeles and return over the same route; and (b) over Interstate Highway 10; (3) between Savannah, Ga., and Miami, Fla.: From Savannah over U.S. Highway 17 to Jacksonville, Fla., thence over U.S. Highway 1 to Miami and return over the same route; (4) between Columbus, Ga., and Miami, Fla., over U.S. Highway 27; (5) between Savannah, Ga., and Miami, Fla., over Interstate Highway 95; (6) between Macon, Ga., and Miami, Fla.: (a) Over U.S. Highway 41; and (b) from Macon over Interstate Highway 75 to Wildwood, Fla., thence over the Sunshine Parkway to Miami, and return over the same route.

(7) Between Wildwood and Tampa, Fla., over Interstate Highway 75; (8) between Daytona Beach and St. Petersburg, Fla., over Interstate Highway 4; (9) between Statesboro, Ga., and Ocala, Fla., over U.S. Highway 301; (10) between Cusseta and Blitchton, Ga., over U.S. Highway 280; (11) between Bainbridge and Brunswick, Ga., over U.S. Highway 84; (12) between Cuthbert and Mid-Way, Ga., over U.S. Highway 82; (13) between Macon and Folkston, Ga., over U.S. Highway 23; (14) between junction U.S. Highway 80 and 19 (near Butler, Ga.) and St. Petersburg, Fla., over U.S. Highway 19; (15) between Lebanon Station and Dunnellon, Fla., over Florida Highway 336; (16) between Perry and Pensacola, Fla., over U.S. Highway 98; (17) between Panama City and Cottondale, Fla., over U.S. Highway 231; (18) between Lakeland and Punta Gorda, Fla.: From Lakeland over U.S. Highway 98 to Bartow; thence over U.S. Highway 17 to Punta Gorda, and return over the same route; (19) between Fort Myers and West Palm Beach, Fla.: From Fort Myers over Florida Highway 80 to junction U.S. Highway 27, thence over U.S. Highway 27 to junction U.S. Highway 441 thence over U.S. Highway 441 to West Palm Beach and return over the same route; (20) between Tampa and Vero Beach, Fla., over Florida Highway 60; (21) between Bradenton and West Palm Beach,

Fla.: From Bradenton over Florida Highway 64 to junction Florida Highway 675, thence over Florida Highway 675 to junction Florida Highway 70, thence over Florida Highway 70 to junction Florida Highway 710, thence over Florida Highway 710 to West Palm Beach and return over the same route; (22) between Ocala and Ormond Beach, Fla., over Florida Highway 40;

(23) Between San Diego and Crescent City, Calif., over U.S. Highway 101; (24) between Los Angeles and Weed, Calif., over U.S. Highway 99 and/or Interstate Highway 5; (25) between San Diego and Alturas, Calif., over U.S. Highway 395; (26) between San Francisco, Calif., and Reno, Nev., over Interstate Highway 80; (27) between Blythe and San Bernardino, Calif.: From Blythe over U.S. Highway 95 to Needles, Calif., thence over U.S. Highway 66 to San Bernardino and return over the same route; (28) between Santa Maria, Calif., and junction California Highway 119 and U.S. Highway 99 near Greenfield, Calif.: From Santa Maria over California Highway 166 to junction California Highway 33, thence over California Highway 33 to junction California Highway 119, thence over California Highway 119 to junction U.S. Highway 99 and return over the same route; (29) between Bakersfield and Barstow, Calif., over California Highway 58; (30) between Gilroy and Fairmead, Calif., over California Highway 152; (31) between Ventura, Calif., and junction California Highway 33 and California Highway 152 near Santa Rita Park, Calif., over California Highway 33; (32) between San Jose and Stockton, Calif.: From San Jose over Interstate Highway 680 to junction U.S. Highway 50, thence over U.S. Highway 50 to Stockton and return over the same route; (33) between Mobile, Ala., and Jackson, Miss.: From Mobile over U.S. Highway 98 to Hattiesburg, Miss., thence over U.S. Highway 49 to Jackson and return over the same route, serving Mobile and Jackson for purpose of joinder only; (34) between Charleston, S.C., and Savannah, Ga., over U.S. Highway 17;

(35) between Columbia, S.C., and Augusta, Ga., over U.S. Highway 1; (36) between Augusta, Ga., and Atlanta, Ga., over U.S. Highway 278; (37) between Savannah, Ga., and Sacramento, Calif.: (a) From Savannah, Ga., over Interstate Highway 16 or U.S. Highway 80 to Macon, Ga., thence over U.S. Highway 80 to Montgomery, Ala., thence over Interstate Highway 65 to Mobile, Ala., thence over Interstate Highway 10 to Los Angeles, Calif., thence over Interstate Highway 5 to Sacramento, Calif., and return over the same route; and (b) from Savannah, Ga., over U.S. Highway 80 to San Diego, Calif., thence over Interstate Highway 5 to Los Angeles, Calif., thence over California Highway 99 to Sacramento, Calif., and return over the same route; (38) between Asheville, N.C., and Greenville, S.C., over U.S. Highway 25; (39) between Raleigh, N.C., and Columbia, S.C.: From Raleigh over U.S. Highway 70 to Smithfield, N.C., thence over U.S. Highway 301 to Florence, S.C., thence over U.S. Highway 76 to Columbia, S.C., and return over the same route; (40) between San Francisco, Calif., and junction U.S. Highway 50 with California Highway 99 near Manteca over U.S. Highway 50; (41) between Atlanta, Ga., and Montgomery, Ala.: (a) Over Interstate Highway 85; and (b) over U.S. Highway 29 to Tuskegee, Ala., thence over U.S. Highway 80 to Montgomery, and return over the same route; (42) between Charleston, S.C., and Columbia, S.C., over Interstate Highway 26; (43) between Atlanta, Ga., and Meridian, Miss.: From Atlanta over U.S. Highway 78 to Birmingham, Ala., thence over U.S. Highway 11 to Meridian, Miss., and return over the same route;

(44) Between Bristol, Tenn., and Atlanta, Ga.: From Bristol over U.S. Highway 11W to junction U.S. Highway 25E approximately 10 miles north of Morristown, Tenn., thence over U.S. Highway 25E to Morristown, Tenn., thence over U.S. Highway 11E to Knoxville, Tenn., thence over U.S. Highway 11 and/or Interstate Highway 75 to Chattanooga, Tenn., thence over Interstate Highway 75 and/or U.S. Highway 41 to Atlanta, Ga., and return over the same route; (45) between Kingsport, Tenn., and Asheville, N.C.: From Kingsport over U.S. Highway 23 to Johnson City, Tenn., thence over U.S. Highway 11E to Morristown, Tenn., thence over U.S. Highway 25E to Newport, Tenn., thence over U.S. Highway 25 to Asheville, N.C., and return over the same route; (46) between Jellico, Tenn., and Lebanon, Tenn., from Jellico, over Interstate Highway 75 and/or U.S. Highway 25W to Knoxville, Tenn., thence over Interstate Highway 40 and/or U.S. Highway 70 to Lebanon, Tenn., and return over the same route; (47) between Lebanon, Tenn., and Chattanooga, Tenn.: From Lebanon, over U.S. Highway 231 to Murfreesboro, Tenn., thence over Interstate Highway 24 and/or U.S. Highway 41 to Chattanooga and return over the same route; and (48) between Greensboro, N.C., and Atlanta, Ga., over Interstate Highway 85 and/or U.S. Highway 29, and return over the same route. Service over the above-described routes is sought to be authorized to and from all termini, and serving all intermediate and all off-route points in the States of Alabama, Arizona, California, Florida, Georgia, Mississippi, Nevada, New Mexico, North Carolina, and South Carolina and those in Tennessee on and east of U.S. Highway 231; restricted to the transportation of traffic moving between points in Arizona, California, Nevada, and New Mexico, on the one hand, and, on the other, points in Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, and points in Tennessee on and east of U.S. Highway 231.

II. Irregular routes: *Construction materials, equipment, and supplies; pipe; iron and steel articles; explosives; machinery, and machinery parts;* those *commodities* which because of size or weight require the use of special equipment; *electronic equipment and parts; aircraft and aerospace equipment, materials, and supplies; floor coverings; textiles, and textile products; and containers and commodities* moving in containers; between points in Alabama, Florida, Georgia, North Carolina, Mississippi, South Carolina, and points in Tennessee on and east of U.S. Highway 231, on the one hand, and, on the other points in Arizona, California, Nevada, and New Mexico. NOTE: Applicant states that tacking on size and weight commodities at Georgia and other States is possible to and from various States and points in the eastern United States. Applicant further states that it does intend to interline with other carriers. Common control may be involved. If a hearing is deemed necessary, applicant requests hearing commencing in Atlanta, Ga., and then adjourning to Miami, Fla.; Mobile, Ala.; and Los Angeles, Calif.

No. MC 106644 (Sub-No. 105), filed January 29, 1970. Applicant: SUPERIOR TRUCKING COMPANY, INC., 2770 Peyton Road NW., Post Office Box 916, Atlanta, Ga. 30301. Applicant's representative: K. Edward Wolcott, Post Office Box 916, Atlanta, Ga. 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Air cleaners, conditioners, coolers, dehumidifiers, heaters, humidifiers, air washers, and air blowers, or fans, parts, and accessories* therefor, from points in Gwinnett County, Ga., to points in Arizona, California, Colorado, Kansas, Nebraska, Nevada, New Mexico, Oklahoma, Oregon, Utah, and Washington. NOTE: Applicant states that it is presently authorized to transport commodities which require special equipment between Georgia and numerous States east of the Mississippi River and could therefore tack from those States at Georgia to the sought destination States to the extent of the commodity authorization. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Washington, D.C.

No. MC 107295 (Sub-No. 279), filed December 22, 1969. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South Main Street, Farmer City, Ill. 61842. Applicant's representative: Mack Stephenson (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plywood and plywood paneling* from Jersey City, N.J., to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Ohio, Michigan, Minnesota, Missouri, Tennessee, and Wisconsin; (2) *hardboard, wall board, particle board and parts and accessories therefor*, from Brooklyn, N.Y.; Newark and Port Reading, N.J., to all points in the United States (except Alaska and Hawaii); (3) *plywood and lumber products*, from Newark, N.J., to points in Arkansas, Illinois, Indiana, Iowa, Kentucky, Michigan, Missouri, Ohio, Tennessee, and Wisconsin; and (4) *wallboard, hardboard, particle board and plywood laminated with vinyl, and trim and accessories therefor*, from Hackensack, N.J., to points in the United States

east of the Mississippi River. 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 tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107295 (Sub-No. 299), filed January 28, 1970. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South Main Street, Post Office Box 146, Farmer City, Ill. 61842. Applicant's representative: Robert V. Gianniny, 900 Midtown Tower, Rochester, N.Y. 14604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings*, complete, knocked down, or in sections, and *component parts, materials, supplies, and fixtures* used in the erection or assemblying thereof on shipper-owned undercarriage trailers and shipper-owned undercarriage trailers in the reverse direction, from the town of Avon, Livingston County, N.Y., to points in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, 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 Rochester, N.Y.

No. MC 107515 (Sub-No. 687), filed January 19, 1970. Applicant: REFRIGERATED TRANSPORT CO., INC., 3901 Jonesboro Road SE., Post Office Box 308, 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 sausage*, from Bowling Green, Ky., to points in Alabama, Mississippi, Louisiana, Texas, Arkansas, Georgia, Florida, North Carolina, South Carolina, Ohio, Indiana, Michigan, Illinois, Wisconsin, Iowa, and Missouri. NOTE: Applicant states that the requested authority can be tacked with the authority under MC 107515 (Subs 515 and 484) at Ayden, N.C., to serve points in Virginia, Connecticut, Maryland, Massachusetts, New Jersey, New York, and the District of Columbia, however, no such tacking is contemplated at this time. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky., or Atlanta, Ga.

No. MC 107515 (Sub-No. 690), filed January 31, 1970. Applicant: REFRIGERATED TRANSPORT CO., INC., 3901 Jonesboro Road SE., Post Office Box 308, Forest Park, Ga. 30050. Applicant's representative: B. L. Gundlach (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared dough*, from Little Rock, Ark., to Forest Park, Ga., and Greensboro, N.C. NOTE: Applicant states that requested authority can be tacked with its existing authority but indicates that it has no present intention to tack. Persons interested in the tacking possibilities are cautioned that failure to oppose the applcation may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex., or Little Rock, Ark.

