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Agencies in this issue—

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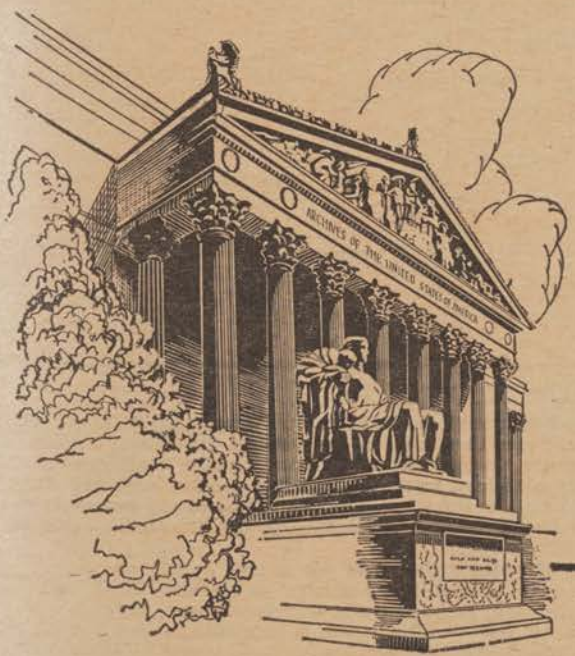

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List of CFR Parts Affected

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

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

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of Labor

Section 213.3315 is amended to show that one position of Assistant to the Special Assistant to the Secretary for Communications is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (18) is added under paragraph (a) of § 213.3315 as set out below.

§ 213.3315 **Department of Labor.**

(a) *Office of the Secretary.* * * *

(18) One Assistant to the Special Assistant to the Secretary for Communications.

(5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 70–2112; Filed, Feb. 18, 1970; 8:49 a.m.]

PART 213—EXCEPTED SERVICE

Department of Commerce

Section 213.3314 is amended to show that the position of Director, Office of Public Affairs, Economic Development Administration, is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (10) is added to paragraph (q) of § 213.3314 as set out below.

§ 213.3314 **Department of Commerce.**

* * * * *

(q) *Office of the Assistant Secretary for Economic Development.* * * *

(10) Director, Office of Public Affairs.

(5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 70–2113; Filed, Feb. 18, 1970; 8:49 a.m.]

PART 213—EXCEPTED SERVICE

Department of Health, Education, and Welfare

Section 213.3316 is amended to show that three additional positions of Assistant to the Secretary for Special Programs and two additional positions of Assistant to the Secretary are excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraphs (11) and (13) of paragraph (a) of § 213.3316 are amended as set out below.

§ 213.3316 **Department of Health, Education, and Welfare.**

(a) *Office of the Secretary.* * * *

(11) Eight Assistants to the Secretary for Special Programs.

(13) Eight Assistants to the Secretary.

(5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION.
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 70–2114; Filed, Feb. 18, 1970; 8:49 a.m.]

Title 12—BANKS AND BANKING

Chapter VI—Farm Credit Administration

SUBCHAPTER B—FEDERAL FARM LOAN SYSTEM

PART 610—FEDERAL LAND BANKS GENERALLY

Computing Amount Loanable to Applicant

Chapter VI of Title 12 of the Code of Federal Regulations is amended by revising § 610.34 (31 F.R. 16236) to read as follows:

§ 610.34 **Computing amount loanable to applicant.**

(a) *Limitation.* The total of outstanding loans made by any one Federal land bank to one borrower shall not exceed 20 percent of the net worth of the lending bank. In addition, the combined total of all outstanding land bank loans to any one borrower shall not exceed 5 percent of the combined net worth of the 12 Federal land banks. Such amounts shall be based on net worth as of the end of the preceding semiannual period (June 30 or December 31). The amount of loans to any one borrower, computed as hereinafter provided, shall not exceed such limitations.

(b) *Individuals.* In determining the amount loanable to an individual, within such limitation, there shall be charged against his borrowing capacity the total unpaid principal of all indebtedness to the land bank(s) which is secured by property presently owned or being acquired by him, either individually or jointly with others, or for which he is personally liable. The amount of any loan to a corporation engaged in farming operations shall be charged against the borrowing capacity of individual stockholders to the extent that they are personally liable for the loan to the corporation.

(c) *Farming corporations.* In determining the amount loanable to a corporation engaged in farming operations, within such limitation, there shall be charged against its borrowing capacity the total unpaid principal of all indebtedness to the land bank(s) which is secured by property presently owned or being acquired by it, or for which it is liable. The amount loaned to a corporation shall be limited to such amount as will not cause the amount chargeable against the borrowing capacity of any stockholder to exceed such limitation.

(Sec. 6, 47 Stat. 14, as amended; 12 U.S.C. 665)

E. A. JAENKE,
Governor,
Farm Credit Administration.

[F.R. Doc. 70–2083; Filed, Feb. 18, 1970; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airworthiness Docket No. 70–WE–3–AD; Amdt. 39–936]

PART 39—AIRWORTHINESS DIRECTIVES

AiResearch Auxiliary Power Units Model GTP30–141

Correction

In F.R. Doc. 70–1558 appearing on page 2726, in the issue of Saturday, February 7, 1970, the first word in the 16th line of the directive reading "in" should read "is" and the last word of the directive reading "remissions" should read "revisions".

[Docket No. 10019; Amdt. 39–942]

PART 39—AIRWORTHINESS DIRECTIVES

British Aircraft Corp. Viscount Models 744 and 745D Airplanes

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring replacement of the automatic feathering system throttle micro-switch actuating levers and adjustment of the "arm" setting of the automatic feathering system throttle micro-switches on British Aircraft Corp. Viscount Models 744 and 745D

airplanes was published in the FEDERAL REGISTER, 34 F.R. 19911.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received. However, the proposed AD has been revised to make it clear that the purpose of the directive is not to prevent engine annulus gear failure, but to protect against separation of the propeller from the engine in the event engine annulus gear failure occurs.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

BRITISH AIRCRAFT CORP. Applies to BAC Viscount Models 744 and 745D airplanes.

Compliance is required within the next 450 hours' time in service after the effective date of this AD, unless already accomplished.

To assure that the automatic feathering system is armed properly during cruise, to protect against turbine overheat and to protect against separation of the propeller from the engine in the event of engine annulus gear failure, replace micro-switch actuating levers and set the "arm" setting of the automatic feathering system throttle microswitches in accordance with British Aircraft Corp., Viscount 700 series aircraft, Bulletin for Modification No. D.2207, Fourth Issue, dated January 31, 1969, or later ARB-approved issue of an FAA-approved equivalent.

This amendment becomes effective March 21, 1970.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on February 13, 1970.

JAMES F. RUDOLPH,
Director, Flight Standards Service.

[F.R. Doc. 70-2100; Filed, Feb. 18, 1970; 8:49 a.m.]

[Docket No. 9486; Amdts. Nos. 21-29; 37-19; 121-58; 127-15; 135-15; 145-9]

PART 21—CERTIFICATION PROCEDURES FOR PRODUCTS AND PARTS

PART 37—TECHNICAL STANDARD ORDER AUTHORIZATIONS

PART 121—CERTIFICATION AND OPERATIONS: DOMESTIC, FLAG, AND SUPPLEMENTAL AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT

PART 127—CERTIFICATION AND OPERATIONS OF SCHEDULED AIR CARRIERS WITH HELICOPTERS

PART 135—AIR TAXI OPERATORS AND COMMERCIAL OPERATORS OF SMALL AIRCRAFT

PART 145—REPAIR STATIONS

Reporting Requirements for Manufacturers; Failures, Malfunctions, and Defects

The purpose of these amendments to the Federal Aviation Regulations is to require manufacturers to report certain failures, malfunctions, or defects in the products or articles which they manufacture.

This action is based on the notice of proposed rule making set forth in Notice 69-12 and published in the FEDERAL REGISTER (34 F.R. 5441) on March 20, 1969.

Numerous comments have been received in response to Notice 69-12. While the majority of the comments were generally in favor of the proposed regulations, a number of comments recommended changes in specific provisions of the proposal. These comments are discussed in more detail hereinafter. There were also a few comments requesting that the proposal be withdrawn. While these comments are very general in nature, they appear to be primarily concerned with the belief that the proposed regulations are unnecessary and that the proposed system would not accomplish the stated objectives. The FAA, however, does not agree. Contrary to the opinion expressed in these comments, there are no current regulations that provide all the information covered under the proposal. While there may be other systems for obtaining the necessary failure, malfunction, or defect data that would be as effective as the system proposed, they are not apparent to the FAA at this time.

There were many comments objecting to the reporting time limit proposed in §§ 21.3 and 37.17. These comments were in general agreement that a 4-hour notification limit is unreasonably short since it would not permit the manufacturer time in which to investigate and adequately evaluate a failure, malfunction, or defect which has been "reported" to him. After further consideration, the FAA agrees. A manufacturer, prior to reporting to the FAA a failure, malfunction, or defect, should first confirm its occurrence and determine its effects through a preliminary investigation and analysis. Therefore, the final rule reflects the concern of these commentators and the notification period prescribed in §§ 21.3 and 37.17 is extended to twenty-four (24) hours.

Several comments were received which questioned the meaning of the words "imminent hazard to flight." It appears that these commentators are primarily concerned with the word "imminent" and with the difficulty in administering such a requirement. The FAA appreciates the concern expressed in these comments. As one commentator correctly indicated, the notice related the information concerning failures, malfunctions, and defects which the FAA proposed to require the manufacturers to furnish, to the same such information the air carriers are currently required to report. Thus, the manufacturers should report any failure, malfunction, or defect that could result in a hazard to flight, without the necessity of deciding whether the hazard is an "imminent" one. The final rule has been revised accordingly.

In the light of the various comments and after further consideration, the FAA has decided that it would not be appropriate to prescribe a form on which manufacturers would be required to report under §§ 21.3 and 37.17. The FAA now considers that the manufacturers should report in the most expeditious manner using any method of communication available to them.

Comments were also received suggesting that the FAA should not be notified of a failure, malfunction, or defect until after the problem is solved, or until after the customer has been notified by the manufacturer. Another commentator recommended that the proposal be withdrawn and that there be closer liaison between the FAA and the manufacturers rather than regulations. The purpose of the proposal as expressed in Notice 69-12, is to provide the FAA with the earliest possible notification of failures, malfunctions, or defects in order that the FAA may take appropriate mandatory action, such as the issuance of an Airworthiness Directive. The FAA has no desire to alter existing manufacture-customer relationships and closer liaison with manufacturers has always been sought by the FAA. However, neither of these recommendations provide a substitute for the proposed regulation.

Several commentators pointed out that many persons holding operating certificates under Parts 121 and 127 also hold STC's and TSO authorizations. They point out that these persons would be required to report the same failure, malfunction, or defect under both the operating rules and the proposed regulation and that this dual reporting requirement is unnecessary. The FAA agrees with this comment. Moreover, the same would apply to persons holding operating certificates under Part 135 as a result of Amendment 135-12 (34 F.R. 19130). Therefore, the final rule provides that failures, malfunctions, or defects already reported under § 21.3 or 37.17 need not be reported under § 121.703, 127.313, or 135.57. A similar provision for manufacturers holding domestic repair station certificates was proposed in Notice 69-12 and the same relief has been provided in the final rule (by amendment to the foreign repair station regulations) to cover U.S. manufacturers holding foreign repair station certificates.

Finally, there was a comment from a foreign type certificate holder stating that the regulation is not clear as to the agency to whom foreign holders must report. The comment indicated that it would be contrary to accepted practice to report to the FAA directly and that reporting is usually accomplished through their national regulatory authorities. The FAA agrees. There are existing means by which the FAA obtains the necessary information regarding failures, malfunctions, or defects for foreign manufactured parts and products from the appropriate authorities in the country of manufacture. The FAA does not consider that it is necessary or appropriate to apply the proposed rule to foreign manufacturers at this time.

In consideration of the foregoing, Parts 21, 37, 121, 127, 135, and 145 of the Federal Aviation Regulations are amended, effective April 2, 1970, as follows:

1. Part 21 is amended by adding a new § 21.3 to read as follows:

§ 21.3 Notification of failures, malfunctions, and defects.

The holder of a Type Certificate (including a Supplemental Type Certificate), or a Parts Manufacturer Approval (PMA), or the licensee of a Type Certificate shall within twenty-four (24) hours after it discovers or is informed of a faliure, malfunction, or defect in any product or part manufactured by it, notify the FAA Regional Office in the region in which the holder or licensee is located of any such failure, malfunction, or defect that could result in a hazard to flight. The notification shall be made by the most expeditious method available and shall include as much of the following information as is available:

(a) Model designation.

(b) Serial number.

(c) Identification of the part, component, or system involved.

(d) Nature of the failure, malfunction, or defect.

2. In Part 37, § 37.17 is amended as follows: the heading is revised, the substance of that section is designated as paragraph (b) and a new paragraph (a) is added. As amended, § 37.17 reads as follows:

§ 37.17 Notification of failures, malfunctions, and defects.

(a) Each manufacturer holding a TSO authorization under this part, shall within twenty-four (24) hours after it discovers or is informed of a failure, malfunction, or defect in any article manufactured by it, notify the FAA Regional Office in the region in which it is located of any such failure, malfunction or defect that could result in a hazard to flight. The notification shall be made by the most expeditious method available and shall include as much of the following information as is available:

(1) Model designation.

(2) Serial number.

(3) Identification of the part, component, or system involved.

(4) Nature of the failure, malfunction, or defect.

(b) Whenever the investigation of an accident or service difficulty report shows that an article manufactured under a TSO authorization is unsafe because of a manufacturing or design defect, the manufacturer shall, upon the request of the Administrator, report to the Administrator the results of his investigation and any action, taken or proposed by the manufacturer, to correct that defect. If action is required to correct the defect in existing articles, the manufacturer shall submit to the appropriate Chief, Engineering and Manufacturing Branch (in the case of the Western Region, the Chief, Aircraft Engineering Division), the data necessary for the issue of an appropriate airworthiness directive.

3. Part 121 is amended by amending paragraph (f) of § 121.703 to read as follows:

§ 121.703 Mechanical reliability reports.

* * * * *

(f) Failures, malfunctions, or defects reported under § 21.3 or 37.17 of this chapter or under the accident reporting provisions of Part 430 of the regulations of the National Transportation Safety Board need not be reported under this section.

* * * * *

4. Part 127 is amended by amending paragraph (f) of § 127.313 to read as follows:

§ 127.313 Mechanical reliability reports.

* * * * *

(f) Failures, malfunctions, or defects reported under § 21.3 or 37.17 of this chapter or under the accident reporting provisions of Part 430 of the regulations of the National Transportation Safety Board need not be reported under this section.

* * * * *

5. Part 135 is amended by amending paragraph (f) of § 135.57 (published in the FEDERAL REGISTER on Dec. 3, 1969, 34 F.R. 19130, 19136) to read as follows:

§ 135.57 Mechanical reliability reports.

* * * * *

(f) Failures, malfunctions, or defects reported under § 21.3 or 37.17 of this chapter or under the accident reporting provisions of Part 430 of the regulations of the National Transportation Safety Board need not be reported under this section.

* * * * *

6. Part 145 is amended as follows:

(a) § 145.63 is amended by adding a new paragraph (c) to read as follows:

§ 145.63 Reports of defects or unairworthy conditions.

* * * * *

(c) Defects or malfunctions reported under § 21.3 or 37.17 of this chapter need not be reported under this section.

(b) Section 145.79 is amended by adding a new paragraph (d) to read as follows:

§ 145.79 Records and reports.

* * * * *

(d) Defects or unairworthy conditions reported under § 21.3 or 37.17 of this chapter need not be reported under this section.

(Secs. 313(a), 601, 603, 604, 607, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423, 1424, 1427, sec. 6(c) Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on February 11, 1970.

G. S. MOORE,
Acting Administrator.

[F.R. Doc. 70-2092; Filed, Feb. 18, 1970; 8:49 a.m.]

[Airspace Docket No. 70-WE-4]

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

Alteration of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the description of the Idaho Falls, Idaho, control zone.

The instrument approach procedures have been revised in accordance with the U.S. Standard for Terminal Instrument Procedures (TERPS). It is, therefore, necessary to make some minor revisions to the control zone in order to encompass the required airspace for these approaches. These changes are reflected herein.

Since these amendments are minor in nature, and impose no additional burden on any person, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended as hereinafter set forth.

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

IDAHO FALLS, IDAHO

Within a 5-mile radius of Fanning Field, Idaho Falls, Idaho (latitude 43°31'05" N., longitude 112°04'05" W.); within a 1-mile radius of Rigby, Idaho, Airport (latitude 43°38'45" N., longitude 111°55'45" W.); within 3.5 miles each side of the Idaho Falls VOR 223° radial extending from the 5-mile radius zone to 10.5 miles southwest of the VOR; within 4 miles each side of the Idaho Falls VOR 030° radial, extending from the 5-mile radius zone to 9 miles northeast of the VOR; and within 3 miles each side of the 036° bearing from the Idaho Falls RBN, extending from the 5-mile radius zone to 8 miles northeast of the RBN.

Effective date: This amendment shall be effective 0901 G.m.t., April 2, 1970.

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

Issued in Los Angeles, Calif., on January 30, 1970.

LEE E. WARREN,
Acting Director, Western Region.

[F.R. Doc. 70-2094; Filed, Feb. 18, 1970; 8:49 a.m.]

[Airspace Docket No. 69-WE-60]

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

Designation of Transition Area and Alteration of Federal Airways

On December 20, 1969, a notice of proposed rule making was pulished in the FEDERAL REGISTER (34 F.R. 19995) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate a transition area for St. George, Utah, and alter the airway floors between Morman Mesa, Nev., Cedar City and Bryce Canyon, Utah.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections. No objections have been received and the proposed amendments are hereby adopted with the following changes.

Change the FEDERAL REGISTER citations to read, "In § 71.181 (35 F.R. 2134) * * *", and, "In § 71.123 (35 F.R. 2009) * * *".

Effective date. This amendment shall be effective 0901 G.m.t., April 2, 1970.

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

Issued in Los Angeles, Calif., on January 29, 1970.

LEE E. WARREN,
Acting Director, Western Region.

[F.R. Doc. 70-2095; Filed, Feb. 18, 1970; 8:49 a.m.]

[Airspace Docket No. 69-WE-87]

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

Alteration of Control Zone

On December 20, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 19994) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Santa Rosa, Calif., control zone.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections. No objections have been received and the proposed amendment is hereby adopted with the following change:

Change the FEDERAL REGISTER citation to read "In § 71.171 (35 F.R. 2054).

The description of the Santa Rosa control zone is amended to read as follows."

Effective date. This amendment shall be effective 0901 G.m.t., April 2, 1970.

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

Issued in Los Angeles, Calif., on January 30, 1970.

LEE E. WARREN,
Acting Director, Western Region.

[F.R. Doc. 70-2096; Filed, Feb. 18, 1970; 8:49 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket C-1676]

PART 13—PROHIBITED TRADE PRACTICES

Jay-Cee Blouse Co., Inc., et al.

Subpart—Furnishing false guaranties: § 13.1053 *Furnishing false guaranties:* 13.1053-80 Textile Fiber Products Identification Act. Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185-80 Textile Fiber Products Identification Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.-1212-80 Textile Fiber Products Identification Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852-70 Textile Fiber Products Identification Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 72 Stat. 1717; 15 U.S.C. 45, 70) [Cease and desist order, Jay-Cee Blouse Co., Inc., et al., Los Angeles, Calif., Docket C-1676, Jan. 27, 1970]

In the Matter of Jay-Cee Blouse Co., Inc., a Corporation, Trading Under Its Own Name and as La Rose of California, and Myer Roseman, Individually and as an Officer of Said Corporation.

Consent order requiring a Los Angeles, Calif., manufacturer of ladies' blouses to cease falsely guaranteeing and misbranding its textile fiber products and failing to maintain required records.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Jay-Cee Blouse Co., Inc., a corporation, trading under its own name and as La Rose of California, or trading under any other name or names, and its officers, and Myer Roseman, individually and as an officer of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in conection with the introduction, delivery for introduction, manufacture for introduction, sale, advertising, or offering for sale in commerce, or the transportation or causing to be transported in commerce, or the importation into the United States, of any textile fiber product; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, of any textile fiber product, which has been advertised or offered for sale in commerce; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, after shipment in commerce, of any textile fiber product, whether in its original state or contained in other textile fiber products, as to the terms "commerce" and "textile fiber product" are defined in the Textile Fiber Products Identification Act, do forthwith cease and desist from:

A. Misbranding textile fiber products by:

1. Falsely or deceptively stamping, tagging, labeling, invoicing, advertising, or otherwise identifying such products as to the name or amount of the constituent fibers contained therein.

2. Failing to affix a stamp, tag, label or other means of identification to each such product showing in a clear, legible and conspicuous manner each element of information required to be disclosed by section 4(b) of the Textile Fiber Products Identification Act.

3. Using a fiber trademark on labels affixed to such textile fiber products without the generic name of the fiber appearing on the said label.

4. Using a generic name or fiber trademark on any label, whether required or nonrequired, without making a full and complete fiber content disclosure in accordance with the act and regulations the first time such generic name or fiber trademark appears on the label.

B. Failing to maintain and preserve proper records of fiber content of textile fiber products manufactured by respondents, as required by section 6(a) of the Textile Fiber Products Identification Act and Rule 39 of the Regulations promulgated thereunder.

It is further ordered, That respondents Jay-Cee Blouse Co., Inc., a corporation, trading under its own name and as La Rose of California, or trading under any other name or names, and its officers, and Myer Roseman, individually and as an officer of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, do forthwith cease and desist from furnishing a false guaranty that any textile fiber product is not misbranded or falsely or deceptively invoiced or advertised under the provisions of the Textile Fiber Products Identification Act.

It is further ordered, That respondents notify the Commission at least 30 days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: January 27, 1970.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 70-2040; Filed, Feb. 18, 1970; 8:45 a.m.]

[Docket C-1677]

PART 13—PROHIBITED TRADE PRACTICES

Marty Newman, Inc., et al.

Subpart—Furnishing false guaranties: § 13.1053 *Furnishing false guaranties:* 13.1053-90 Wool Products Labeling Act. Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185-90 Wool Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212-90 Wool Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* 13.1845-80 Wool Products Labeling Act; § 13.1852 *Formal regulatory and statutory requirements:*

13.1852–80 Wool Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2–5, 54 Stat. 1128–1130; 15 U.S.C. 45, 68) [Cease and desist order, Marty Newman, Inc., et al., New York, N.Y., Docket C–1677. Jan. 27, 1970]

In the Matter of Marty Newman, Inc., a Corporation, and Martin Newman, Individually and as an Officer of Said Corporation

Consent order requiring a New York City manufacturer of women's and misses' apparel to cease falsely guaranteeing and misbranding its wool products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Marty Newman, Inc., a corporation, and its officers, and Martin Newman, individually and as an officer of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, or manufacture for introduction, into commerce, or the offering for sale, sale, transportation, distribution, delivery for shipment or shipment, in commerce, of wool products, as "commerce" and "wool product" are defined in the Wool Products Labeling Act of 1939, do forthwith cease and desist from misbranding such products by:

1. Falsely and deceptively stamping, tagging, labeling, or otherwise identifying such products as to the character or amount of the constituent fibers contained therein.

2. Failing to securely affix to, or place on, each such product a stamp, tag, label, or other means of identification showing in a clear and conspicuous manner each element of information required to be disclosed by section 4(a)(2) of the Wool Products Labeling Act of 1939.

3. Failing to set forth required information on labels attached to wool products consisting of two or more sections of different fiber composition, in such a manner as to show the fiber content of each section in all instances where marking is necessary to avoid deception.

4. Failing to set forth separately the fiber content of interlining as part of the required information on stamps, tags, labels or other marks of identification on such garments.

It is further ordered, That respondents Marty Newman, Inc., a corporation, and its officers, and Martin Newman, individually and as an officer of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, do forthwith cease and desist from furnishing a false guaranty that any wool product is not falsely or deceptively stamped, tagged, labeled, or otherwise identified when respondents have reason to believe that such wool product may be introduced, sold, transported, or distributed in commerce.

It is further ordered, That respondents notify the Commission at least 30 days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

Issued: January 27, 1970.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 70–2041; Filed, Feb. 18, 1970; 8:45 a.m.]

[Docket C–1678]

PART 13—PROHIBITED TRADE PRACTICES

Handkerchief Craft Co., Inc., et al.

Subpart—Importing, selling, or transporting flammable wear: § 13.1060 *Importing, selling, or transporting flammable wear.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 67 Stat. 111, as amended; 15 U.S.C. 45, 1191) [Cease and desist order, Handkerchief Craft Co., Inc., et al., Los Angeles, Calif., Docket C–1678, Jan. 27, 1970]

In the Matter of Handkerchief Craft Co., Inc., a Corporation, and Robert A. Chalme, Individually and as an Officer of Said Corporation

Consent order requiring a Los Angeles, Calif., importer and wholesaler of handkerchiefs and scarves to cease importing and marketing products made of dangerously flammable fabrics.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Handkerchief Craft Co., Inc., a corporation, and its officers, and Robert A. Chalme, individually and as an officer of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, do forthwith cease and desist from manufacturing for sale, selling, offering for sale, in commerce, or importing into the United States, or introducing, delivering for introduction, transporting or causing to be transported in commerce, or selling or delivering after sale or shipment in commerce, any fabric, product or related material as "commerce," "fabric," "product," and "related material" are defined in the Flammable Fabrics Act as amended, which fails to conform to an applicable standard or regulation continued in effect, issued or amended under the provisions of the aforesaid Act.

It is further ordered, That the respondents herein shall, within ten (10) days after service upon them of this order, file with the Commission an interim special report in writing setting forth the respondents' intention as to compliance with this order. This interim special report shall also advise the Commission fully and specifically concerning the identity of the product which gave rise to the complaint, (1) the amount of such product in inventory, (2) any action taken to notify customers of the flammability of such product and the results thereof, and (3) any disposition of such product since May 7, 1969. Such report shall further inform the Commission whether respondents have in inventory any fabric, product or related material subject to the Flammable Fabrics Act, as amended, which fabric, product or related material has a plain surface and is made of silk, rayon or cotton or combinations thereof in a weight of 2 ounces or less per square yard or with a raised fiber surface or is made of cotton or rayon or combinations thereof. Respondents will submit samples of any such fabric, product or related material with this report. Samples of the fabric, product or related material shall be of no less than 1 square yard of material.

It is further ordered, That respondents notify the Commission at least 30 days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

Issued: January 27, 1970.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 70–2042; Filed, Feb. 18, 1970; 8:45 a.m.]

[Docket C–1679]

PART 13—PROHIBITED TRADE PRACTICES

Arm & Goodman, Inc., et al.

Subpart—Furnishing false guaranties: § 13.1053 *Furnishing false guaranties:* 13.1053–35 Fur Products Labeling Act. § 13.1108 *Invoicing products falsely:* Subpart—Invoicing products falsely: 13.1108–45 Fur Products Labeling Act. Subpart—Misbranding or mislabeling:

§ 13.1185 *Composition:* 13.1185–30 Fur Products Labeling Act: § 13.1212 *Formal regulatory and statutory requirements:* 13.1212–30 Fur Products Labeling Act: § 13.1325 *Source or origin:* 13.1325–70 Place: 13.1325–70(g) Imported product or parts as domestic. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852–35 Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Arm & Goodman, Inc., et al., New York, N.Y., Docket C–1679, Jan. 27, 1970]

In the Matter of Arm & Goodman, Inc., a Corporation, and Harry Goodman and Abraham Sookerman, Individually and as Officers of Said Corporation

Consent order requiring a New York City manufacturing furrier to cease deceptively guaranteeing, falsely invoicing and misbranding its fur products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Arm & Goodman, Inc., a corporation, and its officers, and Harry Goodman and Abraham Sookerman, individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, or manufacture for introduction, into commerce, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product; or in connection with the manufacture for sale, sale, advertising, offering for sale, transportation or distribution, of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as the terms "commerce," "fur," and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding any fur product by:

1. Representing, directly or by implication on a label, that the fur contained in such fur product is "color added", when such fur is dyed.

2. Falsely or deceptively labeling or otherwise falsely and deceptively identifying such fur product as to the country of origin of furs contained in such fur product.

3. Failing to affix a label to such fur product showing in words and in figures plainly legible all of the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

B. Falsely or deceptively invoicing any fur product by:

1. Failing to furnish an invoice, as the term "invoice" is defined in the Fur Products Labeling Act, showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

2. Representing, directly or by implication on an invoice, that the fur contained in such fur product is "color added" when such fur is dyed.

3. Misrepresenting in any manner on an invoice, directly or by implication, the country of origin of fur contained in such fur product.

Is is further ordered, That respondents Arm & Goodman, Inc., a corporation, and its officers, and Harry Goodman and Abraham Sookerman, individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, do forthwith cease and desist from furnishing a false guaranty that any fur product is not misbranded, falsely invoiced or falsely advertised when the respondents have reason to believe that such fur product may be introduced, sold, transported, or distributed in commerce.

It is further ordered, That respondents notify the Commission at least 30 days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

Issued: January 27, 1970.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 70–2043; Filed, Feb. 18, 1970; 8:45 a.m.]

Title 7—AGRICULTURE

Subtitle A—Office of the Secretary of Agriculture

[Amdt. 26]

PART 5—DETERMINATION OF PARITY PRICES

Substitution of Term "Milk Sold to Plants" for "Wholesale Milk"

The regulations of the Secretary of Agriculture with respect to the determination of parity prices (21 F.R. 761, as amended; 7 CFR 5.1–5.6) are amended as hereinafter specified, effective February 27, 1970, in order to substitute the term "Milk sold to plants" for "Milk, wholesale" in the list of commodities for which parity prices shall be calculated.

In § 5.4, the paragraph under the centerhead "Designated Nonbasic Commodities" is amended to read as follows:

§ 5.4 Commodities for which parity prices shall be calculated.

* * * * *

DESIGNATED NONBASIC COMMODITIES

Milk sold to plants; milkfat in cream; tung nuts; honey, wholesale extracted.

* * * * *

(Sec. 301, 52 Stat. 38, as amended; 7 U.S.C. 1301)

Done at Washington, D.C., this 14th day of February 1970.

CLIFFORD M. HARDIN, *Secretary.*

[F.R. Doc. 70–2119; Filed, Feb. 18, 1970; 8:50 a.m.]

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

[Navel Orange Reg. 197]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 907.497 Navel Orange Regulation 197.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907, 33 F.R. 15471), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

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

meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on February 17, 1970.

(b) *Order.* (1) The respective quantities of Naval oranges grown in Arizona and deignated part of California which may be handled during the period February 20, 1970, through February 26, 1970, are hereby fixed as follows:

(i) District 1: 902,000 cartons;

(ii) District 2: 187,000 cartons;

(iii) District 3: 11,000 cartons.

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

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

Dated: February 18, 1970.

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

[F.R. Doc. 70–2215; Filed, Feb. 18, 1970; 11:50 a.m.]

[Valencia Orange Reg. 299]

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

Limitation of Handling

§ 908.599 Valencia Orange Regulation 299.

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

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on February 17, 1970.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period February 20, 1970, through February 26, 1970, are hereby fixed as follows:

(i) District 1: Unlimited;

(ii) District 2: Unlimited;

(iii) District 3: 74,661 cartons.

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

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

Dated: February 18, 1970.

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

[F.R. Doc. 70–2216; Filed, Feb. 18, 1970; 11:50 a.m.]

[966.307 Amdt. 2]

PART 966—TOMATOES GROWN IN FLORIDA

Limitation of Shipments

Notice of rule making with respect to a proposed amendment to the limitation of shipments regulation, to be made effective under Marketing Agreement No. 125 and Order No. 966, both as amended (7 CFR Part 966), regulating the handling of tomatoes grown in the Florida production area, was published in the FEDERAL REGISTER January 3, 1970 (35 F.R. 105). An amendment to the notice was published in the FEDERAL REGISTER January 13, 1970 (35 F.R. 435) extending the time for filing data, views, or arguments pertaining thereto through January 16, 1970. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

Within the period specified, written comments were filed with the Hearing Clerk by Walter Holm & Co., William Wright, Inc., and the West Mexico Vegetable Distributors Association, Nogales, Ariz.; also, by Union National de Productores de Hortalizas, Culiacan, Sinaloa, Mexico; the New York Tomato Repackers, Receivers and Brokers Association, Inc., Bronx, N.Y., and the New England Tomato Repackers and Brokers Association, Cambridge, Mass.; Smith Produce Co., Fairmont, W. Va.; Twin Packing Co., Miami, Fla.; and the Arizona Consumers Council, Tucson, Ariz. In addition, comments were received by the Department from five individuals and firms.

Certain of those filing comments on the proposal requested a full hearing before the Secretary of Agriculture and asked that they be given subpena powers to compel the attendance of witnesses with full rights of cross-examination. Proceedings such as involved herein are legislative or fact finding type proceedings wherein the Secretary is seeking information from the public which will be utilized in making his determination as to the appropriate regulation. Such rule making proceedings are governed by 5 U.S.C. 553(b). This section specifies that after notice, interested persons shall have an opportunity to participate in the rule making through submission of written data, views, or arguments, with or without opportunity for oral presentation. Frequently time is of the essence in amending regulations under fruit and vegetable marketing orders because of the rapid fluctuations in the supply and demand of these commodities and resultant effect on returns to producers. Rule making procedure providing for the submission of written data, views, or arguments is the most appropriate type of proceeding for such regulations since it requires less time to go through the proceeding than an oral hearing but nevertheless provides all interested persons a convenient opportunity to submit to the Secretary their data, views, or arguments on the proposal. In any event, however, subpenas would not be available for an oral hearing since the Secretary does not have subpena power in this type of proceeding. Accordingly the request for oral hearing is denied.

Other comments filed stated that since Florida produces and markets mostly mature green tomatoes while Mexico produces and markets mostly vine-ripe

tomatoes, a requirement of larger minimum sizes for vine-ripe type tomatoes than for mature greens would discriminate against Mexico. Another suggested that regulations limiting shipments to only the better quality with the same size requirements for mature greens and vine-ripe type tomatoes up to a minimum size of 2$^{9}/_{32}$ inches would result in supplying better quality and sizes to consumers with just benefits to the producers.

Under conditions of moderate supplies and adequate returns to producers, the Florida Tomato Committee in the past has recommended and the Secretary has issued the same minimum size requirement for mature-green and vine-ripe type tomatoes. Such circumstances were the basis for the regulation currently in effect. However, when excessive volume shipments cause glutted markets, producers receive reduced returns for their tomatoes. Prices can, and often do, fall below the cost of production and marketing. Under the latter contingency it is sometimes necessary to require more restrictive size regulations to accomplish the purposes of the Act, i.e. to help producers receive reasonable returns for their tomatoes. Historic price data indicate that returns to Florida producers from large sizes of U.S. No. 2 and U.S. No. 3 grade tomatoes have generally exceeded those for small sizes that are of better grades.

Vine-ripe tomatoes are normally larger than mature-green tomatoes because of different cultural practices. The difference required in the sizes of mature green and vine-ripe tomatoes is designed to equalize the burden between producers of each type in Florida so that the percentages they withhold from market will be approximately the same.

Statement of consideration. The Florida Tomato Committee met on January 20, 1970, to review the crop prospects following the low temperatures on the nights of January 7, 8, 9, and 10, 1970. The committee anticipated that, because of the damage to the growing tomato crop, shipments would be substantially reduced in the next few weeks. Therefore, the committee recommended that action with respect to the committee's recommendations of December 30, 1969 (35 F.R. 105 and 435) be deferred until the committee's continuing review of the Florida situation indicates that such recommendations will tend to effectuate the declared policy of the Act.

During the period immediately following the committee's January 20 meeting, however, there was a sharp increase in the supply of tomatoes in U.S. markets. This resulted in glutted markets and in severely reduced shipping point prices. The returns to producers for smaller sizes of tomatoes declined below their cost of production, harvesting and marketing, and returns for Florida tomatoes were substantially below parity. One of the objectives of the Act is to return parity to producers.

Growers and importers of Mexican tomatoes also were concerned about the increased supplies of tomatoes in U.S. markets and the decline in prices. On January 23 they voluntarily imposed grade and size restrictions on Mexican tomato exports to the United States. However, tomato supplies continued at a high level and prices continued to decline. On February 1, growers and importers of Mexican tomatoes imposed upon themselves additional grade and size restrictions. Meanwhile, the Florida Tomato Committee met again on January 27 and recommended more restrictive size requirements than those contained in the notice of rule making. They reaffirmed their recommendation at a telephone conference meeting on January 30. This Department delayed action on the committee's recommendation to determine if the tomato supplies would be reduced sufficiently as a result of the restrictions imposed by the Mexican growers and importers. Supplies did decline temporarily and prices made a slight recovery during the week ended February 7. However, the voluntary restrictions have proved to be ineffectual as the U.S. tomato market has continued to be oversupplied and prices of domestic and imported tomatoes have again declined. Subsequently, on February 17 the Florida Tomato Committee, by telephone vote, again recommended more restrictive size requirements than those contained in the notice of rule making to apply only to shipments outside the regulated area.

Findings. After consideration of all relevant matters presented, including the comments filed, the Committee's recommendations, and other available information, it is hereby found that (1) there is insufficient time, under the present tomato marketing conditions, to issue an additional notice of rule making, (2) the proposed minimum sizes are the same as published in the notice of rule making, and (3) the amendment to the limitation of shipments regulation, as hereinafter set forth, will tend to effectuate the declared policy of the Act.

It is further found that good cause exists for not postponing the effective date of this amendment until 30 days after its publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) compliance with this amendment will not require any special preparation by handlers which cannot be completed by the effective date; (2) unless this amendment becomes effective promptly, returns to producers will become more depressed and such producers have already suffered heavy losses from adverse weather conditions and severely depressed prices; and (3) the size restrictions of this amendment are the same as those in the notice of rule making proposal which was published in the January 3, 1970, issue of the FEDERAL REGISTER (35 F.R. 105).

Regulation, as amended. In § 966.307 (34 F.R. 18090, 19746, and 35 F.R. 105) paragraphs (b) and (c) are hereby amended to read as follows:

§ 966.307 **Limitation of shipments.**

* * * * *

(b) *Minimum size requirements.* No person shall handle any lot of tomatoes for shipment outside the regulated area unless they meet the following requirements:

(1) For mature green tomatoes—over 2$^{9}/_{32}$ inches in diameter;

(2) For all other tomatoes—over 2$^{17}/_{32}$ inches in diameter;

(3) For all tomatoes—not more than 10 percent, by count, in any lot may be smaller than the specified minimum diameter.

(c) *Size classifications.* (1) No person shall handle any lot of tomatoes for shipment outside the regulated area unless they are packed in one or more of the of the following ranges of diameters (expressed in terms of minimum and maximum). Measurement of minimum and maximum diameter shall be in accordance with the methods prescribed in the United States Standards for Grades of Fresh Tomatoes (§§ 51.1855 to 51.1877 of this title).

Size classification:	Diameter (inches)
6 x 7	Over 2$^{9}/_{32}$ to 2$^{17}/_{32}$, inclusive.
6 x 6	Over 2$^{17}/_{32}$ to 2$^{28}/_{32}$, inclusive.
5 x 6	Over 2$^{28}/_{32}$.

(2) Tomatoes shall be packed separately for each designated size range except that size 6 x 6 and larger may be commingled.

(3) To allow for variations incident to proper sizing, not more than a total of ten (10) percent, by count, of the tomatoes in any lot may be smaller than the specified minimum diameter or larger than the maximum diameter.

* * * * *

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

Dated February 17, 1970, to become effective February 23, 1970.

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

[F.R. Doc. 70–2150; Filed, Feb. 18, 1970; 8:50 a.m.]

[980.204 Amdt. 1]

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) is hereby amended as set forth below.

Tomato import regulation, as amended. In § 980.204, *Tomato import regulation*, paragraph (b) is hereby amended to read as follows:

§ 980.204 **Tomato import regulation.**

* * * * *

(b) *Minimum size requirements.* (1) For mature green tomatoes—over 2$^{9}/_{32}$ inches in diameter;

(2) For all other tomatoes—over 2$^{17}/_{32}$ inches in diameter;

(3) For all tomatoes—not more than 10 percent, by count, in any lot may be

smaller than the specified minimum diameter.

* * * * *

Findings. This amendment conforms with a simultaneous amendment to the limitation of shipments effective on domestic shipments of tomatoes (§ 966.307, Amdt. 2) under Marketing Order No. 966, as amended (7 CFR Part 966) regulating the handling of tomatoes grown in Florida. It is hereby found that good cause exists for not postponing the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (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) notice of rule making regarding a proposed amendment to the import regulations was published in the FEDERAL REGISTER January 3, 1970 (35 F.R. 105).

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

Dated February 17, 1970, to become effective February 23, 1970.

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

[F.R. Doc. 70–2151; Filed, Feb. 18, 1970; 8:50 a.m.]

Title 21—FOOD AND DRUGS

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

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Phenmedipham

Correction

In F.R. Doc. 70–1574 appearing on page 2727, in the issue of Saturday, February 7, 1970, insert the following line beween the sixth and seventh lines of the first paragraph of the introductory text: "herbicide phenmedipham in or on the".

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

2-Chloro-1-(2,4,5-Trichlorophenyl) Vinyl Dimethyl Phosphate

A petition (PP 9F0804) was filed with the Food and Drug Administration by the Shell Chemical Co., Division of Shell Oil Co., 1700 K Street NW., Washington, D.C. 20006, proposing the establishment of tolerances for residues of the insecticide 2-chloro-1-(2,4,5-trichlorophenyl) vinyl dimethyl phosphate in or on the raw agricultural commodities corn forage (including field corn, popcorn, and sweet corn) at 110 parts per million; corn grain (including field corn and popcorn) and sweet corn (kernels plus cob with husks removed) at 10 parts per million; and in kidney and liver at 2 parts per million.

Subsequently, the petitioner amended the petition by withdrawing the tolerance request regarding kidney and liver.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which the tolerances are being established.

Based on consideration given the data submitted in the petition and other relevant material, the Commissioner of Food and Drugs concludes that:

1. Residues of the insecticide and its conversion products are not reasonably expected to occur in meat, milk, eggs, or poultry from the proposed uses. These uses are in the category specified in § 120.6(a)(3).

2. The proposed tolerances are safe and will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and under authority delegated to the Commissioner (21 CFR 2.120), § 120.252 is revised to read as follows to establish the above-specified tolerances:

§ 120.252 2-Chloro-1-(2,4,5-trichlorophenyl) vinyl dimethyl phosphate; tolerances for residues.

Tolerances are established for residues of the insecticide 2-chloro-1-(2,4,5-trichlorophenyl) vinyl dimethyl phosphate, including its related conversion products 2-chloro-1-(2,4,5-trichlorophenyl) vinyl methylphosphoric acid, 2,2′4′,5′-tetrachloroacetophenone, and conjugates of the latter two compounds, in or on raw agricultural commodities as follows:

110 parts per million in or on corn forage and fodder (including field corn, sweet corn, and popcorn).

10 parts per million in or on apples, sweet corn (kernels plus cob with husks removed), and corn grain (including field corn and popcorn).

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, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: February 11, 1970.

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

[F.R. Doc. 70–2085; Filed, Feb. 18, 1970; 8:47 a.m.]

PART 121—FOOD ADDITIVES

Subpart C—Food Additives Permitted in the Feed and Drinking Water of Animals or for the Treatment of Food-Producing Animals

SULFADIMETHOXINE

The Commissioner of Food and Drugs has evaluated the supplemental new animal drug application (31–205V) filed by Hoffmann-La Roche, Inc., Nutley, N.J. 07110, proposing the safe and effective use of sulfadimethoxine in the drinking water of turkeys. The drug has been previously approved for use in drinking-water treatment of chickens. The supplemental application is approved.

The Commissioner further concludes that the existing zero tolerance for residues of sulfadimethoxine in edible tissues of chickens and cattle and in milk should be changed to negligible residues. The negligible residue level is the basis upon which the "zero" tolerances were formerly established.

Pending recodification of previously established regulations in Part 121 under regulations to be established under Federal Food, Drug, and Cosmetic Act, this order is issued in accordance with § 3.517. *New animal drugs; transitional provisions re section 512 of the Act.*

Therefore, pursuant to provisions of the act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)), in accordance with § 3.517, and under authority delegated to the Commissioner (21 CFR 2.120), Part 121 is amended as follows:

1. Section 121.311(a) is amended by revising table 1 to read as follows:

§ 121.311 Sulfadimethoxine.

* * * * *

(a) * * *

TABLE 1.—SULFADIMETHOXINE IN DRINKING WATER

	Grams per gallon	Limitations	Indications for use
1. Sulfadimethoxine	1.875 (0.05%)	For broiler and replacement chickens; administer for 6 consecutive days; as sole source of drinking water and sulfonamide medication; do not administer within 5 days of slaughter; not for laying chickens.	Treatment of disease outbreaks of coccidiosis, fowl cholera, and infectious coryza.
2. Sulfadimethoxine	0.938 (0.025%)	For meat-producing turkeys; administer for 6 consecutive days as sole source of drinking water and sulfonamide medication; do not administer within 10 days of slaughter; not for use in laying turkeys.	Treatment of disease outbreaks of coccidiosis and fowl cholera.

2. Section 121.1216 is revised to read as follows:

§ 121.1216 Sulfadimethoxine.

Tolerances are established for residues of sulfadimethoxine in edible product of animals as follows:

(a) In chickens, turkeys, and cattle at 0.1 part per million (negligible residue).

(b) In milk at 0.01 part per million (negligible residue).

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, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i))

Dated: February 11, 1970.

SAM D. FINE,
Associate Commissioner for Compliance.

[F.R. Doc. 70-2084; Filed, Feb. 18, 1970; 8:47 a.m.]

PART 121—FOOD ADDITIVES

Subpart C—Food Additives Permitted in Feed and Drinking Water of Animals or for the Treatment of Food-Producing Animals

PART 135e—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

PART 135g—TOLERANCES FOR RESIDUES OF NEW ANIMAL DRUGS IN FOOD

Decoquinate and 3-Nitro-4-Hydroxyphenylarsonic Acid

The Commissioner of Food and Drugs has evaluated the new animal drug applications (39-417V, 40-435V) filed by Hess & Clark, Division of Richardson-Merrell, Inc., Ashland, Ohio 44805, proposing the use of decoquinate alone or in combination with 3-nitro-4-hydroxyphenylarsonic acid in the feed of broiler chickens for specified conditions. The applications are approved.

Pending recodification of previously established regulations in Part 121 under regulations to be established under the provisions of section 512(i) of the Federal Food, Drug, and Cosmetic Act, this order as it relates to § 121.262 is issued in accordance with § 3.517 new animal drugs; transitional provisions re section 512 of the Act.

Therefore, pursuant to provisions of the act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)), in accordance with § 3.517, and under the authority delegated to him (21 CFR 2.120), Parts 121 and 135g are amended and a new Part 135e is added, as follows:

1. Section 121.262(c) is amended by adding to table 1 a new item, as follows:

§ 121.262 3-Nitro-4-hydroxyphenylarsonic acid.

* * * * *

(c) * * *

TABLE 1—3-NITRO-4-HYDROXYPHENYLARSONIC ACID IN COMPLETE CHICKEN AND TURKEY FEED

Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
* * *	* * *	* * *	* * *	* * *	* * *
12.1 * * *					
1.13 3-Nitro-4-hydroxyphenylarsonic acid.	45.4 (0.005%)	Decoquinate	27.2 (0.003%)	For broiler chickens; do not feed to laying chickens; withdraw 5 days before slaughter.	As an aid in the prevention of coccidiosis caused by *E. tenella*, *E. necatrix*, *E. mivati*, *E. acervulina*, *E. maxima*, and *E. brunetti*; growth promotion and feed efficiency; improving pigmentation.
* * *	* * *	* * *	* * *	* * *	* * *

2. A new Part 135e is added consisting at this time of one section, as follows:

§ 135e.51 Decoquinate.

(a) *Chemical name.* Ethyl 6-(decyloxy)-7-ethoxy-4-hydroxy-3-quinolinecarboxylate ($C_{32}H_{45}NO_5$).

(b) *Specifications.* Assay—not less than 98 percent by ultraviolet spectrophotometry; melting-point range—242°–245° C.

(c) *Approvals.* (1) Premix level 6 percent granted to Hess & Clark, Division of Richardson-Merrell, Inc., Ashland, Ohio 44805.

(d) *Assay limits.* Finished feed not less than 80 percent nor more than 120 percent of labeled amount.

(e) *Related tolerances in edible products.* See § 135g.70.

(f) *Conditions of use.* It is used as follows:

Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
1. Decoquinate	27.2 (0.003%)	* * *	* * *	For broiler chickens; do not feed to laying chickens; withdraw 4 days before slaughter.	As an aid in the prevention of coccidiosis caused by *E. tenella*, *E. necatrix*, *E. mivati*, *E. acervulina*, *E. maxima*, and *E. brunetti*.
2. Decoquinate	27.2 (0.003%)	3-Nitro-4-hydroxyphenylarsonic acid.	45.4 (0.005%)	For broiler chickens; do not feed to laying chickens; withdraw 5 days before slaughter.	As an aid in the prevention of coccidiosis caused by *E. tenella*, *E. necatrix*, *E. mivati*, *E. acervulina*, *E. maxima*, and *E. brunetti*; growth promotion and feed efficiency; improving pigmentation.

3. A new section is added to Part 135g, as follows:

§ 135g.70 Decoquinate.

A tolerance of 0.1 part per million is established for negligible residues of decoquinate in edible tissues of chickens.

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, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i))

Dated: February 6, 1970.

SAM D. FINE,
Associate Commissioner for Compliance.

[F.R. Doc. 70-2103; Filed, Feb. 18, 1970; 8:49 a.m.]

Title 29—LABOR

Chapter XIV—Equal Employment Opportunity Commission

PART 1601—PROCEDURAL REGULATIONS

Investigation of a Charge

By virtue of the authority vested in it by section 713(a) of Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e–12 (a), 78 Stat. 265, the Equal Employment Opportunity Commission hereby amends Title 29, Chapter XIV, Subpart B, §§ 1601.14, 1601.19 and 1601.25(a) of the Code of Federal Regulations.

Because the amendments herein adopted are procedural in nature, the provisions of section 4 of the Administrative Procedure Act, 5 U.S.C. section 1003, for public notice and delay in effective date are inapplicable. This amendment shall become effective immediately and shall be applicable with respect to charges presently pending before or hereafter filed with the Equal Employment Opportunity Commission.

The index to Part 1601 is amended with respect to §§ 1601.19 and 1601.20. An undesignated center heading reading "Procedure Following Filing of Charge" is added, covering § 1601.19 through § 1601.20. Section 1601.19 is revised. Sections 1601.19a through 1601.19d are added. The index is amended to read as follows:

PROCEDURE FOLLOWING FILING OF CHARGE

Sec.
1601.19 Dismissal of charge.
1601.19a Field Directors' findings of fact.
1601.19b Exceptions to Field Directors' findings of fact.
1601.19c Predecision procedure.
1601.19d Determination as to reasonable cause.
1601.20 Confidentiality.

Section 1601.14 is revised to read as follows:

§ 1601.14 By whom made.

The investigation of a charge shall be made by the Commission. During the course of such investigation, the Commission may utilize the services of State and local agencies which are charged with the administration of fair employment practice laws or appropriate Federal agencies. As a part of each investigation, the charging party and the respondent shall each be offered an opportunity to submit a statement of its position or evidence with respect to the allegations.

Section 1601.19 is revised to read as follows:

§ 1601.19 Dismissal of charge.

Where the allegations of a charge on its face, or as amplified by the statements of the charging party to the Commission, disclose that the charge is not timely filed or otherwise fails to state a valid claim for relief under Title VII, the Commission, through the Director of the Field Office where the charge is lodged, may dismiss the charge without further action. Charging party and respondent where the charge has been served, shall be notified in writing of the disposition of the charge together with the reasons therefor. Objections to such dismissal will be considered by the Commission, when filed in writing at its headquarters in Washington, D.C., within twenty (20) days of receipt of the Field Director's notice of dismissal.

The following sections are added:

§ 1601.19a Field Director's findings of fact.

Upon completion of an investigation, the Field Director will cause to be prepared and served upon the parties his findings of fact in the case, which shall contain findings of fact and the evidence upon which such findings are based.

§ 1601.19b Exceptions to Field Director's findings of fact.

(a) Within fifteen (15) days, or within such further period as the Field Director may allow, from the date of service of the Field Director's findings of fact, the parties may file such exceptions to the Field Director's findings of fact, objections, briefs and evidence in support thereof as they desire. When requested by a person not represented by counsel, assistance in the preparation of exceptions to the Field Director's findings of fact will be provided by personnel of the Field Office as deemed practicable by the Field Director.

(b) Each exception shall:

(1) Set forth the specific procedure, finding, policy, or interpretation of law or fact to which objection is taken;

(2) Identify any and all parts of the Field Director's findings of fact to which exception is taken by reference to the precise page and paragraph of the determination;

(3) State the grounds for the exception, including the citation to any authority relied upon, and a description of any factual circumstance or interpretation of facts upon which reliance is placed.

(c) Any exception to findings which is not specifically urged may be deemed waived. Any exception which fails to comply with the requirements set forth in paragraph (b) of this section may be disregarded.

(d) Within five (5) days from the date of this filing of exceptions, or within such further period as the Field Director allows, cross exceptions may be filed in the manner set forth in paragraph (b) of this section.

(e) All such exceptions and cross exceptions shall be accompanied by proof of service on all parties. The Field Director may perfect service as deemed practicable.

§ 1601.19c Predecision procedure.

Following the issuance of the Field Director's findings of fact and the receipt of exceptions if any, the Field Director may invite the parties to engage in settlement discussions. Should settlement be reached, the terms thereof will be reduced to writing and shall be signed by the parties and, if approved by the Field Director, forwarded to the Commission for approval and such further action as may be appropriate. In the event no settlement is attempted or reached, the Field Director shall, upon consideration of exceptions, objections, briefs and evidence submitted under § 1601.19b, either cause the charges to be reinvestigated, issue his redetermination of fact based thereon, or forward the full investigation file to the Commission for determination as to reasonable cause.

§ 1601.19d Determination as to reasonable cause.

(a) Following receipt of the full investigative file, the Commission shall consider and decide the issues presented and serve a copy of its decision upon the parties. If the Commission determines that the charge fails to state a valid claim for relief under title VII, or that there is not reasonable cause to believe that a charge is true, the Commission shall dismiss the charge. Where, however, the Commission determines that there is reasonable cause to believe that an unlawful employment practice has occurred or is occurring, it shall endeavor to eliminate such practice by informal methods of conference, conciliation, and persuasion.

(b) The Commission shall promptly notify the charging party, the respondent and, in the case of a charge filed under § 1601.10, the person aggrieved, if known, of its determination under paragraph (a) of this section. The Commission's determination is final when issued; therefore, requests for reconsideration will not be granted. The Commission may, however, on its own motion, reconsider its determination at any time and, when it does so, the Commission shall promptly notify the charging party, the respondent and, in the case of a charge filed under § 1601.10, the person aggrieved, if known, of its intention to reconsider its determination, and of its subsequent decision on reconsideration.

(c) Where a member of the Commission has filed a charge under § 1601.10, he shall not participate in the determination in that case.

(d) Notwithstanding any other provision in this part, where the allegations of a charge on its face, or as amplified by the statements of the charging party to the Commission, disclose that the charge is not timely filed or otherwise fails to state a valid claim for relief under title VII, the Commission may dismiss the case without further action, but it shall notify the charging party, and the respondent if the charge has been served, in writing of its disposition of the case and the reasons therefor. The Commission's dismissal of a charge becomes final when issued; therefore, requests for reconsideration will not be granted. The Commission may, however, on its own motion, reconsider such dismissal at any time and, if it does so, the Commission shall promptly notify the charging party, and the respondent if the charge has been served, of its decision.

Section 1601.25a is amended to read as follows:

§ 1601.25a Processing of cases; when notice issues under § 1601.25.

(a) The time for processing all cases is extended to sixty (60) days except insofar as proceedings may be earlier terminated pursuant to § 1601.19d.

(b) Notwithstanding the provisions of paragraph (a) of this section, the Commission shall not issue a notice pursuant to § 1601.25 prior to a determination under § 1601.19d, or where reasonable cause has been found, prior to efforts at conciliation with respondent, except as provided in paragraph (c) of this section.

(c) At any time after the expiration of sixty (60) days from the date of the filing of a charge, or upon dismissal of the charge at any stage of the proceedings, or upon the expiration of the time for filing objections to dismissal by the Field Director pursuant to § 1601.19, the charging party or the respondent may demand in writing that a notice issue pursuant to § 1601.25, and the Commission shall promptly issue such notice, with copies to all parties.

(d) Issuance of notice pursuant to paragraph (c) of this section shall suspend further Commission proceedings unless the Field Director determines that it is in the public interest to continue such proceedings, or unless, within twenty (20) days after receipt of such notice, a party requests the Field Director, in writing, to continue to process the case.

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

Effective date: date of publication.

Signed at Washington, D.C., this 13th day of February 1970.

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

[F.R. Doc. 70–2153; Filed, Feb. 18, 1970; 8:50 a.m.]

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER B—PERSONNEL; MILITARY AND CIVILIAN

PART 54—TRANSPORTATION OF DEPENDENT SCHOOL CHILDREN

The Deputy Secretary of Defense approved the following revision to Part 54 on January 15, 1970:

Sec.
54.1 Scope and reissuance.
54.2 Applicability.
54.3 Definitions.
54.4 Responsibilities and policy.
54.5 Exceptions.
54.6 Authorities.

AUTHORITY: The provisions of this part are issued under sec. 301, title 5, U.S.C.; sec. 7204(a)(2), title 10, U.S.C.; sec. 1079(d), title 10, U.S.C.

§ 54.1 Scope and reissuance.

(a) This part establishes uniform Department of Defense policy, consistent with titles I and III of Public Law 874, 81st Congress, as amended (20 U.S.C. 236–244); title 10, U.S.C., section 1079(d); and title 10, U.S.C., section 7204(a)(2), for providing Department of Defense transportation to and from school for dependent children of military and civilian personnel residing in the United States, Wake Island, Guam, Puerto Rico, and the Virgin Islands.

(b) It expands the scope to include kindergarten, where this group or class is an integral part of the school system, and to incorporate separate existing authority to transport certain off-post dependent children, including those in Puerto Rico.

§ 54.2 Applicability.

The provisions of this part apply to the Military Departments.

§ 54.3 Definitions.

For purposes of this part:

(a) Dependent school children are those minor dependents of military and civilian personnel of the Department of Defense (and of members of other Federal agencies when specifically indicated) attending primary or secondary schools, including kindergarten (or "preprimary" or "junior primary," etc.) where this group or class:

(1) Is conducted during the regular school year to provide educational experiences for the year immediately preceding the first grade, and

(2) Is under control of the local public board of education or other legally constituted local school authority having administrative control and direction of free public education in a county, township, independent, or other school district within a State.

(b) Walking distance: Any distance of one (1) mile or less between a school and a child's residence shall be considered walking distance.

(c) Reasonable distance: In connection with providing transportation to private schools, reasonable distance shall be deemed to be twenty (20) miles from the entrance of the installation nearest the school.

(d) Regular means of transportation: Includes regular public school transportation, regular private school transportation, regular inter/intra installation transportation, or any combination of such means of transportation. In the case of secondary school children, it also includes regular public transportation.

(e) Accessibility: A school will be considered accessible if it is within walking distance or if the regular means of transportation and walking distance would involve an elapsed travel time of 1 hour or less each way.

(f) Local public school is that division of the State school system which provides free public education to any span of grades one (1) through twelve (12), plus kindergarten as in § 54.3(a), and which is under the supervision/control of and is designated by a legally constituted board of education (or other legally constituted local school authority) to serve the geographic attendance area in which a dependent child resides.

(g) Private school: An elementary or secondary school which provides education to any span of grades one (1) through twelve (12), plus kindergarten as in § 54.3(a) except for control thereof, established by an agency other than the State or its subdivisions but legally constituted under the laws of the State and which includes within its curriculum all subjects which must be taught under the laws of the State. They are primarily supported by other than public funds and the operation of their program rests with other than publicly elected or appointed officials.

§ 54.4 Responsibilities and policy.

Under the overall policy supervision of the Assistant Secretary of Defense (Manpower and Reserve Affairs), and in accordance with policies governing the management of administrative use of motor vehicles emanating from the Assistant Secretary of Defense (Installations and Logistics), DoD Instruction 4500.28 "Management of Administrative Use Motor Vehicles," August 9, 1960,[1] the Secretaries of the Military Departments shall issue regulations governing the use of Department of Defense Transportation facilities for transporting dependent school children, consistent with the following:

(a) Transportation may be furnished under Department of Defense Appropriation Acts only when the U.S. Commissioner of Education (see § 54.6) advises that it is not authorized under the provisions of titles I and III of Public Law 81–874, as amended.

(b) Where it is necessary for a Military Department to provide transportation for dependents to public schools or to schools operated on military installations for dependent children, written agreements shall be entered into with the local educational agency as to the services and facilities to be furnished and the arrangements for reimbursement.

(c) Transportation of dependent school children who reside on a military installation may be provided to:

(1) Local public schools,[2] when the school is not accessible.

(2) Nearby public schools,[2] other than the local public schools, when:

(i) The nearby public school is not accessible; and

(ii) The Secretary of the Military Department concerned has determined that local public schools in which the children would normally be enrolled are unable to provide adequately for their education; that attendance at other public schools

[1] Filed as part of original. Copies may be obtained by writing to U.S. Naval Publications and Forms Center, 5801 Tabor Avenue, Philadelphia, Pa. 19120.

[2] In Puerto Rico this transportation may be provided only under the additional conditions that (1) the parent of the child submits a written request for transportation setting forth the reasons therefor; and (2) the military commander concerned determines that the general morale of the personnel concerned would be served by providing transportation for those desiring to attend a public school.

(to include public schools for the handicapped) in the local educational agency district of residence can be arranged.

(3) Private schools within a reasonable distance, provided:

(i) The private school is not accessible and private school transportation, either with or without cost to the child, is not available;

(ii) The parent of the child submits a written request for transportation setting forth the reasons therefor; and

(iii) The military commander concerned determines either that:

(1) The local or nearby public schools, if any, are unable to provide adequately for the education of the child concerned;

(2) The general morale of the personnel concerned would be served by providing transportation for those desiring to attend a private school; or

(3) The vehicles authorized for transporting dependent school children to public schools have extra space and can convey those attending private schools without materially deviating from the established route to the public school.

(d) Transportation may be provided for dependent school children who do not reside on a military installation as follows:

(1) For dependent school children of military personnel of the Department of Defense, members of the Coast Guard, the Commissioned Corps of the Environmental Sciences Services Administration and the Commissioned Corps of the Public Health Service on a space available basis between schools and military installations when all of the following criteria are met:

(i) The children are participating in a program covered by 10 U.S.C. 1079(d);

(ii) Transportation is already being provided between the military installation and the school concerned; and

(iii) The children present themselves at a regular bus stop on the military installation or established along the regular route between the military installation and the school.

(2) To on-base schools within Puerto Rico for dependent school children of all Federal employees of all Federal agencies authorized to attend the on-base schools.

(e) Only one (1) trip to the school and one (1) trip from the school per school day is authorized for any one (1) child.

(f) When more than one (1) military installation is involved, transportation arrangements will be coordinated to the maximum extent possible.

(g) The selection of children who do not reside on a military installation to use space available transportation shall not be influenced by the identity of the sponsor's military service or Federal agency as authorized in (d)(1) of this section.

(h) Reimbursable costs shall be credited to applicable financing appropriation or fund, or to miscellaneous receipts of the U.S. Treasury, as appropriate, and shall consist of costs incident to operation, maintenance, and depreciation of equipment, including, but not limited to: Fuel, oil, and other consumable supplies used, as well as the compensation of drivers (military or civilian) directly engaged in providing the transportation.

(1) The cost of the compensation of civilian drivers shall be computed on the basis of their gross payroll compensation plus a factor of 29 percent of gross payroll compensation for fringe benefits.

(2) The cost of the compensation of military drivers shall be computed in accordance with the provisions of DOD Instruction 7220.15, "Internal Budgeting, Accounting and Reporting for Military Personnel Expenses," March 19, 1968[1] at the rates prescribed in DOD Instruction 7220.25, "Standard Rates for Costing Military Personnel Services," July 15, 1969.[1]

(i) Dependent school children may use available, regularly scheduled Department of Defense transportation within and between installations when traveling to and from school in order to make connections with regular means of transportation. Similarly, special transportation may be provided within the installation where to do so would serve to make schools accessible by regular means of transportation.

§ 54.5 Exceptions.

(a) The Secretary of a Military Department, or a statutory employee designated by him, may permit exceptions to be made by the military commander of an installation when the route to school is through areas of heavy traffic, blighted urban or residential districts, or potentially dangerous industrial or construction areas; the age of the children involved shall also be considered. All other exceptions must be approved by the Secretary of the Military Department concerned or his designee.

(b) In requesting exceptions for Secretarial consideration, the military commander concerned shall forward factual data and documentation to show clearly why it would be detrimental to the welfare of the personnel concerned not to make exceptions.

§ 54.6 Authorities.

(a) Under titles I and III of Public Law 81-874, as amended, the U.S. Office of Education, Department of Health, Education, and Welfare, was given authority to extend federal assistance to eligible local educational agencies providing free public education for children residing on Federal property, (requirements: to be eligible, a school district must have the lesser of 400 or 3 percent of the total number of children who are in average daily attendance either residing on Federal property or residing with a parent employed on Federal property or whose parent is on active duty as a member of the Uniformed Services during the year of application. If eligibility is met on the basis of the percentage, then there must be at least 10 federally connected children in average daily attendance) including military installations.

(1) In consideration for this assistance, the local educational agencies providing transportation to school children in their districts must also provide such transportation to school children residing on military installations.

(2) Should local educational agencies under obligation to provide transportation for children residing on military installations lack the necessary facilities, transportation may be provided by the Department of Defense, with reimbursements from (a) the local educational agency, or (b) in certain instances, from funds withheld from the local educational agency by the Commissioner of Education under the provisions of subsection 302(a) of title III, Public Law 81-874, as amended.

(b) The annual Appropriation Acts of the Department of Defense extend to all the Military Departments the authority conferred upon the Department of the Navy by 10 U.S.C. 7204(a)(2) to provide funds specifically appropriated for the purpose of transportation for dependents between the school and the activity when the schools are not accessible by regular means of transportation (or when the Secretary of the Military Department concerned finds that schools, if any, available in the locality, are unable to provide adequately for education of such dependents).

MAURICE W. ROCHE,
Director, Correspondence and Directives Division OASD (Administration).

[F.R. Doc. 70-1926; Filed, Feb. 18, 1970; 8:45 a.m.]

[1] Filed as part of original. Copies may be obtained by writing to U.S. Naval Publications and Forms Center, 5801 Tabor Avenue, Philadelphia, Pa. 19120.

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter II—Forest Service, Department of Agriculture

PART 261—TRESPASS

Unauthorized Livestock Use

Section 261.7, Unauthorized Livestock Use, of Title 36, Code of Federal Regulations, is revised to read as follows:

§ 261.7 Livestock trespass.

The following acts are prohibited on all National Forest System lands or other lands under Forest Service control:

(a) Willfully allowing unauthorized livestock to enter upon or to be upon such lands.

(b) Failing or refusing to remove unauthorized livestock from such lands when requested by a Forest officer.

(30 Stat. 35, as amended; 16 U.S.C. 551, 50 Stat. 526; 7 U.S.C. 1011(f), 80 Stat. 379; 5 U.S.C. 301)

Effective date. This revision shall become effective on the date of its publication in the FEDERAL REGISTER.

CLIFFORD M. HARDIN,
Secretary of Agriculture.

FEBRUARY 14, 1970.

[F.R. Doc. 70-2118; Filed, Feb. 18, 1970; 8:50 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 2—DELEGATIONS OF AUTHORITY

Designated Positions

In § 2.1, paragraph (b) is amended to read as follows:

§ 2.1 Delegation of authority to employees to issue subpenas, etc.

* * * * *

(b) *Designated positions.* Assistant Administrator for Management and Evaluation; Director, Investigation and Security Service; Assistant Director, Investigation and Security Service; heads of regional offices and centers having insurance activities, regional office activities, or both.

* * * * *

(72 Stat. 1114; 38 U.S.C. 210)

This VA regulation is effective the date of approval.

Approved: February 13, 1970.

By direction of the Administrator.

[SEAL] FRED B. RHODES,
Deputy Administrator.

[F.R. Doc. 70-2082; Filed, Feb. 18, 1970; 8:47 a.m.]

PART 17—MEDICAL

Increased Aid to State Soldier's Homes

1. In § 17.30, paragraphs (l) and (n) are amended and paragraph (u) is added so that the amended and added material reads as follows:

§ 17.30 Definitions.

* * * * *

(l) *Hospital care.* The term "hospital care" includes medical services rendered in the course of hospitalization and transportation and incidental expenses for veterans who are in need of treatment for a service-connected disability or are unable to defray the expense of transportation.

* * * * *

(n) *Domiciliary care.* The term "domiciliary care" means the furnishing of a home to a veteran, embracing the furnishing of shelter, food, clothing, and other comforts of home, including such incidental medical care as is necessary to maintain him. The term further includes transportation and incidental expenses for veterans who are unable to defray the expense of transportation.

* * * * *

(u) *State home.* The term "State home" means a home established by a State (other than a possession) for veterans of any war disabled by age, disease, or otherwise who by reason of such disability are incapable of earning a living. The term also includes a home which furnishes nursing home care for such veterans.

2. Immediately preceding § 17.165, the centerhead is amended to read as follows:

AID TO STATES FOR CARE OF WAR VETERANS IN STATE HOMES

3. Section 17.165 is revised and §§ 17.165a through 17.165c are added to read as follows:

§ 17.165 Recognition of a State home.

A State-operated facility which provides hospital, domiciliary or nursing home care to veterans of any war must be formally recognized by the Administrator as a State home before Federal aid payments can be made for the care of such veterans. Any agency of a State (exclusive of a territory or possession) responsible for the maintenance or administration of a State home may apply for recognition by the Veterans Administration for the purpose of receiving aid for the care of war veterans in such State home. A State home may be recognized if:

(a) The State home is a facility which exists primarily for the accommodation of veterans incapable of earning a living and who are in need of domiciliary or nursing home care, and

(b) The majority of such veterans who are nursing home care patients or domiciliary members in the home are veterans who may be included in the computation of the amount of aid payable from the Veterans Administration, and

(c) The personnel, building and other facilities and improvements at the home are devoted primarily to the care of veterans of a war, and

(d) In the case of recognition of State homes having nursing home care facilities the requirements of § 17.166a(c) are met.

§ 17.165a Filing applications.

Applications for Veterans Administration recognition of a State home may be filed with the Chief Medical Director, Veterans Administration. After arranging for an inspection of the State home's facilities for furnishing domiciliary, nursing home or hospital care, the Chief Medical Director will make his recommendation to the Administrator who will notify the State official in writing of his decision.

§ 17.165b Approval of annexes and new facilities.

Separate applications for recognition must be filed for any annex, branch, enlargement, expansion, or relocation of a recognized home which is not on the same or contiguous grounds on which the parent facility is located. When a recognized State home establishes nursing home or hospital care facilities which have not been inspected and approved by the Veterans Administration, a request for separate approval of such facilities must be made. The prohibitions in § 17.165c are also applicable to applications for aid on behalf of any war veteran cared for in a new annex, branch or enlarged, expanded or relocated facilities or in new nursing home or hospital facilities during the period prior to notice of recognition or notice of approval of such facilities.

§ 17.165c Aid for period prior to recognition prohibited.

Payment of Federal aid will not be made for domiciliary, nursing home or hospital care for any period prior to the date of notification of recognition of a State home, and aid for domiciliary, nursing home or hospital care furnished any war veteran in such home will not be paid for any period prior to the receipt of application for such care on behalf of such veteran except as provided for in § 17.166d. Aid for hospital care furnished any veteran in a recognized State home on or after December 30, 1969, however, may be paid retroactively to that date if (a) the State home has requested Veterans Administration approval of its hospital facilities, and has submitted an application for a determination of Veterans Administration eligibility for each such veteran hospitalized in the home on that date, on or before February 15, 1970, and (b) the Veterans Administration has determined the hospital facilities were in compliance with the provisions of § 17.166b as of December 30, 1969, and each veteran on whose behalf retroactive aid is claimed was eligible for Veterans Administration hospital care on that date.

4. Section 17.166 is revised and §§ 17.166a through 17.166d are added to read as follows:

§ 17.166 Aid for domiciliary care.

Aid may be paid to the designated State official for domiciliary care furnished in a recognized State home for any veteran if:

(a) The veteran is a veteran of a war, and

(b) The veteran is eligible for domiciliary care in a Veterans Administration facility.

§ 17.166a Aid for nursing home care.

Aid may be paid to the designated State official for nursing home care furnished in a recognized State home for any veteran if:

(a) The veteran needs nursing home care and is a veteran of a war and in addition:

(1) He has a service-connected disability for which nursing home care is being provided, or

(2) He has a non-service-connected disability and is unable to defray the expenses of nursing home care and so states under oath, or

(3) He was discharged or released from active military, naval or air service for disability incurred or aggravated in line of duty, or

(4) He is in receipt of, or but for the receipt of retirement pay would be entitled to receive, disability compensation, and

(b) The State home certifies in writing that the veteran has not received nursing home care in the State home prior to January 2, 1965, and

(c) The quarters in which the nursing home care is provided are in an area clearly designated for such care and not

intermingled with those of either hospital patients or domiciliary members.

§ 17.166b Aid for hospital care.

Aid may be paid to the designated State official for hospital care furnished in a recognized State home for any veteran if:

(a) The veteran is a veteran of a war, and

(b) The veteran is eligible for hospital care in a Veterans Administration facility, and

(c) The quarters in which the hospital care is carried out are in an area clearly designated for such care, specifically established, staffed and equipped to provide hospital type care, are not intermingled with the quarters of nursing home care patients or domiciliary members, and meet such other minimum standards as the Veterans Administration may prescribe.

§ 17.166c Amount of aid payable.

The amount of aid payable to a recognized State home shall be at the per diem rates of $3.50 for domiciliary care, $5 for nursing home care, and $7.50 for hospital care. In no case shall the payments made with respect to any veteran exceed one-half of the cost of the veteran's care in the State home.

§ 17.166d Veterans Administration approval of eligibility required.

Federal aid will be paid only for the care of veterans whose separate eligibility for hospital, domiciliary or nursing home care has been approved by the Veterans Administration. To obtain such approval, State homes will complete a Veterans Administration application form for each veteran for the type of care to be provided and submit it to the Veterans Administration office of jurisdiction for determination of eligibility. Payments shall be made only from the date the Veterans Administration office of jurisdiction receives such application; however, if such request is received by the Veterans Administration office of jurisdiction within 10 days after the beginning of the care of such veteran for which he is determined to be eligible, payment shall be made on account of such veteran from the date care began (38 U.S.C. 643).

5. In § 17.167, the headnote is amended to read as follows:

§ 17.167 Inspection of recognized State homes.

* * * * *

(72 Stat. 1114; 38 U.S.C. 210)

These VA regulations are effective December 30, 1969.

Approved: February 11, 1970.

By direction of the Administrator.

[SEAL] FRED B. RHODES,
Deputy Administrator.

[F.R. Doc. 70-2104; Filed, Feb. 18, 1970; 8:49 a.m.]