No. MC 108053 (Sub-No. 93), filed January 23, 1970. Applicant: LITTLE AUDREY'S TRANSPORTATION COMPANY, INC., Post Office Box 129, Fremont, Nebr. 68025. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, and articles distributed by meat packinghouses*, from the plantsite of Sioux-Preme Packing Co. and storage facilities used by Sioux-Preme Packing Co. at or near Sioux Center, Iowa, to points in Arizona, California, Idaho, Montana, Nevada, Oregon, Utah, and Washington, restricted to traffic originating at the named origin and destined to the destination States. NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 108393 (Sub-No. 25), filed January 19, 1970. Applicant: SIGNAL DELIVERY SERVICE, INC., 782 Industrial Drive, Elmhurst, Ill. 60126. Applicant's representative: J. A. Kundtz, National City Bank Building, Cleveland, Ohio 44114. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Electrical or gas appliances;* (2) *parts of electrical or gas appliances;* and (3) *equipment, materials, and supplies* used in the manufacture, distribution, and repair of electrical or gas appliances, from Cullman, Ala.; Jacksonville, Ark.; and La Salle, Ill., to the plantsites of Whirlpool Corp. at Evansville, Ind.; under continuing contract or contracts with Whirlpool Corp. NOTE: Applicant holds common carrier authority under MC 118459, therefore, dual operations may be involved. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 109397 (Sub-No. 193), filed January 23, 1970. Applicant: TRI-STATE MOTOR TRANSIT CO., a corporation, Post Office Box 113, Interstate Business Route I-44, Joplin, Mo. 64801. Applicant's representative: Max G. Morgan, 600 Leininger Building, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Source, special nuclear, byproduct radioactive materials, component parts, and containers thereof*, between the Kerr-McGee Cimarron facility at or near Crescent, Okla., on the one hand, and, on the other, the facilities of Combustion Engineering, Hartford County, Conn., and Babcock-Wilcox, Campbell County, Va. NOTE: Applicant states it is not aware of any feasible tacking operations that would result from a grant herein. However, applicant opposes the imposition of a tacking restriction. No duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla., or Washington, D.C.

No. MC 109612 (Sub-No. 29), filed January 28, 1970. Applicant: LEE MOTOR LINES, INC., Post Office Box 728, Muncie, Ind. 47305. 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: *Glass containers and closures therefor, paper boxes and partitions*, from Terre Haute, Ind., to points in Illinois, Ohio, Lower Peninsula of Michigan, and points in Wisconsin on and south of U.S. Highway No. 18. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Chicago, Ill.

No. MC 109637 (Sub-No. 365), filed January 26, 1970. Applicant: SOUTHERN TANK LINES, INC., Post Office Box 1047, 4107 Bells Lane, Louisville, Ky. 40201. Applicant's representatives: George R. Thim (same address as applicant), and John E. Nelson, 10 West Baltimore Avenue, Lansdowne, Pa. 19050. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Chemicals and petroleum products*, in bulk, in tank vehicles, from points in Jackson County, Ind., to points in Illinois, Indiana, Kentucky, Michigan, Missouri, Ohio, Tennessee, and Wisconsin; and (2) *defective and contaminated commodities* named above in bulk, in tank vehicles, from points in Illinois, Indiana, Kentucky, Michigan, Missouri, Ohio, Tennessee, and Wisconsin, to points in Jackson County, Ind. 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 Louisville, Ky., or Indianapolis, Ind.

No. MC 110420 (Sub-No. 608), filed January 30, 1970. Applicant: QUALITY CARRIERS, INC., 100 South Calumet Street, Post Office Box 339, Burlington, Wis. 53105. Applicant's representative: A. Bryant Torhorst (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids and chemicals and related products*, from the plantsite of Northern Petrochemical Co. located in Grundy County, Ill., to points in the United States (except Alaska and Hawaii). 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 Chicago, Ill.

No. MC 110525 (Sub-No. 956), filed February 1, 1970. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East

Lancaster Avenue, Dowingtown, Pa. 19335. Applicant's representatives: Robert K. Maslin (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: *Dry cement*, from Middlebranch, Ohio, to points in Indiana, Kentucky, and points in West Virginia, east of Monongalia, Marion, Harrison, Taylor, and Lewis Counties. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 111375 (Sub-No. 32), filed January 29, 1970. Applicant: PIRKLE REFRIGERATED FREIGHT LINES, INC., 3567 East Barnard Avenue, Cudahy, Wis. 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: *Yeast, Bread making compound, baking powder, oleomargarine, lard, flour, edible bakery goods, dessert preparations, malt powder, cereal enriching compounds and paprika*, from Beloit and Milwaukee, Wis., to points in Washington, Oregon, Montana, Utah, Idaho, California, Colorado, Arizona, Nevada, New Mexico, 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 Milwaukee or Madison, Wis. or Chicago, Ill.

No. MC 111812 (Sub-No. 397), filed January 26, 1970. Applicant: MIDWEST COAST TRANSPORT, INC., 405½ East Eighth Street, Post Office Box 1233, Sioux Falls, S. Dak. 57101. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102. 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), (a) from the plantsite and/or cold storage facilities utilized by Wilson & Co., Inc., at Albert Lea, Minn., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and the District of Columbia; and (b) from the plantsite and/or cold storage facilities utilized by Wilson & Co., Inc., at Cedar Rapids, Iowa, to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, and the District of Columbia, restricted to the transportation of traffic originating at the above-specified plantsites and/or cold storage facilities and destined to the above-specified destinations. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., Omaha, Nebr., or Minneapolis, Minn.

No. MC 112697 (Sub-No. 18), filed January 19, 1970. Applicant: SAMUEL A. BRASFIELD, doing business as B & S ENTERPRISES, 1727 Osborn Drive, Memphis, Tenn. 38127. Applicant's representative: James N. Clay III, Sterick Building, Memphis, Tenn. 38101. 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 handling; (2) *self-propelled articles* each weighing 15,000 pounds or more when moving on trailers; and (3) *commodities* which do not require the use of special equipment or handling when moving in the same vehicle with commodities the transportation of which because of size or weight require the use of special equipment or handling, between points in Texas, Oklahoma, Kansas, Missouri, Arkansas, Illinois, Louisiana, Mississippi, Indiana, Ohio, Kentucky, Tennessee, Virginia, West Virginia, North Carolina, South Carolina, Georgia, Alabama, and Florida, restricted to traffic moving to, from, or between military installations or Department of Defense establishments. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 112750 (Sub-No. 271), filed January 30, 1970. Applicant: AMERICAN COURIER CORPORATION, 2 Nevada Drive, Lake Success, N.Y. 11040. Applicant's representatives: John M. Delany (same address as applicant) and Russell S. Bernhard, 1625 K Street NW., Washington, D.C. 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Commercial papers, documents, written instruments and business records* (except currency and negotiable securities) as are used in the business of banks and banking institutions; (1) between East Dubuque, Ill., and Madison, Wis.; (2) between New Orleans, La., on the one hand, and, on the other, points in Mississippi on and north of U.S. Highway 80; (3) between Jackson, Miss., on the one hand, and, on the other, points in Mississippi, having an immediately prior or subsequent movement by air; (4) between Mobile Ala., on the one hand, and, on the other, points in Mobile and Baldwin Counties, Ala., and points in Mississippi on and south of U.S. Highway 80, having an immediately prior or subsequent movement by air; and (5) between Decatur, Ala., and Tullahoma, Tenn., under contract with banks and banking institutions. NOTE: Applicant holds common carrier authority under MC 111729 Sub 26, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 112822 (Sub-No. 148), filed January 21, 1970. Applicant: BRAY LINES INCORPORATED, 1401 North Little Street, Post Office Box 1191, Cushing, Okla. 74023. Applicant's representative: Carl L. Wright (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Bleaching, cleaning, laundry, and scouring compounds, materials, and supplies* (including liquid drain opener), except commodities in bulk, from Houston, Tex., to points in New Mexico and Oklahoma; (2) *carpet, carpeting, floor covering, yarn, and padding*, from points in Hill County, Tex., to points in Arizona, California, Colorado, Idaho, Illinois, Iowa, Kansas, Louisiana, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, Wisconsin, and Wyoming; and (3) *materials and supplies and equipment* used in the installation and manufacture of carpet, carpets, carpeting yarn, floor covering, and padding (except in bulk), from points in Georgia, South Carolina, California, Oklahoma, and Virginia, to points in Hill County, Tex. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Fort Worth, Tex.

No. MC 112822 (Sub-No. 149), filed January 28, 1970. Applicant: BRAY LINES INCORPORATED, 1401 North Little Street, Post Office Box 1191, Cushing, Okla. 74023. Applicant's representative: Carl L. Wright (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Particleboard*, from Albuquerque, N. Mex., to points in Arkansas, Arizona, California, Colorado, Kansas, Louisiana, Missouri, Nevada, Oklahoma, Texas, and Utah. 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 Albuquerque, N. Mex., or Phoenix, Ariz.

No. MC 113362 (Sub-No. 175), filed January 21, 1970. Applicant: ELLSWORTH FREIGHT LINES, INC., 310 East Broadway, Eagle Grove, Iowa 50-533. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products, and meat byproducts, dairy products, articles distributed by meat packinghouses, and such commodities as are used by meatpackers in the conduct of their business when destined to and for use by meatpackers*, as described in sections A, B, C, and D of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766; and (2) *foodstuffs*, when moving in the same vehicle with the commodities listed in (1) above, from Fort Dodge, Iowa, to points in Maine, Vermont, New Hampshire, Ohio, Massachusetts, Rhode Island, Connecticut, Indiana, New York, New Jersey, Delaware, West Virginia, Virginia, District of Columbia, Maryland, and Pennsylvania, restricted to traffic originating at the plantsite and/or warehouse facilities of Geo. A. Hormel & Co. at Fort Dodge, Iowa, and destined to the above-named States. NOTE: If a hearing

is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 113678 (Sub-No. 374), filed January 7, 1970. Applicant: CURTIS, INC., 4810 Pontiac Street, Post Office Box 16004, Stockyards Station, Denver, Colo. 80216. Applicant's representatives: Duane W. Acklie and Richard Peterson, Post Office Box 806, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, from Sterling, Colo., to points in Oregon, Idaho, South Dakota, 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 Denver, Colo.

No. MC 114194 (Sub-No. 154), filed January 16, 1970. Applicant: KREIDER TRUCK SERVICE, INC., 8003 Collinsville Road, East St. Louis, Ill. 62201. Applicant's representative: Gene Kreider (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay; ground crude clay; processed clay; and blends* in bulk, in tank; pneumatic; hopper; dump type vehicles, from points in Montgomery County, Mo., to points in Illinois, Indiana, Wisconsin, Michigan, Tennessee, Kentucky, Arkansas, Alabama, Nebraska, Kansas, Oklahoma, Texas, Colorado, New Mexico, Wyoming, and Missouri. 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 St. Louis, Mo.

No. MC 114265 (Sub-No. 8), filed February 2, 1970. Applicant: RALPH SHOEMAKER, doing business as SHOEMAKER TRUCKING CO., 8624 Franklin Road, Boise, Idaho 83704. Applicant's representative: Raymond D. Givens, Box 964, 500 Washington Street, Boise, Idaho 83701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap metal and compressed automobile bodies and parts*, from points in Idaho south of the southern boundary of Idaho County to Portland, Oreg. 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 114533 (Sub-No. 206), filed January 2, 1970. Applicant: BANKERS DISPATCH CORPORATION, 4970 South Archer Avenue, Chicago, Ill. 60632. Applicant's representatives: Warren W. Wallin, 330 South Jefferson Street, Chicago, Ill. 60606, and Arnold Burke, 2220 Brunswick Building, 69 West Washington Boulevard, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Small parts, components, and supplies* used in the repair, maintenance, and operation of photocopying equipment, restricted against the transportation of any shipments in excess of 600 pounds between any one consignor and any one consignee on any one day, between Blauvelt, N.Y., on the one hand, and, on the other, points in Connecticut, Delaware, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont, points in Pennsylvania on and east of U.S. Highway 15, points in Mercer, Monmouth, Ocean, Burlington, Atlantic, Camden, Gloucester, Salem, Cumberland, Cape May, Hunterdon, and Warren Counties, N.J., and points in Cecil County, Md. NOTE: Applicant has a pending application under Docket No. MC 128616 for contract carrier authority. 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 New York, N.Y., or Washington, D.C.

No. MC 114552 (Sub-No. 445), filed January 26, 1970. Applicant: SENN TRUCKING COMPANY, a corporation, Post Office Box 333, Newberry, S.C. 29108. Applicant's representative: Frank A. Graham, Jr., 707 Security Federal Building, Columbia, S.C. 29201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood or composition boards and sheets*, from the plantsite and warehouse of Westvaco Corp. at North Charleston, S.C., to points in Illinois, Indiana, Kentucky, Maryland, New Jersey, Ohio, Pennsylvania, and West Virginia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbia, S.C., Charlotte, N.C., or Atlanta, Ga.

No. MC 114965 (Sub-No. 42), filed January 28, 1970. Applicant: CYRUS TRUCK LINE, INC., Post Office Box 327, Iola, Kans. 66749. Applicant's representative: Charles H. Apt, Post Office Box 328, Iola, Kans. 66749. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer solution*, in bulk, in tank vehicles, from the site of Williams Brothers Pipeline Terminal located at Kansas City, Kans., to points in Missouri. 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 115181 (Sub-No. 18), filed December 31, 1969. Applicant: HAROLD M. FELTY, INC., Rural Delivery No. 1, Pine Grove, Pa. 17963. Applicant's representative: John W. Dry, 541 Penn Street, Reading, Pa. 19601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Concrete masonry units*, from points in the township of Limerick, Montgomery County, Pa., to points in Connecticut, Delaware, Maryland, Rhode Island, Massachusetts, New Jersey, New York, 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 Philadelphia or Harrisburg, Pa.