Title 49—TRANSPORTATION

Chapter III—Federal Highway Administration, Department of Transportation

SUBCHAPTER B—MOTOR CARRIER SAFETY REGULATIONS

[Docket No. MC-15; Notice 70-3]

PART 393—PARTS AND ACCESSORIES NECESSARY FOR SAFE OPERATION

Mounting Height of Reflectors

On October 24, 1969, the Acting Federal Highway Administrator issued a notice of proposed rule making, announcing that the Administrator was considering reducing the minimum height for mounting reflectors on commercial motor vehicles from 24 inches to 15 inches. The notice, which was published in the FEDERAL REGISTER on November 11, 1969 (34 F.R. 18129), invited interested persons to submit written data, views, or arguments on the proposal to Docket No. MC-15 on or before the close of business on January 12, 1970.

No objections to the proposal have been received.

In consideration of the foregoing, the first sentence of § 393.26(a) in Part 393 of Title 49, CFR, is amended to read as set forth below. This amendment is effective on March 20, 1970.

(Sec. 204, Interstate Commerce Act (49 U.S.C. 304), sec. 6, Department of Transportation Act (49 U.S.C. 1655), delegation of authority at 49 CFR 1.4(c))

Issued on February 12, 1970.

F. C. TURNER,
Federal Highway Administrator.

§ 393.26 Requirements for reflectors.

(a) *Mounting.* All required reflectors shall be mounted upon the motor vehicle at a height not less than 15 inches nor more than 60 inches above the ground on which the motor vehicle stands, except that reflectors shall be mounted as high as practicable on motor vehicles which are so constructed as to make compliance with the 15-inch requirement impractical. * * *

* * * * *

[F.R. Doc. 70-2077; Filed, Feb. 18, 1970; 8:46 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 18550; FCC 70-163]

MISCELLANEOUS AMENDMENTS TO CHAPTER

In the matter of amendment of Parts 2, 81, 83, and 87 of the Commission's rules and regulations to suballocate, provisionally, the frequency band 1535-1660 MHz in the interest of fostering developmental programs for aeronautical and maritime purposes, Docket No. 18550.

In the matter of a petition for amendment of Parts 2 and 87 of the Commission's rules and regulations to provide for the use and development of an airborne collision avoidance system, RM-1201.

Report and order. 1. The Commission, on May 19, 1969, released a notice of proposed rule making in the above-captioned proceeding which was published in the FEDERAL REGISTER on May 23, 1969 (FCC 69-512, 34 F.R. 8122). In response to a telegraphic request dated June 19, 1969, from Bonzer, Inc., the time for filing comments and reply comments was extended to July 7, 1969, and to July 17, 1969, respectively. No further requests for extension have been received.

2. Comments were filed by the following respondents:

Aeronautical Radio, Inc., and the Air Transportation Association of America (ARINC/ATA).
Aerospace and Flight Test Radio Coordinating Council (AFTRCC).
Bonzer, Inc. (Bonzer).
Communications Satellite Corp. (Comsat).
McDonnell Douglas Corp. (MDC).
TRW Systems Group of TRW, Inc. (TRW).

Reply comments were filed by ARINC/ATA and, on February 9, 1970, by In-Flight Devices Corp. (In-Flight).

3. The proceeding was initiated in response to a petition filed jointly by AR INC/ATA on September 15, 1967, requesting amendment of pertinent portions of Parts 2 and 87 of the Commission's rules and regulations to provide for the development and use of an aircraft collision avoidance system. Briefly, the notice proposed provisional allocations for the use of space techniques in the bands 1535-1557.5 and 1637.5-1660 MHz; for glide slope operations in the band 1557.5-1567.5 MHz; and for development and operation of a collision avoidance system (CAS) in the band 1592.5-1622.5 MHz, with the remaining portions of the 1540-1660 MHz band continuing to be available for the aeronautical radionavigation service under presently prevailing national and international rules and regulations. It was pointed out also that, in the fourth notice of inquiry, Docket 18294,[1] the Commission is proposing to expand the 1540-1660 MHz band to 1535-1660 MHz and to suballocate the band so that the segments 1535-1557.5 MHz and 1637.5-1660 MHz would be available exclusively for the application of space techniques. If, within a reasonable period of time, systems developed as expected in the bands, the "provisional" connotation would be removed.

4. Comments in response supported the proposal to provide exclusive portions of the 1535-1660 MHz band in which the different systems could be developed and to accommodate development of the collision avoidance system in the 1592.5-1622.5 MHz portion, allowing time for transition of existing systems to new

[1] In the Matter of:
An inquiry relating to preparation for a World Administrative Radio Conference of the International Telecommunication Union on matters pertaining to the radio astronomy and space services.

bands. MDC, in view of its past experience with numerous frequency changes and heavy investment in the EROS (Eliminate Range Zero System) and EROS II Aircraft Collision Avoidance Systems, wishes to be assured the Commission will provide a more permanent status to a more fully developed CAS than the term "provisional" implies.

5. Bonzer, Inc., a manufacturer of radar altimeters in the 1630 MHz band, does not believe an interference problem exists between its system and the present CAS band of 1567.5–1597.5 MHz; therefore it expressed some doubt regarding the need for the reallocation proceeding. However, admitting its lack of expertise with respect to the glide slope and space programs, Bonzer is willing to accept the proposed change for radio altimeters to the 4200–4400 MHz band on an exclusive basis contingent upon a reasonable time to develop solid state devices in the higher band.

6. The area of greatest controversy was centered on the use of the bands 1535–1557.5 and 1637.5–1660 MHz for space techniques. ARINC/ATA comments, supported by AFTRCC and MDC, continue to oppose (as set forth in responses to the third, fourth, and fifth notices of inquiry in Docket 18294) the sharing by other radio services of frequency bands allocated to the aeronautical services. Consequently, the proposal to share the 1535–1557.5 and 1637.5–1660 MHz bands, reserved for space techniques, between the aeronautical and maritime mobile services, was opposed. Instead, ARINC/ATA, recognizing a possible need in the band for maritime space communication techniques, proposed exclusive allocations, between 1535–1537.5 and 1637.5–1640 MHz for the maritime mobile service.

7. Comsat, on the other hand, and, consistent with their comments filed in Docket 18294, believed that maximum flexibility should be afforded development of the space systems in the 1535–1660 MHz band and that further subdivision or restrictions imposed on the 1535–1557.5 and 1637.5–1660 MHz bands would serve no useful purpose. Comsat further indicated that, if it were determined that such subdesignations were necessary, a common satellite translation frequency should be provided in order to avoid a complicated satellite design problem. To provide such a common frequency, Comsat proposed an exchange of the aeronautical and maritime up-link bands. This would have the added advantage of providing greater protection to the CAS receiver in the event it were operating in a CAS/satellite environment simultaneously. Comsat also requested clarification of the proposed footnotes 352E and 352F to permit transmission of both ground to satellite communication and radiodetermination signals.

8. TRW Systems supported the proposal to remove the availability of the 1540–1660 MHz band for radio altimeters and recommended that transition to the 4200–4400 MHz band be made expeditiously unless the deadline were set after 1973. TRW also cited design studies relating to satellite-based navigation and control systems and recommended that separate subbands be allocated for satellite to aircraft and aircraft to satellite transmissions in view of the low power margins feasible in a navigation satellite system.

9. In their reply comments, ARINC/ATA, although recognizing that the subject was not germane to the forthcoming WARC of the ITU, recommended that negotiations be initiated to achieve international acceptance and compatibility of the CAS. ARINC/ATA, while agreeing with Comsat's proposal regarding a common translation frequency, continue to reiterate their opposition to sharing between the aeronautical and maritime mobile services of the two bands proposed for allocation for space techniques.

10. In-Flight Corp. filed comments with the Commission on February 9, 1970, nearly 7 months after the deadline for filing comments had passed. In-Flight requested the Commission hold a public hearing in order to receive information relative to the possibility of interference being created by other proposed services to radar altimeters in the 1540–1660 MHz band and to the marketing impact which the proposed action would have on general aviation aircraft operations.

11. On review and analysis of the comments, as well as other relevant information, the Commission believes adoption of the original proposals with minor modifications, would be in the public interest. Comments from the aviation industry overwhelmingly support the opportunity to develop an airborne collision avoidance system in an interference-free environment in the 1592.5–1622.5 MHz band. No opposition was expressed to accommodation of the glide slope in the band 1557.5–1567.5 MHz.

12. With respect to reaccommodating the radio altimeter function, no problems are foreseen so long as ample time is permitted to make the transition to the 4200–4400 MHz band. In this connection, it is believed appropriate that no new altimeters be authorized in the band 1540–1660 MHz after January 1, 1971,[2] however, those devices already authorized should be permitted to operate. Such operation will be permitted to continue for an unspecified period, recognizing that it may be necessary to establish a termination date for such devices in the future. Footnote US 39 is retained unchanged except to reflect the greater overall band 1535–1660 MHz in lieu of 1540–1660 MHz.

13. With regard to the proposed reservation of the 1535–1557.5 and 1637.5–1660 MHz bands for space techniques, we do not find the arguments of ARINC/ATA opposing the sharing by other radio services of frequency bands allocated to the aeronautical service to be persuasive. No technical justification or rationale has been submitted nor is the Commission aware of any study or other data at this time which would support such a position. As stated in paragraph 24 of the fifth notice of inquiry, Docket 18294 relative to the same general comments, "* * * If sweeping unsupported objections such as these were permitted to prevail, and all services voiced similar objections such as these the Table of Frequency Allocations would be a static description of services to which the radio spectrum had been allocated initially, rather than the dynamic structure it must be to meet the changing needs of all services * * *"

14. In this connection, the Commission concurs with the comments of Comsat that maximum flexibility should be retained for space systems in the proposed bands and proposes no subdivisions at this time other than those set out in the original notice. When viable space systems have been developed and sufficient experience has been gained to determine the extent of compatibility and/or requirements of the maritime and aeronautical mobile services, the matter may be reconsidered. A uniform translation could then be utilized if a joint satellite were launched; conversely, if exclusive satellites were used, no translation commonality would be required. Accordingly, the Commission believes the 1535–1557.5 and 1637.5–1660 MHz bands should be reserved for space techniques as proposed in this proceeding and as set forth in the Preliminary Views of the U.S.A. with respect to the 1971 Space Conference.

15. With regard to the proposed footnotes 352E and 352F, the Commission agrees with Comsat that clarification is in order. These notes, which are included in the appendix, have been rewritten to make it clear that use between ground stations and satellites, as well as between mobile stations and satellites is intended. Provision has also been made for direct ground-to-aircraft communication where all stations concerned are part of the "space technique" system or interface therewith.

16. Aside from the fact that the request by In-Flight was neither timely filed nor did it contain any substantiating data, it should be pointed out that the question of interference has been considered not only by ARINC/ATA in an experimental program extending back to 1956 and which resulted in the original petition, but, since the band 1540–1660 MHz is shared jointly between the Government and non-Government services, by Executive Branch Agencies as well. Ample evidence has been amassed to resolve to our satisfaction the question of potential harmful interference during the transition period.

17. As pointed out earlier, Bonzer, Inc., a competitor of In-Flight, apparently anticipates no marketing problems

[2] After the effective date of this report and order, applications for type acceptance of new altimeters to operate within the frequency range 1540–1660 MHz will not be accepted.

subject to adequate time to develop devices in the 4200–4400 MHz band. In view of the above, the request for public hearing would appear to serve no useful purpose since it does not appear that information not already considered would be added. Accordingly, the request is denied.

18. In view of the foregoing: *It is ordered,* That pursuant to the authority contained in sections 4(i) and 303 (c), (e), and (r) of the Communications Act of 1934, as amended, Parts 2, 81, 83, and 87 of the Commission's rules are amended effective April 1, 1970, as set forth below.

19. *It is further ordered,* That the proceedings in Docket 18550 are hereby terminated.

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

Adopted: February 11, 1970.

Released: February 13, 1970.

FEDERAL COMMUNICATIONS COMMISSION,[3]

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

[3] Commissioner Johnson concurring in the result.

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

§ 2.106 [Amended]

1. Section 2.106, *Table of Frequency Allocations,* is amended with respect to columns 5 through 11, in the frequency band 1535–1660 MHz, to read as follows:

Band (MHz)	Allocation	Band (MHz)	Service	Class of station	Frequency (MHz)	Nature of services (of stations)
5	6	7	8	9	10	11
1535–1537.5	G, NG. (352E) (US39)	1535–1537.5	MARITIME MOBILE. Aeronautical mobile (R).	Satellite-borne.		MOBILE using space techniques. (provisional).
1537.5–1557.5	G, NG. (352E) (US39)	1537.5–1557.5	AERONAUTICAL MOBILE (R). Maritime mobile.	Satellite-borne.		MOBILE using space techniques. (provisional).
1557.5–1567.5	G, NG. (352A) (352B) (US39)	1557.5–1567.5	AERONAUTICAL RADIONAVIGATION.	Radionavigation land.		Glide path. (provisional).
1567.5–1592.5	G, NG. (352A) (352B) (US39)	1567.5–1592.5	AERONAUTICAL RADIONAVIGATION.			
1592.5–1622.5	G, NG. (352A) (352B) (US39) (US39A)	1592.5–1622.5	AERONAUTICAL RADIONAVIGATION.	Radionavigation land. Radionavigation mobile.		Collision avoidance. (provisional).
1622.5–1637.5	G, NG. (352A) (352B) (US39) (US39A)	1622.5–1637.5	AERONAUTICAL RADIONAVIGATION.			
1637.5–1657.5	G, NG. (352F) (US39) (US39A)	1637.5–1657.5	AERONAUTICAL MOBILE (R). Maritime mobile.			MOBILE using space techniques. (provisional).
1657.5–1660	G, NG. (352F) (US39) (US39A)	1657.5–1660	MARITIME MOBILE. Aeronautical mobile (R).			MOBILE using space techniques. (provisional).

2. In the list of Geneva Footnotes following the table, modify the texts of 352A and 352B to read as follows:

352A The bands 1540–1660, 4200–4400, 5000–5250 MHz and 15.4–15.7 GHz are reserved on a worldwide basis, for the use and development of airborne electronic aids to air navigation and any directly associated ground-based or satellite-borne facilities. (The fifth notice of inquiry, Docket No. 18294, proposes reducing the band 1540–1660 MHz to 1557.5–1637.5 MHz. This will be reviewed after the 1971 ITU Space Conference.)

352B The bands 1540–1660, 5000–5250 MHz and 15.4–15.7 GHz are also allocated to the aeronautical mobile (R) service for the use and development of systems using space communication techniques. Such use and development is subject to agreement and coordination between administrations concerned and those having services operating in accordance with the table, which may be affected. (The fifth notice of inquiry, Docket No. 18294, proposes reducing the band 1540–1660 MHz to 1557.5–1637.5 MHz. This will be reviewed after the 1971 ITU Space Conference.)

3. Add new footnotes 352E and 352F, reading as follows:

352E Limited to transmissions from satellite-borne stations to stations in the aeronautical mobile (R) and maritime mobile services for communication and/or radiodetermination purposes. Transmissions from terrestrial aeronautical stations directly to aircraft stations in the aeronautical mobile (R) service are also permitted when such aeronautical stations are utilized to augment and/or interface with the satellite-to-aircraft links. (The fifth notice of inquiry, Docket No. 18294, proposes international adoption of this new footnote. This will be reviewed after the 1971 ITU Space Conference.)

352F Limited to transmissions from stations in the aeronautical mobile (R) and maritime mobile services to satellite-borne stations for communications and/or radiodetermination purposes. Transmissions from aircraft stations in the aeronautical mobile (R) service directly to terrestrial aeronautical stations are also permitted when such aeronautical stations are utilized to augment and/or interface with the aircraft-to-satellite links. (The fifth notice of inquiry, Docket No. 18294, proposes international adoption of this new footnote. This will be reviewed after the 1971 ITU Space Conference.)

4. In the list of U.S. footnotes, modify the text of US39, add US39A and modify the text of US47, respectively, to read as follows:

US39 Within the band 1535–1660 MHz, radio altimeters are permitted to use only the portion 1600–1660 MHz and then only until such time as international standardization of other aeronautical radionavigation systems or devices require the discontinuance of radio altimeters in this band.

US39A The band 1592.5–1622.5 MHz is allotted provisionally, but on a primary basis, for the collision avoidance function, noting the continued use of existing altimeters in the band 1600–1660 MHz.

US47 The band 4200–4400 MHz is reserved exclusively for radio altimeters.

PART 81—STATIONS ON LAND IN MARITIME SERVICES

5. In § 81.503, paragraph (d) is added to read as follows:

§ 81.503 Assignable frequencies.

* * * * *

(d) Pending subsequent rule making and/or the results of the ITU Space WARC, 1971, the following frequency bands may be used on a developmental basis in conjunction with the use of space radiocommunication techniques:

(1) 1535–1557.5 MHz: The use of this band is limited to transmissions from satellite-borne stations to stations in the aeronautical mobile (R) and maritime mobile services for communication and/or radiodetermination purposes, except that the band segment 1537.5–1557.5 MHz is available for maritime use only on a secondary basis and the band segment 1535–1537.5 MHz is available for aeronautical mobile (R) use only on a secondary basis. Transmissions from terrestrial aeronautical stations directly to aircraft stations in the aeronautical mobile (R) service are also permitted when such aeronautical stations are utilized to augment and/or interface with satellite-to-aircraft links.

(2) 1637.5–1660 MHz: The use of this band is limited to transmissions from stations in the aeronautical mobile (R)

and maritime mobile services to satellite-borne stations for communication and/or radiodetermination purposes, except that the band segment 1637.5–1657.5 MHz is available for maritime use only on a secondary basis and the band segment 1657.5–1660 MHz is available for aeronautical mobile (R) use only on a secondary basis. Transmissions from aircraft stations in the aeronautical mobile (R) service directly to terrestrial aeronautical stations are also permitted when such aeronautical stations are utilized to augment and/or interface with the aircraft-to-satellite links.

PART 83—STATIONS ON SHIPBOARD IN MARITIME SERVICES

6. In § 83.433, paragraph (d) is added to read as follows:

§ 83.433 Assignable frequencies.

* * * * *

(d) Pending subsequent rule making and/or the results of the ITU Space WARC, 1971, the following frequency bands may be used on a developmental basis in conjunction with the use of space radiocommunication techniques:

(1) 1535–1557.5 MHz: The use of this band is limited to transmissions from satellite-borne stations to stations in the aeronautical mobile (R) and maritime mobile services for communication and/or radiodetermination purposes, except that the band segment 1537.5–1557.5 MHz is available for maritime use only on a secondary basis and the band segment 1535–1537.5 MHz is available for aeronautical mobile (R) use only on a secondary basis. Transmissions from terrestrial aeronautical stations directly to aircraft stations in the aeronautical mobile (R) service are also permitted when such aeronautical stations are utilized to augment and/or interface with satellite-to-aircraft links.

(2) 1637.5–1660 MHz: The use of this band is limited to transmissions from stations in the aeronautical mobile (R) and maritime mobile services to satellite-borne stations for communication and/or radiodetermination purposes, except that the band segment 1637.5–1657.5 MHz is available for maritime use only on a secondary basis and the band segment 1657.5–1660 MHz is available for aeronautical mobile (R) use only on a secondary basis. Transmissions from aircraft stations in the aeronautical mobile (R) service directly to terrestrial aeronautical stations are also permitted when such aeronautical stations are utilized to augment and/or interface with the aircraft-to-satellite links.

PART 87—AVIATION SERVICES

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

§ 87.183 Frequencies available.

* * * * *

(p) 1535–1660 MHz: The use of this band shall be limited to the following functions:

1535–1557.5 MHz [1]—Transmissions from satellite-borne stations to stations in the aeronautical mobile (R) and maritime mobile services for communication and/or radiodetermination purposes, except that the band segment 1537.5–1557.5 MHz is available for maritime use only on a secondary basis and the band segment 1535–1537.5 MHz is available for aeronautical mobile (R) use only on a secondary basis. Transmissions from terrestrial aeronautical stations directly to aircraft stations in the aeronautical mobile (R) service are also permitted when such aeronautical stations are utilized to augment and/or interface with the satellite-to-aircraft links.

1557.5–1567.5 MHz [1]—Reception of glide path stations.

1567.5–1592.5 MHz—Airborne electronic aids to air navigation and any directly associated ground-based facilities.

1592.5–1622.5 MHz [1] [2]—Aircraft collision avoidance systems.

1622.5–1637.5 MHz [2]—Airborne electronic aids to air navigation and any directly associated ground-based facilities.

1637.5–1660 MHz [1] [2]—Transmissions from stations in the aeronautical mobile (R) and maritime mobile services to satellite-borne stations for communication and/or radiodetermination purposes, except that the band segment 1637.5–1657.5 MHz is available for maritime use only on a secondary basis and the band segment 1657.5–1660 MHz is available for aeronautical mobile (R) use only on a secondary basis. Transmissions from aircraft stations in the aeronautical (R) service directly to terrestrial aeronautical stations are also permitted when such aeronautical stations are utilized to augment and/or interface with the aircraft-to-satellite links.

* * * * *

8. In § 87.501(h), subparagraph (3) is amended to read as follows:

§ 87.501 Frequencies available.

* * * * *

(h) * * *

(3) 1535–1660 MHz: The use of this band shall be limited to the following functions:

1535–1557.5 MHz [1]—Transmissions from satellite-borne stations to stations in the aeronautical mobile (R) and maritime mobile services for communication and/or radiodetermination purposes, except that the band segment 1537.5–1557.5 MHz is available for maritime use only on a secondary basis and the band segment 1535–1537.5 MHz is available for aeronautical mobile (R) use only on a secondary basis. Transmissions from terrestrial aeronautical stations directly to aircraft stations in the aeronautical mobile (R) service are also permitted when such aeronautical stations are utilized to augment and/or interface with the satellite-to-aircraft links.

1557.5–1567.5 MHz [1]—Reception of glide path stations.

1567.5–1592.5 MHz—Airborne electronic aids to air navigation and any directly associated ground-based facilities.

1592.5–1622.5 MHz [1] [2]—Aircraft collision avoidance systems.

1622.5–1637.5 MHz [2]—Airborne electronic aids to air navigation and any directly associated ground-based facilities.

1637.5–1660 MHz [1] [2]—Transmissions from stations in the aeronautical mobile (R) and maritime mobile services to satellite-borne stations for communication and/or radiodetermination purposes, except that the band segment 1637.5–1657.5 MHz is available for maritime use only on a secondary basis and the band segment 1657.5–1660 MHz is available for aeronautical mobile (R) use only on a secondary basis. Transmissions from aircraft stations in the aeronautical (R) service directly to terrestrial aeronautical stations are also permitted when such aeronautical stations are utilized to augment and/or interface with the aircraft-to-satellite links.

* * * * *

[F.R. Doc. 70-2088; Filed, Feb. 18, 1970; 8:47 a.m.]

[1] Frequencies so designated are available on a developmental basis only, pending further rule making and/or the results of the ITU Space WARC, 1971.

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

Title 50—WILDLIFE AND FISHERIES

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

PART 28—PUBLIC ACCESS, USE, AND RECREATION

Salt Plains National Wildlife Refuge, Okla.

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

§ 28.28 Special regulations, public access, use and recreation: for individual wildlife refuge areas.

OKLAHOMA

SALT PLAINS NATIONAL WILDLIFE REFUGE

Portions of the Salt Plains National Wildlife Refuge, Okla., are open to public access, use, and recreation, subject to the provisions of Title 50, Code of Federal Regulations. The public use area is designated on maps available at refuge headquarters, Jet, Okla., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103, and subject to the following special conditions:

(1) The public is permitted to enter upon the Great Salt Plains from the west along designated routes of travel to collect gypsum (selenite) crystals. Vehicles will be allowed only along such travel lanes and parking areas as are posted for such activity.

(2) Each individual may collect for his personal use up to a maximum of 10 pounds plus one crystal or crystal cluster per day.

(3) Digging for crystals will be confined to areas posted for such activity.

(4) The period of use shall be on Saturdays, Sundays, and holidays, from April 1 through October 15, 1970, inclusive.

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

The provisions of this special regulation supplement the regulations which govern public access, use, and recreation on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 28, and are effective through October 15, 1970.

WILLIAM T. KRUMMES,
Regional Director,
Albuquerque, N. Mex.

FEBRUARY 12, 1970.

[F.R. Doc. 70-2045; Filed, Feb. 18, 1970; 8:45 a.m.]

PART 33—SPORT FISHING

Brigantine National Wildlife Refuge, N.J.

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.

NEW JERSEY

BRIGANTINE NATIONAL WILDLIFE REFUGE

Saltwater sport fishing is permitted from the sand beach on Holgate Peninsula and Little Beach Island on the Brigantine National Wildlife Refuge through December 31, 1970, except from those areas posted as closed.

Freshwater sport fishing from the South Dike of the West Pool is permitted during daylight hours from July 20 through September 21, 1970. The possession of fish or minnows for use as bait is prohibited. Parking by freshwater fishermen is permitted at the headquarters and South Tower parking areas.

Sport fishing shall be in accordance with all applicable State regulations.

Areas open to sport fishing, comprising 7.5 miles of tidal shoreline and 1 mile of freshwater shoreline, are delineated on maps available at refuge headquarters, Oceanville, N.J., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, Mass. 02109.

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

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

FEBRUARY 12, 1970.

[F.R. Doc. 70-2072; Filed, Feb. 18, 1970; 8:46 a.m.]

PART 33—SPORT FISHING

Iroquois National Wildlife Refuge, N.Y.

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

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

NEW YORK

IROQUOIS NATIONAL WILDLIFE REFUGE

Sport fishing on the Iroquois National Wildlife Refuge, Basom, N.Y., is permitted on the areas designated by signs as open to fishing. These open areas, comprising 26 acres, 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. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions.

(1) The use of boats with motors is not permitted.

(2) The use of boats after October 15th is not permitted.

The provisions of this special regulation supplement the regulations governing 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.

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

FEBRUARY 12, 1970.

[F.R. Doc. 70-2073; Filed, Feb. 18, 1970; 8:46 a.m.]

PART 33—SPORT FISHING

Bombay Hook National Wildlife Refuge, Del.

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.

DELAWARE

BOMBAY HOOK NATIONAL WILDLIFE REFUGE

Sport fishing on the Bombay Hook National Wildlife Refuge, Smyrna, Del., is permitted in tidal waters. 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. Sport fishing shall be in accordance with all applicable State regulations subject to the following special condition:

(1) Fishing from boats only is permitted.

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.

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

FEBRUARY 12, 1970.

[F.R. Doc. 70-2074; Filed, Feb. 18, 1970; 8:46 a.m.]

PART 33—SPORT FISHING

Prime Hook National Wildlife Refuge, Del.

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.

DELAWARE

PRIME HOOK NATIONAL WILDLIFE REFUGE

Sport fishing is permitted on the Prime Hook National Wildlife Refuge, Milton, Del. The refuge is 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. Sport fishing shall be in accordance with all applicable State regulations and the following special condition: Boats, with or without motors, are permitted for fishing freshwater streams and ponds. Boats may be launched from designated access points or public roads.

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.

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

FEBRUARY 12, 1970.

[F.R. Doc. 70-2075; Filed, Feb. 18, 1970; 8:46 a.m.]

PART 33—SPORT FISHING

Mingo National Wildlife Refuge, Mo.

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.

MISSOURI

MINGO NATIONAL WILDLIFE REFUGE

Sport fishing on the Mingo National Wildlife Refuge, Mo., is permitted in all waters on the refuge. The waters comprise about 4,300 acres. Maps and information are available at refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111. Sport fishing shall be in accordance with all applicable State regulations subject to the following conditions:

(1) Open season: March 15, 1970, through September 30, 1970, daylight hours only.

(2) The use of motors on boats is not permitted.

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 September 30, 1970.

February 12, 1970.

JOHN E. TOLL,
Refuge Manager, Mingo National Wildlife Refuge, Puxico, Mo.

[F.R. Doc. 70-2086; Filed, Feb. 18, 1970; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

[8 CFR Parts 103, 223a, 299]

REFUGEE TRAVEL DOCUMENT

Notice of Proposed Rule Making

Pursuant to section 553 of title 5 of the United States Code (80 Stat. 383), notice is hereby given of the proposed issuance of the following rules pertaining to the issuance of travel documents to refugees under the Protocol Relating to the Status of Refugees between the United States and other governments entered into force with respect to the United States on November 1, 1968. In accordance with section 553, interested persons may submit to the Commissioner of Immigration and Naturalization, Room 757, 119 D Street NE., Washington, D.C. 20536, written data, views, or arguments, in duplicate, relative to the proposed rules. Such representations may not be presented orally in any manner. All relevant material received within 20 days following the date of publication of this notice will be considered.

PART 103—POWERS AND DUTIES OF SERVICE OFFICERS; AVAILABILITY OF SERVICE RECORDS

1. Paragraph (e) *Regional commissioners* of § 103.1 *Delegations of authority* is amended by adding the following subparagraph at the end thereof:

(22) Decisions on applications for refugee travel documents, as provided in § 223a.3.

2. Subparagraph (1) of paragraph (b) of § 103.7 is amended by adding the following fee after the existing 11th fee and when taken with the introductory material, it will read as follows:

§ 103.7 Fees.

* * * * *

(b) *Amount of fees*—(1) *Nonstatutory fees.* The following nonstatutory fees and charges are prescribed:

* * * * *

For filing application for issuance of refugee travel document..... $10.00

Part 223a is added to read as follows:

PART 223a—REFUGEE TRAVEL DOCUMENT

Sec.

AUTHORITY: The provisions of this Part 223a issued under secs. 103, 212, 242, 243; 8 U.S.C. 1103, 1182, 1252, 1253, and Protocol Relating to the Status of Refugees (TIAS 6577).

§ 223a.1 Definition of refugee.

For the purposes of this part, the term "refugee" shall be as defined in Article 1 of the United Nations Convention of July 28, 1951, relating to the status of refugees, which provides in pertinent part as follows:

ARTICLE 1

DEFINITION OF THE TERM "REFUGEE"

A. For the purposes of the present Convention, the term "refugee" shall apply to any person who:

* * * * *

(2) Owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence, is unable or, owing to such fear, is unwilling to return to it.

In the case of a person who has more than one nationality, the term "the country of his nationality" shall mean each of the countries of which he is a national, and a person shall not be deemed to be lacking the protection of the country of his nationality if, without any valid reason based on well-founded fear, he has not availed himself of the protection of one of the countries of which he is a national.

* * * * *

C. This Convention shall cease to apply to any person falling under the terms of section A if:

(1) He has voluntarily reavailed himself of the protection of the country of his nationality; or

(2) Having lost his nationality, he has voluntarily reacquired it; or

(3) He has acquired a new nationality, and enjoys the protection of the country of his new nationality; or

(4) He has voluntarily reestablished himself in the country which he left or outside which he remained owing to fear of persecution; or

(5) He can no longer, because the circumstances in connexion with which he has been recognized as a refugee have ceased to exist, continue to refuse to avail himself of the protection of the country of his nationality;

Provided that this paragraph shall not apply to a refugee * * * who is able to invoke compelling reasons arising out of previous persecution for refusing to avail himself of the protection of the country of nationality;

(6) Being a person who has no nationality he is, because the circumstances in connexion with which he has been recognized as a refugee have ceased to exist, able to return to the country of his former habitual residence;

Provided that this paragraph shall not apply to a refugee * * * who is able to invoke compelling reasons arising out of previous persecution for refusing to return to the country of his former habitual residence.

D. This Convention shall not apply to persons who are at present receiving from organs or agencies of the United Nations other than the United Nations High Commissioner for Refugees protection or assistance.

When such protection or assistance has ceased for any reason, without the position of such persons being definitively settled in accordance with the relevant resolutions adopted by the General Assembly of the United Nations, these persons shall ipso facto be entitled to the benefits of this Convention.

E. This Convention shall not apply to a person who is recognized by the competent authorities of the country in which he has taken residence as having the rights and obligations which are attached to the possession of the nationality of that country.

F. The provisions of this Convention shall not apply to any person with respect to whom there are serious reasons for considering that:

(a) He has committed a crime against peace, a war crime, or a crime against humanity, as defined in the international instruments drawn up to make provision in respect of such crimes;

(b) He has committed a serious nonpolitical crime outside the country of refuge prior to his admission to that country as a refugee;

(c) He has been guilty of acts contrary to the purposes and principles of the United Nations.

§ 223a.2 Eligibility.

Any alien in the United States who was last paroled into the United States or was last admitted lawfully to this country as a nonimmigrant or conditional entrant and who is not a lawful permanent resident of the United States may apply for a refugee travel document provided for by Article 28 of the United Nations Convention of July 28, 1951, if he is a refugee as defined in § 223a.1. A refugee travel document shall not be issued to an applicant whose proposed departure from the United States would be contrary to the interests of the United States, or to an applicant who intends to travel to, in, or through a country from which he claims to be a refugee, or who is the subject of unadjudicated deportation proceedings pending under section 242 of the Act. An applicant not lawfully within the United States shall not be issued a refugee travel document if the district director determines that the applicant would be inadmissible as an immigrant under section 212(a) of the Act (other than paragraphs (14), (16), (17), (20), and (25) thereof), or, if as a result of proceedings instituted against the applicant pursuant to section 242 of the Act, he is under an order of deportation or voluntary departure with an alternate order of deportation, unless the district director, in the exercise of discretion, finds that the facts in the case warrant issuance of the document: *Provided*, That in the case of an alien who would be inadmissible under section 212(a)(17) of the Act, a refugee travel document

may be issued only if the applicant has been granted a temporary withholding of deportation pursuant to section 243(h) of the Act.

§ 223a.3 Application.

Application for a refugee travel document under the provisions of this part shall be submitted on Form I–570 at least 30 days prior to the proposed date of departure from the United States. The application shall be submitted to the district director having jurisdiction over the applicant's place of residence and shall be accompanied by his Form I–94. The applicant shall be notified of the decision made on his application, and if the application is denied of the reasons therefor and of his right of appeal in accordance with the provisions of Part 103 of this chapter.

§ 223a.4 Validity of refugee travel document.

A refugee travel document issued pursuant to this part shall be valid for 2 years from date of issuance and its validity may not be extended. The document may be used for one or more applications for admission to the United States. It shall have no effect under the immigration laws except to show that during the period of its validity, the lawful holder thereof, if otherwise admissible, except as provided in § 223a.2, may be accorded the status specified in the refugee travel document upon returning to the United States. The document will specify that the alien may be paroled pursuant to section 212(d)(5) of the Act, or that he may be admitted as a conditional entrant pursuant to section 203(a)(7) of the Act if he was in the United States as a conditional entrant when the document was issued to him.

§ 223a.5 Return to the United States.

If the alien upon return to the United States appears to the examining immigration officer at the port of arrival to be inadmissible to the United States, except as provided in § 223a.2, the alien shall be referred for further inquiry to be conducted by a special inquiry officer and for disposition of his case in accordance with the provisions of the Act relating to aliens applying for admission to the United States.

§ 223a.6 Expired refugee travel document.

Upon expiration of the period of validity of a refugee travel document, it shall be surrendered to an immigration officer or to the issuing office of the Service. If an alien's expired refugee travel document has not been surrendered to the Service, no subsequent refugee travel document shall be issued to him unless he shall first surrender the expired document or satisfactorily account for his failure to do so.

PART 299—IMMIGRATION FORMS

The listing of forms in § 299.1 *Prescribed forms* is amended by adding the following Form and reference thereto in alphabetical and numerical sequence:

Form No.	*Title and description*
I–570	Application for Refugee Travel Document.

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

Dated: February 13, 1970.

RAYMOND F. FARRELL,
Commissioner of Immigration and Naturalization.

[F.R. Doc. 70–2055; Filed, Feb. 18, 1970; 8:45 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[43 CFR Part 1840]

Appeals Procedures; General

The purpose of this amendment is to require the exhaustion of administrative appeals in relation to Department decisions as a prerequisite to judicial review. It is designed to meet the requirements of 5 U.S.C. section 704.

Although notice of proposed rule making for rules of agency procedure or practice is not required to be published, it is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendment to the Bureau of Land Management (210), Washington, D.C. 20240, within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

1. A new paragraph (b) is added to § 1840.0–9 to read as follows:

§ 1840.0–9 General provisions.

* * * * *

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

* * * * *

2. The present paragraphs (b), (c), and (d) of § 1840.0–9 are redesignated (c), (d), and (e), respectively.

HARRISON LOESCH,
Assistant Secretary of the Interior.

FEBRUARY 13, 1970.

[F.R. Doc. 70–2048; Filed, Feb. 18, 1970; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Parts 911, 915]

[Dockets Nos. AO–267–A4, AO–254–A5]

LIMES GROWN IN FLORIDA AND AVOCADOS GROWN IN SOUTH FLORIDA

Notice of Hearing With Respect to Proposed Amendments of the Marketing Agreements, as Amended, and Orders, as Amended

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674), and in accordance with the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders, as amended (7 CFR Part 900), notice is hereby given of a public hearing to be held in the Homestead Agricultural Center, 18710 Southwest 288th Street, Homestead, Fla., at 9 a.m., local time, March 18, 1970, with respect to proposed further amendment of the marketing agreement and order (7 CFR Part 911) regulating the handling of limes grown in Florida, and further amendment of the marketing agreement and order (7 CFR Part 915) regulating the handling of avocados grown in south Florida. The proposed amendments have not received the approval of the Secretary of Agriculture.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions relating to the proposed amendments, which are hereinafter set forth, and appropriate modifications thereof.

The following further amendments of the amended marketing agreements and orders were proposed by the administrative committees, the administrative agencies established pursuant to the marketing agreements and orders.

1. Add to §§ 911.27 and 915.27 a final sentence to read as follows: "In the event both a member and his alternate are unable to attend a committee meeting, the chairman may designate any alternate who is present and who is not serving for any member to serve in such absent member's place and stead: *Provided,* That grower alternate members may serve only for grower members and handler alternate members serve only for handler members."

2. Amend the first sentence of §§ 911.40 and 915.40 to read as follows: "The committee is authorized to incur such expenses as the Secretary finds are reasonable and likely to be incurred to enable the committee to exercise its powers and perform its duties in accordance with the provisions of this part during each fiscal year."

3. Amend §§ 911.41 and 915.41 by:

(1) Adding a new sentence at the end of paragraph (a) reading as follows: "If

a handler does not pay his assessment within the time prescribed by the committee, the unpaid assessment may be subject to an interest charge at rates prescribed by the committee with the approval of the Secretary."

(2) Revising paragraph (b) to read as follows:

(b) The Secretary shall fix the rate of assessment not in excess of 20 cents per 55 pounds of fruit to be paid by each such person: *Provided,* That in no case, shall the rate of assessment exceed the maximums as prescribed herein (i) for administrative purposes, a limitation of 10 cents per 55 pounds of fruit; (ii) for marketing research and development purposes, a limitation of 10 cents per 55 pounds of fruit. At any time during or after a fiscal year, the Secretary may, subject to the 20 cents per 55-pound limitation, increase the rate of assessment in order to secure sufficient funds to cover any later finding by the Secretary relative to the expense which may be incurred. Such increase shall be applied to all fruit handled during the applicable fiscal year. In order to provide funds for the administration of the provisions of this part, the committee may accept the payment of assessment in advance. Such assessed money shall be used for the operation for which the assessment was collected only.

4. Amend paragraph (a) (2) of §§ 911.42 and 915.42 to read as follows:

(2) The Secretary, upon recommendation of the committee, may determine that it is appropriate for the maintenance and functioning of the committee that the funds remaining at the end of a fiscal year which are in excess of the expenses necessary for committee operations during such period may be carried over into following periods as a reserve. Such reserve may be established at an amount not to exceed approximately 3 fiscal year's operational expenses: *Provided,* That if at the end of a fiscal year the reserve is equal to or more than 2 fiscal year's operational expenses, the committee shall not assess for the following year; and such reserve may be used to defray operational expenses of the committee during the fiscal year and may also be used to cover the necessary expenses of liquidation, in the event of termination of this part, and to cover the expenses incurred for the maintenance and functioning of the committee during any fiscal year when there is a crop failure, or during any period of suspension of any or all the provisions of this part. Such reserve may also be used by the committee to finance its operations, during any fiscal year, prior to the time that assessment income is sufficient to cover such expenses; but any of the reserve funds so used shall be returned to the reserve as soon as assessment income is available for this purpose. Upon termination of this part, any funds not required to defray the necessary expenses of liquidation shall be disposed of in such manner as the Secretary may determine to be appropriate: *Provided,* That to the extent practical, such funds shall be returned pro rata to the persons from whom such funds were collected.

5. Amend §§ 911.45 and 915.45 to read as follows:

(a) The committee may, with the approval of the Secretary, establish or provide for the establishment of marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of fruit covered by this part. Such projects may include any form of marketing promotion, including paid advertising. The committee may, to the extent necessary to carry out the projects established pursuant to this section, exempt the handling of fruit from any or all of the requirements contained in, or issued pursuant to this part relating to assessments, regulations, and inspection and certification. The expenses of such projects shall be paid from funds collected pursuant to the applicable provisions of this part.

(b) In recommending projects pursuant to this section, the committee shall give consideration to the following factors:

(1) The expected supply of fruit covered by this part in relation to market requirements;

(2) The supply situation among competing areas and commodities;

(3) The need for marketing research with respect to any marketing development activity.

(c) If the committee should conclude that a program of marketing research or development should be undertaken or continued pursuant to this section in any fiscal year, it shall submit the following for the approval of the Secretary:

(1) Its recommendation as to funds to be obtained pursuant to the applicable provisions of this part and the rate of assessment required to obtain such funds;

(2) Its recommendation as to any marketing research projects; and

(3) Its recommendation as to promotion activity and paid advertising.

6. The Fruit and Vegetable Division, Consumer and Marketing Service, has proposed that consideration be given to making such other changes in the marketing agreements and orders as may be necessary to make the entire provisions thereof conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing may be obtained from the Fruit and Vegetable Division, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, or from M. F. Miller, Fruit and Vegetable Division, Consumer and Marketing Service, Post Office Box 9, Lakeland, Fla. 33802.

Dated: February 16, 1970.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 70-2117; Filed, Feb. 18, 1970; 8:50 a.m.]

[7 CFR Parts 1098, 1099]

MILK IN THE NASHVILLE, TENN., AND PADUCAH, KY., MARKETING AREAS

Notice of Proposed Suspension of Certain Provisions of the Orders

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), the suspension of certain provisions of the orders regulating the handling of milk in the Nashville, Tenn., and Paducah, Ky., marketing areas is being considered.

All persons who desire to submit written data, views, or arguments in connection with the proposed suspension should file the same with the Hearing Clerk, Room 112-A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250, not later than 7 days from the date of publication of this notice in the FEDERAL REGISTER. All documents filed should be in quadruplicate.

All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The provisions proposed to be suspended are as follows:

1. In § 1098.91(a) of the Nashville, Tenn., milk order the provision "and in which the disposition of fluid milk products, except filled milk, from such plant in the other Federal marketing area exceeds that in the Nashville, Tenn., marketing area."

2. In the first proviso of § 1099.61(a) the provision "the third consecutive month in which a greater proportion of its Class I route disposition is made in such other marketing area, unless".

The proposed suspension was requested by a cooperative association which is the major supplier of milk to handlers regulated by both of the orders.

The suspension request was made to insure continued regulation of a pool distributing plant under the Paducah order. The cooperative said that some of the producers supplying the Paducah plant would not be eligible for full bases under the Nashville order, thus their returns would be reduced if the plant were placed under the latter order at this time.

Signed at Washington, D.C., on February 16, 1970.

JOHN C. BLUM,
Deputy Administrator
Regulatory Programs.

[F.R. Doc. 70-2115; Filed, Feb. 18, 1970; 8:50 a.m.]

[7 CFR Part 1131]

MILK IN CENTRAL ARIZONA MARKETING AREA

Notice of Proposed Termination of Certain Provisions of the Order

Notice is hereby given that, pursuant to the provisions of the Agricultural

Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), the termination of certain provisions of the order regulating the handling of milk in the Central Arizona marketing area is being considered.

All persons who desire to submit written data, views, or arguments in connection with the proposed termination should file the same with the Hearing Clerk, Room 112-A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250, not later than 5 days from the date of publication of this notice in the FEDERAL REGISTER. All documents filed should be in quadruplicate.

All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The provisions proposed to be terminated are as follows:

1. In § 1131.71(f), "except for the months specified below, shall be"; and

2. Paragraphs (g) through (k) of § 1131.71 in their entirety.

The proposed action would terminate the "take out-pay back" plan for paying producers, which provides for withholding from the pool 15 cents per hundredweight of producer deliveries in April, May, and June for distribution to producers in August, September, and October according to their deliveries in these latter months.

Discontinuance of the take out-pay back plan was requested by the United Dairymen of Arizona, a cooperative representing about 80 percent of the Central Arizona order producers. The basis for the request of the cooperative is that the take out-pay back plan is no longer serving the purpose for which it was originally instituted in the order.

Signed at Washington, D.C. on February 16, 1970.

JOHN C. BLUM,
Deputy Administrator, Regulatory Programs.

[F.R. Doc. 70-2116; Filed, Feb. 18, 1970; 8:50 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Parts 23, 25, 27, 29]

[Docket No. 10129; Notice 70-7]

ANTICOLLISION LIGHT STANDARDS

Advance Notice of Proposed Rule Making

The Federal Aviation Administration is again considering rule making to develop improved standards for anticollision lighting systems for current aircraft.

This advance notice of proposed rule making is being issued in accordance with the FAA's policy of early institution of public proceedings in actions related to rule making. An "advance" notice is issued when it is found that the resources of the Federal Aviation Administation and reasonable inquiry outside the FAA do not yet yield a sufficient basis from which to identify and select tentative or alternate courses of action upon which a rule making procedure might be undertaken, or when it would otherwise be helpful to invite early public participation in the identification and selection of such tentative or alternate courses of action. The subject matter of this advance notice has been found to involve the kind of situation contemplated by this policy.

Interested persons are invited to participate in the making of the proposed rules by submitting such written data, views, or arguments as they may desire. Communications should identify the notice or docket number and be submitted in duplicate to the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, GC-24, 800 Independence Avenue SW., Washington, D.C. 20590. Communications should be received on or before April 3, 1970, to assure proper consideration. All comments submitted will be available in the Rules Docket, both before and after the closing date for comments, for examination by interested persons. If, after consideration in the light of the available data of the comments received, it is determined to proceed further, a notice of proposed rule making will be issued.

The FAA previously instituted rule making action concerning anticollision lights in 1963. In Notice 63-7, the FAA proposed to amend the airworthiness standards to require an anticollision lighting system consisting of high intensity flashing (or sweep-beam) lights in each position light sector, having the same color as the corresponding position light, and complying with the currently prescribed flashing rate, intensity level and intensity distribution standards for anticollision lights. However, that proposal was subsequently withdrawn primarily on the grounds that there was not, at that time, conclusive evidence that any known anticollision lighting system, including the one covered by the proposal, was superior to the system currently prescribed in the regulations.

On the basis of subsequent developments, however, including research currently being conducted with respect to lighting systems, the FAA now believes that there may be sufficient data available to support changes in the anticollision light system requirements. In this connection, both the FAA and NASA have undertaken research studies concerning the anticollision light problem.

The FAA is currently investigating the "Effect of Backscatter of High Intensity Light Pulses on the Human Pilot" (AM-A-68-110-3), "Conspicuity of Flashing Red and White Light Signals Used for Mid-Air Collision" (AM-A-68-110-4), "Anticollision Lights and the Pilot's Ability to Avoid a Collision" (AM-A-68-110-5), "Discriminability of Selected Signal Lights in Night Vision Tasks" (AM-B-69-Psy-15); and "Analysis of Visual Separation Techniques," a program being carried out by Rowland and Co. of Haddonfield, N.J., under contract to the FAA. The NASA programs are "Differential Maneuvering Simulator" (127-51-01-04-23), "Development of a Visibility Calculation Program" (127-51-01-20-00-21), "Contrast Sensitivity of the Central and Peripheral Visual Fields" (127-51-01-15-00-21), and "The Detection of Color in Targets of Small Angular Subtense" (127-51-01-18-00-21).

While valuable technical information is currently being gathered under the foregoing programs, the FAA, nevertheless, believes that additional information on anticollision lighting systems may be available from other interested persons. The FAA, therefore, desires to review the entire technical situation prior to proposing new standards for aircraft anticollision lights. To this end, the FAA welcomes the participation of aircraft manufacturers, appliance manufacturers, operators, Government agencies, and other interested persons, and, by means of this advance notice of proposed rule making, solicits the views of all interested persons on the following questions:

1. Should the currently prescribed color for anticollision lights be changed from red to white?

2. Should the FAA require that anticollision lights be displayed during daylight hours?

3. Should the currently prescribed minimum intensity level (100 effective candles in the horizontal plane) for anticollision lights be raised? If so, to what level?

4. Should the FAA require that all aircraft (even those older aircraft that are exempted under current rules) be equipped with anticollision lights?

5. Are there any other issues relating to anticollision light standards that warrant the attention of the FAA at this time?

This advance notice of proposed rule making is issued under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354 (a), 1421, and 1423), and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on February 11, 1970.

JAMES F. RUDOLPH,
Director, Flight Standards Service.

[F.R. Doc. 70-2087; Filed, Feb. 18, 1970; 8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 70-WE-5]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the transition area for Fort Bridger, Wyo.

Interested persons may participate in the proposed rule-making by submitting such written data, views, or arguments as they may desire. Communications should

be submitted in triplicate to the Director, Western Region, Attention: Chief, Airspace and Program Standards Branch, Federal Aviation Administration, 5651 West Manchester Avenue, Post Office Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Airspace and Program Standards Branch Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 5651 West Manchester Avenue, Los Angeles, Calif. 90045.

The Fort Bridger, Wyo., Municipal Airport Instrument Approach Procedure (VOR–1) has been revised in accordance with the new criteria in the U.S. Standard for Terminal Instrument Procedures (TERPS). In order to obtain a lower Minimum Descent Altitude (MDA), the procedure has been reversed, from northeast of the facility to southwest, on the 208° magnetic radial. This permits an MDA 256 feet lower than before. Accordingly, additional controlled airspace is necessary for the protection of aircraft executing this procedure, while operating below 1,500 feet above the surface.

In consideration of the foregoing the FAA proposes the following airspace action:

In § 71.181 (35 F.R. 2134) the Fort Bridger, Wyo., transition area is amended to read as follows:

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Fort Bridger Municipal Airport (latitude 41°24'00" N., longitude 110°25'00" W., and within 3.5 miles each side of the Fort Bridger VORTAC 224° radial extending from the 5-mile radius area to 12 miles southwest of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within 6 miles southeast and 9 miles northwest of the Fort Bridger VORTAC 044° and 224° radials, extending from 19 miles southwest to 8 miles northeast of the VORTAC.

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

Issued in Los Angeles, Calif., on January 30, 1970.

LEE E. WARREN,
Acting Director, Western Region.

[F.R. Doc. 70-2097; Filed, Feb. 18, 1970; 8:49 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 70-WE-6]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Vernal, Utah, control zone and transition area.

Interested persons may participate in the proposed rule-making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Western Region, Attention: Chief, Airspace and Program Standards Branch, Air Traffic Division, Federal Aviation Administration, 5651 West Manchester Avenue, Post Office Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Airspace and Program Standards Branch Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 5651 West Manchester Avenue, Los Angeles, Calif. 90045.

Instrument Flight Rules (IFR) departure and arrival procedures for the Vernal Airport have been revised in accordance with the new criteria in the U.S. Standard for Terminal Instrument Procedures (TERPS). A slight increase in the size of the control zone extension, and additional 700-foot transition area are necessary to provide controlled airspace protection for aircraft in the holding pattern, and while below 1,500 feet and 1,000 feet above the surface during execution of the prescribed VOR approach procedure and the missed approach procedure.

In consideration of the foregoing the FAA proposes the following airspace action.

In § 71.171 (35 F.R. 2054) the Vernal, Utah, control zone is amended as follows: In the first line of the description, delete "* * * 2 miles * * *", and substitute "* * * 3 miles * * *" therefor. In the second line, delete "* * * 159° radial * * *" and "* * * 8 miles * * *", and substitute "* * * 157° radial * * *" and "* * * 8.5 miles * * *" therefor.

In § 71.181 (35 F.R. 134) the Vernal, Utah, transition area is amended to read as follows:

That airspace extending upward from 700 feet above the surface within 9.5 miles northeast and 5 miles southwest of the Vernal VOR 157° and 337° radials, extending from 10 miles northwest to 18.5 miles southeast of the VOR.

In connection with these actions, revisions in the floor of Federal Airways V26, V187W, and V101 in the vicinity of the Vernal VOR are being processed under Airspace Docket No. 70–WE–7.

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

Issued in Los Angeles, Calif., on February 2, 1970.

LEE E. WARREN,
Acting Director, Western Region.

[F.R. Doc. 70-2098; Filed, Feb. 18, 1970; 8:49 a.m.]

Federal Highway Administration

[23 CFR Part 255]

[Dockets Nos. 1-9, 1-10]

EXTERIOR PROTECTION (BUMPERS)

Notice of Public Meeting

On October 14, 1967, the Federal Highway Administrator issued an advance notice of proposed rule making (32 F.R. 14278), establishing dockets to receive comments on the height of motor vehicle bumpers, Docket No. 1–9, and on bumper effectiveness, Docket No. 1–10. On April 2, 1970, the National Highway Safety Bureau will hold a public meeting beginning at 9 a.m. in the Department of Commerce Auditorium, 14th and E Streets NW., Washington, D.C., to discuss bumpers and other aspects of front and rear low speed collision protection. It is expected that the information presented at the meeting will aid the prompt development of a final rule in this area.

In order to focus the issues as sharply as possible, the Bureau has drafted a discussion paper, in the form of a motor vehicle safety standard, representing the Bureau's concept of the form and content of a final rule. Copies of the discussion paper may be obtained on request from Mr. Clue Ferguson, Director, Office of Standards on Crash-Injury Reduction, National Highway Safety Bureau, 400 7th Street SW., Washington, D.C. 20591.

An additional purpose of the meeting is to provide a forum to discuss the current level of development of bumpers and other forms of exterior protection. For this reason, comments are particularly encouraged from researchers, vehicle user groups, component and equipment manufacturers, insurers, law enforcement agencies, and other knowledgeable parties who wish to contribute to the cause of highway safety.

Interested persons are invited to attend the meeting and present oral or written comments on the subjects set forth above. Comments should be organized to facilitate separate discussion, where necessary, of passenger cars,

multipurpose passenger vehicles, trucks, and buses. Of particular interest are comments about the cost, lead time, and operational consequences of the regulation, set forth in the discussion paper.

All persons desiring to be heard should submit an outline and a time estimate to Mr. Clue Ferguson, at the address given above, not later than March 23, 1970. Requests for accommodation of special equipment, such as motion picture projectors and screens, should be made at the same time.

Written comments should be submitted to the National Highway Safety Bureau, Rules Docket Room 4223, 400 7th Street SW., Washington, D.C. 20591, not later than April 6, 1970. All comments not read at the meeting will be incorporated as an appendix to the meeting transcript.

An agenda will be available in the meeting room on the day of the meeting. The meeting transcript will be available for examination in the Docket Room, Room 4223, 400 7th Street SW., Washington, D.C. 20591, approximately 3 days after the meeting.

Issued on January 12, 1970.

ROBERT BRENNER,
Deputy Director,
National Highway Safety Bureau.

[F.R. Doc. 70-2079; Filed, Feb. 18, 1970; 8:47 a.m.]

[49 CFR Part 371]

[Docket No. 70-5; Notice 1]

FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Hydraulic Service Brake, Emergency Brake and Parking Brake Systems—Passenger Cars

Section S4.1 of Federal Motor Vehicle Safety Standard No. 105 (33 F.R. 19707) requires:

The performance ability of the fully operational service brake system for passenger cars shall be not less than that described in section D of Society of Automotive Engineers Recommended Practice J937, "Service Brake System Performance Requirements—Passenger Car", June 1966, and tested in accordance with SAE Recommended Practice J843a, "Brake System Road Test Code—Passenger Car", June 1966.

Section D(7) of J937 contains the requirements for recovery of a service brake system subsequent to exposure to water. Subsection (a) specifically requires:

Brakes to recover within +20 percent, −40 percent of check stop pedal force by stop 15. (Based on the average of initial pedal force of the three check stops.)

Subsection (a) was amended by the Society of Automotive Engineers in January 1969 to substitute "+20 pounds" for "+20 percent". General Motors Corp. has petitioned that Standard No. 105 be amended to reflect this change, alleging that this will encourage development of brake systems with improved braking force distribution. However, one effect of the SAE amendment is to impose a less stringent recovery requirement for systems with a check stop pedal force less than 100 pounds, i.e. a brake system with a check stop pedal force of 50 pounds could go as high as 70 pounds by stop 15 though it is presently limited to 60 pounds by Standard No. 105. Because most passenger car systems are believed to have a check stop pedal force less than 100 pounds, the practical effect of such an amendment would be to relax an existing performance requirement without an immediate safety benefit resulting. The Administrator believes that an amendment which would also reduce the allowable number of stops to 10 would not constitute a relaxation, and at the same time would encourage development of better balanced braking systems reducing the tendency for early front or rear wheel lockup. Accordingly it is proposed that manufacturers be given the option of brake system wet brake recovery to within +20 percent, −40 percent of check stop pedal force by stop 15, or +20 pounds, −40 percent of check stop pedal force by stop 10.

Interested persons are invited to submit data, information, views and arguments on this proposed amendment. Comments should be submitted pursuant to the requirements of 49 CFR 353.11 et seq. in 10 copies, to the Docket Section, Federal Highway Administration, Room 4223, 400 Seventh Street SW., Washington, D.C. 20591, on or before April 1, 1970.

In consideration of the foregoing it is proposed that section S4.1 of Standard No. 105 be amended, effective on date of issuance of the amendment, to read as follows:

S4.1 *Service brake system.* The performance ability of the fully operational service brake system for passenger cars shall be not less than that described in section D of Society of Automotive Engineers Recommended Practice J937, "Service Brake System Performance Requirements—Passenger Cars", June 1966, and tested in accordance with SAE Recommended Practice J843a, "Brake System Road Test Code—Passenger Cars", June 1966, except that the following shall be substituted in lieu of section (D)(7)(a) of SAE Recommended Practice J937:

"Brakes to recover within +20 percent, −40 percent of check stop pedal force by stop 15 or within +20 lbs, −40 percent of check stop pedal force by stop 10. (Based on the average of initial pedal force of the three check stops.)"

This notice of proposed amendment is issued under the authority of sections 103 and 119 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1392, 1407), and the delegation of authority from the Secretary of Transportation to the Federal Highway Administrator (49 CFR 1.4(c)).

Issued on February 11, 1970.

F. C. TURNER,
Federal Highway Administrator.

[F.R. Doc. 70-2078; Filed, Feb. 18, 1970; 8:46 a.m.]

[49 CFR Part 393]

[Docket No. MC-18; Notice 70-2]

FUEL SYSTEMS

Motor Carrier Safety Regulations

The Federal Highway Administrator is considering amendments to Subpart E of Part 393 of the Motor Carrier Safety Regulations, 49 CFR 393.65, 393.66, to apply additional provisions of the subpart to diesel fuel tanks, to set somewhat more stringent requirements for liquid fuel tanks other than side-mounted liquid fuel tanks, to update the references to industry standards, and to rearrange the subpart for increased clarity.

The existing provisions of Subpart E apply primarily to gasoline fuel tanks. Accident investigations by the Bureau of Motor Carrier Safety indicate that diesel fuel, although less volatile than gasoline, creates a substantial risk of fire in some accident conditions. The Administrator therefore proposes to apply the fuel tank regulations to diesel fuel tanks manufactured on or after January 1, 1972.

The Administrator is also considering applying three provisions to all liquid fuel tanks which are presently applicable only to side-mounted gasoline tanks. The proposed amendments would require a liquid fuel tank to be marked with its liquid capacity, to withstand an internal hydrostatic pressure of 75 p.s.i., and to be capable of inversion without spilling more than an ounce of fuel per minute.

Section 393.66 of the regulations refers to the Standard for the "Storage and Handling of Liquefied Petroleum Gases" of the National Fire Protection Association. The Standard has been revised since the last amendment to the regulations and the Administrator proposes to require liquefied petroleum gas fuel systems manufactured on or after January 1, 1972, to conform to the 1969 edition of the Standard.

Finally, the Administrator proposes a general reorganization of the subpart for greater clarity. The first section of the reorganized subpart contains basic definitions (§ 393.65). Provisions applicable to all fuel systems, including liquefied petroleum gas systems, have been grouped together in the next section (§ 393.66). The third section deals with liquid fuel systems, and contains most of the provisions found in subdivisions (e)–(j) of § 393.65 of the present regulations (§ 393.67). In the interest of clarity, these provisions have been redrafted and rearranged, but not changed in substance. The last section parallels § 393.66 of the present regulations, with updated references (§ 393.68).

Interested persons are invited to submit written data, views, or arguments, pertaining to the proposed new rules. Comments must identify the docket (No. MC-18) and must be submitted in three copies to the Federal Highway Administration, 400 Seventh Street SW., Washington, D.C. 20591; Attention: Bureau of Motor Carrier Safety. All comments received before the close of business on June 22, 1970, will be considered before

action is taken on the proposed rules. All comments will be available for examination in the Rules Docket at the above address, both before and after the closing date for comments.

In consideration of the foregoing, it is proposed to amend Subpart E of Part 393 in Title 49, CFR effective January 1, 1972, as set forth below.

This notice of proposed rule making is issued under the authority of section 204 of the Interstate Commerce Act, as amended (49 U.S.C. 304), 18 U.S.C. 834, section 6 of the Department of Transportation Act (49 U.S.C. 1655) and the delegation of authority at 49 CFR 1.4(c).

Issued on February 11, 1970.

F. C. TURNER,
Federal Highway Administrator.

Subpart E—Fuel Systems

§ 393.65 Definitions.

As used in this subpart:

(a) "Fuel tank" means a tank installed on a motor vehicle to contain and supply fuel for its operation or for the operation of auxiliary equipment.

(b) "Liquid fuel tank" means a fuel tank designed to contain a fuel that is liquid at normal atmospheric pressures and temperatures.

(c) "Side-mounted liquid fuel tank" means a liquid fuel tank which—

(1) If mounted on a truck-tractor, extends outboard of the vehicle frame and outside of the bottom of the cab, or

(2) If mounted on a truck, extends outboard of a line drawn parallel to the longitudinal centerline of the truck and tangent to the outboard side of a front tire in a straight ahead position.

§ 393.66 All fuel systems.

(a) *Fuel system location.* (1) No part of a fuel system may protrude beyond the widest part of the motor vehicle on which it is mounted.

(2) No part of a fuel tank may be located forward of the front axle of a power unit.

(3) A fuel tank must be located so that fuel spilled while the tank is being filled will not contact any part of the vehicle's exhaust or electrical systems.

(4) Fill pipe openings must be located outside the cab or body of the vehicle.

(5) A fuel tank may not be mounted on a trailer.

(6) No part of a fuel system may be located within or above the passenger compartment of a bus, built on or after January 1, 1972.

(b) *Fuel tank installation.* Each fuel tank must be securely attached to the motor vehicle.

(c) *Gravity and syphon feed.* A fuel system may not supply fuel by gravity or syphon feed directly to the carburetor or injector.

(d) *Selection control valve.* If a fuel system includes a selection control valve to regulate the fuel flow from two or more tanks, the valve must be installed so that either—

(1) The driver may operate it while watching the roadway and without moving from his driving position, or

(2) The driver must stop the vehicle and leave his seat in order to operate it.

§ 393.67 Liquid fuel systems.

(a) *Liquid fuel tank construction.* Each liquid fuel tank must conform to the requirements of subparagraphs (1)–(11) of this paragraph.

(1) *Joints.* Joints of the fuel tank body must be closed by arc-, gas-, seam-, or spot-welding, by brazing, or by silver soldering.

(2) *Fittings.* The tank body must be provided with suitable flanges or spuds for the installation of all fittings.

(3) *Threads.* Threads on all fittings must be Dryseal American Standard Taper Pipe Thread or Dryseal SAE Short Taper Pipe Thread, specified in Society of Automotive Engineers Standard J476, as contained in the 1969 edition of the "SEA Handbook," except that straight (nontapered) threads may be used on fittings having integral flanges and using gaskets for sealing. There must be at least four full threads in engagement in each fitting.

(4) *Drains and bottom fittings.* (i) Drains and other bottom fittings must not extend more than three-fourths inch below the lowest part of the tank.

(ii) The draining fittings must permit complete drainage of the tank.

(iii) The drain must be located in a flange or spud desgned to accommodate it.

(iv) The drain must be protected against impact.

(5) *Fuel discharge line.* The fittings through which fuel is drawn from the tank must be located above the normal full level of the tank.

(6) *Excess flow valve.* When pressure devices are used to force fuel from the tank, a device which prevents the continued flow of fuel from the tank in the event the fuel feed line is broken must be installed in the fuel system.

(7) *Fill-pipe.* (i) The fill-pipe must be designed and constructed to minimize the possiblity of fuel spillage in the event of an accident.

(ii) The fill-pipe and vents of a fuel tank having a fuel capacity in excess of 25 gallons must permit filling the tank with fuel at a rate of at least 20 gallons per minute without spillage.

(iii) The fill-pipe must be fitted with a cap which can be fastened securely in place by a method such as screw threads or a bayonet-type joint.

(8) *Pressure resistance.* The fuel tank body and fittings must be able to withstand an internally applied hydrostatic pressure of 75 pounds per square inch gauge without rupturing.

(9) *Safety vents.* If a liquid fuel tank has a capacity of more than 25 gallons of fuel it must have a device or devices which, in the event of a fire in the vehicle, will prevent increased pressure in the tank from causing failure of the tank's body, seams, or any bottom opening.

(10) *Air vents.* Every fuel tank shall be equipped with an air vent of a nonspill type (ball check or equivalent). The air vent may be mounted separately or combined with the fill-pipe cap or safety vent.

(11) *Fuel tank capacity.* (i) A liquid fuel tank must be marked with its liquid capacity.

(ii) A liquid fuel tank manufactured before January 1, 1972, must be plainly marked to indicate that the tank must not be filled to more than 95 percent of its liquid capacity.

(iii) A liquid fuel tank manufactured on or after January 1, 1972, must have a mechanical or physical means to prevent filling of the tank with an amount of fuel that is more than 90 percent of its liquid capacity.

(b) *Liquid fuel tank tests.* Liquid fuel tanks must be capable of passing the following tests:

(1) *Safety vent test*—(i) *Procedure.* Fill the tank three-fourths full with fuel, seal the fuel feed outlet, and invert the tank. With the fuel temperature between 50° F. and 80° F., apply an enveloping flame to the tank so that the temperature of the fuel rises at a rate of not less than 6° F. and not more than 8° F. per minute.

(ii) *Vent release.* The safety vent required by paragraph (a)(9) of this section must activate before the internal pressure exceeds 50 pounds per square inch gauge, and must thereafter maintain pressure of 50 pounds per square inch gauge or less despite any further increase in fuel temperature.

(2) *Leakage test.* Fill the tank to capacity with fuel at a temperature between 50° F. and 80° F. With the fill-pipe cap in place, turn the tank through an angle of 150° from its normal position. Neither the tank nor any fitting may leak more than 1 ounce by weight of fuel per minute.

(c) *Additional test.* A side-mounted liquid fuel tank must be capable of meeting the following tests:

(1) *Drop test.* Fill the tank with water weighing the same as its maximum fuel load and drop it 30 feet onto an unyielding surface so that it lands squarely on one corner. After the drop neither the tank nor any fitting shall leak more than 1 ounce by weight of water per minute.

(2) *Fill-pipe test.* Fill the tank with water weighing the same as its maximum fuel load and drop it 10 feet onto an unyielding surface so that it lands squarely on its fill-pipe. After the drop, neither the tank nor any fitting shall leak more than 1 ounce by weight of water per minute.

(d) *Liquid fuel tank certification.* Each liquid fuel tank shall be plainly and permanently marked with the month and year of its manufacture and a certification that it complies with §§ 393.66 and 393.67.

(e) *Exemptions.* (1) No provision of this section except paragraph (a)(7)(iii) applies to a diesel fuel tank manufactured before January 1, 1972, and mounted on a vehicle other than a bus.

(2) No provision of this section, except paragraphs (a)(7)(iii) and (b)(2) of this section, applies to a diesel fuel tank manufactured before January 1, 1972, and mounted on a bus.

(3) Paragraphs (a)(11), (b) and (d) of this section do not apply to a liquid fuel tank manufactured before January 1, 1972, and mounted on a truck or truck-tractor unless the tank is a side-mounted gasoline tank.

(4) Paragraphs (a)(11), (b)(1), (c) and (d) of this section do not apply to a liquid fuel tank manufactured before January 1, 1972, and mounted on a bus unless the tank is a side-mounted gasoline tank.

§ 393.68 Liquefied petroleum gas systems.

(a) A motor vehicle using liquefied petroleum gas as fuel for its operation or for the operation of auxiliary equipment must have a fuel system that conforms to the Standard for the "Storage and Handling of Liquefied Petroleum Gases" of the National Fire Protection Association, 60 Batterymarch Street, Boston, Mass. 02110, as follows:

(1) A fuel system installed before December 31, 1962, must conform to the 1951 edition of the Standard.

(2) A fuel system installed on or after December 31, 1962, and before January 1, 1972, must conform to Division IV of the June 1959 edition of the Standard.

(3) A fuel system providing fuel for the propulsion of the motor vehicle, installed on or after January 1, 1972, must conform to Division IV of the 1969 edition of the Standard.

(4) A fuel system providing fuel for auxiliary equipment installed on or after January 1, 1972, must conform to Division VII of the 1969 edition of the Standard.

(b) Where the rules in this section require a fuel system to conform to a specific edition of the Standard, the fuel system may conform to a later edition of the Standard specified in this section.

(c) The tank of a fuel system must be marked to indicate that the system conforms to the Standard.

[F.R. Doc. 70-2080; Filed, Feb. 18, 1970; 8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 18796; FCC 70-152]

TELEVISION TABLE OF ASSIGNMENTS, MARQUETTE, MICH.

Notice of Proposed Rule Making

In the matter of amendment of §73.606 (b) of the Commission's rules and regulations, Television Table of Assignments (Marquette, Mich.), Docket No. 18796, RM-1296.

1. Northern Michigan University (NMU) filed a petition on April 29, 1968, requesting that Channel 13 at Marquette, Mich., be reserved for noncommercial educational use. NMU simultaneously filed an application for the channel (BPCT-4118). Channels 6—, 13, and *19 are assigned to Marquette. Station WLUC-TV operates on Channel 6. When the petition was filed, there were two other applicants for Channel 13: Northland Television, Inc. (BPCT-4051); and U.P. T-V Systems, Inc. (BPCT-4090).[1] During 1969 both of these commercial applications were dismissed.

2. Pertinent to NMU's petition and application is our action in Television Channel Assignment in Marquette, Mich., 12 R.R. 2d 1552 (February 1968). We there rejected NMU's request to assign Channel 3 at Marquette for educational use and also an alternative proposal to reserve Channel 13, because the application of Northland Television already was pending.[2] The decision, however, also said (p. 1554):

> Northern Michigan University may also file an application for authority to construct a new educational television broadcast station on that channel. If, as the result of a comparative hearing, it is found the public interest would best be served by granting the educational application, consideration could then be given to changing the status of Channel 13 in Marquette.

3. Statements in relation to the petition were filed by Northland and U.P., the commercial applicants (both opposing it), the National Association of Educational Broadcasters (NAEB) supporting, and WFRV, Inc., then an applicant and now permittee of a station on Channel 3 at Brampton, Mich. The oppositions were based on the two parties' status as commercial applicants, and, therefore, need not be considered now that their applicants have been dismissed. WFRV's interest in the matter related solely to NMU's suggestion in its petition that Channel 3 should remain available for assignment to Marquette, in addition to Channel 13, for possible use by the commercial applicants. This matter also need not now be considered in view of the subsequent dismissals.

4. NMU, in support of its request, urges that ETV use of a VHF channel would be in the public interest, in that Channel *19, now reserved, might not provide comparable coverage because of limitations in the rules and proximity to Canada. NAEB states that only a VHF facility is able to provide wide-area coverage at the lowest cost, said to be an essential ingredient of an effective and viable ETV facility in Michigan's Upper Peninsula. NMU also advances as one reason for filing its petition the desire to improve its petition with respect to obtaining funds from the Department of Health, Education, and Welfare.

5. In these circumstances, we believe that the proposal to change the educational reservation at Marquette from Channel *19 to Channel *13 should be considered. Accordingly, comments are invited on the following changes in § 73.606(b) of our rules, the Television Table of Assignments:

City	Channel No.	
	Present	Proposed
Marquette, Mich.	6—, 13, *19	6—, *13, 19

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

7. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules and regulations interested parties may file comments on or before March 23, 1970, and reply comments on or before April 3, 1970. All submissions by parties to this proceeding, or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings.

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

Adopted: February 11, 1970.

Released: February 13, 1970.

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

[F.R. Doc. 70-2089; Filed, Feb. 18, 1970; 8:47 a.m.]

[1] Presently operating on that channel is Translator Station W13AS, furnishing service of Station WLUK-TV, Green Bay, Wis.; the licensee is U.P. T-V Systems, Inc., one of the former commercial applicants.

[2] See Channel Assignment in Wilmington-Atlantic City, 18 R.R. 1653; Reservation of Channel 13 in Eureka, Calif., 7 R.R. 2d 1593, affd. 8 R.R. 2d 1535; and Educational Reservation in San Angelo, Tex., 7 R.R. 2d 1781. In each, the Commission was requested to reserve for noncommercial educational use the remaining VHF channel assigned to the community and for which applications for commercial use already were pending, even though an ETV channel (UHF) was or could be assigned to the particular community. In each instance, the Commission held that a comparative hearing should be held, on the ground that a nonreserved channel is available for application by either commercial or ETV interests. See Fifth Report and Memorandum Opinion and Order in Docket No. 14229, Paragraph 39, 2 FCC 2d 527, 541. See also Channel Assignment in Medford, Oregon, 7 R.R. 2d 1656.

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[I-1518, I-2789]

IDAHO

Notice of Classification of Public Lands for Multiple-Use Management and Opening Order: Correction

FEBRUARY 12, 1970.

The notice published Saturday, January 17, 1970, on page 637 of Volume 35, F.R. Doc. 70-618, which read in paragraph 2: "and at 10:00 a.m., May 15, 1969, shall be open to applicable forms of appropriation, consistent with paragraph 1 of this order," is hereby corrected to read: "and at 10:00 a.m., March 15, 1970, shall be open to applicable forms of appropriation, consistent with paragraph 1 of this order."

EDWARD R. EVATZ,
Acting State Director.

[F.R. Doc. 70-2069; Filed, Feb. 18, 1970; 8:45 a.m.]

ALASKA

Notice of Filing of Plats of Survey

1. Plat of survey of omitted island described below will be officially filed in the Land Office, Anchorage, Alaska, effective at 10 a.m., March 16, 1970.

SEWARD MERIDIAN

T. 18 N., R. 1 E.,
Sec. 16: lot 4.

Containing 0.14 acre.

2. This island is located in Wolf Lake. It is covered with spruce and birch timber, with undergrowth consisting of willows and alders. The soil is sandy loam over gravel. The approximate center of the island is (the highest point) approximately 12 feet in elevation above the mean high water of the lake.

3. The public lands affected by this order are hereby restored to the operation of the public land laws, subject to any valid existing rights, the provisions of existing withdrawals, including Public Land Order 4582, dated January 17, 1969, and the requirements of applicable law, rules and regulations.