No. MC 115181 (Sub-No. 19), filed January 6, 1970. Applicant: HAROLD M. FELTY, INC., Rural Delivery No. 1, Pine Grove, Pa. 17963. Applicant's representative: John D. Dry, 541 Penn Street, Reading, Pa. 19601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay products*, from Auburn (Schuylkill County) Pa., to points in Connecticut, Delaware, District of Columbia, Maryland, Massachusetts, New Jersey, New York, Rhode Island, and Virginia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Philadelphia or Harrisburg, Pa.

No. MC 115667 (Sub-No. 4), filed January 29, 1970. Applicant: ARROW TRANSFER CO., LTD., 320 Seymour Boulevard, North Vancouver, British Columbia, Canada. Applicant's representative: George H. Hart, 1100 IBM Building, Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Curved steel sheet sections* requiring use of special equipment, from Seattle, Wash., to Ferndale, Wash. NOTE: Applicant states it will tack at Seattle to allow movement from United States-Canadian border to Seattle prior to movement from Seattle to Ferndale. If a hearing is deemed nceessary, applicant requests it be held at Seattle, Wash.

No. MC 115840 (Sub-No. 53), filed January 26, 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 NE., 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: *Roofing and roofing materials and supplies* incidental to the installation of roofing and roofing materials (except in bulk) from points in Shelby County, Tenn., to points in Arkansas, Alabama, Georgia, Louisiana, and Mississippi. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requested it be held at Memphis, Tenn., or Birmingham, Ala.

No. MC 115841 (Sub-No. 369) (Correction), filed January 14, 1970, published in FEDERAL REGISTER issue February 12, 1970, and republished as corrected this issue. 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 Bill Davis, Suite 1600, First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Charcoal, starter fluid, and hickory*

chips, from Jacksonville, Tex., to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Illinois, Indiana, Oklahoma, Ohio, Missouri, Iowa, Kansas, Nebraska, Wisconsin, New York, Pennsylvania, Virginia, West Virgina, Delaware, Maryland, District of Columbia, and the Lower Peninsula of Michigan. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. The purpose of this republication is to show Oklahoma as a destination State which was inadvertently omitted from previous publication. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 116254 (Sub-No. 108), filed February 2, 1970. Applicant: CHEM-HAULERS, INC., Post Office Drawer M, Sheffield, Ala. Applicant's representative: Walter Harwood, 1822 Parkway Tower, Nashville, Tenn. 37219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gravel, sand, clay, ore, slag, and products* composed of or produced from such commodities, between the plantsite of Glasrock, Inc., at or near Calhoun, Gordon County, Ga., and points in Minnesota, Iowa, Missouri, Arkansas, and Louisiana and States east thereof. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states no duplicate authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn., or Birmingham, Ala.

No. MC 116310 (Sub-No. 5), filed January 26, 1970. Applicant: BAIR TRANSPORT, INC., Post Office Box 216, Riverside, N.J. 08075. Applicant's representative: Russell M. Isphording (same address as applicant). 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, liquor, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between points in Atlantic and Cumberland Counties, N.J., on the one hand, and, on the other, Bordentown, N.J. NOTE: Applicant states that the requested authority can be tacked at Bordentown, N.J., as a joinder to regular route authority to New York, N.Y., thence New York, N.Y., on the one hand, and, on the other, Providence, R.I., points in that part of Massachusetts on and east of U.S. Highway 5 and points in that part of Connecticut on and east of Highway 5 and those on U.S. Highway 1 between the Connecticut-New York State line and New Haven, Conn. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., Trenton, N.J., or Washington, D.C.

No. MC 117574 (Sub-No. 185) (Amendment), filed August 25, 1969, published in FEDERAL REGISTER issue of October 9, 1969, and republished, as amended, this issue. Applicant: DAILY EXPRESS, INC., Post Office Box 39, Carlisle, Pa. 17013. Applicant's representative: E. S. Moore, Jr. (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities in lifts or packages* which because of size or weight require the use of special equipment; (a) between points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia; and (b) between points listed in paragraph (a) above, on the one hand, and, on the other, points in Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, North Carolina, South Carolina, Tennessee, and Wisconsin. NOTE: Applicant states that tacking would take place in connection with its present authority, whereas it is authorized to serve points in the United States (except Alaska and Hawaii). The purpose of this republication to broaden the scope of authority sought. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 117765 (Sub-No. 96), filed January 23, 1970. Applicant: HAHN TRUCK LINE, INC., 5315 Northwest Fifth, 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: *Component parts* for mobile homes, from plantsite of Mobile Components, Inc., Halstead, Kans., to points in Arkansas, Colorado, Iowa, Kansas, Louisiana, Minnesota, Missouri, Nebraska, 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 117815 (Sub-No. 157), filed January 26, 1970. Applicant: PULLEY FREIGHT LINES, INC., 405 Southeast 20th 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: *Dairy products and frozen foods*, from points in Wisconsin to points in Illinois, Iowa, Missouri, Kansas, and Nebraska. 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 Milwaukee, Wis., or Chicago, Ill.

No. MC 117883 (Sub-No. 132), filed January 19, 1970. Applicant: SUBLER TRANSFER, INC., 791 East Main Street Versailles, Ohio 45380. Applicant's representative: Edward J. Subler (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts and articles distributed by meat packinghouses* as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766 (except hides and commodities in bulk) from the plantsite and/or cold storage facilities utilized by Wilson & Co., Inc., at Cedar Rapids, 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 the transportation of traffic originating at the above-specified plantsite and/or cold storage facilities and destined to the above-specified destinations. NOTE: If a hearing is deemed necessary, applicant does not specify a location.

No. MC 118019 (Sub-No. 4), filed January 29, 1970. Applicant: PENN TRANSPORTATION CORP., 250 Maple Street, Chelsea, Mass. 02150. Applicant's representative: Frank J. Weiner, 6 Beacon Street, Boston, Mass. 02108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from New York, N.Y., Port Newark and Weekawken, N.J., Fall River, Mass., and Wilmington, Del., to Ipswich, 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 Boston, Mass.

No. MC 118959 (Sub-No. 71), filed January 26, 1970. Applicant: JERRY LIPPS, INC., 130 South Frederick, Cape Girardeau, Mo. 63701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastics, plastic products, and pipe and materials and supplies* used in the manufacture of *plastics, plastic products, and pipe;* (a) between Fayetteville, W. Va., on the one hand, and, on the other, points in Illinois, Alabama, Utah, Georgia, Missouri, Indiana, New Mexico, Arizona, Colorado, Wyoming, Washington, Oregon, California, Nevada, Nebraska, South Dakota, North Dakota, Kansas, Oklahoma, Texas, Minnesota, Iowa, Arkansas, Louisiana, Mississippi, Kentucky, Tennessee, Florida, North Carolina, and South Carolina; and (b) between Glenville, W. Va., on the one hand, and, on the other, points in above-named destination States. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states it presently holds contract carrier authority under its permit No. MC 125664, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Charleston, W. Va., or Pittsburgh, Pa.

No. MC 118959 (Sub-No. 72), filed January 26, 1970. Applicant: JERRY LIPPS, INC., 130 South Frederick, Cape Girardeau, Mo. 63701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and*

steel articles, from (a) Aliquippa, Pa., to points in North Crolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Arkansas, Tennessee, Kentucky, Missouri, Illinois, Texas, Oklahoma, Kansas, Colorado, Arizona, and New Mexico; (b) from Oil City, Pa., to points in (a) above; and (c) from Pittsburgh, Pa., to points in (a) above. NOTE: Applicant presently holds contract carrier authority under its permit No. MC 125664, therefore dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa., or Cleveland, Ohio.

No. MC 118959 (Sub-No. 77), filed February 5, 1970. Applicant: JERRY LIPPS, INC., 130 South Frederick Street, Cape Girardeau, Mo. 63701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products, also materials and supplies* used in the manufacture of paper and paper products, between Aurora, Ill., on the one hand, and, on the other, points in Missouri, Arkansas, Kansas, Oklahoma, Colorado, Wisconsin, Minnesota, Iowa, Texas, Arizona, New Mexico, Louisiana, Mississippi, Alabama, Georgia, Florida, Kentucky, Tennessee, South Carolina, North Carolina, Indiana, and Ohio. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Chicago, Ill.

No. MC 119531 (Sub-No. 137), filed February 2, 1970. Applicant: DIECKBRADER EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Charles W. Singer, 33 North Dearborn Street, Suite 1625, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic containers*, from Cincinnati, Ohio, to points in Illinois, Indiana, and Kentucky. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 119864 (Sub-No. 41), filed February 2, 1970. Applicant: HOFER MOTOR TRANSPORTATION CO., a corporation, 26740 Eckel Road, Perrysburg, Ohio 43561. Applicant's representative: Dale K. Craig (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen bakery goods and frozen prepared foods*, from the manufacturing facility of Kitchens of Sara Lee, subsidiary of Consolidated Foods, Deerfield, Ill., to points in Indiana, Michigan, and Ohio. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Detroit, Mich.

No. MC 119914 (Sub-No. 18), filed January 5, 1970. Applicant: MINNESOTA-WISCONSIN TRUCK LINES, INCORPORATED, 925 Eustis Street, Saint Paul, Minn. 55114. Applicant's representative: William S. Rosen, 630 Osborn Building, Saint Paul, Minn. 55102. 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, in tank vehicles, and those requiring special equipment, between Hutchinson, Minn., and Brookings, S. Dak.; (a) from Hutchinson, over Minnesota Highway 7 to Montevideo, Minn., thence over U.S. Highway 212 to the junction of U.S. Highway 212 and U.S. Highway 77, thence over U.S. Highway 77 to Brookings, S. Dak., and return over the same route serving no intermediate points; and (b) from Hutchinson, Minn., over Minnesota Highway 15 to New Ulm, Minn., thence over U.S. Highway 14 to Brookings, S. Dak., and return over the same route, serving no intermediate points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or St. Paul or Minneapolis, Minn.

No. MC 119988 (Sub-No. 30), filed January 30, 1970. Applicant: GREAT WESTERN TRUCKING CO., INC., 811½ North Timberline Drive, Post Office Box 1384, Lufkin, Tex. 75902. Applicant's representative: Mert Starnes, The 904 Lavaca Building, Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Newsprint*, from points in Angelina County, Tex., to points in Kansas and Louisiana, and those points in Oklahoma on U.S. Highway 77 (Interstate Highway 35) between the Texas-Oklahoma State line and Oklahoma City, and to Oklahoma City, Tulsa, and Sapulpa, Okla., and points within the respective commercial zones thereof. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant states it be held at Austin or Houston, Tex.

No. MC 123048 (Sub-No. 168), filed January 19, 1970. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 1919 Hamilton Avenue, Racine, Wis. 53401. Applicant's representatives: Paul C. Gartzke, 121 West Doty Street, Madison, Wis. 53703 and Paul L. Martinson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Snowmobiles, snow blowers;* (2) *accessories* for the commodities in (1) above; (3) *parts and attachments* for (1) and (2) above, from South Bend, Ind., to points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Ohio, Oklahoma, Oregon, South Dakota, Tennessee, Texas, Utah, Washington, 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 Chicago, Ill., or Washington, D.C.

No. MC 123407 (Sub-No. 65), filed January 6, 1970. Applicant: SAWYER TRANSPORT, INC., 2424 Minnehaha Avenue, Minneapolis, Minn. 55404. Applicant's representative: Alan Foss, 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) *Rafters, joists and roof trusses and materials, and accessories* used in the installation thereof; from Dubuque, Iowa, and Columbus, Ohio, to points in the United States in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas; and (2) *materials* used in the manufacture and distribution of rafters, joists, and roof trusses, from points in the United States in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas, to Dubuque, Iowa, and Columbus, Ohio. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 123600 (Sub-No. 4), filed January 26, 1970. Applicant: BRENNAN TRUCK LINES INCORPORATED, 4115 East 10th Street, Des Moines, Iowa 50313. Applicant's representative: Russell H. Wilson, Suite 200, Merle Hay Mart Building, 3839 Merle Hay Road, Des Moines, Iowa 50310. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and articles distributed by meat packinghouses*, as defined in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), from Mason City and Des Moines, Iowa, to points in Virginia, North Carolina, South Carolina, Georgia, and Tennessee, under contract with Armour & Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Chicago, Ill.

No. MC 123744 (Sub-No. 5), filed January 29, 1970. Applicant: BUTLER TRUCKING COMPANY, a corporation, Post Office Box 44, Drifting, Pa. 16834. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Refractory products and materials and supplies* used in the installation of refractory products when transported in mixed loads with refractory products, from Mount Savage, Md., to those points of entry on the United States-Canada boundary line at or near Detroit, Mich., and at or near Buffalo and Rouses Point, 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 Harrisburg, Pa., or Washington, D.C.