4. Inquiries concerning the lands should be addressed to the Manager, Anchorage Land Office, 555 Cordova Street, Anchorage, Alaska 99501.

T. G. BINGHAM,
Manager, Anchorage Land Office.

FEBRUARY 13, 1970.

[F.R. Doc. 70-2070; Filed, Feb. 18, 1970; 8:46 a.m.]

[Nevada 059798]

NEVADA

Notice of Partial Termination of Proposed Withdrawal and Reservation of Lands

FEBRUARY 11, 1970.

Notice of a Bureau of Reclamation application, Nevada 059798, for withdrawal and reservation of lands in connection with the then proposed Southern Nevada Water Supply Project was published as F.R. Doc. No. 63-2392, on page 2243 of the issue for March 7, 1963.

The Secretary of the Interior issued Public Land Order 3512, F.R. Doc. No. 64-12705, on page 16987 of the issue for December 11, 1964, which withdrew 18,370 acres of the lands proposed for withdrawal.

The Bureau of Reclamation has now canceled its application as to the following lands which were not withdrawn by Public Land Order 3512: Therefore pursuant to the regulations contained in 43 CFR 2311, such lands at 10 a.m. on March 18, 1970, will be relieved of the segregative effect of the above-mentioned application.

MOUNT DIABLO MERIDIAN

T. 21 S., R. 63 E.,
Sec. 32, all;
Sec. 35, lots 8, 9, S½SW¼, SW¼SE¼.
T. 22 S., R. 63 E.,
Sec. 21, E½;
Secs. 27, 34.

ROLLA E. CHANDLER,
Manager, Nevada Land Office.

[F.R. Doc. 70-2071; Filed, Feb. 18, 1970; 8:46 a.m.]

[M 12791]

MONTANA

Notice of Termination of Proposed Withdrawal and Reservation of Lands

FEBRUARY 12, 1970.

Notice of application, Serial No. M 12791, for withdrawal and reservation of lands was published as F.R. Doc. No. 69-6783 on page 9139 of the issue for June 10, 1969. The Forest Service has canceled its application. Therefore, pursuant to the regulations contained in 43 CFR Part 2300, such lands will be at 10 a.m. on February 23, 1970, relieved of the segregative effect of the above-mentioned application.

The lands involved in this notice of termination are:

PRINCIPAL MERIDIAN MONTANA

KOOTENAI NATIONAL FOREST

Red Top Campground

T. 35 N., R. 33 W., unsurveyed, but which probably will be when surveyed:
Sec. 31, SW¼NW¼NW¼NE¼, W½SW¼NW¼NE¼, SE¼NE¼NE¼NW¼, and E½SE¼NE¼NW¼.

The area described aggregates 15 acres in Lincoln County, Mont.

ROLAND F. LEE,
Acting Land Office Manager.

[F.R. Doc. 70-2046; Filed, Feb. 18, 1970; 8:45 a.m.]

[Sacramento 2725]

CALIFORNIA

Opening of Land From Waterpower Withdrawal

FEBRUARY 12, 1970.

By virtue of the authority contained in section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818), as amended, and pursuant to Bureau Order No. 701 of July 23, 1964, as amended, and pursuant to the authority redelegated to me by the Acting Manager, November 18, 1965 (30 F.R. 14444), it is ordered as follows:

1. In an order issued February 2, 1970, the Federal Power Commission vacated the withdrawal created pursuant to the filing on January 4, 1927, of an application for preliminary permit for proposed Project No. 761 so far as it pertains to the following described land:

MOUNT DIABLO MERIDIAN

T. 1 S., R. 16 E.,
Sec. 14, NW¼NE¼SW¼.

The area described contains approximately 10 acres in Tuolumne County.

2. Subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, the lands described herein will at 10 a.m. on March 17, 1970, be opened to application, petition, location, and selection under the public land laws generally.

3. Public Land Order No. 1633 of May 8, 1958, revoked in part, Executive Order No. 4203 of April 14, 1925, which withdrew land in California and Nevada in aid of classification for national forest status under the Act of February 20, 1925 (43 Stat. 952). The land hereinbefore described in Paragraph 1 was not included in the restoration made by Public Land Order No. 1633 and is hereby restored to the operation of the public land laws, including location under the U.S. Mining Laws (30 U.S.C., Ch. 2) for nonmetalliferous minerals, subjects to any valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, rules, and regulations as of 10 a.m. on March 17, 1970.

The land has been open to applications and offers under the mineral leasing laws and to location for metalliferous minerals. It will be open to location for nonmetalliferous minerals under the U.S. mining laws at 10 a.m. on March 17, 1970.

The State of California has waived the preference right afforded it under the provisions of section 24 of the Federal Power Act of June 10, 1920, supra.

Inquiries concerning the land should be addressed to the Manager, Land Office, Bureau of Land Management, E–2807 Federal Office Building, 2800 Cottage Way, Sacramento, Calif. 95825.

ELIZABETH H. MIDTBY,
Chief Land Adjudication Section.

[F.R. Doc. 70–2047; Filed, Feb. 18, 1970; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Packers and Stockyards Administration

BEARDEN'S LIVESTOCK COMMISSION ET AL.

Notice of Changes in Names of Posted Stockyards

It has been ascertained, and notice is hereby given, that the names of the livestock markets referred to herein, which were posted on the respective dates specified below as being subject to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), have been changed as indicated below.

Original name of stockyard, location, and date of posting	*Current name of stockyard and date of change in name*
GEORGIA	
Moore's Auction and Livestock Commission, Calhoun, Mar. 4, 1969.	Bearden's Livestock Commission, Jan. 1, 1970.
IOWA	
Smylie's Livestock Company, Columbus Junction, May 29, 1959.	Smylie-Haupert Livestock, Inc., Jan. 1, 1970.
KENTUCKY	
Barren County Stockyards, Inc., Glasgow, Dec. 11, 1959.	Farmers Livestock Market of Glasgow, Inc., Oct. 22, 1969.
MISSOURI	
Grant City Sale Barn, Inc., Grant City, Feb. 13, 1958.	Grant City Livestock Market, Sept. 2, 1969.
MONTANA	
Hamilton Livestock Auction, Inc., Hamilton, Apr. 9, 1959.	Bitter Root Livestock Market, Feb. 2, 1970.
NEBRASKA	
Plattsmouth Livestock Auction, Plattsmouth, Apr. 25, 1959.	Morris Livestock Auction, Jan. 8, 1970.
NORTH DAKOTA	
Carrington Livestock Auction, Inc., Carrington, Dec. 10, 1964.	Carrington Livestock Sales, Inc., Feb. 5, 1970.
Badlands Auction Company (a Corp.), Watford City, June 1, 1959.	Watford City Livestock Auction, Feb. 2, 1970.
PENNSYLVANIA	
New Wilmington Livestock Auction, New Wilmington, Dec. 10, 1959.	New Wilmington Livestock Auction, Inc., Jan. 6, 1970.
TEXAS	
Farmers and Ranchers Commission Company of Lubbock, Lubbock, Nov. 5, 1956.	Farmers and Ranchers Commission Company, July 3, 1969.
Terrell Livestock Commission, Terrell, Apr. 24, 1961.	Terrell Livestock Commission Co., Inc., Jan. 2, 1970.
Uvalde Livestock Sales Company, Uvalde, June 12, 1957.	Southwest Livestock Exchange, Inc., Oct. 31, 1969.

Done at Washington, D.C., this 13th day of February 1970.

G. H. HOPPER,
Chief, Registrations, Bonds, and Reports Branch Livestock Marketing Division.

[F.R. Doc. 70–2052; Filed, Feb. 18, 1970; 8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

NEOMYCIN SULFATE-SULFACETAMIDE-PHENACAINE OPHTHALMIC OINTMENT

Drugs for Veterinary Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following preparation: Neocetacaine; each one-half ounce contains 0.5 percent neomycin sulfate (equivalent to 3.5 milligrams per gram of neomycin base), 10 percent sulfacetamide sodium, and 1.0 percent phenacaine; by Haver-Lockhart Labs., Kansas City, Mo. 64141.

The Academy concludes that (1) this drug is probably not effective for ocular use in dogs and cats, (2) documentation is inadequate, (3) dosages are inadequate, (4) it is contraindicated for corneal ulcers and abscesses, and (5) phenacaine should be deleted from this formulation if indicated for continued ophthalmic use.

The Food and Drug Administration concurs with the above conclusions of the Academy.

This announcement is published (1) to inform manufacturers of the drug of the findings of the Academy and of the Food and Drug Administration and (2) to inform all interested persons that such articles to be marketed must be the subject of approved new animal drug applications and otherwise comply with all other requirements of the Federal Food, Drug, and Cosmetic Act.

Manufacturers of the drug are provided 6 months from the publication of this announcement in the FEDERAL REGISTER to submit adequate documentation in support of the labeling used.

Written comments regarding this announcement, including requests for an informal conference, may be addressed to the Bureau of Veterinary Medicine, Food and Drug Administration, 200 C Street SW., Washington, D.C. 20204.

The manufacturer of the subject drug has been mailed a copy of the NAS-NRC report. Any manufacturer, packer, or distributor of a drug of similar composition and labeling to it or any other interested person may also obtain a copy by writing to the Food and Drug Administration, Press Relations Office, 200 C Street SW., Washington, D.C. 20204.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 512, 52 Stat. 1050–51, 82 Stat. 343–51; 21 U.S.C. 352, 360b) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: February 6, 1970.

SAM D. FINE,
Associate Commissioner for Compliance.

[F.R. Doc. 70–2068; Filed, Feb. 18, 1970; 8:45 a.m.]

FEDERAL AVIATION ADMINISTRATION

GENERAL AVIATION DISTRICT OFFICE AT DALLAS, TEX.

Notice of Relocation

Notice is hereby given that on or about February 19, 1970, the General Aviation District Office at Love Field, Dallas, Tex., will be relocated to Redbird Airport, Dallas, Tex. This information will be reflected in the FAA Organization Statement the next time it is reissued.

(Sec. 313(a), 72 Stat. 752; 49 U.S.C. 1354)

Issued in Fort Worth, Tex., on February 11, 1970.

HENRY L. NEWMAN,
Director, Southwest Region.

[F.R. Doc. 70–2093; Filed, Feb. 18, 1970; 8:49 a.m.]

CIVIL SERVICE COMMISSION

DEPARTMENT OF TRANSPORTATION

Notice of Grant of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Transportation to fill by noncareer executive assignment in the excepted service the position of Deputy Director, Office of Information, in the Office of the Assistant Secretary for Public Affairs.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 70-2109; Filed, Feb. 18, 1970; 8:48 a.m.]

ATTORNEY-ADVISOR; MANPOWER SHORTAGE

Notice of Listing

Under the provisions of 5 U.S.C. 5723, the Civil Service Commission found a manpower shortage on January 21, 1970, for the single position of Attorney-Advisor, GS-905-13, Office of the General Counsel, U.S. Commission on Civil Rights, Washington, D.C.

Assuming other legal requirements are met, the appointee to this position may be paid for the expense of travel and transportation to first post of duty. The finding is self-canceling when the position is filled.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 70-2110; Filed, Feb. 18, 1970; 8:48 a.m.]

PROGRAM MANAGER; MANPOWER SHORTAGE

Notice of Listing

Under the provisions of 5 U.S.C. 5723 the Civil Service Commission found a manpower shortage on January 30, 1970, for the single position of Program Manager, GS-340-15, Smithsonian Institution, Washington, D.C.

Assuming other legal requirements are met, the appointee to this position may be paid for the expense of travel and transportation to first post of duty. The finding is self-canceling when the position is filled.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 70-2111; Filed, Feb. 18, 1970; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Dockets Nos. 16965, 16966; FCC 70-159]

DUPAGE COUNTY BROADCASTING, INC. AND CENTRAL DUPAGE COUNTY BROADCASTING CO.

Memorandum Opinion and Order Enlarging Issues

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

1. This case involves an application for review of two Review Board decisions. One of the decisions denied Central DuPage County Broadcasting Co.'s (Central) application for a permit to construct an AM broadcast facility and granted the application of DuPage County Broadcasting, Inc. (DuPage). See FCC 69R-349, 19 FCC 2d 250 released August 29, 1969. The other decision, rendered 5 months earlier, denied Central's petition to reopen the hearing record and to enlarge the issues in order to determine if DuPage is basically qualified to be a Commission licensee. See FCC 69R-143, 16 FCC 2d 899, released March 24, 1969. Central requests the Commission either to remand the case to determine whether DuPage is qualified to be a licensee or to deny DuPage's application and grant that of Central.[1]

2. As to the first noted decision, the application for review presents no question of law, policy, or fact which merits Commission review insofar as the Review Board's decision is based on the evidence introduced at the hearing. Except for the matters raised by Central with respect to the petition to reopen and for enlargement of issues, we would have denied review without specifying reasons therefor in accordance with the provisions of § 1.115(g) of the rules.

3. We shall dispose first of certain procedural challenges advanced by DuPage to the application for review of the Review Board's denial of Central's petition to reopen. DuPage contends: (1) That the application seeks review of an interlocutory ruling and therefore, under § 1.115(e), was required to be filed within 5 days after release of the order; and (2) that the application exceeded the 10 page limitation of § 1.115(f). There is no merit to either contention. We do not favor interlocutory appeals and they are entertained only where the ruling is fundamental and affects the conduct of the entire proceeding. See Midwest Television, Inc. (KFMB-TV et al., 8 FCC 2d 550 (1967). Central was entitled to await the decision of the Review Board on the merits before seeking review, and its pleading is in compliance with the procedural requirements of the rule.

4. After the issuance of the Initial Decision (FCC 68D-51, released July 26, 1968), and prior to the release of the Review Board's decision granting DuPage's application, Central petitioned the Board to reopen the record and to enlarge the issues in order to determine whether DuPage is basically qualified to be a Commission licensee. In its petition, Central noted that Frank Blotter who is the president, director and 51 percent stockholder of DuPage is also the president, director and 26.7 percent stockholder of Canyon Broadcasters, Inc., licensee of standard broadcast station WCKD in Ishpeming, Mich. Central asserted that WCKD, under the management of Mr. Blotter, had operated in violation of certain of the Commission's rules and that the matter must be explored in an evidentiary hearing before a determination may be made that a grant of DuPage's application would be in the public interest. A brief chronological statement of the events as reflected in Commission records and as alleged by Central to have occurred will be helpful in the consideration of this case.

5. On October 25, 1967, Mr. Blotter requested authorization from the Commission for WCKD to sign-off 1 hour later than the time specified in its license. The basis for this request, as indicated by correspondence on file with the Commission, was the local community's change in time zone from eastern standard to central standard time and the fact that part of the station's service area was observing one time and part the other. The waiver was denied by letter dated January 19, 1968. While the request was pending before the Commission, the station signed off 1 hour late, but on February 1, 1968, WCKD ceased operating beyond its specified hours.

6. In June 1968, a Mr. Dean W. Manley told Howard Enstrom, a Central partner, that during the previous winter WCKD had regularly operated later than its authorized sign-off time. At that time, however, Mr. Manley refused to give Mr. Enstrom a statement concerning WCKD's illegal operation. Mr. Manley visited WCKD on July 29, 1968, but he found no irregularity in the station's operation, and in fact, there is no indication of any rule violations during the next 3 months. However, Central charges that in November 1968, WCKD again began operating illegally, not only as to sign-off times, but with excessive presunrise power as well. These violations were observed by Central's principals and by Mr. Manley. Following this further discovery of illegal operation by WCKD, Mr. Manley agreed to testify as to WCKD's prior illegal activities. Attached to the petition are affidavits by Dean Manley and by a principal of Central.

[1] The application for review was filed on Oct. 6, 1969. Oppositions were filed on Oct. 31, 1969, by DuPage and by the Broadcast Bureau, and on Nov. 13, 1969, Central filed a reply to the oppositions.

7. Thereafter, by a Notice of Apparent Liability for forfeiture (FCC 69–1301, Nov. 25, 1969), pursuant to section 503 (b) of the Communications Act, WCKD was advised that by reason of its rule violations by signing off 1 hour later than the time specified in its license and by commencing operation at full power prior to the time authorized, it had "incurred an apparent liability of one thousand dollars ($1000) for willfully or repeatedly failing to observe the terms of your license". The forfeiture was paid by WCKD on December 12, 1969.[2]

8. In its decision refusing to reopen the hearing record, the Board concluded: (1) That Central had not been diligent in presenting its application; and (2) that in any event, the matters presented by Central were not likely to be of decisional significance. In light of the facts detailed above, neither of these conclusions can be sustained.

9. First, it is apparent that Central filed its petition within a reasonable period after it obtained competent evidence of WCKD's late sign-offs and overpower operation. § 1.229(c) of the rules requires that motions to enlarge issues "shall contain specific allegations of fact sufficient to support the action requested. Such allegations of fact * * * shall be supported by affidavits of a person or persons having personal knowledge thereof". In June 1968, and prior to November of that year, Central had no "personal knowledge" of WCKD's illegal operation. The only person who had disclosed the matter to Central was Mr. Manley, and this person, until December 1968, was unwilling to attest to WCKD's illegal operations. Further, from June to November 1968, WCKD was operating within the terms of its license, and therefore any investigation by Central during that period would have been fruitless. As to the November-December 1968, violations, which we deem to be particularly significant, Central's petition was timely filed. Hence, we cannot agree with the Board's conclusion that Central failed to exercise due diligence in presenting its petition to reopen and for enlargement of issues. Even if the pleading were not timely filed, however, we would take action on our own motion since the allegations contained therein present serious public interest considerations which merit our attention.

10. In view of the understandable confusion which resulted from the change in the geographic location of time zones and the observance of daylight saving time, we attach no decisional significance in this proceeding to the fact that WCKD signed off 1 hour late during the latter part of 1967 and the first part of 1968. However, the explanation of confusion for the resumption of this unlawful practice in November 1968, after the licensee had been advised of the necessity for compliance with the sign off times specified in its station license, is far more difficult to accept. On the contrary, the facts outlined above indicate a substantial likelihood that the violations were willful or, at the very least, the result of extreme carelessness. See Irvenna Broadcasting Company, Inc., 18 FCC 2d 217 (1969); Anderson Broadcasting Service, 15 FCC 2d 844 (1969).

11. Whether misconduct such as that committed at WCKD is of sufficient gravity to warrant the revocation or denial of renewal of a station license is not the critical issue here. We are not now concerned with the renewal or revocation of WCKD's station license, but with the question of whether Mr. Blotter, a principal of both DuPage and WCKD, should be entrusted with a second broadcast facility. Before a grant may be found to be in the public interest, the Commission is entitled to have some reasonable assurance that the applicant will diligently exercise that degree of licensee responsibility expected of the operator of a broadcast facility, and past conduct of an applicant in the operation of a station must be accorded substantial weight. In view of the rule violations at WCKD, we believe that a further hearing to develop all the pertinent facts and circumstances with respect thereto is required in order to determine whether the public interest would be served by an award of a broadcast license to an applicant of which Mr. Blotter is the principal stockholder.

12. For the reasons set forth above, we conclude that this proceeding must be reopened and remanded to the Hearing Examiner for further hearing on the following issues:

(a) To determine all of the facts and circumstances surrounding the operation of station WCKD at Ishpeming, Mich., under the management of Frank Blotter, with particular respect to operation later than the hours specified in the station license and with excessive presunrise power during the months of November and December 1967, and January, November, and December, 1968.

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

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

13. Evidence introduced at the reopened hearing should be restricted to that which is pertinent and relevant to the resolution of the issues designated herein. We contemplate no relitigation of the issues previously designated (such as the section 307(b) issue) and no changes in the determinations made except as they may be required by the evidence adduced at the reopened hearing under the issues specified herein. The Initial Decision of the Hearing Examiner, therefore, should be confined to a discussion of such evidence and to the changes in the findings, conclusions, and ultimate determinations which are necessitated by reason of the new facts developed at the reopened hearing.

14. We realize, of course, that Elmhurst has been found to have a greater need for a first standard broadcast facility and that DuPage is the only applicant proposing to locate there. Nevertheless, should it be found that DuPage cannot be expected to exercise that degree of licensee responsibility necessary to justify a grant, we believe that the overall public interest would be better served by an award to Central or by the denial of both applications.

15. This case has been pending for a considerable period of time and we believe that every effort should be made to obtain a final decision as soon as this can be accomplished consistent with the requirements of due process and the workload of the Commisison. Pursuant to the provisions of § 0.365 of the rules, any review of the initial decision of the Hearing Examiner shall be by the Commission.

16. *Accordingly, it is ordered,* That the request by Central DuPage County Broadcasting Co. for leave to file a supplement to its application for review is granted and the tendered pleading is accepted for filing.

17. *It is further ordered,* That the application for review filed by Central DuPage Broadcasting Co. is granted.

18. *It is further ordered,* That the memorandum opinion and order, 16 FCC 2d 899, released March 24, 1969, and the Decision, 19 FCC 2d 250, released August 29, 1969, are vacated; that the issues are enlarged as set forth in paragraph 12 above; that the hearing is reopened; and that the proceeding is remanded to the Hearing Examiner for further hearing on the issues and in accordance with the procedure specified herein.

Adopted: February 11, 1970.

Released: February 13, 1970.

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

[F.R. Doc. 70–2090; Filed, Feb. 18, 1970; 8:48 a.m.]

[Dockets Nos. 18640, 18641; FCC 70R–49]

HOME SERVICE BROADCASTING CORP. AND NATICK BROADCAST ASSOCIATES, INC.

Memorandum Opinion and Order Enlarging Issues

In regard applications of Home Service Broadcasting Corp., Natick, Mass., Docket No. 18640, File No. BP–16478; Natick

[2] On Dec. 4, 1969, Central filed a request for permission to submit a supplement to its application for review and simultaneously tendered for filing the supplemental pleading. A response to the request was filed by DuPage on Dec. 17, 1969, and comments were filed by the Broadcast Bureau on Dec. 19, 1969. The supplements sets forth information concerning the forfeiture proceeding. We believe that the matter contained therein is pertinent to our consideration of Central's application for review. Therefore, we shall grant the request and accept the pleading for filing.

[3] Commissioners Burch, Chairman; Bartley and Wells dissenting.

Broadcast Associates, Inc., Natick, Mass., Docket No. 18641, File No. BP-18012; for construction permits.

1. This proceeding involves the mutually exclusive applications of Home Service Broadcasting Corp. (Home Service), and Natick Broadcast Associates, Inc. (Natick), for a new standard broadcast station at Natick, Mass. The applications were designated for consolidated hearing by the Commission (12 FCC 2d 911, 16 RR 2d 1095, released Aug. 19, 1969). Presently before the Review Board is a motion to enlarge issues, filed September 8, 1969, by Home Service,[1] which requests the addition of issues to determine: (1) Whether a Natick principal, Edward F. Perry, Jr., made misrepresentations in connection with another application pending before the Commission; (2) whether Natick has attempted to obstruct and delay construction of Home Service's station; (3) whether Natick misrepresented the suitability and efficacy of its presently proposed site; (4) whether Natick has violated § 1.65; and (5) whether Natick's proposal complies with § 73.35(b).

ALLEGED MISREPRESENTATION TO THE COMMISSION

2. Home Service's request for a misrepresentation issue is based on information contained in the application of Webster Broadcasting Co., Inc. (Webster), an applicant for a new standard broadcast station in Webster, Mass.; Edward F. Perry, Jr., a majority stockholder of Natick, is also the treasurer, a director, and a 25 percent stockholder in the Webster application. Home service charges that WESO Broadcasting Co. (WESO) in a petition to deny the Webster application presented affidavits which contained material in direct conflict with representations made in the Webster application. Exhibit 7 of the Webster application states that Webster was able to obtain an "in-depth survey" of the area's tastes and needs from Nichols College in Dudley, Mass., and attached forms it claimed were used by the applicant itself and by Nichols College in making the surveys. Home Service contends that the affidavits presented by WESO establish that Mr. Perry asked the affiants to conduct a survey for him, but they did not do so; and that neither the affiants nor their organizations reviewed the Webster application as filed with the Commission. Webster also stated in its application that it had established a "working relationship" with Nichols College and had agreed to provide the college with free air time on the proposed station and that the station had agreed to produce a weekly educational series in response. However, according to Home Service, WESO's affiants state that Nichols College had not established a working relationship with the Webster applicant and had not agreed to produce a weekly educational series. On these facts, petitioner insists that the need for an issue is clear: Edward Perry has been a party to misrepresentations to the Commission in the Webster application and those misrepresentations are relevant and material in the instant proceeding in which Mr. Perry is also involved, citing WMOZ, Inc., 36 FCC 202, 1 RR 2d 801 (1964), reconsideration denied 36 FCC 1467, 2 RR 2d 1057, remanded on other grounds WMOZ, Inc. v. FCC, 344 F. 2d 197, 4 RR 2d 2004 (D.C. Cir. 1965); Washington Broadcasting Co., 2 FCC 2d 952, 7 RR 2d 123 (1966).

3. Both the Broadcast Bureau and Natick oppose the requested misrepresentation issue. Natick insists that the statements referred to by Home Service in Exhibit 7 are in no way inconsistent with the WESO affidavits. In an affidavit, submitted in the Webster proceeding,[2] Edward Perry purports to describe the circumstances surrounding the preparation of the Webster survey, stating that such survey was, in fact, prepared by paid interviewers from Nichols. Perry also purports to describe Webster's offer of free air-time, insisting that the matter was discussed with a professor at Nichols (who is one of the WESO affiants) and that an interest in such a program was expressed. On the basis of the Perry affidavit, Natick insists that the statements in the Webster application are in "no sense 'misrepresentations'." The Bureau, joined by Natick, further asserts that, even if there were in fact misrepresentations to the Commission,[3] there is no showing that Mr. Perry, who is the common link to the instant proceeding, was responsible for the Webster exhibits. Thus, the Bureau points out that section I, page 2, of the Webster application states that Exhibit 7 was prepared under the direction of Mr. Allen W. Roberts, Webster's president. The Bureau urges that Home Service has failed to show whether Mr. Perry even knew of the representations regarding the survey efforts of the applicant as reflected in Exhibit 7,[4] and that therefore a basis for enlargement is not shown.

4. In reply, Home Service insists that an issue is warranted. The Webster application, Home Service points out, recites that the exhibits in question were not actually prepared by Allen W. Roberts, but only "under his direction". Petitioner argues that Perry had a "great deal to do" with the Webster proposal, and that there is no indication as to who, in fact, actually prepared the Webster exhibits; "in the absence of an affidavit from Mr. Roberts", Home Service concludes, further inquiry into Perry's involvement in the alleged misrepresentations is required. In its response to Home Service's reply, Natick urges that Home Service is attempting "to make much out of a technicality" as to who prepared the Webster exhibits: An affidavit filed by Roberts in the Webster proceeding unequivocally states that Roberts and Webster's counsel prepared the Webster exhibits; Natick concludes that further inquiry in the instant proceeding is not warranted.

5. In the Board's view, the requested issue is not warranted. We need not, and do not, decide if the WESO affidavits raise a substantial question as to whether the Webster exhibits misrepresent the facts concerning the preparation of the survey and Webster's relationship with Nichols College; that question is better left for Commission consideration in connection with the Webster application. For our purposes, it suffices that Home Service has failed to show that Edward Perry was in any way responsible for the preparation of the Webster exhibits. Home Service's claim rests solely on speculation and surmise: it argues that Perry had "a great deal to do" with the Webster application; however, its insinuation that, therefore, Perry was responsible for the preparation of the exhibits is not shown to be warranted, especially in view of Perry's unrefuted denial of responsibility and Roberts' unequivocal statement that the exhibits were prepared by Roberts and Webster's counsel. The request is not substantiated by adequate specific allegations of fact and will therefore be denied.

ALLEGED DELAY AND OBSTRUCTION OF STATION CONSTRUCTION; ALLEGED MISREPRESENTATION OF SITE SUITABILITY

6. Home Service notes that the Commission had originally granted Home Service's application and dismissed Natick's proposal on July 5, 1967, and that the instant proceeding is a result of a subsequent remand by the court. Home Service states that, following the Commission's original grant of its proposal, it sought and obtained a variance from the Natick City Board of Selectmen to construct its tower.[5] Home Service charges that Natick sought to obstruct and delay the construction of the station through legal proceedings brought in connection with such variance. Specifically, Home Service contends, Natick objected to the grant of the variance by the Selectmen of Natick arguing that notice of the request for variance had not been given and that the tower would

[1] Related pleadings before the Board are: (a) Errata to motion to enlarge issues, filed Sept. 9, 1969, by Home Service; (b) opposition to motion to enlarge issues, filed Oct. 13, 1969, by Natick; (c) comments on motion to enlarge issues, filed Oct. 14, 1969, by the Broadcast Bureau; (d) Home Service's reply, filed Oct. 24, 1969. Also before the Board are: (a) Motion for leave to file additional pleading, filed Oct. 31, 1969, by Natick; and (b) motion to file supplement to opposition, filed Nov. 12, 1969, by Natick. Home Service opposes the latter in a pleading filed Nov. 14, 1969, and Natick has replied, by pleading filed Nov. 20, 1969. Natick's additional pleading and supplement to opposition relate in certain respects to matters raised for the first time in Home Service's reply of Oct. 24, 1969; to that extent, they have been considered by the Board.

[2] A copy of this affidavit is submitted with Natick's opposition.

[3] The Bureau suggests that the question of misrepresentation is better handled in the Webster proceeding.

[4] In his affidavit, Perry denies having been involved in the preparation of the Webster exhibits.

[5] Home Service required a height variance because its tower was 145 feet high and the maximum allowable building height is 85 feet in Natick.

be dangerous to persons, especially children, and to the community at large, and would interfere with radio and television reception, and other electronic equipment in the area. Petitioner alleges that these arguments were presented to the Natick Board of Appeals by principals of Natick; Mr. Perry and Mr. Boucher. Subsequently, Home Service notes that Natick filed a Bill in Equity in the Superior Court of Massachusetts for Middlesex County for a restraining order against construction of petitioner's station.[6] Having thus twice publicly charged that Home Service's site is dangerous and unsuitable, petitioner states, Natick thereafter moved its own site to a location adjacent to the site selected by Home Service. The move of the Natick transmitter site, Home Service argues, is entirely inconsistent with its actions before the Natick Selectmen and the Massachusetts Superior Court and the legal actions, it is suggested, were therefore undertaken solely to delay or obstruct the completion of Home Service's station. These circumstances, petitioner concludes, warrant inquiry into whether (a) Natick has sought to obstruct the completion of Home Service's station, and (b) Natick has made false or inconsistent representations to the Commission regarding the suitability of Home Service's and its own site. The Bureau similarly asserts that the Natick transmitter move is, on its face, inexplicable in light of the charges leveled by Natick against Home Service's site; and that, unless this contradiction is explained, the requested issues should be added.

7. Natick, in opposition, contends that there is "clearly no merit" to the charge of obstruction and delay because the factual statements made by Natick's representative to the Natick Board of Appeals were true. There can be no doubt, Natick insists, that an unprotected broadcast tower constitutes an attractive nuisance to children; indeed, Perry, in an affidavit submitted with the opposition, notes that approximately 30 residents living near the Home Service transmitter site attended the zoning hearing and complained about the comings and goings of sand trucks in connection with the construction work. Thus, Natick urges, it was not alone in its concern with regard to the site. In addition, Perry notes that the tower remained unfenced for more than a full month after the action of the Board of Appeals. Nor, argues Natick, is there any doubt to the truth of its claim that the Home Service tower would cause interference to radio and television, and to other electronic equipment of residents living in proximity to the Home Service tower. Further, Natick argues that there is no inconsistency or misrepresentation between its claims regarding the Home Service site, and its selection of a site adjacent thereto, because its present site was forced upon it through a combination of circumstances beyond its control. Natick claims that it was forced to abandon its initial site in order to avoid specification of a Suburban Community issue, the possibility of which was noted by the Commission in a letter dated July 19, 1968, to Natick, due to the fact that, from the initial site, Natick's 5 mv/m contour would penetrate the boundaries of Newton, Massachusetts. Natick filed an amendment to its application in September 1968, specifying a new transmitter site which effectively eliminated the Suburban Community problem. However, it soon appeared, Natick claims, that an apartment complex was proposed near the September 1968 site; the completion of these apartments would result in a population within Natick's proposed 1.0 mv/m contour in excess of that permitted by the Commission's rules.[7] Therefore, Natick explains, it was necessary to move its site yet a third time, to its present location. Suitable land, it is claimed, is limited; indeed, Natick points out, Home Service itself, in an amendment to its application, noted that land appropriate for a transmitter site is "at a premium" falling within a "one square mile area." In view of the difficulty in obtaining land, and the fact that Home Service had successfully obtained a variance for its site, Natick states that it "had no choice but to reluctantly" move to the tract adjacent to Home Service's site. In these circumstances, Natick insists, the requested issues are not warranted. In reply, Home Service argues that Natick's "gratuitous representation" that it is proposing its third site through no fault of its own is of no relevance, and that this claim is not supported by a showing that no other sites are available in the "one square mile" area identified by Home Service as usable for an antenna site. Home Service asserts that Natick "cannot have it both ways" claiming the unsuitability of Home Service's site, while attempting to explain away its own choice, and that Natick is "bound by the representations" it previously made as to the inadequacy and danger of the Home Service site.

8. The Board is of the opinion that inquiries into whether Natick sought to delay and obstruct construction of the Home Service station and whether it misrepresented the suitability of its own site are warranted. Although the mere act of filing a complaint regarding Home Service's site with State and local authorities does not of itself constitute an attempt to delay completion of the station, the allegations advanced by Natick before the Board of Selectmen and the Massachusetts Superior Court, in light of the circumstances in which they were made, raise substantial questions as to Natick's good faith in instituting legal procedures against Home Service before local and State bodies and in its final choice of a site. Natick concedes that it represented to the town Board of Appeals that Home Service's station would cause interference to television and radio reception, particularly WBZ and WILD, and to electric guitar amplifiers and stereophonic record players; and, in addition, that Home Service's unfenced tower would be dangerous to persons including children. However, it is not apparent on what basis Natick made representations that interference would result to reception of Stations WBZ and WILD. Natick's own application proposes the same frequency as Home Service's and both WBZ and WILD operate on frequencies 30 kc. removed from the proposed frequency. Natick has never acknowledged before the Commission that its own proposal would cause interference to WBZ and WILD; thus, the legitimacy of the argument it advanced before the State and local authorities is seriously open to question. Nor has Natick shown how an AM station operating on 1060 kc. would cause interference to television reception. Again, Natick's failure to recognize the possibility that its own proposal would interfere with TV service in the area casts serious doubt upon its motives in advancing this claim before State and local authorities. Finally, while an open transmitter site might constitute an attractive nuisance, this problem alone does not, in our view, establish the bona fides of Natick's position before the State and local authorities. Thus, especially in view of the context in which Natick's arguments were advanced, there is a substantial question as to whether Natick acted in good faith. Natick was not merely an interested resident of the community but was, rather, attempting to become a competing applicant for the same facility; and without adequate explanation, it ultimately chose a site adjacent to the one which, it claimed, was dangerous and unsuitable. Natick urges that its choice of site was beyond its control; but the claim is unconvincing. A move of transmitter site is, by no means, the only method of avoiding Suburban Community problems. Further, Natick did find a second site which was not adjacent to the Home Service's site, and assuming the necessity for a third move, it has not satisfactorily shown that the only remaining suitable site was the one it finally chose. Therefore, there is a question as to whether Natick's site choice is inconsistent with the position it earlier took before the State and local authorities and, in the circumstances, the requested issues are warranted.

SECTION 1.65 ISSUE

9. Home Service points out that Natick's application was retendered to the Commission on December 13, 1967,[8] and has been pending at all times since; in support of the requested 1.65 issue, petitioner asserts, there have been allegedly three specific instances in which Natick has failed to keep its application complete, accurate and current. According to

[6] Such an order was denied but the court case is still pending, Natick Broadcast Associates, Inc. v. Board of Appeals of the Town of Natick, Equity No. 28534.

[7] Perry alleges that the apartment complex has since been approved by the Natick Town Meeting and is now under construction.

[8] As indicated, Natick's original application was rejected by the Commission, and it was retendered after remand by the Court, 385 F. 2d 985, 11 RR 2d 2065 (1967).

Home Service, on April 11, 1968, Radio Clinton, Inc. (Clinton), filed an application for a new standard broadcast station in Clinton, Mass. The application disclosed that Mr. Perry had been granted an oral option to acquire 25 percent of the applicant's stock.[9] Home Service alleges that the city of Clinton is situated only 22 miles from the city of Natick, and therefore that the 1 mv/m contours of the two stations would overlap. In spite of this fact, petitioner asserts, Natick's application was not amended to reflect the possible § 73.35 violation until March 10, 1969, 11 months after the application was filed. The second alleged violation, Home Service insists, occurred when, on June 10, 1968, Webster filed its application for a new standard broadcast station in Webster, Mass.: The application indicated that Mr. Perry is the treasurer, a director, and a 25 percent stockholder; but, Home Service alleges, the Natick application was not amended to reflect these facts until March 10, 1969, 9 months later. The third alleged violation of § 1.65, according to the petitioner occurred when, on July 19, 1968, Salem Broadcasting Co., Inc. (Salem), filed an application with the Commission for a new standard broadcast station in Salem, N.H.; this application disclosed that Mr. Perry is a vice president, director, and 36.55 percent stockholder, but again no amendment to the Natick application was filed until March 10, 1969, almost 8 months later. Home Service asserts that section II, paragraph 14 of the Commission application form unequivocally requires disclosure of interests in other broadcast applications, citing Faulkner Radio, Inc., 15 FCC 2d 780, 15 RR 2d 285 (1968); North American Broadcasting Co., Inc., 15 FCC 2d 984, 15 RR 2d 367 (1969); thus, petitioner contends, the requested § 1.65 issue is warranted. The Bureau supports the request, noting that the purpose of § 1.65 is to facilitate the processing of applications, and asserting that Natick's tardy amendment encumbers the process and violates the rule; thus, it concludes, an issue encompassing both basic and comparative considerations is warranted.