No. MC 124027 (Sub-No. 5), filed December 22, 1969. Applicant: MIDWEST BULK, INCORPORATED, 1100 Winneconne Avenue, Neenah, Wis. 54956. Applicant's representative: C. A. Schultz, Post Office Box 726, Neenah, Wis. 54956. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Pig iron* in bulk, from the plant and storage sites of Hickman, Williams & Co., at Chicago, Ill., to points in Illinois, Wisconsin, and Michigan; (2) *stone and stone products* from the plantsites and mines of Aggregate Specialties, Inc., located in Dickinson County, Mich., to points in Illinois, Indiana, Iowa, Ohio, Michigan, New York, and Wisconsin; (3) *coal*, in bulk, from the plant and storage sites of Hometown, Inc., at Milwaukee, Wis., to points in Illinois; (4) *sand, lime, silica, silica flour, foundry, facings, cereal binder, sand and clay mix, coke, flourspar, stone and stone products, bentonite, sea coal, pig iron, and ferro alloys* in bulk, in dump vehicles, from Appleton and Neenah, Wis., to points in Wisconsin and the Upper Peninsula of Michigan. Restriction: Restricted to shipments having a prior movement by rail. (5) *Limestone and slag* (Way-Lite) from Green Bay, Wis., to points in Wisconsin on and north of the Wisconsin-Illinois State line (as said State line extends from Lake Michigan to Interstate 90) and (on and east of Interstate 94 to Eau Claire and Highway 53 north of Eau Claire, Wis. to junction of Highway 2) (northern most boundary Highway 28 in Michigan east to Michigan State Highway 77 south to Highway 2); and (6) *sea coal*, in bulk, and *foundry facings*, in bulk, from Chicago, Ill., to points in Wisconsin and the Upper Peninsula of Michigan. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis., or Chicago, Ill.

No. MC 124221 (Sub-No. 29), filed January 2, 1970. Applicant: HOWARD BAER, 821 East Dunne Street, Morton, Ill., 61550. Applicant's representative: Robert W. Loser, 1001 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lunch meats, sliced, or unsliced (in loaves), sausage, wieners, and such other related items* as may be manufactured or packaged at The Kroger Co. sausage plant, Cincinnati, Ohio, from the plantsite of The Kroger Co. sausage plant, Cincinnati, Ohio, to Kroger distribution facilities at Peoria, Ill., Chicago, Ill., Indianapolis, Ind., Pittsburgh, Pa., Atlanta, Ga., Irving, Tex., Detroit, Mich., Memphis, Tenn., Nashville, Tenn., Salem, Va., St. Louis, Mo., Kansas City, Mo., Milwaukee, Wis., and Louisville, Ky., and *out-dated, refused, or rejected merchandise, and shipping devices*, on return; (2) *cottage cheese, creamed or flavored; gelatin salads, parfaits, pimento spread, meat salads, vegetable salads, macaroni salad, cole slaw, and yogurt*, from The Kroger Co. dairy plant and warehouse facilities at Cincinnati, Ohio, to the destination points named in (1) above; and *out-dated, refused, or rejected merchandise, and shipping devices*, on return; (3) *bacon and hams*, from the plantsite of the Sugar Creek Packing Co. at Washington Court House, Ohio, in mixed shipments with (1) and/or (2) above to the destination points named in (1) above; and *pallets and shipping devices*, on return; and (4) *meats*, fresh (used in the manufacture of sausage, wieners, and lunch meats), from the plantsite or facilities of Peter Eckrich & Sons, Inc., Chicago, Ill., to The Kroger Co. sausage plant at Cincinnati, Ohio, and *pallets and shipping devices*, on return. Restriction: The operations proposed to be performed herein are limited to a transportation service to be performed under a continuing contract, or contracts, with The Kroger Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Cincinnati, Ohio, or Indianapolis, Ind.

No. MC 124658 (Sub-No. 4), filed December 11, 1969. Applicant: BRADER HAULING SERVICE, INC., Post Office Box 655, Zillah, Wash. 98953. Applicant's representative: Ronald R. Brader (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Empty cans, metal*, from Portland, Oreg., to Yakima, Wash.; and (2) *carbonated beverages*, from Yakima, Wash., to points in Sherman, Hood River, Multnomah, Clatsop, Marion, Clackamas, Linn, Lane, Benton, Washington, and Tillamook Counties, Oreg., under contract with Noel Canning Corp. NOTE: Applicant has common carrier authority in MC 117222, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Yakima, Wash., or Portland, Oreg.

No. MC 124796 (Sub-No. 54) (Correction), filed December 11, 1969, published FEDERAL REGISTER issue of January 22, 1970, and republished, as corrected this issue. Applicant: CONTINENTAL CONTRACT CARRIER CORP., 15045 East Sale Lake Avenue, Post Office Box 1257, City of Industry, Calif. 91747. Applicant's representative: J. Max Harding, 605 South 14th Street, Post Office Box 2028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Buffing, polishing, cleaning, scouring, and washing compounds; solvents; sponges; starch; lubrication oil; carbon, gum, and sludge removing compounds; and, advertising materials and displays moving therewith*, from Kankakee, Ill., to points in New York, New Jersey, Pennsylvania, Massachusetts, and Mauldin, S.C.; Birmingham, Ala.; Richmond, Va.; and Knoxville, Nashville, and Memphis, Tenn.; and returned *shipments and materials, supplies, and equipment* used in the manufacture and distribution of the said commodities, on return. All restricted against the transportation of any commodities in bulk. Limited to a transportation service performed under continuing contract with Simoniz Co. of Chicago, Ill. NOTE: The purpose of this republication is to include restriction, which was erroneously omitted in previous publication. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 126149 (Sub-No. 6), filed January 29, 1970. Applicant: DENNY MOTOR FREIGHT, INC., 617 Indiana Avenue, New Albany, Ind. 47150. 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: *Wood treatment chemicals* (except in bulk) from Buffalo, N.Y., to Crestwood, 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.

No. MC 127253 (Sub-No. 46), filed January 26, 1970. Applicant: R. A. CORBETT TRANSPORT, INC., Post Office Box 728, Waskom, Tex. 75692. Applicant's representatives: Ewell H. Muse, Jr., 415 Perry-Brooks Building, Austin, Tex. 78701, and E. Wade Shemwell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Formaldehyde*, in bulk and tank vehicles, from Diboll, Tex., to points in Louisiana, Arkansas, Tennessee, Mississippi, Alabama, and Georgia. 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 Houston or Dallas, Tex., or Shreveport, La.

No. MC 127355 (Sub-No. 6), filed January 30, 1970. Applicant: M & N GRAIN COMPANY, a corporation, 902 East Wooter, Nevada, Mo. 64772. Applicant's representative: Donald J. Quinn, Suite 900, 1012 Baltimore, Kansas City, Mo. 64105. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Twine*, from Chicago, Ill.; Milwaukee, Wis.; and New Orleans, La.; to points in Colorado, Illinois (except Chicago), Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, North Dakota, South Dakota, Wisconsin (except Milwaukee), and Wyoming, under contract with The Paul Dee Co., of Marshalltown, Iowa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 127505 (Sub-No. 31), filed February 3, 1970. Applicant: RALPH H. BOELK, doing business as R. H. BOELK TRUCK LINES, Route No. 2, Mendota, Ill. 61342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregulr routes, transporting: *Plastic foam articles, insulating materials, packings, wallboard, liquid plastic, plumbing materials and supplies and bathroom or lavatory fixtures and accessories, advertising matter, paper and paper articles* (except commodities in bulk and those which because of size or weight require special equipment or handling), from Blooming, Ill., to points in the United States (except Alaska and Hawaii). If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 127812 (Sub-No. 6), filed January 19, 1970. Applicant: TYSON

TRUCK LINES, INC., 185 Fifth Avenue SW., New Brighton, Minn. 55112. Applicant's representatives: Richard L. Tyson (same address as applicant), and Anthony C. Vance, 1111 E Street NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, dairy products and articles distributed by meat packinghouses*, as described in sections A, B, and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and/or cold storage facilities utilized by Wilson Sinclair & Co., Inc., at or near Albert Lea, Minn., and distribution facilities located at New Brighton, Minn., to points in Minnesota, North Dakota, and South Dakota, restricted to the transportation of traffic originating at the above-specified plantsite and/or cold storage facilities and distribution facilities and destined to the above-specified destinations. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Chicago, Ill.

No. MC 127951 (Sub-No. 9), filed January 26, 1970. Applicant: SOUTHEASTERN CARRIERS, INC., 887 Northeast 145th Street, North Miami, Fla. 33161. Applicant's representative: Bernard C. Pestcoe, 708 City National Bank Building, Miami, Fla. 33130. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Corrugated shipping containers*, from points in Dade County, Fla., to points in South Carolina, Virginia, Maryland, Pennsylvania, New York, and Georgia, under contract with the Mead Corp., (2) *carpeting*, from Dalton and Cartersville, Ga., to points in Florida, under contract with Northern Distributors, Inc., and (3) (a) *office furniture*, from York, Pa.; Middleton, Wis.; Aurora and Chicago, Ill.; Kansas City, Mo.; Ossining, Brooklyn, Bronx, and Garden City, Long Island, N.Y.; Nashville and Dickerson, Tenn.; Liberty and High Point, N.C.; Jasper, Paoli, and Michigan City, Ind.; Kalamazoo and Flatrock, Mich.; Cleveland, Hamilton, and Toledo, Ohio; Owensboro, Ky.; Plainfield, Conn.; and Leeds, Ala., to points in Florida, (b) *office supplies*, from Garden City, Long Island, Brooklyn, Glendale, Long Island City, Elmhurst, Long Island, Bainbridge, and Woodbine, N.Y.; Cincinnati, Ohio; Newark and Elizabeth, N.J.; Connorsville, Md.; Washington, D.C.; Chicago and Bellwood, Ill.; and Hartford and Bridgeport, Conn., to points in Florida, (c) *paper products*, from Passaic, N.J.; New York, N.Y.; Kalamazoo, Mich.; Waseon, Ohio; and Chicago, Ill.; to points in Florida, and (d) *clay and art supplies*, from Mount Vernon, N.Y., Indianapolis, Ind., and Chicago Heights, Ill., to points in Florida, under contract with Mr. Foster's Store, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Miami, Fla., or Washington, D.C.

No. MC 127952 (Sub-No. 17), filed January 30, 1970. Applicant: BLACKBURN TRUCK LINES, INC., 4998 Branyon Avenue, South Gate, Calif. 90280. Applicant's representative: Warren N. Grossman, 825 City National Bank Building, 606 South Olive Street, Los Angeles, Calif. 90014. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Empty tin cans and can ends*, from points in Orange, Los Angeles, and San Francisco Counties, Calif., to Sparks, Nev., under contract with Crown Cork & Seal Co., Inc., American Can Co., and Continental Can Co., Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 128156 (Sub-No. 1), filed January 23, 1970. Applicant: EASTERN NEBRASKA TRUCKING CO., a corporation, Post Office Box 158, Weeping Water, Nebr. Applicant's representative: J. Max Harding, 605 South 14th Street, Post Office Box 2028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Limestone*, in bulk, in dump or hopper type vehicles, and *sand and gravel*, in bulk, in dump or hopper type vehicles, from points in Pawnee, Richardson, Nemaha, Johnson, Otoe, Cass, Sarpy, Douglas, and Washington Counties, Nebr., to points in Missouri. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 128273 (Sub-No. 57), filed January 29, 1970. Applicant: MIDWESTERN EXPRESS, INC., Box 189, Fort Scott, Kans. 66701. Applicant's representative: Danny Ellis (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products, products produced or distributed by manufacturers and converters of paper and paper products; and materials and supplies* used in the manufacture and distribution of the foregoing commodities (except commodities in bulk, and commodities which, because of size or weight, require the use of special equipment), between points in Lock Haven, Pa.; Hamilton, Ohio, and Watervliet, Mich.; on the one hand, and, on the other, points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Illinois, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Carolina, Oklahoma, Oregon, South Carolina, South Dakota, Tennessee, Texas, Utah, Washington, Wisconsin, and Wyoming. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant holds a pending contract carrier application under MC 133791, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 128666 (Sub-No. 1), filed January 29, 1970). Applicant: BOMAR, INC., Post Office Box 152, Hazleton, Ind. 47540. Applicant's representative: Robert M. Pearce, Post Office Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Poultry, egg and livestock supplies, and equipment, and materials, equipment, and supplies* used in the manufacture thereof (except commodities requiring special equipment, commodities in bulk and feed and feed ingredients), between the plantsite of Chore-Time Equipment, Inc., at or near Milford, Ind., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii). The operations sought herein are to be limited to a transportation service to be performed under a continuing contract or contracts with Chore-Time Equipment, Inc., of Milford, Ind. NOTE: If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 128685 (Sub-No. 6), filed January 26, 1970. Applicant: DIXON BROS., INC., Post Office Box 636, Newcastle, Wyo. 82701. Applicant's representative: Robert S. Stauffer, 3539 Boston Road, Cheyenne, Wyo. 82001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, from points in Butte County, S. Dak., to points in Wyoming, South Dakota, North Dakota, Montana, 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 Rapid City, S. Dak., or Casper, Wyo.