10. Natick, in opposition, claims that neither the public interest nor any party to this proceeding was injured by the fact that Natick filed the information concerning the Clinton, Webster, and Salem proposals, in March 1969, rather than sooner. In this regard, Natick argues that Home Service ignored the fact that information regarding the filing of the Clinton, Webster, and Salem applications was furnished to the Commission a full 5 months before Natick's application was "accepted for filing," and before the applications were designated for a consolidated hearing. Natick contends that the cases cited by Home Service are distinguishable: In Faulkner Radio, Inc., supra, the Commission was never notified under section 1.65, of the pertinent facts; and in North American Broadcasting Co., Inc., supra, respondent maintains, the applicant did not proffer the information in question to the Commission until after the case had been designated for hearing. Furthermore, Natick suggests that under the "different—and unique"—circumstances of the present case it may be appropriate for the Board to apply § 1.65 "literally", in which event Natick's obligations under § 1.65 would run from August 19, 1969, the date of the designation order;[10] in any event, Natick concludes, all of the facts were before the Commission at the time of designation and thus the issue is not warranted. Home Service, in reply, argues that the happenstance that the Commission did not act on the application until after the § 1.65 information had been filed, does not eliminate the need for the issue; the submission, Home Service insists, was untimely.

11. The critical question presented here is at what stage the disclosure requirements of § 1.65 attach to an application such as Natick's. The rule states that it is applicable to "pending" applications and that an application is pending when it is "accepted for filing." Although, according to the designation order, Natick's applications was accepted for filing by the Commission nunc pro tunc May 10, 1965 (the date of its original tender), the Board realizes that it would be meaningless to apply § 1.65 to events occurring after the Natick application was originally dismissed and before it was retendered: since the Natick applications was returned to it, there was nothing on file with the Commission to keep current; thus, in our view, § 1.65 cannot be applied nunc pro tunc the original filing date.[11] By the same token, we cannot accept Natick's argument that § 1.65 should be applied effective as of the date of the instant designation order. On December 13, 1967, the Commission received Natick's retendered application; and thereafter, the Commission in an undated memorandum released a few days after the retendered application was received, notified both applicants that Natick's application had been "accepted for filing" and a file number had been assigned. Thus, within a few days after its retender, Natick was aware that its application had been "accepted for filing" and, by the terms of the rule itself, Natick's duty to comply with § 1.65 then attached. Further, the fact that Natick filed its amendment prior to designation does not, in our view, obviate the need for the issue: the tardy amendment complies neither with the literal terms of the rule—which allows 30 days for corrective amendments—nor with the rule's purpose, which is to facilitate the Commission's expeditious and accurate handling of its business. Finally, it appears that Natick was mindful of its obligation to keep its application current. In the transmittal letter accompanying the retendered application, Natick's counsel stated that it would be necessary to "update" the proposal. Thereafter, Natick submitted no less than five amendments to the instant application concerning such diverse areas as engineering data, legal, financial, and programing qualifications, and an amendment to reflect a change in address of one of its stockholders. In these circumstances Natick's failure to promptly amend its application to reflect ownership interests of a principal in other broadcast applications pending before the Commission is inexplicable—FCC Form 301 clearly requires a disclosure of such interests; and, as indicated, Natick displayed an awareness of the need to keep the application current. For these reasons, the requested issue will be added on both a basic and comparative basis.

SECTION 73.35(b) ISSUE

12. Home Service seeks a § 73.35(b) issue due to the alleged numerous interests of Edward F. Perry, Jr., in standard broadcast applications in the eastern Massachusetts area. Petitioner points out that Perry has interests in applications for stations in the communities of Natick, Clinton, Webster, Mass., and Salem, N.H.; and that these towns are located in or contiguous to the eastern half of the State of Massachusetts,[12] and center on Boston: Salem is about 30 miles north of Boston, Clinton about 33 miles northwest, Webster about 46 miles southwest, and Natick about 15 miles west of Boston. Home Service further points out that the predicted 0.5 mv/m contour of the proposed Natick station would overlap the 0.5 mv/m contours of both the Webster and the Clinton proposals. Thus, Home Service argues, the interrelationship of ownership and coverage of these proposals raises a substantial question of concentration of control. In further support of the requested issue, Home Service points out that Perry will be the full-time manager of the Natick station and that in the Salem application it is represented that he, or one of the other principals, will be present each day to make programing and other operational decisions. Finally, because the Natick, Clinton, Webster, and Salem proposals all seek to establish first local transmission facilities, Home Service argues that Perry's concentration of control of media in the area will be highly intensified, citing James B. Childress, FCC 65-210, 4 RR 2d

[9] According to Home Service, the option was contingent upon Perry not "* * * having any interest in a standard broadcast station, the 1 mv/m contour which overlaps the similar contour of the new Clinton, Massachusetts standard broadcast station."

[10] Natick apparently seeks to distinguish North American Broadcasting Co., Inc., supra, in which § 1.65 was applied retroactively to the date of original tender, on the grounds that the amendment was filed after designation whereas in the instant case, the amendment preceded designation.

[11] In reaching this conclusion, we obviously draw a distinction between nondisclosure and § 1.65 issues: If the retendered application were incomplete because of failure to reflect events occurring between the original rejection and retender, it would be subject to a nondisclosure issue, even though, as indicated above, no § 1.65 problem would be raised. There is, however, no nondisclosure problem in the instant case, since all of the events in question occurred subsequent to Natick's retender of its application.

[12] Salem is on the Massachusetts-New Hampshire border.

764. These factors, petitioner concludes, warrant the requested enlargement.

13. In opposition, Natick asserts that Perry no longer holds any positions or interests in the Webster, Salem, and Clinton applicants: in an affidavit by Perry filed with Natick's opposition, Perry states that he has resigned his positions as officer and director and has relinquished his stock option in Clinton; withdrawn his stock subscription in Webster; and is in the process of assigning his stock in Salem. In each instance, Perry indicates, he has reserved a right to "reacquire [his] stock or exercise options to purchase stock" but only after favorable and final resolution of the issue raised in the instant proceeding pertaining to his character or upon prior Commission approval. Perry also states that the overlap of 0.5 mv/m contours is meaningless in the case of Clinton and Salem because those proposals will receive considerable interference within their 0.5 mv/m contours. On the basis of Perry's affidavit, Natick insists that the requested concentration of control issue is not warranted. The Bureau also opposes addition of the issue, arguing that enlargement at this time is "premature": Perry's interests are confined solely to pending applications, the Bureau notes, and there is no showing that all or any of the applications will come to fruition. Thus, the Bureau urges, the contingent possibility of a future violation of § 73.35 is too insubstantial to justify enlargement of the issues. In reply, Home Service contends that because Perry's withdrawal from the other applications is conditioned, according to Perry's affidavit, upon the outcome of this proceeding, the concentration of control issue should be considered herein, the first of these pending applications to be designated for hearing. Otherwise, Home Service insists, the record may not be complete and might lead to a later reopening of the record and thus negate the Commission's determination to expedite this proceeding.

14. We agree with the Bureau that addition of a concentration of control issue would be premature. There is no assurance that any of the Clinton, Salem, or Webster applications will be granted; further, Perry indicates that he has conditionally withdrawn from those proposals[12] and there is thus no assurance that, if those proposals are granted, Perry will have interests therein. We will not enlarge issues on the basis of these compound uncertainties.[14] Nor does the fact that this is the first of the proposals to be designated for hearing or that this proceeding is to be expedited, in any way, justify imposition of an issue on facts as contingent and uncertain as those advanced here. On the contrary, it is Commission policy in situations involving questions of multiple ownership to act on the application before it and to deal with the questions raised by other applications with the same principals when the latter applications are acted on. Hayward F. Spinks, FCC 63R-229, 25 RR 441.

15. *Accordingly, it is ordered,* That the motion for leave to file an additional pleading, and the motion to file a supplement to opposition, filed, respectively, October 31, 1969, and November 12, 1969, by Natick Broadcast Associates, Inc. are granted, and such pleadings are accepted to the extent herein indicated; and that the motion to enlarge issues, filed September 8, 1969, by Home Service Broadcasting Corp., is granted to the extent indicated below, and is denied in all other respects; and

16. *It is further ordered,* That the issues in this proceeding are enlarged by the addition of the following:

To determine whether Natick Broadcast Associates, Inc., has complied with the provisions of § 1.65 of the Commission's rules by keeping the Commission advised of substantial changes on matters specifically referred to in this memorandum opinion and order, and, if not, to determine the effect of such noncompliance on the basic and/or comparative qualifications of Natick Broadcast Associates, Inc., to be a Commission licensee;

To determine (a) the facts and circumstances surrounding the institution of State and local legal proceedings by Natick Broadcast Associates, Inc., concerning Home Service Broadcasting Corp.'s site, whether such actions constitute and attempt to obstruct and/or delay construction of Home Service Broadcasting Corp.'s station and, if so, whether such facts and circumstances adversely affect Natick Broadcast Associates, Inc., basic or comparative qualifications to be a Commission licensee; and

(b) Whether Natick Broadcast Associates, Inc., has misrepresented the suitability of its presently proposed site and the adjacent site of Home Service to the Commission or any other official governmental court, agency, or body, and if so, whether such conduct reflects adversely on Natick Broadcast Associates, Inc.'s basic or comparative qualifications to be a Commission licensee.

17. *It is further ordered,* That the burden of proceeding with the introduction of evidence shall be upon Home Service Broadcasting Corp., and the burden of proof under the issue added herein shall be on Natick Broadcast Associates, Inc.

Adoped: February 12, 1970.

Released: February 16, 1970.

FEDERAL COMMUNICATIONS COMMISSION,[15]

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 70-2091; Filed, Feb. 18, 1970; 8:48 a.m.]

[12] We assume that, pursuant to § 1.65, appropriate amendments will be timely filed to reflect these changes.

[14] Further, Home Service has made no showing of the size and nature of the relevant markets involved here, as is required by § 73.35(b).

[15] Dissenting statement of Board Member Pincock filed as part of the original document. Board Member Nelson not participating.

FEDERAL HOME LOAN BANK BOARD

[H.C. 58]

LINCOLN CONSOLIDATED, INC.

Notice of Receipt of Application for Approval of Acquisition of Control of Gulf Coast Savings and Loan Association

FEBRUARY 16, 1970.

Notice is hereby given that the Federal Savings and Loan Insurance Corporation has received an application from the Lincoln Consolidated, Inc., Houston, Tex., a unitary savings and loan holding company, for approval of acquisition of control of the Gulf Coast Savings and Loan Association, Richmond, Tex., an insured institution, under the provisions of section 408(e) of the National Housing Act, as amended (12 U.S.C. 1730(a)), and § 584.4 of the regulations for Savings and Loan Holding Companies, said acquisition to be effected by the acquisition of the assets of Gulf Coast Savings and Loan Association by Benjamin Franklin Savings and Loan Association, an insured subsidiary of Lincoln Consolidated, Inc., in exchange for stock of Lincoln Consolidated, Inc., and the assumption of the liabilities of Gulf Coast Savings and Loan Association by Benjamin Franklin Savings and Loan Association. Comments on the proposed acquisition should be submitted to the Director, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20552, within 30 days of the date this notice appears in the FEDERAL REGISTER.

[SEAL] JACK CARTER,
Secretary,
Federal Home Loan Bank Board.

[F.R. Doc. 70-2121; Filed, Feb. 18, 1970; 8:50 a.m.]

FEDERAL MARITIME COMMISSION

[Docket No. 70-1]

[First Supplemental Order; Special Permission No. 5159]

SEA-LAND SERVICE, INC.

U.S. Pacific Coast/Puerto Rico Trade Increase in Rates

By the original order in this proceeding served January 2, 1970, the Commission placed under investigation certain increased rates of the subject carrier, and suspended to and including April 5, 1970, an increased rate on Refrigerated Cargo, NOS, among others. The Commission's order prohibits changes in tariff matter held in effect by reason of suspension, during the period of suspension, unless otherwise ordered by the Commission.

By Special Permission Application No. 276, filed by Sea-Land Service, Inc., authority is sought under the provisions of section 2 of the Intercoastal Shipping Act, 1933, to depart from the terms of Rule 20(c) of Tariff Circular No. 3 and

the terms of the original order in this proceeding to the extent necessary to permit the filing, upon statutory notice, of a reduced rate on Cargo, Refrigerated, Viz: Pigs Feet, dry salted, thereby changing tariff matter continued in effect by reason of suspension in this proceeding.

A full investigation of the matters involved in the application having been made, which application is hereby referred to and made a part hereof:

It is ordered, That:

1. Authority is granted to Sea-Land Service, Inc., to depart from Rule 20(c) of Tariff Circular No. 3 and the terms of the order in Docket No. 70–1 to make the requested changes in rates and provisions held in effect by reason of suspension in said docket, said changes to become effective on statutory notice as requested by Special Permission Application No. 276.

2. The authority granted hereby does not prejudice the right of the Commission to suspend any publication submitted pursuant thereto, either upon receipt of protest or upon the Commission's own motion under section 3 of the Intercoastal Shipping Act, 1933.

3. Publications issued and filed hereunder shall bear the notation: "Issued under authority of First Supplemental Order in Docket No. 70–1 and Federal Maritime Commission Special Permission No. 5159."

4. This special permission does not modify any outstanding formal orders of the Commission, nor waive any of the requirements of its rules relative to the construction and filing of tariff publications, except insofar as it permits the statutory filing of requested changes.

By the Commission.

[SEAL] FRANCIS C. HURNEY, *Secretary.*

[F.R. Doc. 70–2053; Filed, Feb. 18, 1970; 8:45 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP70–69]

NORTHERN NATURAL GAS CO. ET AL.

Order Granting Motion To Consolidate Proceedings, Granting Interventions, and Ordering Filing of Evidence

FEBRUARY 11, 1970.

Northern Natural Gas Co., CP70–69, CP70–70, CP70–71; High Crest Oils, Inc., Operator et al., CI70–355; Montana-Dakota Utilities Co., CP70–173.

Montana-Dakota Utilities Co. (Montana-Dakota) filed an application on January 12, 1970, in Docket No. CP70–173 pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities to effect a long-term exchange of natural gas with Northern Natural Gas Co. (Northern).

Specifically, Montana-Dakota proposes to construct approximately 11 miles of 12¾-inch pipe running north from its existing Tioga-Minot line to Northern's compressor station No. 10 for which authorization is sought in Northern's applications in Docket No. CP70–69 et al., filed September 23, 1969. Montana-Dakota also proposes to construct a gas metering station near Minot, N. Dak., through which Montana-Dakota and Northern will exchange gas, and an automated compressor station near Minot consisting of two 1,120 horsepower gas engine compressor sets and appurtenant facilities. The total cost is estimated to be $949,000 which will be financed by internally generated funds and/or short-term loans.[1]

Notice of the application was issued January 15, 1970 (35 F.R. 1027), setting February 9, 1970, as the date by which protests or petitions to intervene are to be filed.

Trans-Canada Pipe Lines, Ltd. (Trans-Canada), filed, on January 22, 1970, a petition to intervene in Docket No. CP70–173 and a motion to consolidate Docket No. CP70–173 with the consolidated proceedings in Docket No. CP70–69 et al.[2] Trans-Canada states that Montana-Dakota's application is interdependent with the proceedings in Docket No. CP70–69 et al. because the 11 miles of pipe proposed to be constructed by Montana-Dakota will intersect with Northern's proposed facilities in Docket No. CP70–69 et al. and that Montana-Dakota's proposal is therefore wholly dependent upon Northern's receiving authorization to construct the facilities proposed in Docket No. CP70–69 et al. We also note that Northern's receipt of gas from Montana-Dakota and its subsequent redelivery of those volumes to Montana-Dakota will have an effect, however significant, upon the economic feasibility of Northern's proposed pipeline.

Northern, by letter filed with the Secretary and all parties to these proceedings on January 27, 1970, stated, in part, that it has no objection to the consolidation of Montana-Dakota's application with the consolidated proceedings in Docket No. CP70–69 et al.

Therefore, because the application of Montana-Dakota in Docket No. CP70–173 and the consolidated proceedings in Docket No. CP70–69 et al. are interdependent they should be consolidated and heard together.

Trans-Canada's petition to intervene in Docket No. CP70–173 should be granted because these interdependent proceedings are being consolidated and because Trans-Canada stated in its intervention in Docket No. CP70–69 et al. that it will present an alternative to Northern's project. Trans-Canada therefore has a direct interest in the Montana-Dakota proceeding which is not adequately represented by existing parties to this proceeding.

Those parties which were permitted to intervene by prior orders in these proceedings issued on December 23, 1969, and January 13, 1970, in Docket No. CP70–69 et al. shall be entitled to participate fully in matters relating to Montana-Dakota's filing without the necessity of filing additional petitions to intervene. Any petitions in intervene filed by present interveners in Docket No. CP70–69 et al. shall be deemed granted without further order of this Commission.

Montana-Dakota also filed a late petition to intervene in Docket No. CP70–69 et al. on January 12, 1970. Montana-Dakota states that it supports Northern's applications, that its interest in these proceedings is coupled with its proposed exchange of gas with Northern and that it could not go forward with the exchange proposal in Docket No. CP70–173 until its application to construct certain facilities in Docket No. CP70–4 was granted. Such authorization was granted January 12, 1970. Extraordinary circumstances for good cause shown exists therefore for granting Montana-Dakota's late petition to intervene in Docket No. CP70–69 et al.

The Commission finds: (1) The proceedings in Dockets Nos. CP70–173 and CP70–69 et al. are interdependent and should therefore be consolidated.

(2) It is desirable in the public interest to allow the above-named petitioners to intervene in these consolidated proceedings in order that they may establish the facts and the law from which the nature and validity of their alleged rights and interests may be determined and show what further action may be appropriate under the circumstances in the administration of the Natural Gas Act.

(3) The expeditious disposition of these consolidated proceedings will be furthered by the submission of prepared testimony and exhibits comprising the case-in-chief of Montana-Dakota Utilities Co. on or before February 20, 1970.

The Commission orders:

(A) The applications of Montana-Dakota Utilities Co. in Docket No. CP70–173 and the consolidated applications in Docket No. CP70–69 et al. are hereby consolidated.

(B) The above-named petitioners are hereby permitted to intervene in these proceedings subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such interveners shall be limited to matters affecting asserted rights and interests as specifically set forth in said petitions for leave to intervene; and *Provided, further,* That the admission of such interveners shall not be construed as recognition by the Commission that they might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(C) Montana-Dakota Utilities Co. shall file testimony and exhibits comprising its

[1] Montana-Dakota filed an amendment on Feb. 2, 1970, increasing the proposed horsepower to 2,240 from 1,600 without increasing the total cost of the facilities and reflecting minor changes in Exhibit G.

[2] Docket No. CP70–69 et al. were consolidated by Commission order issued Dec. 23, 1969.

case-in-chief on or before February 20, 1970. The Examiner shall determine at the prehearing conference, scheduled for March 3, 1970, when answering evidence to Montana-Dakota's direct case shall be submitted.

(D) Pursuant to § 2.62(c) of the Commission's rules of practice and procedure, the Montana-Dakota Utilities Co. and Northern Natural Gas Co. shall serve copies of their filings upon all interveners in these consolidated proceedings promptly, unless such service has already been effected pursuant to Part 157 of the regulations of the Natural Gas Act.

(E) Parties which were permitted to intervene in these consolidated proceedings by the Commission's orders of December 23, 1969, and January 13, 1970, shall be entitled to participate fully in matters relating to the application of Montana-Dakota Utilities Co. without the necessity of filing additional petitions to intervene and any subsequent petitions filed in Docket No. CP70–173 by parties who were granted intervention in either of those orders shall be deemed granted without further order of this Commission.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[F.R. Doc. 70–2059; Filed, Feb. 18, 1970; 8:45 a.m.]

[Project No. 2598]

AUGUSTA, GA., AND GEORGIA POWER CO.

Notice of Application for Reconsideration and Amendment of License for Existing and Proposed Project

FEBRUARY 11, 1970.

Public notice is hereby given that application for reconsideration and amendment of license has been filed under the Federal Power Act (16 U.S.C. 791a–825r) by the city of Augusta and Georgia Power Co. (Correspondence to: I. S. Mitchell, III, Vice-President and Secretary, Georgia Power Co., Post Office Box 4545, Atlanta, Ga. 30302) for Project No. 2598, comprising certain existing facilities and certain hydroelectric facilities located and to be located on and adjacent to the Savannah River in and near the city of Augusta in Richmond and Columbia Counties, Ga., and Edgefield County, S.C.

The application seeks amendment of Article 32 of the license, which requires the filing of a revised Exhibit R (Recreational Use Plan) within 1 year of the effective date of the license, following consultation with the Bureau of Outdoor Recreation and State and local conservation, recreation, and water quality agencies to formulate plans for full recreational use of project lands and waters. The application also seeks amendment of the license to include an article specifying an amount as a ceiling on annual payment for headwater benefits or prescribing the manner in which the payment for headwater benefits will be limited.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 16, 1970, file with the Federal Power Commission, 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.

GORDON M. GRANT, *Secretary.*

[F.R. Doc. 70–2060; Filed, Feb. 18, 1970; 8:45 a.m.]

[Project No. 2613]

CENTRAL MAINE POWER CO. ET AL.

Notice of Application for Reconsideration and Amendment of License for Constructed Project

FEBRUARY 11, 1970.

Public notice is hereby given that application for reconsideration and amendment of license has been filed under the Federal Power Act (16 U.S.C. 791a–825r) by Central Maine Power Co., Scott Paper Co., Kennebec River Pulp & Paper Co., Inc., Milstar Manufacturing Corp. and Bates Manufacturing Co. (Correspondence to: W. H. Kimball, Vice-President, Central Maine Power Co., 9 Green Street, Augusta, Maine 04330) for constructed Project No. 2613, known as the Moxie Storage Project, located on Moxie Stream, a tributary of the Kennebec River, near the town of Stratton, in Somerset County, Maine.

The application seeks to have the Commission modify its June 11, 1969 order issuing license by withdrawing the order in its entirety and issuing a minor license to include the terms and conditions set forth in Form L–9 (32 FPC 577) rather than those set forth in Form L–3 (40 FPC 1136) and to include in such minor license a provision waiving, pursuant to section 10(i) of the Federal Power Act, the terms and conditions commonly waived in minor licenses which are the provisions of the following sections of Part I of the Act: section 4(b), except the second sentence thereof; 4(e), insofar as it relates to approval of plans by the Chief of Engineers and the Secretary of the Army and to public notice; 6, insofar as it relates to public notice and to the acceptance and expression in the license of terms and conditions of the act which are otherwise waived; 10(c), insofar as the power of condemnation is reserved; 15; 19; 20; 22; and 23(a), insofar as it relates to determination of fair value. The application also requests deletion of the requirement, contained in Article 32 of the license, that an Exhibit R (Recreational Use Plan) be filed. The application states that the relatively small reservoir and lands are heavily used by fishermen and hunters and that any substantial increase over and above the present level of use would result in deterioration of the resources. The application further states that there is no demand for increased recreational development at the project.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 16, 1970, file with the Federal Power Commission, 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.

GORDON M. GRANT, *Secretary.*

[F.R. Doc. 70–2061; Filed, Feb. 18, 1970; 8:45 a.m.]

[Docket No. CP69–257]

EAST TENNESSEE NATURAL GAS CO.

Notice of Petition To Amend

FEBRUARY 11, 1970.

Take notice that on February 4, 1970, East Tennessee Natural Gas Co. (Applicant), Post Office Box 10245, Knoxville, Tenn. 37919, filed in Docket No. CP69–257 its third petition to amend the order of the Commission issued on August 13, 1969, to authorize the additional short-term service of 500 Mcf of natural gas per day to an existing customer, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Applicant states that it has been requested by Roanoke Gas Co. to furnish additional emergency deliveries of 500 Mcf per day and to continue such service on a short-term basis until October 31, 1970. Applicant further states that it has the capacity to render such service on a short-term basis and has entered into an agreement therefor with Roanoke Gas Co.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 6, 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 petitions to intervene in accordance with the Commission's rules.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-2062; Filed, Feb. 18, 1970; 8:45 a.m.]

[Docket No. IT-5460]

MONTANA-DAKOTA UTILITIES CO.

Notice of Application

FEBRUARY 11, 1970.

Take notice that on January 26, 1970, Montana-Dakota Utilities Co. (Applicant), incorporated under the laws of the State of Delaware and qualified to do business as a foreign corporation in the States of Minnesota, Montana, North Dakota, South Dakota, and Wyoming, with its principal place of business at Bismarck, N. Dak., filed an application in the above docket for a supplemental order, pursuant to section 202(e) of the Federal Power Act, authorizing an increase in the amounts and rates of transmission of electric energy which applicant may transmit from the United States to Canada.

By Commission order issued April 8, 1964, in the above docket (31 FPC 903), applicant was authorized to transmit electric energy from the United States to Canada in amounts not to exceed 800,000 kilowatt-hours per annum at a maximum transmission rate of 250 kilowatts at North Portal, Saskatchewan, 81,000 kilowatt-hours per annum at a maximum transmission rate of 30 kilowatts at Northgate, Saskatchewan, 43,000 kilowatt-hours per annum at a maximum transmission rate of 20 kilowatts at Elmore, Saskatchewan, and 42,000 kilowatt-hours per annum at a maximum transmission rate of 15 kilowatts at Marienthal, Saskatchewan. Applicant now seeks authorization to transmit up to 1,600,000 kilowatt-hours per annum at a maximum rate of 500 kilowatts at North Portal, up to 160,000 kilowatt-hours per annum at a maximum rate of 60 kilowatts at Northgate, up to 50,000 kilowatt-hours per annum at a maximum rate of 30 kilowatts at Carievale (formerly Elmore), and up to 50,000 kilowatt-hours per annum at a maximum rate of 30 kilowatts at Marienthal.

The amounts of electric energy which applicant proposes to export, like those amounts presently exported pursuant to the above-mentioned authorization, are to be transmitted to the Province of Saskatchewan from the State of North Dakota over certain facilities of applicant covered by its Presidential Permit signed by the President of the United States on May 18, 1942, in the above docket.

Applicant represents that the increased amounts of electric energy proposed to be exported will be utilized by applicant to meet the expanding retail electric service requirements of its customers in the four Saskatchewan communities named above.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 2, 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.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-2063; Filed, Feb. 18, 1970; 8:45 a.m.]

[Dockets Nos. G-12273 etc.]

PAN AMERICAN PETROLEUM CORP. ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates; Correction

FEBRUARY 10, 1970.

In the Notice of Applications for Certificates, Abandonment of Service and Petitions to Amend Certificates, issued January 29, 1970 and published in the FEDERAL REGISTER February 10, 1970 F.R. 35(2799), Docket No. CI70-630, Burk Gas Corp.: Change price to read "17 cents per Mcf" in lieu of "13.5 cents per Mcf".

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-2064; Filed, Feb. 18, 1970; 8:45 a.m.]

FEDERAL RESERVE SYSTEM

FIRST FLORIDA BANCORPORATION

Order Approving Application Under Bank Holding Company Act

In the matter of the application of First Florida Bancorporation, Haines City, Fla., for approval of acquisition of 51 percent or more of the voting shares of The Orlando Bank and Trust Co., Orlando, Fla.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)), and § 222.3(a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), the application of First Florida Bancorporation, Haines City, Fla., for the Board's prior approval of the acquisition of 51 percent or more of the voting shares of The Orlando Bank and Trust Company, Orlando, Fla.

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Florida Commissioner of Banking, and requested his views and recommendation. The Commissioner recommended approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on October 16, 1969 (34 F.R. 16565), providing an opportunity for interested persons to submit comments and views with respect to the proposal. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered by the Board.

It is hereby ordered, For the reasons set forth in the Board's Statement[1] of this date, that said application be and hereby is approved, provided that the action so approved shall not be consumated (a) before the thirtieth calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such time shall be extended by the Board, or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

Dated at Washington, D.C., this 12th day of February 1970.

By order of the Board of Governors.[2]

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[F.R. Doc. 70-2044; Filed, Feb. 18, 1970; 8:45 a.m.]

BRENTON BANKS, 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 Brenton Banks, Inc., which is a bank holding company located in Des Moines, Iowa, for prior approval by the Board of Governors of the acquisition by Applicant of 100 percent (less directors' qualifying shares) of the voting shares of Northwest Brenton Bank and Trust Co., Urbandale, Iowa, a proposed new bank.

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

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[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Atlanta.

[2] Voting for this action: Vice Chairman Robertson and Governors Mitchell, Daane, Maisel, and Brimmer.

Absent and not voting: Chairman Martin and Governor Sherrill. Chairman Burns was not a member of the Board on the date of the Board's decision.

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 Chicago.

Dated at Washington, D.C., this 11th day of February 1970.

By order of the Board of Governors.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[F.R. Doc. 70-2065; Filed, Feb. 18, 1970; 8:45 a.m.]

FEDERAL OPEN MARKET COMMITTEE

Continuing Authority Directive With Respect to Domestic Open Market Operations

In accordance with § 271.5 of its Rules Regarding Availability of Information, there is set forth below paragraph 1(a) of the Committee's Continuing Authority Directive with respect to Domestic Open Market Operations, as it was in effect from November 14, 1969, until November 25, 1969. The amendment was adopted on November 14 by vote of all available members (a majority) and ratified by action of the Committee at its meeting on November 25 at which time paragraph 1(a) was further amended to read as it did before the November 14 amendment.

To buy or sell U.S. Government securities in the open market, from or to Government securities dealers and foreign and international accounts maintained at the Federal Reserve Bank of New York, on a cash, regular, or deferred delivery basis, for the System Open Market Account at market prices and, for such Account, to exchange maturing U.S. Government securities with the Treasury or allow them to mature without replacement: *Provided*, That the aggregate amount of such securities held in such Account at the close of business on the day of a meeting of the Committee at which action is taken with respect to a current economic policy directive shall not be increased or decreased by more than $3 billion during the period commencing with the opening of business on the day following such meeting and ending with the close of business on the day of the next such meeting.

NOTE: For the directive as in effect following action by the Committee on November 25, 1969, see 32 F.R. 9584 and 35 F.R. 447.

By order of the Federal Open Market Committee, February 12, 1970.

ARTHUR L. BROIDA,
Deputy Secretary.

[F.R. Doc. 70-2066; Filed, Feb. 18, 1970; 8:45 a.m.]

FEDERAL OPEN MARKET COMMITTEE

Current Economic Policy Directives

In accordance with § 271.5 of its Rules Regarding Availability of Information, there is set forth below the Committee's Current Economic Policy Directives issued at its meetings held on November 25, 1969, and on December 16, 1969.[1]

November 25, 1969. The information reviewed at this meeting indicates that real economic activity has expanded only moderately in recent quarters and that a further slowing of growth appears to be in process. Prices and costs, however, are continuing to rise at a rapid pace. Most market interest rates have again been advancing in recent weeks, in many cases reaching new highs as a result of demand pressures, including heavy Treasury and foreign official bill sales, and a reversal of earlier market expectations partly stemming from growing concern about the outlook for fiscal policy. In October bank credit declined on average and the money supply changed little, but both appear to be increasing relatively rapidly in November. Recently the net contraction of outstanding large-denomination CD's has slowed markedly, apparently, reflecting mainly an increase in foreign official time deposits. However, flows of consumer-type time and savings funds at banks and nonbank thrift institutions have remained weak. In the third quarter a small surplus in U.S. foreign trade reemerged, but there was another very large deficit in the overall balance of payments on the liquidity basis and the official settlements balance, which had been in surplus earlier, was also in deficit. More recently, return flows out of the German mark have apparently contributed to some short-run improvement in the U.S. payments position. In light of the foregoing developments, it is the policy of the Federal Open Market Committee to foster financial conditions conducive to the reduction of inflationary pressures, with a view to encouraging sustainable economic growth and attaining reasonable equilibrium in the country's balance of payments.

To implement this policy, System open market operations until the next meeting of the Committee shall be conducted with a view to maintaining the prevailing firm conditions in money and short-term credit markets; provided, however, that operations shall be modified if bank credit appears to be deviating significantly from current projections or if pressures arise in connection with possible bank regulatory changes.

December 16, 1969. The information reviewed at this meeting indicates that real economic activity has expanded only moderately in recent quarters and that a further slowing of growth appears to be in process. Prices and costs, however, are continuing to rise at a rapid pace. Most market interest rates have advanced further in recent weeks partly as a result of expectational factors, including concern about the outlook for fiscal policy. Bank credit rose rapidly in November after declining on average in October, while the money supply increased moderately over the 2-month period; in the third quarter, bank credit had declined on balance and the money supply was about unchanged. The net contraction of outstanding large-denomination CD's has slowed markedly since late summer, apparently reflecting mainly an increase in foreign official time deposits. However, flows of consumer-type time and savings funds at banks and nonbank thrift institutions have remained weak, and there is considerable market concern about the potential size of net outflows expected around the year end. In November the balance of payments deficit on the liquidity basis diminished further and the official settlements balance reverted to surplus, mainly as a result of return flows out of the German mark and renewed borrowing by U.S. banks from their foreign branches. In light of the foregoing developments, it is the policy of the Federal Open Market Committee to foster financial conditions conducive to the reduction of inflationary pressures, with a view to encouraging sustainable economic growth and attaining reasonable equilibrium in the country's balance of payments.

To implement this policy, System open market operations until the next meeting of the Committee shall be conducted with a view to maintaining the prevailing firm conditions in the money market: *Provided, however*, That operations shall be modified if bank credit appears to be deviating significantly from current projections or if unusual liquidity pressures should develop.

By order of the Federal Open Market Committee, February 12, 1970.

ARTHUR L. BROIDA,
Deputy Secretary.

[F.R. Doc. 70-2067; Filed, Feb. 18, 1970; 8:45 a.m.]

[1] The Record of Policy Actions of the Committee for the meetings of Nov. 25, 1969, and Dec. 16, 1969, are filed as part of the original document. Copies are available on request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

SECURITIES AND EXCHANGE COMMISSION

[70-4834]

WEST PENN POWER CO.

Notice of Proposed Issue and Sale of Notes to Banks and Commercial Paper Notes and Exception From Competitive Bidding

FEBRUARY 13, 1970.

Notice is hereby given that West Penn Power Co. ("West Penn"), 800 Cabin Hill Drive, Greensburg, Pa. 15601, an electric utility subsidiary company of Allegheny Power System, Inc., a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating section 6(b) thereof

and Rule 50(a)(5) promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transactions.

West Penn requests that from the effective date of the Commission's order herein to March 31, 1972, the exemption from the provisions of section 6(a) of the Act afforded by the first sentence of section 6(b) of the Act, relating to the issue of short-term notes, be increased to exceed 5 percent of the principal amount and value of the other securities of West Penn at the time outstanding so as to permit West Penn to issue the maximum aggregate principal amount of short-term notes permissible under its charter (without a vote of holders of its outstanding preferred stock). As of September 30, 1969, this amount was approximately $45,850,000, and such amount represents the maximum amount of notes presently to be authorized herein. Changes may be made in the maximum amount of notes to be outstanding and in the amounts to be borrowed from the various banks by the filing of a post-effective amendment and a further order of the Commission. Under the proposed exemption pursuant to section 6(b), West Penn proposes to issue and sell short-term notes to a group of banks and to issue and sell commercial paper from time to time prior to March 31, 1972, which together shall not exceed $45,850,000 in aggregate principal amount at any one time outstanding, including currently outstanding short-term notes, which consist of bank notes aggregating $16 million in principal amount which were issued pursuant to section 6(b) of the Act. None of the proposed notes will mature later than September 30, 1972.

The proposed notes to banks will be dated the date of the borrowing and will mature not more than 270 days after the date of issue. Each bank note will bear interest at the prime rate at the time of issuance and will be prepayable at any time without premium or penalty. The names of the banks from which such borrowings are proposed to be effected and the maximum amount of the proposed borrowings from each are as follows: First National City Bank, $40 million; Mellon National Bank & Trust Company, $15 million; Pittsburgh National Bank, $5 million; and The Chase Manhattan Bank, N.A., $2 million. No commitment or agreement for any of the proposed bank borrowings has been made.

The commercial paper notes will be in the form of promissory notes in denominations of not less than $50,000 nor more than $5 million and will be of varying maturities, with no maturity more than 270 days after the date of issue; none will be prepayable prior to maturity. The commercial paper notes will be sold directly to a dealer at a discount not in excess of the discount rate per annum prevailing at the time of issuance for commercial paper of comparable quality and of the particular maturity sold by issuers to dealers in commercial paper. No commercial paper notes will be issued having a maturity of more than 90 days at an effective interest cost which exceeds the effective interest cost at which West Penn could borrow from banks. The dealer will reoffer the commercial paper notes at a discount rate one-eighth of 1 percent per annum less than the discount rate to West Penn to not more than 100 of its customers identified and designated in a list (nonpublic) prepared in advance. It is expected that the commercial paper notes will be held by the dealer's customers to maturity, but if the customers wish to resell prior to maturity, the dealer, pursuant to a verbal repurchase agreement, will repurchase the notes and reoffer them to others on said list.

The proceeds from the issue and sale of the proposed notes will be used by West Penn to reimburse its treasury for past expenditures made in connection with its construction program, to pay part of the cost of future construction, and for other corporate purposes. Such construction expenditures, for 1970, 1971, and 1972, are estimated to total $178 million. Unless otherwise authorized by the Commission, any short-term debt of West Penn outstanding hereunder after March 31, 1972, will be retired from internal cash resources, permanent debt or equity financing, or cash capital contributions.

West Penn requests exception from the competitive bidding requirements of Rule 50 for the proposed issue and sale of its commercial paper pursuant to paragraph (a)(5) thereof, stating that it is not practicable to invite competitive bids for commercial paper and that current rates for commercial paper for prime borrowers such as West Penn are published daily in financial publications. West Penn also requests authority to file certificates under Rule 24 with respect to the issue and sale of commercial paper hereafter consummated pursuant to this proceeding on a quarterly basis.

It is represented that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions and that expenses in connection with the proposed transactions are estimated not to exceed $400.