No. MC 128878 (Sub-No. 17), filed January 26, 1970. Applicant: SERVICE TRUCK LINE, INC., Post Office Box 3904, Shreveport, La. 71103. Applicant's representatives: Ewell H. Muse, Jr., 415 Perry-Brooks Building, Austin, Tex. 78701, and C. Wade Shemwell (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Golfcarts and golfcart accessories*, from South Bend, Ind., to points in Louisiana; (2) *fertilizer and fertilizer compounds*, dry, from Gulfport, Miss., to points in Louisiana and Texas; and (3) *air-conditioning units, air-conditioning parts, and accessories*, from Nashville and Lewisburg, Tenn., to points in Louisiana. 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 Shreveport, Baton Rouge, or New Orleans, La.

No. MC 129966 (Sub-No. 1), filed January 26, 1970. Applicant: SOLVANG FREIGHT LINES, INC., 4701 South Eastern Avenue, Bell, Calif. Applicant's representative: Warren N. Grossman, 825 City National Bank Building, 606 South Olive Street, Los Angeles, Calif. 90014. Authority sought to operate as a *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, commodities requiring special equipment, and those injurious or contaminating to other lading); (A) between Los Angeles and Buellton, Calif., over

U.S. Highway 101; (1) serving all intermediate points between Las Cruces and Buellton, including Las Cruces; (2) serving all off-route points within 5 miles of U.S. Highway 101 between Las Cruces and Buellton; and (3) serving as an off-route territory, that territory bounded by U.S. Highway 101 on the west, California Highway 154 on the northeast and California Highway 246 on the southeast; (B) between Los Angeles, Calif., and Los Angeles, Calif., in a circuitous manner as follows: From Los Angeles over U.S. Highway 101 to Buellton, Calif., thence over California Highway 246 to its juncton with California Highway 154, thence along California Highway 154 to its junction with California Highway 154, thence U.S. Highway 101 to Los Angeles; (1) serving all intermediate and off-route points specified in (a) Nos. 1, 2, and 3 above; (2) serving all intermediate points along California Highway 154 between its junction with California Highway 246 and San Marcos Pass; and (3) serving all off-route points within 5 miles of California Highway 154 between its junction with California Highway 246 and San Marcos Pass; and (C) between Los Angeles, Calif., and Los Angeles, Calif., in a circuitous manner as follows: From Los Angeles over U.S. Highway 101 to its junction with California Highway 154, thence along California Highway 154 to its junction with California Highway 246, thence along California Highway 246 to its junction with U.S. Highway 101, thence along U.S. Highway 101 to Los Angeles, serving all intermediate and off-route points specified in (a) Nos. 1, 2, and 3, and (b) Nos. 1, 2, and 3 above. NOTE: If a hearing is deemed necessary, applicant requests it to be held at Solvang, Calif.

No. MC 133035 (Sub-No. 12), filed February 2, 1970. Applicant: DILTS TRUCKING, INC., Route 1, Crescent, Iowa 51526. Applicant's representative: Marshall D. Becker, 630 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer and dry fertilizer materials*, from Humboldt, Iowa, to points in Minnesota, 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 Des Moines, Iowa, or Omaha, Nebr.

No. MC 133133 (Sub-No. 1), filed January 28, 1970. Applicant: FULLER MOTOR DELIVERY CO., a corporation, 802 Plum Street, Cincinnati, Ohio. 45202. Applicant's representative: David A. Caldwell, 900 Tri-State Building, Cincinnati, Ohio 45202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt* (a) from points in Carroll County, Ky., to points in Ohio, Indiana, and Kentucky; (b) from Kentucky Asphalt Sales Terminal in Jefferson County, Ky., to points in Indiana north of Indiana Highway 28; points in Ohio (except points in Brown, Butler, Clermont, Clinton, Greene, Hamilton, Highland, Montgomery, Preble, and Warren Counties); points in West Virginia on and west of Interstate Highway I-77; (c) from points in Hamilton County, Ohio, to points in Indiana (except Bartholomew, Brown, Clark, Dearborn, Decatur, Fayette, Floyd, Franklin, Hancock, Henry, Jackson, Jefferson, Jennings, Johnson, Lawrence, Marion, Monroe, Morgan, Ohio, Ripley, Rush, Scott, Shelby, Switzerland, Union, Washington, and Wayne Counties, Ind.) and points in West Virginia. NOTE: Applicant presently holds authority under permit MC 74857 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Columbus, Ohio.

No. MC 133485 (Sub-No. 4), filed January 13, 1970. Applicant: INTERNATIONAL DETECTIVE SERVICE, INC., 1828 Westminster Street, Providence, R.I. 02009. Applicant's representative: Russell B. Curnett, 36 Circuit Drive, Edgewood Station, Providence, R.I. 02905. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bullion and precious metals*, requiring transportation by armored vehicle, from ports of entry on the international boundary line between the United States and Canada located at Niagara Falls and Buffalo, N.Y., to Providence, R.I. NOTE: Applicant states that it does not intend to tack. If a hearing is deemed necessary, applicant requests it be held at Providence, R.I., or Boston, Mass.

No. MC 133655 (Sub-No. 16), filed January 29, 1970. Applicant: TRANS-NATIONAL TRUCK, INC., Post Office Box 894, Hurst, Tex. 76053. Applicant's representative: Charles W. Singer, 33 North Dearborn Street, Suite 1625, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular route, transporting: (1) *Foodstuffs* 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 foodstuffs, from points in Florida to points in the United States except Alaska and Hawaii. NOTE: If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex., or Washington, D.C.

No. MC 133718 (Sub-No. 2), filed February 2, 1970. Applicant: W. H. RAMSEY, doing business as W. H. RAMSEY & SONS, 972 South Reservoir, Pomona, Calif. Applicant's representative: Floyd C. Ellis, 727 West Seventh Street, Suite 757, Roosevelt Building, Los Angeles, Calif. 90017. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Tile, clay or earthenware, and tile quarries*, from Pomona, Calif., to Mesa and Phoenix, Ariz., under contract with Pomona Tile Manufacturing Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 133734 (Sub-No. 2), filed January 28, 1970. Applicant: R & S TRUCKING, INC., 114 Arbor Street, Bradford, Ill., 61421. Applicant's representative: Donald S. Mullins, 4704 West Irving Park Road, Chicago, Ill. 60641. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Gravity flow farm boxes, including related parts and running gears;* (a) from the plantsite of Bradford Industries, Inc., at or near Bradford, Ill., to points in Alabama, Arkansas, Georgia, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Ohio, South Dakota, Tennessee, and Wisconsin, under contract with Bradford Industries, Inc.; and (b) from the plantsites of M & W Gear Co., at or near Gibson City, Ill., and Smith & Co., at or near Manlius, Ill., to points in Alabama, Arkansas, Georgia, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New York, North Dakota, Ohio, Pennsylvania, South Dakota, Tennessee, Texas, and Wisconsin, under contract with M & W Gear Co. and Smith & Co.; and (2) *gravity flow farm boxes, including related parts and running gears and grinder mixers*, from the plantsite of Helix Corp., at or near Crown Point, Ind., to points in Alabama, Arkansas, Georgia, Illinois, Iowa, Kansas, Kentucky, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Ohio, South Dakota, Tennessee, and Wisconsin; under contract with Helix Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 133741 (Sub-No. 6), filed January 29, 1970. Applicant: OSBORNE TRUCKING CO., INC., 1008 Sierra Drive, Riverton, Wyo. 82501. Applicant's representative: Robert S. Stauffer, 3539 Boston Road, Cheyenne, Wyo. 82001. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials, and supplies, used in or in connection with the manufacture of concrete products*, between Riverton, Wyo., on the one hand, and, on the other, Butte, Glasgow, Great Falls, Helena, and Billings, Mont.; Minot, Williston, Bismark, and Jamestown, N. Dak.; Watertown, Rapid City, and Mitchell, S. Dak.; Windom, Austin, Crookston, Chester, Olivia, Elk River, Duluth, and Fergus Falls, Minn.; Hampton, Cedar Rapids, and Des Moines, Iowa, for the account of Riverton Concrete Products, Division of the Cretex Cos., Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Casper, Wyo., or Rapid City, S. Dak.

No. MC 133782 (Sub-No. 1), filed January 28, 1970. Applicant: RUSSELL J. LONG, General Delivery, Decaturville, Tenn. 38329. Applicant's representative: Billy W. Townsend, 111 West Second Street, Parson, Tenn. 38363. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes,

transporting: *Mussel shells*, from Perryville, Tenn., to Mobile, Ala., under contract with C.N.S. Shell Company of Beardstown, Ill. NOTE: If a hearing is deemed necessary, applicant requests it be held at Nashville or Memphis, Tenn.

No. MC 133844 (Sub-No. 1), filed January 23, 1970. Applicant: LIBCO AIR FREIGHT, INC., Central Avenue, East Farmingdale, N.Y. 11735. Applicant's representative: Andrew P. Goldstein, 1730 Rhode Island Avenue NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between the facilities of Mohawk Airlines, Inc., at La Guardia Airport, N.Y., on the one hand, and, on the other John F. Kennedy International Airport, N.Y., and points in Nassau and Suffolk Counties, N.Y., restricted to the transportation of shipments having a prior or subsequent movement by air. NOTE: Applicant states that it does not intend to tack. No duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 133862 (Sub-No. 2), filed January 19, 1970. Applicant: HUGO DUBALDI, Route 9-W M.D. 26, Newburgh, N.Y. 12550. Applicant's representative: W. Norman Charles, 80 Bay Street, Glens Falls, N.Y. 12801. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Precast, preassembled sewage pumping stations*, from Walden, N.Y., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, and (2) *damaged, defective, and returned precast, preassembled sewage pumping stations*, from destination points in (1) above, to Walden, N.Y., under contract with Carlgen Corp., Walden, N.Y., in connection with (1) and (2) above. NOTE: If a hearing is deemed necessary, applicant requests it be held at Albany, N.Y.

No. MC 133929 (Sub-No. 1), filed January 22, 1970. Applicant: HARRY LEWIS MERCER, doing business as MORVEN SERVICES, INC., 106 Sharon Street, Cheraw, S.C. 29520. Applicant's representative: C. R. Pusser, Jr., Post Office Box 189, Chesterfield, S.C. 29709. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Textile softeners*, in barrels, from Morven, N.C., to Cheraw and Society Hill, S.C.; under contract with Dixie Size and Chemical Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbia, S.C., or Charlotte, N.C.

No. MC 134127 (Sub-No. 2), filed January 27, 1970. Applicant: EARLE R. FINTON, doing business as EARLE R. FINTON TRUCKING COMPANY, 1123 Sunset Drive, Benton, Ark. 72015. Applicant's representative: Donald R. Partney, 35 Glenmere Drive, Little Rock, Ark. 72204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Rock, sand, gravel, asphalt, and other road construction materials*, from Murfreesboro, DeQueen, Prescott, McNeil, and Magnolia, Ark., to points in Louisiana, points in McCurtain County, Okla., and to Texarkana, Tex., under contract with Arkansas Rock & Gravel Co., Murfreesboro, Ark. NOTE: If a hearing is deemed necessary, applicant requests it be held at Little Rock or Texarkana, Ark.

No. MC 134134 (Sub-No. 4), filed January 22, 1970. Applicant: MAINLINER MOTOR EXPRESS, INC., 5037 South 26th Street, Omaha, Nebr. 68107. Applicant's representatives: John Hornung (same address as above), and E. Stephen Heisley, 666 Eleventh 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, from points in Sioux County, Iowa, to points in Connecticut, Delaware, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, and West Virginia. Restriction: the authority sought herein is restricted to the transportation of traffic originating at the plantsite and storage facilities of Sioux-Preme Packing Co., located in Sioux County, Iowa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Washington, D.C.

No. MC 134134 (Sub-No. 6), filed February 2, 1970. Applicant: MAINLINE MOTOR EXPRESS, INC., 5037 South 26th Street, Omaha, Nebr. 68107. Applicant's representative: John Hornung (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 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: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Detroit, Mich.

No. MC 134135 (Sub-No. 1), filed January 26, 1970. Applicant: WOODROW W. GLIDEWELL, doing business as ACTION VAN & STORAGE, Post Office Box 135, Santa Maria, Calif. 93454. Applicant's representative: Ernest D. Salm, 3846 Evans Street, Los Angeles, Calif. 90027. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in San Luis Obispo and Santa Barbara 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. NOTE: If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 134236, filed December 12, 1969. Applicant: CLYDE W. FERGUSON, doing business as CLYDE'S CUSTOM BODY & PAINT, 4876 South Second West, Murray, Utah 84107. Applicant's representative: Bruce G. Cohne, 1010 University Club Building, Salt Lake City, Utah 84111. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked, disabled, unlawfully detained, or abandoned passenger vehicles and small trucks*, between points in Lincoln, White Pine, and Elko Counties, Nev., points in Lincoln, Uinta, Sublette, and Sweetwater Counties, Wyo., points in Twin Falls, Gooding, Lincoln, Cassia, Oneida, Franklin, Bear Lake, Jerome, Madison, Minidoka, Blair, Power, Bannock, Caribou, Bingham, Butte, Jefferson, and Bonneville Counties, Idaho; points in Moffat, Rio Blanco, Garfield, and Mesa Counties, Colo.; under contract with Gordon Wilson Chevrolet Co., AAmco Transmission Co., Larson Ford Co., and individuals requiring towing service. NOTE: If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah, Denver, Colo., or Las Vegas, Nev.