Notice is further given that any interested person may, not later than March 6, 1970, request in writing that a hearing be held in respect of such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law 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 (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant 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 application, as filed or as it may be amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from its 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. 70-2049; Filed, Feb. 18, 1970; 8:45 a.m.]

[70-4833]

COLUMBIA GAS SYSTEM, INC., ET AL.

Notice of Proposed Exchange of Assets and Securities Among Holding Company and Nonutility Subsidiary Companies Pursuant to Reorganization Agreement

FEBRUARY 13, 1970.

In the matter of The Columbia Gas System, Inc., 120 East 41st Street, New York, N.Y. 10017; Columbia Gas Development Corp., 3805 West Alabama Avenue, Houston, Tex. 77001; The Preston Oil Co., 1600 Dublin Road, Columbus, Ohio 43212.

Notice is hereby given that The Columbia Gas System, Inc. ("Columbia"), a registered holding company, and two of its wholly owned nonutility subsidiary companies have filed a joint application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(b), 9, 10, and 12(f) and Rule 43 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the joint application-declaration, which is summarized below, for a complete statement of the proposed transactions.

On October 24, 1969, the Commission authorized transactions among Columbia and two of its wholly owned nonutility subsidiary companies, Preston Oil Co. ("Preston") and Columbia Petroleum Corp. ("Petroleum") (Holding Company Act Release No. 16503), providing, among other things, for the transfer to Petroleum of all of Preston's assets, properties, franchises, and business in the States of Kentucky, Ohio, Pennsylvania, and West Virginia ("Appalachian Activities"), and that Petroleum be renamed The Preston Oil Co. It is now proposed that Preston, whose remaining properties will consist of assets used in the exploration and development of oil and gas in the southwest area of the United States, on the same date as the transfer of its Appalachian Activities to Petroleum, be merged into a new wholly owned Delaware subsidiary of Columbia, Columbia Gas Development Corp., which is

to be the surviving corporation and which at September 30, 1969, would have had net book assets of $65,300,000.

It is stated that no State commission and no Federal commission other than this Commission, has jurisdiction over the proposed transactions. The fees, commissions and expenses in connection with the proposed transactions are estimated at $19,700, including counsel fees of $3,500 and service company fees of $6,500.

Notice is further given that any interested person may, not later than February 26, 1970, request in writing that a hearing be held with respect to the joint application-declaration, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said joint application-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 (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated addresses, 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 joint application-declaration, as filed or as it may be amended, may be granted and 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. 70-2050; Filed, Feb. 18, 1970; 8:45 a.m.]

[File No. 1-3421]

CONTINENTAL VENDING MACHINE CORP.

Order Suspending Trading

FEBRUARY 13, 1970.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, 10 cents par value of Continental Vending Machine Corp., and the 6 percent convertible subordinated debentures due September 1, 1976, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period February 16, 1970, through February 25, 1970, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 70-2051; Filed, Feb. 18, 1970; 8:45 a.m.]

SMALL BUSINESS ADMINISTRATION

EVANSVILLE SMALL BUSINESS INVESTMENT CORP.

Surrender of License

Notice is hereby given that Evansville Small Business Investment Corp. (Evansville), 416 Main Street, Evansville, Ind. 47708, has pursuant to § 107.105 of the Regulations governing smal business investment companies (33 F.R. 326, 13 CFR Part 107), surrendered its license to operate as a small business investment company.

Evansville was incorporated on November 6, 1959, under the laws of the State of Indiana, and issued license number 07-0011 by the Small Business Administration on February 4, 1960.

Evansville was licensed to operate solely under the Small Business Investment Act of 1958, as amended (15 U.S.C., 661 et seq.).

Under the authority vested by the Small Business Investment Act of 1958, as amended, and the regulations promulgated thereunder, the surrender of the license of Evansville is hereby accepted, and accordingly, it is no longer licensed to operate as a small business investment company.

Dated: February 10, 1970.

A. H. SINGER,
Associate Administrator for Investment.

[F.R. Doc. 70-2076; Filed, Feb 18, 1970; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 16]

MOTOR CARRIER, BROKER, WATER CARRIER, AND FREIGHT FORWARDER APPLICATIONS

FEBRUARY 13, 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 (1) 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 request 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 Commision 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 elimnate any restrictions which are not acceptable to the Commission.

No. MC 1824 (Sub-No. 49), filed January 15, 1970. Applicant: PRESTON TRUCKING COMPANY, INC., 151 Easton Boulevard, Preston, Md. 21655. Applicant's representative: Frank V. Klein (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

routes, transporting: *Frozen foodstuffs and frozen poultry*, from Hummels Wharf, Harrisburg, Steelton, and York, Pa., to points in Indiana, Michigan, and Ohio. NOTE: Applicant states that tacking would take place at Harrisburg, Hummels Wharf, and York, Pa., to serve points under its present authority in MC 1824 and subs thereunder, whereas it is authorized to operate in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, and Virginia. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 15511 (Sub-No. 27), filed January 19, 1970. Applicant: CARSTENSEN FREIGHT LINES, INC., Lincoln Highway, Clinton, Iowa 52732. 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 Commission, commodities requiring special equipment and those injurious or contamination 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 27817 (Sub. No. 83), filed January 7, 1970. Applicant: H. C. GABLER, INC., Rural Delivery 3, Chambersburg, Pa. 17201. 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: *Such merchandise as is dealt in by wholesale, retail, and chain grocery food business houses*, from points in York County, Pa., to points in New York, New Jersey, Connecticut, Massachusetts, Deleware, Maryland, Virginia, West Virginia, Rhode Island, and the District of Columbia. 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 Harrisburg, Pa., or Washington, D.C.

No. MC 29886 (Sub-No. 253), filed January 22, 1970. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample Street, South Bend, Ind. 46621. Applicant's representative: Charles Pieroni (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicles* (except automobiles), *and chassis*, in initial movements, in driveaway service, *and bodies, cabs, and accessories* for such vehicles when moving in connection therewith, (a) from ports of entry on the United States-Canada boundary line located in Washington, Idaho, Montana, North Dakota, Minnesota, Michigan, New York, Vermont, and Maine, to points in the United States (except Alaska and Hawaii); and (b) from ports of entry on the United States-Canada boundary line located in Alaska, to points in Alaska; Restriction: The operations sought herein are restricted to the transportation of traffic moving from Canadian plantsites of Hayes Manufacturing Co., Ltd., in Vancouver, British Columbia, Canada. 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 Seattle, Wash.

No. MC 29886 (Sub-No. 254), filed January 23, 1970. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample Street, South Bend, Ind. 46621. Applicant's representative: Charles Pieroni (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings, buildings in sections, building panels, building parts and accessories*, from points in Hartford County, Conn., and Litchfield County, Conn., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass., or Washington, D.C.

No. MC 29886 (Sub-No. 256), filed February 2, 1970. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample Street, South Bend, Ind. 46621. Applicant's representative: Charles Pieroni (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Heating and cooling systems and equipment; humidifiers, washers, and air cleaners; accessories and parts* for installation of above equipment, from Harrisonburg, Va., to points in Maine, Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island, New Jersey, Pennsylvania, New York, West Virginia, Ohio, Kentucky, Michigan, Indiana, Tennessee, Illinois, Wisconsin, Minnesota, Iowa, Missouri, Arkansas, Oklahoma, Kansas, Nebraska, South Dakota, and North Dakota. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 30844 (Sub-No. 309), filed January 19, 1970. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 2125 Commercial Street, Waterloo, Iowa 50704. Applicant's representative: Truman A. Stockton, Jr., The 1650 Grant Street Building, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *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 plantsites and cold storage facilities utilized by Wilson and Co., Inc., at Albert Lea, Minn., and Cedar Rapids, Iowa, to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and the District of Columbia, restricted to the transportation of traffic originating at the above specified destinations. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Minneapolis, Minn.

No. MC 30844 (Sub-No. 311), filed January 22, 1970. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 2125 Commercial Street, Waterloo, Iowa 50704. Applicant's representative: Truman A. Stockton, Jr., The 1650 Grant Street Building, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, and articles distributed by meat packinghouses* as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles, in hides) from St. Paul, Minn., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, 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., or St. Paul, Minn.

No. MC 35320 (Sub-No. 116), filed January 27, 1970. Applicant: T.I.M.E.-DC, INC., 2598 74th Street, Post Office Box 2550, Lubbock, Tex. 79408. Applicant's representatives: W. D. Benson, Post Office Box 6723, Lubbock, Tex. 79413 and Frank M. Garrison, Post Office Box 2550, Lubbock, Tex. 79408. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Aluminum plate, sheet, pipe and tubing, and aluminum scrap*, (a) between Scottsboro, Ala., and Chattanooga, Tenn., from Scottsboro over U.S. Highway 72 to junction U.S. Highway 41 at or near Kimball, Tenn., thence over U.S. Highway 41 to Chattanooga, and return over the same route, serving no intermediate points, (b) between Scottsboro, Ala., and Memphis, Tenn., from Scottsboro over U.S. Highway 72 to Huntsville, Ala., thence over U.S. Highway Alternate 72 (also over U.S. Highway 72 to junction U.S. Highway 43), thence over U.S. Highway 72 to Memphis, and return over the same route, serving no intermediate points. NOTE: Common control may be involved. No duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 41951 (Sub-No. 10), filed January 8, 1970. Applicant: WHEATLEY TRUCKING, INC., 125 Brohawn Avenue, Cambridge, Md. 21613. Applicant's representative: M. Bruce Morgan, 201 Azar Building, Glen Burnie, Md. 21061. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pet foods* in containers, from the plantsite and warehouse facilities of Bumble Bee Seafoods, Cambridge, Md., to points in Maryland, Delaware, Pennsylvania, New Jersey, New York, Ohio, Michigan, and that part of Virginia lying on and east of U.S. Highway 1, North Carolina, and Connecticut. 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 51146 (Sub-No. 156), filed January 22, 1970. Applicant: SCHNEIDER TRANSPORT & STORAGE, INC., 817 McDonald Street, Green Bay, Wis. 54306. Applicant's representative: D. F. Martin (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages, and incidental advertising materials, and premiums* when shipped with malt beverages (1) from La Crosse and Sheboygan, Wis., to points in Ohio, Indiana, and the Lower Peninsula of Michigan; and (2) from Newport, Ky., to points in Ohio, the Lower Peninsula of Michigan, Indiana except Delphi, Goodland, Monticello, Evansville, and Rensselaer; Pennsylvania, New York, and North Carolina; and *empty malt beverage containers* used in transporting malt beverages, from points in various States as mentioned above, to La Crosse and Sheboygan, Wis., and additional points in various States as mentioned above to Newport, Ky. NOTE: Applicant states the requested authority could be tacked with various subs of MC 51146 and applicant will tack with its MC 51146 where feasible. It further states no duplicate authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 56691 (Sub-No. 2), filed January 8, 1970. Applicant: HERMAN A. BURMEISTER, doing business as LIMA-HONEOYE FALLS EXPRESS, Post Office Box 346, Honeoye Falls, N.Y. 14472. Applicant's representative: Raymond A. Richards, 23 West Main Street, Webster, N.Y. 14580. Authority sought to operate as a *common carrier*, by motor vehice, over irregular routes, transporting: *General commodities*, between points in Livingston and Monroe Counties, N.Y. NOTE: All duplicating authority to be eliminated. 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 59332 (Sub-No. 6), filed January 26, 1970. Applicant: TAYLOR'S EXPRESS, INC., 425 North 37th Street, Pennsauken, N.J. 08110. Applicant's representative: Robert B. Pepper, 297 Academy Street, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from the facilities of C. G. Willis, Inc., Paulsboro, N.J., to points in Nassau and Suffolk Counties, N.Y., having a prior movement via a domestic water carrier. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant holds a pending contract carrier application under MC 133394 (Sub-No. 1), therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 59609 (Sub-No. 10), filed December 11, 1969. Applicant: HARRY CROW & SON, INC., 1808 52d Street, Kenosha, Wis. 53140. Applicant's representative: William C. Dineen, 710 North Plankinton Avenue, Milwaukee, Wis. 53203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Waste and scrap materials* (except waste and scrap paper), in bulk between points in Illinois and Indiana, on the one hand, and, on the other, points in Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis.

No. MC 59694 (Sub-No. 7), filed January 19, 1970. Applicant: MISSOURI VALLEY EXPRESS, INC., 4440 Buckingham Street, Post Office Box 78, South Omaha Station, Omaha, Nebr. 68101. Applicant's representative: Charles J. Kimball, Post Office Box 2028, 605 South 14th Street, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in section A and C of appendix I to the Report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (1) from the plantsite and storage facilities utilized by E. W. Kneip, Inc., near Wahoo, Nebr., to Aurora and Chicago, Ill.; and (2) from plantsite and storage facilities utilized by E. W. Kneip, Inc., at Omaha, Nebr., to Aurora, Ill.; under contract with E. W. Kneip, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 64112 (Sub-No. 43), filed January 29, 1970. Applicant: NORTHEASTERN TRUCKING COMPANY, 2508 Starita Road, Post Office Box 26276, Charlotte, N.C. 28213. Applicant's representative: Charles Ephraim, 1411 K Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rolls of preprinted and partially preprinted paper and rolls of preprinted and partially preprinted paper* in mixed shipments with newspaper supplements, from Louisville, Ky., Los Angeles, Calif., Philadelphia and West Sadsbury Township, Pa., St. Louis, Mo., and Detroit, Mich., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. The instant application is accompanied by a Motion to Dismiss. If a hearng is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 64932 (Sub-No. 485), filed January 18, 1970. Applicant: ROGERS CARTAGE CO., a corporation, 1439 West 103d Street, Chicago, Ill. 60643. 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: *Acids and chemicals*, in bulk, in tank vehicles, from Ferndale, Mich., to points in Florida, 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 Detroit, Mich.

No. MC 65941 (Sub-No. 31), filed January 22, 1970. Applicant: TOWER LINES, INC., Post Office Box 6010, Wheeling, W. Va. 26003. Applicant's representative: Paul M. Daniell, 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles and iron and steel products*, from the plantsites or Wheeling-Pittsburgh Steel Corp. at or near Steubenville, Yorkville, Mingo Junction, and Martins Ferry, Ohio; Benwood, Wheeling, Beech Bottom, and Follansbee, W. Va.; and Allenport, Pa., to points in New York. 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 to 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 Wheeling, W. Va., or Pittsburgh, Pa.

No. MC 69492 (Sub-No. 35) (Correction), filed January 4, 1970, published in FEDERAL REGISTER issue of February 12, 1970, and republished in part, as corrected, this issue. Applicant: HENRY EDWARDS, doing business as HENRY EDWARDS TRUCKING COMPANY, Post Office Box 97, Clinton, Ky. Applicant's representative: Walter Harwood, 1822 Parkway Tower, Nashville, Tenn. 37219. The purpose of this republication is to show the correct docket number assigned thereto, as shown above, in lieu of No. MC 69429 (Sub-No. 35), which was in error.

No. MC 82841 (Sub-No. 67), filed January 26, 1970. Applicant: HUNT TRANSPORTATION, INC., 801 Livestock Exchange Building, Omaha, Nebr. 68107. 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: *Irrigation systems and parts* for irrigation systems, from points in Holt County, Nebr., to points in Washington, Oregon, California, Nevada, Idaho, Utah, Arizona, Montana, Wyoming, Colorado, New Mexico, North Dakota, South Dakota, Kansas, Iowa, Oklahoma, Texas, Minnesota, Missouri, Arkansas, Wisconsin, Illinois, Tennessee, Mississippi, Louisiana, 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 Omaha, Nebr.

No. MC 85233 (Sub-No. 5), filed January 21, 1970. Applicant: METRO CARRIER CORP., 18 Vreeland Avenue, Clifton, N.J. 07011. 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: *Toilet preparations, paint applicators, mechanic hand tools, brushes, steel pans, dichlodifluoromethane* (except in bulk) from the plantsite of De Mert & Dougherty, Inc., and Areo Pak Co. at South Plainfield, N.J., to New York, N.Y., and points in Nassau, Suffolk, Orange, Rockland, and Westchester Counties, N.Y. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 88368 (Sub-No. 22) (Amendment), filed October 20, 1969, published FEDERAL REGISTER issues of November 27, 1969, and December 31, 1969, amended December 1, 1969 and January 27, 1970, and republished as amended, this issue. Applicant: CARTWRIGHT VAN LINES, INC., 4411 East 119th Street, Grandview, Mo. 64030. Applicant's representative: Frank W. Taylor, Jr., 1221 Baltimore Avenue, Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, (1) between points in Colorado, Kansas, Missouri, Nebraska, Oklahoma, and Texas; (2) between points in Colorado, Kansas, Missouri, Nebraska, Oklahoma, Texas, and New Mexico, on the one hand, and, on the other, California, Oregon, Washington, Idaho, Nevada, Utah, Arizona, New Mexico, Wyoming, and Montana; and (3) between points in Colorado, Kansas, Missouri, Nebraska, Oklahoma, and Texas, on the one hand, and, on the other, Louisiana, Arkansas, Tennessee, Kentucky, Illinois, Iowa, Minnesota, South Dakota, Michigan, Wisconsin, Indiana, Ohio, Mississippi, Alabama, Florida, Georgia, South Carolina, North Carolina, Virginia, West Virginia, Pennsylvania, New York, Maryland, Delaware, New Jersey, Connecticut, Rhode Island, Massachusetts, New Hampshire, Vermont, Maine, and the District of Columbia. NOTE: Applicant states that it is presently authorized to transport household goods as defined by the Commission between all of the points sought above by observing certain gateways. The purpose of this instant application is to eliminate gateway requirements and circuitous mileage. Applicant states that tacking could take place in any State except North Dakota, Nevada, Alaska, and Hawaii. Applicant further states that no duplicating authority is being sought. The purpose of this republication is to reflect tacking possibilities. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 91306 (Sub-No. 14), filed January 5, 1970. Applicant: JOHNSON BROTHERS TRUCKERS, INC., Post Office Box 530, Elkin, N.C. 28621. Applicant's representative: Francis J. Ortman, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from points in Buncombe, Cleveland, McDowell, and Burke Counties, N.C., to points in New York, New Jersey, Pennsylvania, Delaware, and Maryland. 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 Charlotte or Greensboro, N.C.

No. MC 100623 (Sub-No. 23), 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 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 Philadelphia, Pa., on the one hand, and, on the other, points in 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 provided 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 this Commission. NOTE: Applicant states that the requested authority will be tacked whenever possible when certificates are issued in pending proceedings. Applicant holds contract carrier under No. MC 107299, 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 100623 (Sub-No. 25), filed January 26, 1970. Applicant: HOURLY MESSENGERS, INC., doing business as H. M. PACKAGE DELIVERY SERVICE, 20th and Indiana Avenue, Philadelphia, Pa. 19132. Applicant's representative: V. Baker Smith, 2107 The Fidelity Building Philadelphia, Pa. 19109. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Drugs, medicines, and pharmaceutical products*, from the facilities of the Upjohn Co., at or near Washington, D.C., to points in Chester, Delaware, Montgomery, Bucks, Berks, Philadelphia, Dauphin, Lancaster, Lebanon, Lehigh, Northampton, York, Schuylkill, Carbon, Monroe, Luzerne, Lackawanna, Adams, Perry, Cumberland, and Franklin Counties, Pa. Subject to the restriction that 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 no service shall be rendered in the transportation of packages or articles weighing in the aggregate more than 500 pounds from the consignor to one consignee at one location on any one (1) day. NOTE: Applicant holds contract carrier authority under Docket No. MC 102799, therefore, dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing auhority. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 101839 (Sub-No. 3), filed January 19, 1970. Applicant: JOSEPH LAMORIELLO, doing business as LAMORIELLO BROTHERS, 233 George Waterman Road, Johnston, R.I. 02919. 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: *Sodium chloride*, with or without anticaking agents, in bulk, in dump vehicles, from Providence, R.I., to points in Connecticut, Massachusetts, and Rhode Island. 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 Providence, R.I., or Boston, Mass.

No. MC 102616 (Sub-No. 853), filed January 9, 1970. Applicant: COASTAL TANK LINES, INC., Post Office Box 7211, 215 East Waterloo Road, Akron, Ohio 44306. Applicant's representative: Harold G. Hernly, 711 14th Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lubricating oils*, in bulk, in tank vehicles, from Cleveland and Lima, Ohio, to points within a 25-mile radius of Somerville, Gibson 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 Washington, D.C.

No. MC 105007 (Sub-No. 24), filed January 16, 1970. Applicant: MATSON

TRUCK LINES, INC., 1407 St. John Avenue, Albert Lea, Minn. 56007. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, laminated wood products, and hardware and accessories therefor*, from plants, warehouses, facilities of and facilities utilized by Structural Wood Corp. at St. Paul, Minn., and White Bear Township (Ramsey County), Minn., to points in Connecticut, Delaware, Illinois, Indiana, Iowa, Kansas, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Dakota, Ohio, Pennsylvania, Rhode Island, South Dakota, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia. 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 Minneapolis, Minn.

No. MC 105326 (Sub-No. 10), filed January 8, 1970. Applicant: GREAT LAKES TRUCKING COMPANY, a corporation, 29 Washington Street, Monroe, Mich. 48161. Applicant's representative: Frank J. Kerwin, Jr., 900 Guardian Building, Detroit, Mich. 48226. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Scrap and waste paper and materials and supplies* used in the manufacture of paper products (except in bulk), from points in Pennsylvania, Wisconsin, Illinois, Indiana, West Virginia, Ohio, and Kentucky, to Constantine, Palmyra, and Adrian, Mich.; under contract with Simplex Industries, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich., or Chicago, Ill.

No. MC 105461 (Sub-No. 86), filed January 12, 1970. Applicant: HERR'S MOTOR EXPRESS, INC., Box 8, Quarryville, Pa. 17566. Applicant's representative: Bernard N. Gingerich, 114 West State Street, Quarryville, Pa. 17566. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used empty containers*, 5 gallons or over in capacity, from points in Atlantic, Burlington, Monmouth, and Ocean Counties, N.J., to Philadelphia, Pa. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Camden, N.J.

No. MC 106398 (Sub-No. 450), 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: (1) *Trailers* designed to be drawn by passenger automobiles, in initial movements; and (2) *buildings* in sections mounted on wheeled undercarriages, from points in Washington 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. 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 Des Moines or Davenport, Iowa.

No. MC 106497 (Sub-No. 44), filed January 27, 1970. Applicant: PARKHILL TRUCK COMPANY, a corporation, Post Office Box 912, Joplin, Mo. 64801. Applicant's representatives: A. N. Jacobs, (same address as applicant) and Wilburn L. Williamson, 600 Leininger Building, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *plastic pipe, plastic tubing, plastic conduit, plastic moulding, valves, fittings, compounds, joint sealer, bonding cement, thinner, vinyl building products, and accessories* used in the installation of such products (except commodities in bulk), (1) from McPherson, Kans., to points in the United States (except Hawaii), and (2) from Waco, Tex., to points in the United States (except Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Dallas, Tex.

No. MC 106760 (Sub-No. 118) (Amendment), filed October 1, 1969, published FEDERAL REGISTER issue of October 23, 1969, amended February 9, 1970, and republished as amended, this issue. Applicant: WHITEHOUSE TRUCKING, 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: (1) *Boards, building, wall or insulating*, from Cloquet, Minn., and Kalamazoo, Mich., to points in the United States (except Hawaii and Alaska); (2) *mineral wool cement* (except in bulk), from Huntington, Ind., to points in the United States (except Alaska and Hawaii); and (3) *industrial noise silencers, and building construction wall sections*, from East Brunswick, N.J., to points in the United States (except Hawaii and Alaska). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. The purpose of this republication is to eliminate portions of the application and also to add to the application. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 106760 (Sub-No. 125), filed December 29, 1969. Applicant: WHITEHOUSE TRUCKING, INC., 1925 National Plaza, Tulsa, Okla. 74151. Applicant's representatives: Irvin Tull and Fred Rahal (same address as applicant) 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: *Building materials*, from the plantsite and/or warehouses of Empire Lumber Co. in Kent County, Mich., to points in Ohio, Indiana, Illinois, Iowa, Wisconsin, Kentucky, Missouri, Arkansas, Tennessee, West Virginia, Virginia, Alabama, Louisiana, and Mississippi. 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 Detroit or Grand Rapids, Mich.

No. MC 107012 (Sub-No. 104), filed January 26, 1970. Applicant: NORTH AMERICAN VAN LINES, INC., Lincoln Highway East and Meyer Road, Post Office Box 988, Fort Wayne, Ind. 46801. Applicant's representatives: Martin A. Weissert and Donald C. Lewis, Post Office Box 988, Fort Wayne, Ind. 46801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Floor coverings*, uncrated, from Sandrum, S.C., points in Greenville County, S.C., and Lyerly, Ga., to New Orleans, La., Pittsburgh, Pa., and points in Texas (except Dallas, Tex.). 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 Washington, D.C.

No. MC 107295 (Sub-No. 280), filed December 29, 1969. Applicant: PREFAB TRANSIT CO., a corporation, 100 South Main Street, Box 146, 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: *Building or industrial, roofing, siding, and floor products and materials, building board, insulation board, and advertising materials* from St. Louis, Mo.; Joliet, Ill.; Memphis, Tenn.; Wheatland, N.Y.; Minneapolis, Minn.; Erie, Pa.; Wyandotte, Mich.; Dallas, Tex.; Whiting and Lowell, Ind.; Atlanta, Ga.; Brookville, Ind.; Detroit, Mich.; Jessup, Md.; North Kansas City, Mo.; Bardstown, Ky.; and Chicago, Ill., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that tacking may take place at St. Louis, Mo., Joliet, Ill.; Memphis, Tenn.; Wyandotte, Mich.; Whiting and Lowell, Ind.; Detroit, Mich.; Brookville, Ind.; North Kansas City, Mo.; Bardstown, Ky.; and Chicago, Ill., on traffic originating in Arkansas, Illinois, Indiana, Iowa, Kentucky, Michigan, Missouri, Ohio, Tennessee, and Wisconsin for transportation beyond, as authorized under its MC 107295, Part (B). If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107295 (Sub-No. 281), filed December 22, 1969. Applicant: PREFAB TRANSIT CO., a corporation, 100 South Main Street, Post Office Box 146, 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) *Wallboard, fiberboard, plywood, hardboard, doors, millwork, and accessories*, from points in Lucas County, Ohio, to points in Arkansas, Illinois, Indiana, Iowa, Kentucky, Michigan, Missouri, Ohio, Tennessee, Wisconsin, North Carolina, South Carolina, Georgia, and that part of Virginia south of U.S. Highway 460 and on and east of U.S. Highway 301; (2) *wallboard, hardboard, and fiberboard*, from Chicago, Ill.; Baltimore, Md.; Norfolk, Va.; and New Orleans, La., to points in Arkansas, Illinois, Indiana, Iowa, Kentucky, Michigan, Missouri, Ohio, Tennessee, and Wisconsin; (3) *steel coils* from Washington, Pa., and Weirton, W. Va., to Oregon, Ohio; (4) *building materials* and *structural steel, culvert pipe and materials*, from Columbus, Ohio, to points in Illinois, Indiana, Michigan, Wisconsin, Arkansas, Iowa, Kentucky, Missouri, Tennessee, and Ohio; and (5) *building materials, roof decking, platforms and accessories* used in the installation thereof, from Oregon, Ohio, to points in Illinois, Indiana, Michigan, Wisconsin, Arkansas, Iowa, Kentucky, Missouri, Tennessee, and Ohio. NOTE: Applicant states that tacking may take place at points in Lucus County, Ohio; Chicago, Ill.; and Columbus, Ohio, on traffic originating in Arkansas, Illinois, Indiana, Iowa, Kentucky, Michigan, Missouri, Ohio, Tennessee, and Wisconsin for transportation beyond, as authorized under its 107295, Part (B). If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107295 (Sub-No. 287), filed January 7, 1970. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South Main Street, Farmer City, Ill. 61842. Applicant's representative: Mack Stephenson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Tile, facing, flooring, clay or earthenware*, from Canton, Ohio, to points in Arkansas, Illinois, Indiana, Iowa, Kentucky, Michigan, Missouri, Ohio, Tennessee, and Wisconsin, and (b) *mouldings, bindings, tile bathroom fixtures; parts, tools, and accessories* used in the installation thereof, and *advertising material*, from Columbus, Ohio, to points in Arkansas, Illinois, Indiana, Iowa, Kentucky, Michigan, Missouri, Ohio, Tennessee, and Wisconsin. NOTE: Applicant states that the requested authority can be tacked at Canton and Columbus, Ohio, on traffic originating at points in Arkansas, Illinois, Iowa, Kentucky, Michigan, Missouri, Tennessee, and Wisconsin for transportation beyond, as authorized under MC 107295, Part (B). Applicant further states that no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107295 (Sub-No. 288), filed January 7, 1970. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South Main Street, Farmer City, Ill. 61842. Applicant's representative: Mack Stephenson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fencing, netting, wire, fence stretchers, gates, and post*, from Houston, Tex., and points in Madison County, Ohio, 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 no duplications are anticipated. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107295 (Sub-No. 289), filed January 12, 1970. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South Main Street, Farmer City, Ill. 61842. Applicant's representative: Mack Stephenson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Precast or prestressed concrete products*, and the *equipment, materials, and supplies*, used in the erection and installation thereof, from points in Wisconsin, to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that tacking may take place at points in Wisconsin on traffic originating in Arkansas, Illinois, Indiana, Iowa, Kentucky, Michigan, Missouri, Ohio, and Tennessee for transportation beyond, as authorized under MC-107295, Part (B). Applicant further states that no duplications are anticipated. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107295 (Sub-No. 290), filed January 12, 1970. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South Main Street, Farmer City, Ill. 61842. Applicant's representative: Mack Stephensen (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Millboard, roofing, sheathing, nails, insulation and insulation materials, pitch, shingles, siding, wallboard, mineral wool, filler strips, ridge rolls, paving and flooring planks, compounds, fasteners, paving joints, building paper, asbestos board, asphalt cloth, asphalt, roofing cement* in containers, and *materials and supplies* used in the manufacture, packing, and shipping of building, roofing and insulating materials, between Lockland, Ohio, and Wilmington, Ill., and points in Arkansas, Delaware, District of Columbia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Michigan, Minnesota, Missouri, Nebraska, New Jersey, New York, Ohio, Pennsylvania, Tennessee, Virginia, West Virginia, and Wisconsin. NOTE: Applicant states that tacking may take place at points in Ohio, or Illinois on traffic originating in Arkansas, Illinois, Indiana, Iowa, Kentucky, Michigan, Missouri, Ohio, Tennessee, and Wisconsin for transportation beyond, as authorized under MC-107295, Part (B). Applicant further states no duplications anticipated. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107295 (Sub-No. 292), filed January 19, 1970. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South Main Street, Farmer City, Ill. 61842. Applicant's representative: Mack Stephenson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cabinets, vanities and cases*, from points in Wisconsin and Indiana, to points in the United States in and east of Montana, Wyoming, Colorado, and New Mexico. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states that no duplications are anticipated. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Minneapolis, Minn.

No. MC 107295 (Sub-No. 293), filed January 26, 1970. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South Main Street, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Siding*, made of aluminum, steel, or vinyl, and *accessories and tools* used in the installation thereof, from Milwaukee, Wis., to points in the United States (except Alaska and Hawaii); and (2) *vinyl or plastic siding, and accessories and tools* used in the installation thereof, from Chicago, Ill., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that tacking may take place at Milwaukee, Wis., on traffic originating in Arkansas, Indiana, Iowa, Kentucky, Michigan, Missouri, Ohio, and Tennessee for transportation beyond, as authority under MC-107295, Part (B). Applicant further states that no duplications are anticipated. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., and Milwaukee, Wis.

No. MC 107403 (Sub-No. 785), filed January 4, 1970. Applicant: MATLACK, INC., Ten West Baltimore Avenue, Lansdowne, Pa. 10050. Applicant's representative: John Nelson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Chemicals*, from Caddo Parish, La., to points in Arkansas, Louisiana, Mississippi, and Texas; and (2) from McKamie, Ark., to Caddo Parish, La. 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 107496 (Sub-No. 763), filed December 30, 1969. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua at Third, Post Office Box 855, Des Moines, Iowa 50304. Applicant's representative: H. L. Fabritz (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Petroleum products*, in bulk, from Rhinelander, Wis., to points in Minnesota and the Upper Peninsula of Michigan; (2) *feed and feed ingredients*, between points in Minnesota, Wisconsin, Iowa, Illinois,

Missouri, and Nebraska; and (3) *precast concrete,* on flatbed trailers, from Lincoln, Nebr., to points in Iowa, Kansas, Minnesota, and Missouri. NOTE: Common control may be involved. 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 by 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 Des Moines, Iowa, or Omaha, Nebr.

No. MC 108207 (Sub-No. 286), filed January 19, 1970. Applicant: FROZEN FOOD EXPRESS, a corporation, 318 Cadiz, Post Office Box 5888, Dallas, Tex. 75222. Applicant's representative: J. B. Ham (same address as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Dessert toppings,* not aerated, *dessert topping,* aerated, *and cream substitutes,* liquid, from Fort Worth, Tex., to points in New Mexico and Arizona. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 108207 (Sub-No. 287), filed January 19, 1970. Applicant: FROZEN FOOD EXPRESS, a corporation, 318 Cadiz Street, Post Office Box 5888, Dallas, Tex. 75222. Applicant's representative: J. B. Ham (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Dessert topping,* not aerated, from Holland, Mich., to Chicago, Ill. NOTE: Applicant indicates tacking with MC 108207 (Sub-No. 228) at Chicago, Ill., to serve points in Arkansas, Kansas, Louisiana, Mississippi, Missouri (except Macon, Brookfield, Kirksville, Kahoka, Milan, Trenton, Chillicothe, Kansas City, St. Joseph, Carrollton, Marshall, and Moberly) Oklahoma, and Texas, and Memphis, Tenn. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 108207 (Sub-No. 288), filed January 28, 1970. Applicant: FROZEN FOOD EXPRESS, a corporation, 318 Cadiz Street, Post Office Box 5888, Dallas, Tex. 75222. Applicant's representative: J. B. Ham (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Prepared foodstuffs,* from Denison, Tex., to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, Ohio, Oklahoma, Wisconsin, Arizona, California, New Mexico, and Memphis, Tenn. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Fort Worth, Tex., or Minneapolis, Minn.

No. MC 108393 (Sub-No. 22), filed January 18, 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, between St. Louis, Mo., and Fort Smith, Ark.; under continuing contract or contracts with Whirlpool Corp. NOTE: Applicant holds common carrier authority under MC 118459 and Sub 1, 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 108393 (Sub-No. 23), filed January 18, 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 Tecumseh, Mich., to the plantsites of Whirlpool Corp. at La Porte, Ind.; under continuing contract or contracts with Whirlpool Corp. NOTE: Applicant holds common carrier authority under MC-118495 and Sub 1, 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 108393 (Sub-No. 24), 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 and gas appliances,* (2) *parts of electrical and gas appliances,* and (3) *equipment, materials, and supplies* used in the manufacture, distribution, and repair of electrical and gas appliances, (a) between Hudson, Mich., and the plantsites of Whirlpool Corp. at Clyde, Ohio; and (b) from Berrien Springs, Niles, Adrian, Mendon, Coldwater, Battle Creek, and Sturgis, Mich., and Erie, Pa., to the plantsites of Whirlpool Corp. at Clyde, Ohio, under continuing contract or contracts with Whirlpool Corp., in connection with (a) and (b) above. NOTE: Applicant holds common carrier authority under Docket No. MC 118459 and Sub-No. 1, 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 108449 (Sub-No. 308), filed January 6, 1970. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representatives: Adolph J. Bieberstein, 121 West Doty Street, Madison, Wis. 53702 and W. A. Myllenbeck (same address as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Cement,* from the storage facility of the Marquette Cement Manufacturing Co. located in the Minneapolis-St. Paul, Minn., commercial zone to Eau Claire, Chippewa Falls, Lake Hallie, Menomonie, Osseo, and Rice Lake, Wis. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Minneapolis, Minn.

No. MC 110420 (Sub-No. 607), filed January 26, 1970. Applicant: QUALITY CARRIERS, INC., 100 South Calumet Street, Burlington, Wis. 53105. Applicant's representative: A. Bryant Torhorst (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Liquid chocolate, coating and flavoring compounds, and cocoa butter,* in bulk, from Milwaukee, Wis., to points in Arkansas. NOTE: Applicant states that it can tack at Milwaukee to serve Chicago and Waukegan, Ill. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis.

No. MC 110686 (Sub-No. 39), filed January 9, 1970. Applicant: McCORMICK DRAY LINE, INC., Avis, Pa. 17721. Applicant's representative: David A. Sutherlund, 1140 Connecticut Avenue NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Sewage, water and refuse systems and sewage, water and refuse systems parts, materials and supplies,* (1) between points in the United States in and east of Minnesota, Iowa, Kansas, Arkansas, and Louisiana, and (2) between ports of entry on the international boundary line between the United States and Canada, located at or near Cape Vincent, Alexandria Bay, Ogdensburg and Messena, N.Y., on the one hand, and, on the other, points in the United States in and east of Minnesota, Iowa, Kansas, Arkansas, and Louisiana. 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 110988 (Sub-No. 249), filed January 26, 1970. Applicant: KAMPO TRANSIT, INC., 200 West Cecil Street, Neenah, Wis. 54956. Applicant's representatives: David A. Petersen (same address as above) and E. Stephen Heisley, 666 11th Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Chemicals,* in bulk, in tank, or hopper-type vehicles, from Portage, Wis., to points in Illinois, Indiana, Michigan, Minnesota, and Ohio. 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 Washington, D.C.