No. MC 134264 (Sub-No. 2), filed January 23, 1970. Applicant: OCKENFEL'S TRANSFER, INC., Post Office Box 3, Iowa City, Iowa 52240. Applicant's representative: Kenneth F. Dudley, 901 South Madison Avenue, Ottumwa, Iowa 52501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Corrugated plastic drainage tubing*, from Iowa City, Iowa to points in Illinois, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin, under contract with Advanced Drainage Systems, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Kansas City, Mo.

No. MC 134307 (Sub-No. 1), filed February 2, 1970. Applicant: GREAT ATLANTIC CORP., 165 Spring Street, Lewiston, Maine 04240. Applicant's representative: Kenneth B. Williams, 111 State Street, Boston, Mass. 02109. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from New York, N.Y.; Port Newark and Weehawken, N.J.; Baltimore, Md.; and Fall River, Mass., to Lewiston and Bangor, Maine; under a continuing contract with Maine Banana Corp., Lewiston, Maine. NOTE: If a hearing is deemed necessary,

applicant requests it be held at Boston, Mass., or Portland, Maine.

No. MC 134311, filed January 23, 1970. Applicant: LLOYD W. BENNETT AND RICHARD F. ROTH, a partnership, doing business as BENNETT & ROTH TRUCKING, Rural Route 1, Burlington, Iowa 52601. Applicant's representative: C. T. Cline, 514 Tama Building, Burlington, Iowa 52601. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sand, gravel, limestone, and asphaltic concrete*, from points in Des Moines, Louisa, Lee, and Muscatine Counties in Iowa to points in Mercer, Henderson, Hancock, Knox, Warren, McDonough, and Rock Island Counties in Illinois, under contract with Raid Quarries Corp.; Spring Sand & Gravel; Powell Construction Co.; and Worley Asphalt & Paving Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Burlington or Davenport, Iowa.

No. MC 134313, filed February 2, 1970. Applicant: ENID MOVING & STORAGE COMPANY, a corporation, 507 South Grand, Enid, Okla. 73701. Applicant's representative: Charles G. Huddleston, 934 Bass Building, Enid, Okla. 73701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Containerized household goods*, between points in Oklahoma, under contract with United Van Lines. NOTE: If a hearing is deemed necessary, applicant requests it be held at Enid or Oklahoma City, Okla., or Dallas, Tex.

MOTOR CARRIERS OF PASSENGERS

No. MC 1515 (Sub-No. 147), filed January 19, 1970. Applicant: GREYHOUND LINES, INC., 1400 West Third Street, Cleveland, Ohio 44113. Applicant's representative: Barrett Elkins (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage and express and newspapers in the same vehicle with passengers*, (1) between junction U.S. Highways 50 and 301 near Bowie, Md. and Washington, D.C., from junction U.S. Highways 50 and 301 near Bowie, Md., over U.S. Highway 50 to Washington, D.C., leaving U.S. Highway 50 at its interchange with Ardmore-Ardwick Road, thence over Ardmore-Ardwick Road to unnumbered access road, thence over said access road to the "Metroliner" Station of the Penn-Central Rail Road at Lanham, Md., and return over the same routes serving the intermediate off-route points of Lanham, Md. Restriction: No passengers shall be transported between Lanham, Md., on the one hand, and Washington, D.C., on the other, nor between points intermediate of Washington, D.C., and Lanham, Md., on the other. (2) Between junction of the Baltimore Washington Parkway and Interchange No. 29 of Interstate Highway 495 and Alexandria, Va., from junction of the Baltimore Washington Parkway and Interchange No. 29 of Interstate Highway 495 over Interstate Highway 495 to its junction with U.S. Highway 1 in Alexandria, Va., leaving Interstate Highway 495 at its Interchange No. 31 (junction U.S. Highway 50), thence via U.S. Highway 50 to its interchange with Ardmore-Ardwick Road, thence over Ardmore-Ardwick Road to unnumbered access road, thence over said access road to the "Metroliner" Station of the Penn-Central Rail Road at Lanham, Md., and return over the same routes, serving the intermediate off-route point of Lanham, Md. NOTE: Both of these authorities to be tacked to Applicant's existing authorized routes to provide service from and to Lanham, Md., to and from points now served by applicant: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107450 (Sub-No. 1), filed January 26, 1970. Applicant: METROPOLITAN COACH CORP., 1704 North 29th Street, Richmond, Va. 23223. Applicant's representative: Henry E. Ketner, 803 United Virginia Bank Building, Richmond, Va. 23219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in the same vehicle with passengers, in round-trip charter operations, beginning and ending at points within 15 miles of Richmond, Va., including Richmond, and extending to points in Arizona, Arkansas, California, Colorado, Connecticut, Florida, Georgia, Idaho, Illinois, Indiana, Kansas, Maine, Massachusetts, Montana, Nevada, New Hampshire, New Mexico, Ohio, Oklahoma, South Carolina, Tennessee, Texas, Utah, Vermont, West Virginia, Wyoming, Louisiana, Mississippi, Alabama, Rhode Island, and Michigan. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Richmond, Va.

No. MC 109417 (Sub-No. 2), filed January 29, 1970. Applicant: JOHN W. YOUNG, doing business as INTER-CITY TRANSIT AND OHIO VALLEY CHARTER SERVICE, Rural Delivery No. 2, East Liverpool, Ohio 43920. Applicant's representative: James R. Allison, 25 East Rebecca Street, East Palestine, Ohio 44413. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Passengers and their baggage* in the same vehicle with passengers, in special operations, in round-trip sightseeing and pleasure tours, beginning at points in Mahoning, Columbiana, Jefferson, and Carroll Counties, Ohio, and points in Hancock County, W. Va., and extending to points in the United States, including Alaska; and (2) *passengers and their baggage* in the same vehicle with passengers, in round-trip charter service, beginning at points in Columbiana, Mahoning, Jefferson, and Carroll Counties, Ohio, and points in Hancock County, W. Va., and extending to points in the United States, including Alaska. NOTE: Applicant states that it intends to tack the authority sought with its MC-109417 Sub 1 to extend the authority presently held to points in other parts of the United States, including Alaska. If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa.

APPLICATIONS FOR BROKERAGE LICENSE

No. MC 12817 (Sub-No. 2), filed January 19, 1970. Applicant: EDUCATION THROUGH TRAVEL, INC., 2114 Pemaco Road, Merrick, N.Y. Applicant's representative: Samuel B. Zinder, Station Plaza East, Great Neck, N.Y. 11021. For a license (BMC 5) to engage in operations as a *broker* at Merrick, Nassau County, N.Y., in arranging for transportation by motor vehicle, in interstate and foreign commerce, of *school students and their baggage*, in the same vehicle with such students in groups, in round-trip educational tours, beginning and ending at points in Queens County, N.Y., and extending to points in the United States, including Alaska and Hawaii, but excluding New Jersey. NOTE: The purpose of this application is to relocate the applicant's office from Little Neck, N.Y., to Merrick, N.Y.

No. MC 130107, filed February 2, 1970. Applicant: DERWARD MUREL CRANFILL, doing business as ADVENTOURS TOURING COMPANY, 221½ West Third No. 10, Grand Island, Nebr. 68801. Applicant's representative: Donald L. Abraham, First National Bank Building, Grand Island, Nebr. 68801. For a license (BMC 5) to engage in operations as a *broker* at Grand Island, Nebr., in arranging for transportation by motor vehicle, in interstate and foreign commerce, of *passengers, as individuals and in groups, and their baggage*, in special and charter operations, beginning and ending at points in Grand Island, Nebr., and extending to all points in the United States, including Alaska and Hawaii.

APPLICATIONS OF FREIGHT FORWARDERS

No. FF 221 (Sub-No. 5) (BARGE SERVICE CORPORATION Extension—General Commodities), filed February 12, 1970. Applicant: BARGE SERVICE CORPORATION, 1202 Benedum-Trees Building, Pittsburgh, Pa. 15222. Applicant's representative: Joe G. Fender, 802 Houston First Savings Building, Fannin at Capitol, Houston, Tex. 77002. Authority sought under section 410, part IV of the Interstate Commerce Commission Act, for a permit to extend operations as a *freight forwarder*, in interstate or foreign commerce, through use of the facilities of common carriers by water in the transportation of *general commodities*, between points on the Ohio, Monongahela, and Allegheny Rivers in Pennsylvania, Ohio, West Virginia, Indiana, and Kentucky, on the one hand, and, on the other, points on the Gulf Intracoastal Waterway and connecting waterways from New Orleans, La., to Brownsville, Tex., both inclusive.

No. FF-384 (CONSOLIDATED EXPRESS, INC., Freight Forwarder Application), filed February 9, 1970. Applicant: CONSOLIDATED EXPRESS, INC., 629 West 54th Street, New York, N.Y. 10019. Applicant's representative: Herbert Burstein, 30 Church Street, New York, N.Y. 10007. Authority sought under section 410, part IV of the Interstate Commerce Act for a permit authorizing applicant to institute operation as a *freight forwarder* in interstate or foreign commerce in the forwarding of *general commodities*, except

those of unusual value, classes A and B explosives, commodities in bulk, and commodities requiring special equipment, between all points in the United States having a prior or subsequent movement by water and originating at or destined to points in Puerto Rico, Virgin Islands, Jamaica, and the Dominican Republic.

APPLICATION OF WATER CARRIER

No. W-1189 (Sub-No. 20) (Clarification) (BULK FOOD CARRIERS, INC.—Extension—Alumina), filed January 13, 1970, published in the FEDERAL REGISTER issue of January 29, 1970, and republished as clarified this issue. Applicant: BULK FOOD CARRIERS, INC., 425 California Street, San Francisco, Calif. 94104. Applicant's representative: J. Raymond Clark, 1411 K Street NW., Washington, D.C. 20005. Application of Bulk Food Carriers, Inc., filed January 13, 1970, for a revised permit authorizing extension of its operations as a contract carrier by water, in interstate or foreign commerce, by self-propelled vessels, in year round operation, in the transportation of: (1) *alumina*, in bulk, minimum weight 15,000 long tons, from Corpus Christi, Tex., to Longview, Wash., under contract with Reynolds Metals Co.; (2) *ammonium sulphate*, minimum weight 5,000 net tons, from Hopewell and Norfolk, Va., to Pacific coast ports, under contract with Allied Chemical Corp.; and (3) *superphosphate*, ammoniated and other than ammoniated, minimum weight 5,000 net tons, from ports in Florida to Pacific coast ports, under contract with Occidental Chemical Co. The purpose of this republication is to show the correct shippers' name as Occidental Chemical Co. in (3) above.

APPLICATION IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

No. MC 531 (Sub-No. 265), filed January 26, 1970. Applicant: YOUNGER BROTHERS, INC., 4904 Griggs Road, Post Office Box 14048, Houston, Tex. 77021. Applicant's representative: Wray E. Hughes (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *White petroleum oil*, in bulk, in tank vehicles, from Gretna, La., to Clovis, N. Mex. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority.

By the Commission.

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

[F.R. Doc. 70-2319; Filed, Feb. 26, 1970; 8:45 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

FEBRUARY 24, 1970.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41904—*Corn, oats, and soybeans from points in Illinois and Iowa.* Filed by Illinois Freight Association, agent (No. 353), for interested rail carriers. Rates on corn, oats and soybeans, as described in the application, from points in Illinois and Iowa, to Chicago, Ill. (for export).

Grounds for relief—Motor-truck competition.

Tariffs—Supplement 10 to Chicago and North Western Railroad Co. tariff ICC 11585, supplement 29 to Chicago, Milwaukee, St. Paul and Pacific Railroad Co. tariff ICC B-8120, and supplement 36 to Chicago, Rock Island and Pacific Railroad Co. tariff ICC C-13773.

FSA No. 41905—*Alcohol to New Orleans, La.* Filed by Illinois Freight Association, agent (No. 350), for and on behalf of the Illinois Central Railroad Co., party to its tariff ICC 1044. Rates on alcohol (other than denatured or wood alcohol), in bond (free of internal revenue tax), in tank carloads, as described in the application, from Tuscola, Ill., to New Orleans, La.

Grounds for relief—Rate relationship.

By the Commission.

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

[F.R. Doc. 70-2427; Filed, Feb. 26, 1970; 8:51 a.m.]

[S.O. 994; ICC Order 35-A]

ILLINOIS CENTRAL RAILROAD CO. AND MISSOURI PACIFIC RAILROAD CO.

Rerouting or Diversion of Traffic

Upon further consideration of ICC Order No. 35 (Illinois Central Railroad Co. and Missouri Pacific Railroad Co.) and good cause appearing therefor:

It is ordered, That:

(a) ICC Order No. 35 be, and it is hereby, vacated and set aside.

(b) Effective date: This order shall become effective at 11:25 p.m., February 25, 1970.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., February 20, 1970.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER, *Agent.*

[F.R. Doc. 70-2419; Filed, Feb. 26, 1970; 8:50 a.m.]

[Ex Parte No. 262]

INCREASED FREIGHT RATES, 1969

Order. At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D.C., on the 11th day of December 1969.

Upon consideration of the petition, filed November 10, 1969, for leave to amend the list of carriers on whose behalf the petition of October 10, 1969, was filed in this proceeding by (1) changing the name of the Alton and Southern Railroad to The Alton & Southern Railway Co., (2) adding Des Moines and Central Iowa Railway Co., Pittsburg and Ohio Valley Railway Co., Union Railroad Co., and Waterloo Railroad Co., and (3) deleting The Long Island Rail Road Co. and Twin Branch Railroad Co.; and good cause appearing therefor:

It is ordered, That the petition in respect to the matters set forth above be, and it is hereby, granted.

And it is further ordered, That a copy of this order be filed with the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER as notice to interested parties.

By the Commission, Division 2.

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

[F.R. Doc. 70-2418; Filed, Feb. 26, 1970; 8:50 a.m.]

[Ex Parte Nos. MC-72, MC-19 (Sub-No. 6)]

MOTOR SERVICE ON SHIPMENTS OF NEW FURNITURE

Petition To Amend the Household Goods Definition To Embrace Furniture Without Qualification

Order. At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 12th day of December A.D. 1969.

Upon consideration of the records in the above-entitled proceedings, and of:

(1) Motion of Regular Common Carrier Conference of American Trucking Associations, Inc., in Ex Parte No. MC-72, filed February 3, 1969, to strike the representations of the Bureau of Enforcement, or, in the alternative, for leave to reply thereto, which motion is joined in by the Western Railroads by telegram dated February 3, 1969;

(2) Reply by Bureau of Enforcement, filed February 24, 1969;

(3) Joint petition of American Movers Conference, Household Goods Carriers' Bureau, and Movers and Warehousemen's Association of America, Inc., in Ex Parte No. MC-19 (Sub-No. 6), filed December 20, 1968, for reopening of the proceeding in Ex Parte No. MC-19 for the purpose of amending section 1056.1 (b) of the General Rules and Regulations of Motor Carriers of Household Goods and for consolidation of that proceeding with the proceeding in Ex Parte No. MC-72;

and good cause appearing therefor:

It is ordered, That the said motion to strike in (1) above, be, and it is hereby, overruled for the reason that no sufficient or proper cause appears for granting the relief sought in view of the action set forth below.

It is further ordered, That the said petition in (3) above be, and it is hereby, denied for the reason that no sufficient or proper cause appears for granting the relief sought at this time.

It is further ordered, That, in order to develop a more complete record upon which an informed decision in this proceeding might be based, the proceeding in Ex Parte No. MC-72 be, and it is hereby, held open for the submission of additional specific statements on the subjects mentioned below, or any other subject pertinent to this proceeding.

It is further ordered, That carriers, shippers, or any other interested persons may submit for consideration written statements of specific facts, views, and arguments regarding the problems experienced by manufacturers of new furniture in obtaining responsive and adequate transportation facilities for the marketing and shipment of their products and the remedial action proposed in the notice of proposed rulemaking and order of July 11, 1968, with particular reference to the locations of furniture manufacturing facilities; the transportation requirements of new furniture shippers in terms of the territory for which service is needed; the territorial areas in which service on new furniture shipments is inadequate; the effect of the decision in National Furniture Traffic Conference, Inc. v. Associated Truck Lines, Inc., 332 I.C.C. 802, affirmed by the statutory three-judge District Court for the Western District of Michigan, Southern Division in Civil Action No. 6070, 304 F. Supp. 1094 (September 29, 1969), on the adequacy of the service provided by general commodity carriers on shipments of new furniture; the effect of the peak season demand for service on household goods shipments on the ability of household goods carriers to provide service on both household goods shipments and shipments of new furniture on a 12-month basis; the territorial authority held by household goods carriers in relation to the locations and territorial transportation requirements of new furniture shippers; the competitive impact that the proposed authorizations would have upon specific operations of general commodity carriers and specialized furniture carriers; restrictions that might be imposed on any grant of additional authority that would reduce that competitive impact while allowing improvement in the service provided on new furniture shipments; the specific manner in which authority to transport general commodities (or materials, equipment, and supplies used in the manufacture of furniture) in the manner proposed would enable specialized furniture carriers to provide improved service on shipments of new furniture; whether removal of restrictions pertaining to the types of furniture that may be transported and to the transportation of either crated or uncrated shipments from certificates held by specialized furniture carriers would enable such carriers to provide improved service on shipments of new furniture; the matters raised in the representations submitted by the Bureau of Enforcement; and any other matters pertinent to this proceeding.

It is further ordered, That any person, not already a party herein, intending to participate in this proceeding by submitting additional statements or reply statements shall notify the Commission, by filing with the Secretary, Interstate Commerce Commission, Washington, D.C. 20423, on or before March 16, 1970, the original and one copy of a statement of his intention to participate; that the Commission shall then prepare and make available to all such persons a list containing the names and addresses of all parties to this proceeding, upon whom copies of all statements must be filed; and that at the time of the service list the Commission will fix the time within which additional statements and reply statements must be filed. The statements already filed will remain a part of the record in this proceeding, and those persons named in the original service list will remain parties to this proceeding and need not file a new statement of intent.

It is further ordered, That a copy of this order be mailed to the Governor of every State and to the Public Utilities Commission or Boards of each State having jurisdiction over motor transportation; that a copy be posted in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection, and that a copy be delivered to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER as notice to all interested persons.

By the Commission.

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

[F.R. Doc. 70-2424; Filed, Feb. 26, 1970; 8:51 a.m.]

[Notice 32]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

FEBRUARY 24, 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 109397 (Sub-No. 206 TA), filed February 17, 1970. Applicant: TRI-STATE MOTOR TRANSIT CO., Post Office Box 113, Joplin, Mo. 64801. Applicant's representative: Max G. Morgan, 600 Leininger Building, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Source and special nuclear material,* between the Kerr McGee Sequoyah Facility at or near Gore, Okla., on the one hand, and, on the other, Oak Ridge Gaseous Diffusion Plant, Oak Ridge, Tenn.; Paducah Gaseous Diffusion and Feed Materials Plant at or near Paducah, Ky.; and the Portsmouth Gaseous Diffusion Plant and Feed Materials Plant at or near Portsmouth, Ohio, for 180 days. Supporting shipper: Kerr-McGee Corp., Kerr-McGee Building, Oklahoma City, Okla. 73102. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1100 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 111812 (Sub-No. 398 TA), filed February 16, 1970. Applicant: MIDWEST COAST TRANSPORT, INC., 405½ East Eighth Street, Sioux Falls, S. Dak. 57101. Applicant's representative: Ralph H. Jinks (same address as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses,* as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and/or cold storage facilities utilized by Wilson Sinclair Co., at Albert Lea, Minn., to points in Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont; and at Cedar Rapids, Iowa, to points in Connecticut, Delaware, District of Columbia, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, and Rhode Island, for 180 days. Supporting shipper: Wilson-Sinclair Co., Prudential Plaza, Chicago, Ill. 60601; A. N. Brent, Traffic Manager. Send protests to: J. L. Hammond, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 369, Federal Building, Pierre, S. Dak. 57501.

No. MC 116254 (Sub-No. 109 TA), filed February 18, 1970. Applicant: CHEM-HAULERS, INC., Post Office Drawer M,

Sheffield, Ala. 35660. Applicant's representative: L. Winston Biggs (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum jet fuel*, in bulk, in tank vehicles, from Tuscaloosa, Ala., to Greenville and Spartanburg Counties, S.C., for 180 days. Supporting shipper: Gulf Oil Co.—U.S., Gulf Oil Building, 1375 Peachtree Street NE., Atlanta, Ga. 30309. Send protests to: Clifford W. White, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 814, 2121 Building, Birmingham, Ala. 35203.

No. MC 119619 (Sub-No. 24 TA), filed February 16, 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: *Meat, meat products, meat byproducts, packinghouse products and articles distributed by meat packinghouses* as described in sections A and C of appendix I to the Report in *Descriptions in Motor Carrier Certificate* 61 M.C.C. 209 and 766 (except hides and skins and except commodities in bulk in tank vehicles), from Madison, Wis., to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Delaware, Maryland, and the District of Columbia, Virginia, and West Virginia, for 150 days. Supporting shipper: Oscar Meyer & Co., Post Office Box 1409, Madison, Wis. 53701. Send protests to: Roger L. Buchanan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 219 South Dearborn Street, Chicago, Ill. 60604.

No. MC 119767 (Sub-No. 236 TA), filed February 18, 1970. Applicant: BEAVER TRANSPORT CO., 100 South Calumet Street, Burlington, Wis. 53105. Applicant's representative: A. Bryant Torhorst (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned and preserved foodstuffs*, from Rochelle, DeKalb, and Mendota, Ill., to points in Indiana, Michigan, Ohio, and Kentucky, for 180 days. Supporting shipper: Del Monte Corp., Midwest Division, Post Office Box 89, Rochelle, Ill. 61068 (G. W. Baldwin, Division Manager, Shipping-Traffic). 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 124078 (Sub-No. 425 TA), filed February 18, 1970. Applicant: SCHWERMAN TRUCKING CO., 611 South 28th Street, Milwaukee, Wis. 53246. Applicant's representative: James R. Ziperski (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dimethyl phosphoro chlorodiothionate*, in bulk, in tank vehicles, from the plantsite of Stauffer Chemical Co., at Mount Pleasant, Tenn., to Bayport, Tex., for 90 days. Supporting shipper: Stauffer Chemical Co., 299 Park Avenue, New York, N.Y. 10017 (John M. Brady, Product Transportation, Manager, Registered Practitioner). 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 124708 (Sub-No. 5 TA), filed February 16, 1970. Applicant: MEAT PACKERS EXPRESS, INC., 222 South 72 Street, Suite 320, Omaha, Nebr. 68114. Applicant's representative: Donald A. Morken, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products, frozen desserts, fruit drinks* fresh and frozen, *pudding, yogurt, dip and dressings, creamers, ice cream and water ice confections;* (1) from Omaha, Nebr., to Tulsa and Durant, Okla.; Topeka and Hays, Kans.; Carroll, Iowa; Peoria, Ill.; Denver, Colo.; Boise, Idaho; Phoenix, Ariz.; and (2) from Denver, Colo., to Boise, Idaho, and Phoenix, Ariz., *shipping devices and containers and outdated merchandise on return*, for 120 days. Supporting shipper: Sealtest Foods, 455 East Grand Avenue, Chicago, Ill. 60611 (Max L. Kordisch). Send protests to: Keith P. Kohrs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 705 Federal Office Building, Omaha, Nebr. 68102.

No. MC 133737 (Sub-No. 2 TA), filed February 16, 1970. Applicant: ROBERT CRAWFORD, doing business as CRAWFORD TRUCKING COMPANY, 5563 Northwest Drive, Omaha, Nebr. 68104. Applicant's representative: Marshall D. Becker, 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.; (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), for 180 days. Supporting shipper: Architectural Glass Wall Co., Post Office Box 14390 (West Omaha Station), Omaha, Nebr. 68114 (Yale Trustin, Pres.). Send protests to: Keith P. Kohrs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 705 Federal Office Building, Omaha, Nebr. 68102.

No. MC 134005 (Sub-No. 2 TA), filed February 16, 1970. Applicant: WALTER VANDERYACHT, Route 1, Box 387, Ferndale, Wash. 98248. 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: *Horses, other than ordinary*, and, in the same vehicle with such horses, *stable supplies and equipment* used in their care and exhibition, *mascots and personal effects of attendants, trainers, and exhibitors*, between points in Washington, Oregon, and California, for 180 days. Supporting shipper: Granja Vista Del Rio, 13200 Citrus Avenue, Corona, Calif. (Mailing Address: Route 1, Box 1598, Corona, Calif.); Northwest Bloodstock Agency, 700 112th Avenue NE., Bellevue, Wash. 98004; B. W. Bishop, Route 1, Box 101, Clackamas, Oreg. 97027; Steven R. Auguston, 3209 Northeast Knott Street, Portland, Oreg. 97212; Oregon Thoroughbred Breeders' Assn., 1001 North Schmeer Road, Portland, Oreg. 97217 (Post Office Box 17248). Send protests to: E. J. Casey, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 6130 Arcade Building, Seattle, Wash. 98104.

No. MC 134263 (Sub-No. 1 TA), filed February 18, 1970. Applicant: E. L. Warthen, doing business as REDWAY CARRIERS, Route No. 5, Box 100, Waukegan, Ill. 60085. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cranberries and cranberry products*, in containers; *machinery, materials, supplies and equipment*, incidental to or used in the processing, canning, bottling, preserving, freezing, distribution, and sale of cranberries and cranberry products, between the plantsite of Ocean Spray Cranberries, Inc., at North Chicago, Ill., and the plantsite of Ocean Spray Cranberries, Inc., Kenosha County, Wis., for 150 days. Supporting shipper: Ocean Spray Cranberries, Inc., Hanson, Mass. 02341. Send protests to: William E. Gallagher, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1086, U.S. Courthouse and Federal Office Building, 219 South Dearborn Street, Chicago, Ill. 60604.

No. MC 134346 TA, filed February 18, 1970. Applicant: BEAVER BROTHER'S, INC., 640 East Victory Way, Craig, Colo. 81625. Applicant's representative: Harvey W. Beaver, Post Office Box 956, Craig, Colo. 81625. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ores and concentrates*, from Moffat County, Colo., to the plantsite of Western Nuclear Co., near Jeffrey City, Wyo., for 180 days. Supporting shipper: Moffat Mining Co., Craig, Colo. 81625. Send protests to: District Supervisor C. W. Buckner, Interstate Commerce Commission, Bureau of Operations, 2022 Federal Building, Denver, Colo. 80202.

No. MC 134347 TA, filed February 18, 1970. Applicant: SAMUEL M. COKER, doing business as COKER TRUCK LINE, 305 Blue Hills Drive, Nashville, Tenn. 37214. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automobile parts*, between Nashville, Tenn., and points in Christian, Logan, Warren, Allen, and Simpson Counties, Ky., and Limestone County, Ala., for 180 days. Supporting shipper: Automotive Distributors, Inc., Post Office Box 5365, Nashville, Tenn. 37206. Send protests to:

Joe J. Tate, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 803 1808 West End Building, Nashville, Tenn. 37203.

No. MC 134348 TA, filed February 18, 1970. Applicant: RAYMOND FREDERICK, Rural Route No. 1, Milledgeville, Ill. 61051. Applicant's representative: Melvin N. Routman, 306–308 Reisch Building, Springfield, Ill. 62701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dry animal, livestock and poultry feeds, feed supplements and feed ingredients*, from Rock Falls, Ill., to points in Cedar, Clinton, Dubuque, Jackson, Jones, Muscatine, and Scott Counties, Iowa, for the account of W. R. Grace Co., for 180 days. Supporting shipper: W. A. Lorenz, Assistant General Traffic Manager, W. R. Grace & Co., Agricultural Chemicals Group, Post Office Box 277, 100 North Main Street, Memphis, Tenn. 38101. Send protests to: Andrew J. Montgomery, District Supervisor, Interstate Commerce Commission, Bureau of Operations, U.S. Courthouse and Federal Office Building, Room 1086, 219 South Dearborn Street, Chicago, Ill. 60604.

By the Commission.

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

[F.R. Doc. 70-2428; Filed, Feb. 26, 1970; 8:51 a.m.]

[Notice 498]

MOTOR CARRIER TRANSFER PROCEEDINGS

FEBRUARY 24, 1970.

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

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

No. MC-FC-71809. By order of February 17, 1970, the Motor Carrier Board approved the transfer to Millen Moving & Storage, Inc., No. 1 Millen Street, Post Office Box 208, Cayce, S.C. 29033, of certificate of registration No. MC-121128 (Sub-No. 1) issued April 29, 1965, to Charles W. Millen and Nancy B. Millen, a partnership, doing business as Millen Moving & Storage, Cayce, S.C. 29033, evidencing a right to engage in transportation in interstate commerce as described in Class E certificate No. 98-C dated October 5, 1961, issued by the Public Service Commission of California.

No. MC-FC-71830. By order of February 17, 1970, the Motor Carrier Board approved the transfer to San Gabriel Valley Trucking, Inc., Lynwood, Calif., of certificate of registration No. MC-120822 (Sub-No. 1) issued March 19, 1964, to Irish Truck Lines, Inc., Montebello, Calif., evidencing a right to engage in interstate or foreign commerce, in the transportation of commodities of a general commodity nature, between specified areas in California. Milton W. Flack, 1813 Wilshire Boulevard, Los Angeles, Calif. 90057, attorney at law.

No. MC-FC-71846. By order of February 17, 1970, the Motor Carrier Board approved the transfer to Daniel R. Ryan, doing business as Leetch Bros., Braintree, Mass., of the operating rights in certificate No. MC-33279 issued April 18, 1941, to John F. Leetch, doing business as Leetch Bros., South Braintree, Mass., authorizing the transportation of household goods between Braintree, Mass., and points in Massachusetts within 15 miles thereof, on the one hand, and, on the other, points in Massachusetts, Connecticut, Rhode Island, New Hampshire, Vermont, New York, and New Jersey. Joseph P. Hurley, 381 Washington Street, Braintree, Mass. 02184, attorney for applicants.

No. MC-FC-71848. By order of February 17, 1970, the Motor Carrier Board approved the transfer to Klamath Falls Freight, Inc., Klamath Falls, Oreg., of the operating rights in certificate No. MC-936 (Sub-No. 33) issued May 6, 1964, to Valley Motor Lines, Inc., Montebello, Calif., authorizing the transportation, over irregular routes, of general commodities between Eugene, Oreg., and Westfir, Oreg., serving all intermediate points (except Gosher, Oreg.), and the off-route points of Crescent Lake, Odel Lumber Co., Cascade Summit, Lowell, Oreg., and general commodities, except those of unusual value, classes A and B explosives, household goods, commodities in bulk, and commodities requiring special equipment, between Oakridge, Oreg., and Klamath Falls, Oreg., serving all intermediate points. John G. McLaughlin, 726 Blue Cross Building, Portland, Oreg. 97201, Rollo E. Kidwell, Post Office Box 10125, Dallas, Tex. 75207, attorneys for applicants.

No. MC-FC-71880. By order of February 17, 1970, the Motor Carrier Board approved the transfer to J. Rollman & Son, Inc., Lititz, Pa., of that portion of the operating rights in certificate No. MC-73390 issued August 9, 1950, to H. A. Hartman & Son, Inc., Steelton, Pa., authorizing the transportation of junk, from Harrisburg, Pa., and points within 3 miles thereof, to Baltimore, Md., Perth Amboy, N.J., and New York, N.Y.; glass bottles, from Salem, N.J., to Harrisburg, Pa.; canned goods, peanuts, and such commodities (except pretzels and pretzel containers) as are dealt in by retail grocery stores, from Phelps, Gorham, Red Creek, and New York, N.Y., Baltimore, Md., Swedesboro, Camden, and Jersey City, N.J., and Wyoming, Smyrna, and Houston, Del., to Harrisburg, Pa.; groceries, except pretzels and pretzel containers, from points in that part of New Jersey on and south of U.S. Highway 30, to Lebanon, Pa.; macaroni, spaghetti, and vermicelli, from Lebanon, Pa., to Philadelphia, Pa., Wilmington, Del., Baltimore, Md., Washington, D.C., points in the New York, N.Y., commercial zone, and those in that part of New Jersey on and south of U.S. Highway 30; and noodles, from Lebanon, Pa., to Philadelphia, Pa. Christian V. Graf, 407 North Front Street, Harrisburg, Pa. 17101, attorney for applicants.

No. MC-FC-71881. By order of February 18, 1970, the Motor Carrier Board approved the transfer to Robert L. Stevens, doing business as Robert L. Stevens Trucking, Winona, Minn., of permit No. MC-123244 issued July 24, 1961, to Lloyd Ozmun, Winona, Minn., authorizing the transportation of: Bakery goods and supplies, between Winona, Minn., and points in Illinois, Iowa, and Wisconsin. Robert D. Langford, 68 East Fourth Street, Winona, Minn. 55987, attorney for applicants.

No. MC-FC-71907. By order of February 13, 1970, the Motor Carrier Board approved the transfer to Harold H. Warfel, Peach Bottom, Pa., of the certificate in No. MC-107514 (Sub-No. 2) issued March 24, 1954, to Charles G. Risser, Stevens, Pa., authorizing the transportation of agricultural pulverized limestone from points in Lancaster County, Pa., to points in Delaware and Maryland, with exceptions, and sand from points in Cecil County, Md., to points in Lancaster County, Pa. Robert R. Herr, Post Office Box 8, Quarryville, Pa. 17566, representative for applicants.

No. MC-FC-71917. By order of February 17, 1970, the Motor Carrier Board approved the transfer to Ronald E. Williams, 1927 Gebhart, Salina, Kans. 67401, of the operating rights in certificate No. MC-98148 (Sub-No. 1) issued June 27, 1966, to Jerry J. Nicholas, doing business as Quick Transfer Co., 2808 North Ohio, Wichita, Kans. 67201, authorizing the transportation of machinery, equipment, materials, and supplies used in or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and byproducts, and machinery, equipment, materials, and supplies used in or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking-up thereof, between points in Kansas and Oklahoma.

No. MC-FC-71918. By order of February 17, 1970, the Motor Carrier Board approved the transfer to Kenneth Harvey and Edward S. Harvey, a partnership, doing business as Kenneth Harvey, Clarence, Mo., of the operating rights in certificates Nos. MC-25789 and MC-25789 (Sub-No. 2) issued April 5, 1943, and February 19, 1959, respectively, to Kenneth Harvey, Clarence, Mo., authorizing the transportation of general commodities, with usual exceptions and except liquid fuels, in bulk, between Clarence, Mo., and points within 15 miles thereof, on the one hand, and, on the other, points in St. Clair County, Ill., and

those in Wyandotte County, Kans.; washing machines, between Clarence, Mo., and points within 15 miles thereof, on the one hand, and, on the other, Newton, Iowa; and feed and dry fertilizer, in bulk and in bags, from East St. Louis, Ill., to Brookfield, Mo., and points in Macon, Shelby, Randolph, and Monroe Counties, Mo., that part of Adair and Knox Counties, Mo., on and south of Missouri Highway 6, and that part of Marion County, Mo., on and west of U.S. Highway 24. Joseph R. Nacy, 117 West High Street, Post Office Box 352, Jefferson City, Mo. 65101, attorney for applicants.

No. MC-FC-71919. By order of February 17, 1970, the Motor Carrier Board approved the transfer to Huskie Freightways, Inc., Los Angeles, Calif., of the certificate of registration in No. MC-120762 (Sub-No. 1) issued February 11, 1964, to Quality Transportation, a corporation, Vernon, Calif., evidencing a right to engage in transportation in interstate commerce corresponding in scope to the operations granted in Decision No. 60397 dated July 12, 1960, as transferred to transferor in Decision No. 61015 dated November 7, 1969, issued by the Public Utilities Commission of California. Donald Murchison, 211 South Beverly Drive, Beverly Hills, Calif. 90212, attorney for applicants.

No. MC-FC-71920. By order of February 17, 1970, the Motor Carrier Board approved the transfer to Roger C. Lenz and Keith E. Lenz, a partnership, doing business as Lenz Brothers, Lansing, Iowa, of the operating rights in permits Nos. MC-110080, MC-110080 (Sub-No. 1), and MC-110080 (Sub-No. 2) issued December 17, 1948, June 12, 1950, and January 31, 1951, respectively, to A. W. Crabtree, Decorah, Iowa, authorizing the transportation of malt beverages, from Chicago, Ill., Milwaukee, Wis., Omaha, Nebr., and Winona and St. Paul, Minn., to Decorah, Iowa, and soft drinks, from Beaver Dam, La Crosse, and Milwaukee, Wis., Chicago, Ill., and Winona and St. Paul, Minn., to Decorah, Iowa. A. R. Fowler, registered practitioner, 2288 University Avenue, St. Paul, Minn. 55114, representative for applicants.

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

[F.R. Doc. 70-2425; Filed, Feb. 26, 1970; 8:51 a.m.]

[Notice 498-A]

MOTOR CARRIER TRANSFER PROCEEDINGS

FEBRUARY 24, 1970.

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

As provided in the Commission's general rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 30 days from the date of service of the order. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-71704. By order of February 16, 1970, Division 3, acting as an Appellate Division, approved the transfer to Central Dispatch, Inc., a Missouri corporation, Kansas City, Mo., of that portion of the operating rights in certificate No. MC-119738 (Sub-No. 1) issued December 15, 1960, to John Haggard, Jr., doing business as Haggard Heavy Hauling, Kansas City, Mo., authorizing the transportation of general commodities, with the usual exceptions, between Kansas City and North Kansas City, Mo., Kansas City, Kans., and points within 10 miles of Kansas City, Kans., those within 10 miles of Kansas City, Mo., and those within 10 miles of North Kansas City, Mo. Donald J. Quinn, Suite 900, 1012 Baltimore, Kansas City, Mo. 64105, attorney for applicants.

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

[F.R. Doc. 70-2426; Filed, Feb. 26, 1970; 8:51 a.m.]

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