No. MC 111302 (Sub-No. 56), filed January 21, 1970. Applicant: HIGHWAY TRANSPORT, INC., Post Office Box 79, Powell, Tenn. Applicant's representative: Paul E. Weaver, 1120 West Griffin Road, Lakeland, Fla. 33801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer, fertilizer materials, and fertilizer ingredients*, vehicles not specified, from points in Hamilton County, Tenn., to points in Georgia, Kentucky, North Carolina, South Carolina, and Alabama. 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 Chattanooga or Knoxville, Tenn., or Washington, D.C.

No. MC 111412 (Sub-No. 7), filed January 12, 1970. Applicant: J. I. HAILEY, INC., Post Office Box 1919, Navigation Boulevard, Corpus Christi, Tex. 78403. Applicant's representative: Richard Kissinger, Post Office Box 1148, Austin, Tex. 78767. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from Corpus Christi, Tex., to points in 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 Corpus Christi, San Antonio, or Houston, Tex.

No. MC 111729 (Sub-No. 292), filed January 16, 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., Commonwealth Building, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Business papers, records, and audit and accounting media of all kinds, and advertising material moving therewith*, (a) between points in Roanoke County, Va., on the one hand, and, on the other, points in West Virginia, Maryland, and the District of Columbia; (b) between Milwaukee, Wis., and Austin, Minn.; (c) between Indianapolis, Ind., and Owensboro and Hopkinsville, Ky.; (d) between points in Florida, North Carolina, South Carolina, and Tennessee, restricted to traffic having an immediately prior or subsequent movement by air; (e) between points in Fulton County, Ga., on the one hand, and, on the other, points in North Carolina and South Carolina; (f) between Chicago, Ill., on the one hand, and, on the other, Bowling Green, Corbin, Henderson, Hopkinsville, Louisville, Madisonville, Mayfield, Middlesboro, Owensboro, Paducah, and Princeton, Ky.; Big Rapids, Cadillac, Gladstone, Greenville, Ludington, Manistee, Petoskey, and Traverse City, Mich.; and Defiance, Ohio. (2) *Photographic and art material, consisting of photographs, transparencies, artwork, type specimens, and all necessary material for full color preparation, and shipping invoices*, between New York, N.Y., on the one hand, and, on the other, Bridgeport, Fairfield, Hamden, Hartford, Middletown, New Haven, Stamford, and Westport, Conn.; Providence, R.I.; Boston, Brockton, New Bedford, Pittsfield, and Stockton, Mass.; Lancaster and Philadelphia, Pa., and (3) *exposed and processed film and prints, complimentary replacement film, incidental dealer handling supplies and advertising literature moving therewith* (excluding motion picture film used primarily for commercial theater and television exhibition), between Findlay, Ohio, on the one hand, and, on the other, points in Fayette, Madison, Mason, and Rowan Counties, Ky. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Applicant holds contract carrier authority under MC 112750 and subs thereunder, therefore, dual operations and common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 112184 (Sub-No. 31), filed January 19, 1970. Applicant: THE MANFREDI MOTOR TRANSIT COMPANY, a corporation, Route 87, Newbury, Ohio 44065. Applicant's representative: John P. McMahon, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Compressed gasses*, in shipper-owned tube trailers and *hydrofluoric acid*, in shipper-owned tank trailers, from Cleveland, Ohio, to points in Texas, under contract with The Harshaw Chemical Co., Division of Kewanee Oil Co. NOTE: Applicant has common carrier authortiy under MC 128302 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 112617 (Sub-No. 267), filed January 13, 1970. Applicant: LIQUID TRANSPORTERS, INC., Post Office Box 21395, Louisville, Ky. 40221. Applicant's representatives: James S. Holloway (same address as above) and Leonard A. Jaskiewicz, 1730 M Street NW., Suite 501, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from Louisville, Ky., to points in California. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states that no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Philadelphia, Pa.

No. MC 112697 (Sub-No. 17), filed January 19, 1970. Applicant: SAMUEL A. BRASFIELD, doing business as B & S ENTERPRISES, 1727 Osborn Drive, Memphis, Tenn. 38127. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Stone, stone products;* and (2) *supplies and equipment* used for useful in the erection, sales, manufacturing and display of the commodities in (1) above, between points in Elbert, Oglethorpe, Madison, Hart, Pickens, Dawson, Gilmer, Cherokee, and Forsyth Counties, Ga., on the one hand, and, on the other, points in Mississippi on and north of U.S. Highway 80; points in Arkansas; and points in Tennessee on and west of U.S. Highway 27. 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 Memphis, Tenn.; Atlanta, Ga.; or Little Rock, Ark.

No. MC 112801 (Sub-No. 101) (Amendment), filed November 21, 1969, published in FEDERAL REGISTER of December 18, 1969, amended February 2, 1970, and republished, as amended, this issue. Applicant: TRANSPORT SERVICE CO., a corporation, Post Office Box 50272, Chicago, Ill. 60650. Applicant's representative: Robert H. Levy, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from the plantsite of Stepan Chemical Co., at or near Millsdale, Ill., to points in Alabama, Arizona, Arkansas, California, Colorado, Delaware, Florida, Georgia, Idaho, Kansas, Louisiana, Mississippi, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Washington, West Virginia, Wyoming, Virginia, the District of Columbia, Connecticut, Illinois, Indiana, Iowa, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Ohio, Rhode Island, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. The purpose of this republication is to broaden the scope of authority sought. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 113325 (Sub-No. 134), filed January 6, 1970. Applicant: SLAY TRANSPORTATION CO., INC., 2001 South Seventh Street, St. Louis, Mo. 63104. Applicant's representative: T. M. Tahan (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from plantsite or storage facilities of Monsanto located at or near Anniston, Ala., to points in Illinois, Indiana, Michigan, Missouri, New Jersey, New York, Virginia, West Virginia, Pennsylvania, Connecticut, Massachusetts, and Ohio; restricted to traffic originating at the named plantsite or storage facilities and destined to points in the named destination States. 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 Washington, D.C.

No. MC 113362 (Sub-No. 176), filed January 19, 1970. Applicant: ELLSWORTH FREIGHT LINES, INC., 310 East Broadway, Eagle Grove, Iowa 50533. 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, 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: 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 113622 (Sub-No. 13), filed December 17, 1969. Applicant: SAMPSON HAULING CORP., Pavilion, N.Y. 14525. Applicant's representative: Kenneth T. Johnson, Bank of Jamestown Building, Jamestown, N.Y. 14701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, from points in Milo Township, Yates County, N.Y., to points in Pennsylvania, Maryland, Delaware, New Jersey, Massachusetts, Connecticut, Vermont, and New Hampshire. 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 Buffalo, N.Y.

No. MC 113843 (Sub-No. 157), filed January 2, 1970. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02110. Applicant's representative: William J. Boyd, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *frozen meats*, from the warehouse facilities utilized by Wilson & Co., at Peoria, Ill., to points in Pennsylvania, New York, New Jersey, Maine, Massachusetts, Connecticut, Rhode Island, Vermont, New Hampshire, Delaware, Maryland, Virginia, West Virginia, and the District of Columbia, restricted to traffic originating at the warehouse facilities utilized by Wilson & Co., at Peoria, Ill., and (2) *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 the plantsites and warehouse facilities of Bird Provision Co., at Pekin and Peoria, Ill., to points in Pennsylvania, New York, Connecticut, New Jersey, Massachusetts, Maine, Rhode Island, Vermont, New Hampshire, Delaware, Maryland, Virginia, West Virginia, and the District of Columbia, restricted to traffic originating at the plantsites and warehouse facilities of Bird Provision Co., at Pekin and Peoria, Ill. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 113855 (Sub-No. 213), filed January 28, 1970. Applicant: INTERNATIONAL TRANSPORT, INC., South Highway 52, Rochester, Minn. 55902. 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: *Machinery and equipment* used in the manufacture of fabrication of plywood and wood, metal and plastic products, from Moline, Ill., to points in the United States (except Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant also states that no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 114028 (Sub-No. 17), filed January 20, 1970. Applicant: ROWLEY INTERSTATE TRANSPORTATION COMPANY, INC., 1717 Maple Street, Dubuque, Iowa 52001. Applicant's representative: Wilmer B. Hill, 705 McLachlen Bank Building, 666 11th Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas, plantains, pineapples, and coconuts, and agricultural commodities*, otherwise exempt from economic regulation under section 203(b)(6) of the Act when transported in mixed shipments at the same time and in the same vehicle with bananas, plantains, pineapples, and coconuts, from Wilmington, Del., to points in Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Ohio, Pennsylvania, West Virginia, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 114273 (Sub-No. 60), filed January 19, 1970. Applicant: CEDAR RAPIDS STEEL TRANSPORTATION, INC., Post Office Box 58, 3930 16th Avenue SW., Cedar Rapids, Iowa. Applicants representative: Robert E. Konchar, 315 Commerce Exchange Building, 2720 First Avenue NE., Cedar Rapids, Iowa 52402. Authority is sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts and articles* distributed by meat packinghouses as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766 (except commodities in bulk and hides), from the plantsites and/or cold storage facilities utilized by Wilson & Co., Inc., at Albert Lea, Minn., and Cedar Rapids, 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, restricted to the transportation of traffic originating at the above specified plantsites and/or 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 in Chicago, Ill.

No. MC 114533 (Sub-No. 207), filed January 22, 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: *Audit media, and other business records*, between Kansas City, Mo., on the one hand, and, on the other, O'Neill, Neligh, Plainview, Albion, Columbus, West Point, Tekamah, Wahoo, Seward, York, Grand Island, Kearney, Broken Bow, Holdrege, Hastings, Red Cloud, Geneva, Fairbury, Fremont, Beatrice, Falls City, and Nebraska City, Nebr., and Council Bluffs, Iowa. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant holds a pending contract carrier application under MC 128616, therefore, dual operations and common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Omaha, Nebr.

No. MC 114533 (Sub-No. 208), filed January 22, 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: *Commercial papers, documents, and written instruments* (except coins, currency, and negotiable securities) as are used in the conduct and operation of banks and banking institutions, *audit media and other business records, and imprinting hardware*, between St. Louis, Mo., on the one hand, and, on the other, points in Kansas. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant holds a pending contract carrier application under MC 128616, therefore, dual operations and common control may be involved. If a hearing is deemed necessary, applicant requests it be held at St. Louis, or Kansas City, Mo.

No. MC 115212 (Sub-No. 17), filed January 28, 1970. Applicant: H. M. H. MOTOR SERVICE, Route 130, Cransbury, N.J. Applicant's representative:

Morton E. Kiel, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as are dealt in by retail women's and children's ready-to-wear retail apparel stores, and in connection therewith, supplies and equipment used in the conduct of such business*, between North Bergen, N.J., on the one hand, and, on the other, points in Oklahoma, Texas, Louisiana, and New Mexico, under contract with Diana Stores Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 115322 (Sub-No. 65), filed January 9, 1970. Applicant: REDWING REFRIGERATED, INC., Post Office Box 1698, Sanford, Fla. 32771. Applicant's representatives: James E. Wilson, 1735 K Street NW., Washington, D.C. and J. V. McCoy, Post Office Box 426, Tampa, Fla. 33601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, (a) from Fredonia, N.Y., to points in South Carolina, North Carolina, Georgia, Tennessee, West Virginia, Alabama, Mississippi, Louisiana, and Florida and (b) from Buffalo, N.Y. to points in Georgia, North Carolina, and South Carolina: (2) *foodstuffs*, canned or preserved or frozen, in straight or mixed shipments, from Chambersburg, Orrtanna, and Peach Glen, Pa., to points in Alabama, Florida, Georgia, North Carolina, and South Carolina, (3) *frozen dessert preparations*, from Fredonia, N.Y., to points in North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Tennessee, West Virginia, Kentucky, and Virginia, and (4) *materials, supplies, and products* used in or produced by the food processing industry except commodities in bulk, from Dundee, Geneva, Penn Yan, Westfield, Williamson, Brocton, Dunkirk, and Buffalo, N.Y., and North East and Erie, Pa., to points in Alabama, Florida, Georgia, North Carolina, South Carolina, Virginia, and West Virginia. NOTE: Applicant states 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 115762 (Sub-No. 4), filed January 27, 1970. Applicant: BRACEY & MARTIN, INC., Post Office Box 623, Hopkinsville, Ky. 42240. Applicant's representative: Richard D. Gleaves, 833 Stahlman Building, Nashville, Tenn. 37201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, cross ties, switch ties, posts, piling, poles and cross arms*, treated, or untreated, from the plantsite of Koppers Co., Inc., at or near Guthrie, Ky., to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Mississippi, Ohio, Tennessee, Virginia, and West Virginia; and from points in Alabama, Arkansas, Georgia, Illinois, Mississippi, Ohio, and Tennessee to the plantsite of Koppers Co., Inc. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant presently holds contract carrier authority under its permit No. MC 114989 and subs, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn., or Hopkinsville, Ky.

No. MC 115771 (Sub-No. 12), filed January 23, 1970. Applicant: PENBROOK HAULING COMPANY, INC., Post Office Box 4213, Harrisburg, Pa. 17111. Applicant's representative: Robert L. Bailey (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers, semitrailers, trailer chassis* (except those designed to be drawn by passenger automobiles), *trailer converter dollies*, in initial truckaway and driveaway service, from points in Mecklenburg County, N.C., to points in the United States, excluding Alaska and Hawaii, (2) *tractors*, in secondary movements, in driveaway service, only when drawing trailers, semitrailers, or trailer chassis in initial movements, from points in Mecklenburg County, N.C., to points in the United States, except Alaska and Hawaii, (3) *bodies and containers*, between points in Mecklenburg County, N.C., and points in the United States, except Alaska and Hawaii, (4) *tractors*, in secondary movements, in driveaway service, only when drawing trailers, semitrailers, and trailer chassis in secondary movements, from points in the United States except Alaska and Hawaii, to points in Mecklenburg County, N.C., and (5) *materials and supplies, and parts* used in the manufacture assembly, or servicing of the commodities described in (1) and (3) above when moving in mixed loads with such commodities, between points in Mecklenburg County, N.C., and 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 no duplicating authority is being sought. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Detroit, Mich.

No. MC 115898 (Sub-No. 1), filed January 18, 1970. Applicant: EVERETTE STUBBLEFIELD, doing business as T.S.C.T., 4609 Chandler Avenue, Chattanooga, Tenn. 37410. Applicant's representative: Clifford E. Sanders, 321 East Center Street, Kingsport, Tenn. 37660. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cinder blocks, concrete blocks, brick, and tile*, between Memphis, Tenn., and points in Arkansas, Mississippi, Kentucky, and Missouri under a continuing contract or contracts with General Shale Products Corp., Johnson City, Tenn. NOTE: If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn., or Washington, D.C.

No. MC 115917 (Sub-No. 20), filed Janary 10, 1970. Applicant: UNDERWOOD & WELD COMPANY, INC., Post Office Box 348, also Post Office Box 247, Crossnore, N.C. Applicant's representative: Wilmer A. Hill, 666 11th Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dry ground mica*, in bags, from points in Cleveland County, N.C., to points in the United States except those in Hawaii and Alaska; (2) *dry ground mica*, in bulk, from points in Cleveland County, N.C., to points in the United States except those in Hawaii, Alaska, South Carolina, Georgia, and Virginia; (3) *dry ground mica*, in bulk (except in tank or hopper-type vehicles), from points in Cleveland County, N.C., to points in South Carolina, Georgia, and Virginia; (4) *silica sand*, in bags, from points in Mitchell County, N.C., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, Rhode Island, Tennessee, Texas, Virginia, West Virginia, and Wisconsin; (5) *silica sand*, in bulk, from points in Mitchell County, N.C., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, Rhode Island, Tennessee, Texas, West Virginia, and Wisconsin; (6) *silica sand*, in bulk (except in tank or hopper-type vehicles), from points in Mitchell County, N.C., to points in South Carolina, Georgia, and Virginia; and (7) *feldspar*, in bulk, in dump vehicles, from points in Mitchell and Yancey Counties, N.C., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennesee, Texas, Virginia, West Virginia, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 116730 (Sub-No. 6), filed January 12, 1970. Applicant: CARL W. STOLTENBERG, doing business as STOLTENBERG TRUCKING, Post Office Box 365, Kimberly, Idaho 83341. Applicant's representative: Donald A. Ericson, 708 Old National Bank Building, Spokane, Wash. 99201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, timbers, and beams*, from points in Clearwater, Nez Perce, Lewis, Latah, Benewah, Idaho, and Kootenai Counties, Idaho, to points in Colorado, Iowa, Nebraska, Wisconsin, and Wyoming under contract with Potlatch Forests, Inc. NOTE: Applicant states it holds authority duplicating in part the authority sought herein. All such duplicating authority shall be eliminated if and when the present application is granted. If a hearing is deemed necessary, applicant

requests it be held at Boise, Idaho, Spokane, Wash., or Portland, Oreg.

No. MC 116763 (Sub-No. 155) (Amendment), filed October 31, 1969, published in the FEDERAL REGISTER on December 4, 1969, and republished as amended, this issue. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, Ohio 45380. Applicant's representative: Carl Subler (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Croswell and Edmore, Mich., to points in Delaware, Kentucky, Tennessee, Georgia, Alabama, Mississippi, and points in Louisiana east of the Mississippi River. NOTE: applicant states that the requested authority cannot be tacked with its existing authority. The purpose of this republication is to broaden the destination territory to include the State of Delaware. If a hearing is deemed necessary, applicant requests it be held at Lansing, Mich.

No. MC 116763 (Sub-No. 159), filed January 16, 1970. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, Ohio 45380. Applicant's representative: H. M. Richters (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes transporting: *Building materials and supplies*, except commodities in bulk, from Westlake, Ohio, to points in Alabama on and north of U.S. Highway 80; Florida, Georgia, Texas, New Orleans, La., and Jackson and Meridian, Miss. 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 Cleveland, Ohio.

No. MC 116938 (Sub-No. 6), filed January 23, 1970. Applicant: FRANK BEATY, Route 2, Manchester, Tenn. 37355. Applicant's representative: Clifford E. Sanders, 321 East Center Street, Kingsport, Tenn. 37660. Authority sought to operate as a *contract carrier*, by motor vehicle over irregular routes, transporting: *Cinder blocks, concrete blocks, brick, and tile*, (1) between Memphis, Tenn., and points in Arkansas, Kentucky, Mississippi, and Missouri, and (2) between Huntsville, Ala., and points in Kentucky, under a continuing contract or contracts with General Shale Products Corp., Johnson City, Tenn., in connection with (1) and (2) above. NOTE: If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn., or Washington, D.C.

No. MC 117765 (Sub-No. 95), filed January 21, 1970. Applicant: HAHN TRUCK LINE, INC., 5315 Northwest Fifth, Post Office Box 75267, Oklahoma City, Okla. 73107. Applicant's representative: R. E. Hagan, 5315 Northwest Fifth, Oklahoma City, Okla. 73107. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carpet tacking strips, metal and wood combined*, in container, from the plantsite and warehouse facilities of Oklahoma Carpet Tactless, Inc., located at Norman and Oklahoma City, Okla., to points in Alabama, Arkansas, Colorado, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Mississippi, Missouri, Nebraska, New Mexico, North Dakota, South Dakota, Tennessee, Texas, Utah, Wisconsin, and Wyoming. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla.

No. MC 118318 (Sub-No. 17), filed January 12, 1970. Applicant: IDA-CAL FREIGHT LINES, INC., Post Office Box 422, Twin Falls, Idaho. 83301. Applicant's representative: Kenneth G. Bergquist, Post Office Box 1775, Boise, Idaho 83702. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products and meat byproducts*, as described in section A of appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (1) from Salmon, Idaho, and points within 4 miles thereof to points in Nevada and California; and (2) from Gooding, Idaho, and points within 6 miles thereof to points in Nevada. 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 118806 (Sub-No. 10), filed January 22, 1970. Applicant: ARNOLD BROS. TRANSPORT, LTD., 1101 Dawson Road. Winnipeg, Manitoba, Canada. Applicant's representative: Charles W. Singer, 33 North Dearborn Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tractors* (except truck tractors) (2) *agricultural implements and machinery*, and (3) *attachments* for, and *equipment* designed for use with the articles described in (1) and (2) above when moving in mixed load with articles described in (1) and (2) above, from the ports of entry on the international boundary line between the United States and Canada located in Michigan and New York to points in the United States (except Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming, restricted to traffic in foreign commerce originating at the plant, warehouse, or distribution facilities of the International Harvester Co. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 118959 (Sub-No. 70) (correction), filed December 29, 1969, published FEDERAL REGISTER issue of February 5, 1970, and republished as corrected, this issue. Applicant: JERRY LIPPS, INC., 130 South Frederick Street, Cape Girardeau, Mo. 63701. Applicant's representative: Frank D. Hall, 1273 West Peachtree Street NE., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Rubber and rubber products*, from Mayfield, Ky., to points in Illinois, Indiana, Arkansas, Kentucky, Michigan, Missouri, Ohio, and Texas; and (2) *articles dealt in, processed or manufactured by* rubber and rubber products companies, from points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Kentucky, Michigan, Missouri, Mississippi, North Carolina, Ohio, South Carolina, Tennessee, Louisiana, and Texas to Mayfield, Ky. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant has contract carrier authority under MC 125664, therefore, dual operations may be involved. The purpose of this republication is to show the State of Missouri in lieu of Maine in (2) above. If a hearing is deemed necessary, applicant requests it be held at Akron, Ohio, or Atlanta, Ga.

No. MC 118959 (Sub-No. 73), filed January 26, 1970. Applicant: JERRY LIPPS, INC., 130 South Frederick, Cape Giradeau, 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 Cleveland, Ohio, to points in North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Arkansas, Tennessee, Kentucky, Missouri, Illinois, Texas, Oklahoma, Kansas, Colorado, Arkansas, and New Mexico. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant holds contract carrier authority under MC 125664, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Chicago, Ill.

No. MC 119443 (Sub-No. 25), filed January 27, 1970. Applicant: P. E. KRAMME, INC., Main Street, Monroeville, N.J. 08343. Applicant's representative: V. Baker Smith, 123 South Broad Street, Philadelphia, Pa. 19109. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chocolate, liquid chocolate products, liquid cocoa butter, and liquid confectioner's products*, in bulk, in tank vehicles, from Dover, Del., to points in Louisiana. NOTE: Applicant states that it could tack by combining other operating authority, to serve a number of origin points operating at Philadelphia, Pa., Dover, Del., to Louisiana. If a hearing is deemed necessary, applicant requests that it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 124078 (Sub-No. 424), filed January 26, 1970. Applicant: SCHWERMAN TRUCKING CO., a corporation, 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: *Granular slag*, in bulk, from Middletown and Hamilton, Ohio, to points in Indiana. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 124154 (Sub-No. 33), filed January 26, 1970. Applicant: WINGATE

TRUCKING COMPANY, INC., Post Office Box 645, Albany, Ga. 31702. Applicant's representative: Monty Schumacher, Suite 310, 2045 Peachtree Road NE., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wooden billets*, from points in Vermont, and North Stratford, N.H., and the port of entry on the United States-Canada boundary line at or near North Troy, Vt., to Greenville, S.C., and Monticello, Ga. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. By the instant application, applicant seeks common carrier coextensive with its present contract carrier authority under MC 117504 Sub 1, and also seeks expanded common carrier authority to encompass all points in Vermont and Stratford, N.H., and also to include Greenville, S.C., as an unrestricted destination point, as well as Monticello, Ga. Applicant further states that if the authority sought is granted, it would be willing and agrees to surrender its entire contract carrier authority. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Washington, D.C.

No. MC 124221 (Sub-No. 24) (Amendment), filed April 10, 1969, published in the FEDERAL REGISTER issue of May 22, 1969, and republished as amended this issue. Applicant: HOWARD BAER, 821 East Dunne Street, Morton, Ill. 61550. Applicant's representative: Robert W. Loser, 409 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Gulfport, Miss., and New Orleans, La., to Urbana, Ill.; under contract or contracts with J. M. Jones Co., Urbana, Ill. The purpose of this republication is to reflect a change in the territorial scope of the application, and the person or persons it would serve in the proposed operation. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.; St. Louis, Mo.; or Indianapolis, Ind.

No. MC 124391 (Sub-No. 5) (Correction), filed December 18, 1969, published FEDERAL REGISTER issue of January 29, 1970, corrected February 2, 1970, and republished as corrected this issue. Applicant: HUNTINGTON WESTFORD, INC., Westford, N.Y. 13488. Applicant's representatives: Norman M. Pinsky and Herbert M. Canter, 345 South Warren Street, Syracuse, N.Y. 13202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Silos and parts and accessories* thereof, from points in the town of Whitestown (Oneida County), N.Y., to points in Pennsylvania, Connecticut, Massachusetts, and Vermont, under a continuing contract or contracts with Madison Silos, Division of Martin Marietta Corp., of Madison, Wis. NOTE: Applicant states that no duplicating authority is involved, sought, or intended. The purpose of this republication is to show the correct origin point as town of Whitestown in lieu of Whitestown as previously published. If a hearing is deemed necessary, applicant requests it be held at Syracuse, N.Y.

No. MC 124688 (Sub-No. 5), filed January 26, 1970. Applicant: INDEPENDENT DELIVERY, INC., 1000 South Weller Street, Seattle, Wash. 98104. Applicant's representative: George Kargianis, 609 Norton Building, Seattle, Wash. 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Electrical parts and controls*, such as switches, switch boxes, circuit breakers, relays, coils, condensers, and magnetic contractors and starters, restricted against the transportation of packages or articles weighing in the aggregate more than 250 pounds from one consignor to one consignee on any one day; (2) *stereo controls, stereo tapes, records, record changers, electronic switches, cords, amplifiers, tubes, transistors, condensers and filters; bags and racks; cameras, projectors, screens, tripods and related photographic supplies;* (3) *automobile, tractor and construction equipment, repair and replacement parts and tractor and construction equipment attachments*, such as winches and pulleys, restricted against the transportation of packages or articles weighing in the aggregate more than 250 pounds from one consignor to one consignee on any one day; and (4) *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) restricted (1) against the transportation of any package or article weighing more than 100 pounds and (2) to the transportation of traffic having a prior or subsequent movement in interstate or foreign commerce: Between points in Kings, Mason, Pierce, Snohomish, and Thurston Counties, Wash., on the one hand, and, on the other, points in Clackamas, Clatsop, Columbia, Marion, Multnomah, Polk, Washington, and Yamhill Counties, Oreg. 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 Seattle, Wash.

No. MC 124688 (Sub-No. 6), filed January 22, 1970. Applicant: INDEPENDENT DELIVERY, INC., 1000 South Weller Street, Seattle, Wash. 98104. Applicant's representative: George Kargianis, 609 Norton Building, Seattle, Wash. 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Business papers and records, supplies and audit and accounting media of all kinds, and advertising literature* moving therewith; (2) *exposed and processed film and prints, complimentary replacement film, incidental dealer handling supplies and advertising literature* moving therewith (except motion picture film used for commercial theater and television exhibition); (3) *biologicals, prescriptions, pharmaceuticals, serums, sundries, and hospital and medical supplies, such as sutures, syringes, needles, antiseptics, bandages, surgical insrtuments, intravenous solutions, stethoscopes, forceps, scalpels, and gauge;* between points in Kings, Mason, Pierce, Snohomish, and Thurston Counties, Wash., on the one hand, and, on the other, points in Clackamas, Clatsop, Columbia, Marion, Multnomah, Polk, Washington, and Yamhill Counties Oreg. 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 Seattle, Wash.

No. MC 124722 (Sub-No. 7), filed January 21, 1970. Applicant: E'PORT WAREHOUSE & TRANSFER CO., a corporation, 811 East Linden Avenue, Linden, N.J. 07036. Applicant's representative: Bert Collins, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale, retail, and chain grocery and food business houses (except commodities in bulk), and, in connection therewith, *equipment, materials, and supplies* used in the conduct of such business (except commodities in bulk), (1) between Linden, N.J., on the one hand, and, on the other, points in New York, N.Y., Albany, Delaware, Dutchess, Columbia, Fulton, Greene, Monroe, Montgomery, Nassau, Onondaga, Orange, Putnam, Rensselaer, Rockland, Saratoga, Schenectady, Schoharie, Suffolk, Sullivan, Westchester, Warren, Washington, and Ulster Counties, N.Y.; Connecticut; Massachusetts; Rhode Island; Hillsborough and Rockingham Counties, N.H.; (2) between Pennsville, N.J., on the one hand, and, on the other, points in New York, Rhode Island, Massachusetts, and Hillsborough, and Rockingham Counties, N.H.; and (3) between Philadelphia, Pa., on the one hand, and, on the other, points in New York, Connecticut, Rhode Island, Massachusetts, and Hillsborough and Rockingham Counties, N.H. Restriction: The proposed service to be under contract with Food Fair Stores, Inc. NOTE: Common control may be involved. Applicant states it presently holds authority under its MC 124722 which duplicates in part, the authority presently sought. No duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 124839 (Sub-No. 3), filed January 20, 1970. Applicant: BUILDERS TRANSPORT, INC., Post Office Box 7057, Savannah, Ga. 31408. Applicant's representative: William P. Sullivan, 1819 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except articles of unusual value, classes A and B explosives, and household goods as defined by the Commission), between points in Alabama, Florida, Georgia, Kentucky, Maryland, North Carolina, South Carolina, Tennessee, Virginia, West Virginia, and the District of Columbia; under continuing

contract with the Georgia-Pacific Corp. (Southern Division), of Augusta, Ga., restricted to the transportation of traffic originating at, or destined to, plantsites and warehouses of the Georgia-Pacific Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Atlanta, Ga.

No. MC 126276 (Sub-No. 23) (Amendment), filed December 31, 1969, published FEDERAL REGISTER issue of February 5, 1970, and republished as amended this issue. Applicant: FAST MOTOR SERVICE, INC., 12855 Ponderosa Drive, Pales Height, Ill. Applicant's representative: Robert H. Levy, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers, container components and ends, container tops and closures; and supplies* used in the manufacture and distribution of metal containers, ends, tops, and closures that move with metal containers, ends, tops, and closures, from the plantsites of Crown Cork & Seal Co., Inc., at North Bergen, N.J., Philadelphia, Pa., Baltimore and Fruitland, Md., Winchester, Va., Lawrence, Mass., Chicago, Ill., Faribault, Minn., Bradley, Ill., St. Louis, Mo., Spartanburg, S.C., and Cleveland, Ohio, to points in Minnesota, Wisconsin, Michigan, Missouri, Illinois, Ohio, Indiana, Kentucky, and Maryland, under contract with Crown Cork & Seal Co., Inc. NOTE: The purpose of this republication is to redescribe commodity description and to show if a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 126362 (Sub-No. 2), filed January 23, 1970. Applicant: GOTHAM TRUCKING, INC., 24–37 46th Street, Astoria, N.Y. 11103. Applicant's representative: Morris Honig, 150 Broadway, New York, N.Y. 10038. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Electric, medical, and dental equipment, and parts thereof*, from (1) points in the New York, N.Y., harbor area and from port Newark and Port Elizabeth, N.J., to Iselin, N.J., restricted to shipments having a prior movement by water, and (2) from Iselin, N.J., to New York, N.Y., under contract with Siemens Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Newark, N.J.

No. MC 126427 (Sub-No. 8), filed January 22, 1970. Applicant: PALMER TRANSPORTATION, INC., Chester, N.Y. 10918. Applicant's representatives: Edward M. Alfano and John L. Alfano, 2 West 45th Street, New York, N.Y. 10036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Salt*, from Seneca Lake Mine, Milo Township, Yates County, N.Y., to points in Connecticut, Delaware, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont; and (2) *returned shipments of salt*, from points in Connecticut, Delaware, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont to Seneca Lake Mine, Milo Township, Yates County, N.Y. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 126472 (Sub-No. 4), filed January 15, 1970. Applicant: WILLCOX-SON TRANSPORT, INC., Post Office Box 16, Bloomfield, Iowa 52537. Applicant's representative: Thomas F. Kilroy, 2111 Jefferson Davis Highway, Arlington, Va. 22202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer and fertilizer compounds*, in bulk, in conveyor trailers, from the facilities of Chevron Chemical Co. at or near Fort Madison, Iowa, to points in Missouri and Illinois. 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 Des Moines, Iowa.

No. MC 126473 (Sub-No. 12), filed January 12, 1970. Applicant: HAROLD DICKEY TRANSPORT, INC., Packwood, Iowa 52580. 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: *Anhydrous ammonia*, in bulk, from the storage and transfer facilities utilized by ARCO Chemical Co., Division of Atlantic Richfield Co., located in Cerro Gordo County, Iowa, to points in Iowa, Minnesota, Nebraska, South Dakota, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 126822 (Sub-No. 32), filed January 19, 1970. Applicant: PASSAIC GRAIN AND WHOLESALE COMPANY, INC., Post Office Box 23, Passaic, Mo. 64777. Applicant's representatives: Tom B. Kretsinger and Warren H. Sapp, 450 Professional Building, 1103 Grand Avenue, Kansas City, Mo. 64106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hides, skins, pelts, and pieces thereof;* (a) from points in Iowa, Missouri, Kansas, and Nebraska, to the plantsite of National By-Products, Inc., located at or near Saluda, Ill.; and (b) from the plantsite of National By-Products, Inc., located at or near Saluda, Ill., and from Springfield, Ill., and Terre Haute, Ind., to points in Maine, Massachusetts, New Hampshire, Chicago, Ill.; Indianapolis, Ind.; New Orleans, La.; Baltimore, Md.; Detroit, Mich.; New York, N.Y.; Philadelphia, Pa.; Dallas and Houston, Tex.; Pownall, Vt.; and Milwaukee, Wis. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., Chicago, Ill., or Springfield, Ill.

No. MC 126822 (Sub-No. 33), filed January 19, 1970. Applicant: PASSIAC GRAIN AND WHOLESALE COMPANY, INC., Post Office Box 23, Passaic, Mo. 64777. Applicant's representatives: Tom B. Kretsinger and Warren H. Sapp, 450 Professional Building, 1103 Grand Avenue, Kansas City, Mo. 64106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hides, skins, pelts, and pieces thereof*, from Houston, Tex., to points in Maine, Massachusetts, New Hampshire, and Chicago, Ill., Williamsport, Md.; Red Wing, Minn.; Hoboken, N.J.; Gloversville and Johnstown, N.Y.; Hazelwood, N.C.; Elkland and Mercersburg, Pa.; Luray, Va.; Durbin, W. Va.; Fond du Lac, Milwaukee, and Sheboygan, Wis. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., New York, N.Y., or Houston, Tex.

No. MC 126822 (Sub-No. 34), filed January 22, 1970. Applicant: PASSAIC GRAIN AND WHOLESALE COMPANY, INC., Post Office Box 23, Passaic, Mo. 64777. Applicant's representatives: Tom B. Kretsinger and Warren H. Sapp, 450 Professional Building, 1103 Grand Avenue, Kansas City, Mo. 64106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hides, skins, pelts, and pieces thereof*, from points in Colorado, Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, Utah, and Wisconsin to points in Alameda, Los Angeles, San Diego, San Francisco, and San Mateo Counties, Calif. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests that it be held at San Francisco or Los Angeles, Calif.

No. MC 128095 (Sub-No. 6), filed January 21, 1970. Applicant: PARKER TRUCK LINE, INC., Westmoreland Drive, Box 1402, Tupelo, Miss. 38801. Applicant's representative: Donald B. Morrison, 717 Deposit Guaranty National Bank Building, Post Office Box 22628, Jackson, Miss. 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Urethane and urethane products*, from Iowa City, Iowa, to points in Mississippi. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant request it be held at Jackson, Miss., or Memphis, Tenn.

No. MC 128343 (Sub-No. 10), filed January 26, 1970. Applicant: C-LINE, INC., Tourtellot Hill Road, Chepachet, R.I. 02814. Applicant's representative: Ronald N. Cobert, 1730 M Street NW., Suite 501, Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, in mixed loads with *commodities of unusual value* (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment); (1) from Providence, R.I., to points in

California, Connecticut, Georgia, Illinois, New Jersey, New York, Ohio, Michigan, and Texas; and (2) from points in New York, New Jersey, and Connecticut to Providence, R.I., under contract with Jewelers Shipping Association. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Providence, R. I.

No. MC 128377 (Sub-No. 2) (Amendment), filed December 17, 1969, published FEDERAL REGISTER, issue of January 22, 1970, amended February 3, 1970, and republished as amended this issue. Applicant: CITY AIR FREIGHT, INC., 209 East Barker Avenue, Michigan City, Ind. 46369. Applicant's representative: Wm. L. Carney, 105 East Jennings Avenue, South Bend, Ind. 46614. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except classes A and B explosives, commodities in bulk and those requiring special equipment), between points in La Porte County, Ind., and Porter County, Ind. (except Valparaiso, Ind.) and Midway Airport at Chicago, Ill., and O'Hare International Airport at Chicago, Ill., restricted to transportation of commodities having an immediately prior or immediately subsequent movement by air. NOTE: Applicant states that it intends to join at Michigan City, Ind., for purpose of consolidating with freight picked up at that point of service. All duplicating authority to be eliminated. The purpose of this republication is to include Michigan City Ind., within La Porte County, Ind. heretofore excluded from La Porte County, as previously published. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or La Porte, Ind.

No. MC 128598 (Sub-No. 5), filed January 6, 1970. Applicant: BREVARD BROTHER, INC., 4714 St. Barnabas Road SE., Silver Hill, Md. 20031. Applicant's representative: Francis J. Ortman, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Gravel*, from Clinton, Md., to Goshen, Va., restricted to a transportation service to be performed under a continuing contract with Inland Materials, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 128940 (Sub-No. 9), filed January 19, 1970. Applicant: RICHARD A. CRAWFORD, doing business as R. A. CRAWFORD TRUCKING SERVICE, Post Office Box 722, Adelphi, Md. 20783. Applicant's representative: Charles E. Creager, Suite 523, 816 Easley Street, Silver Spring, Md. 20910. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Foods, food products, and preparations, related advertising materials, equipment, and supplies* used in the preparation and serving of foods, from Washington, D.C., to (1) points in Adams, Allen, Boone, Hamilton, Hancock, Hendricks, Johnson, Morgan, Shelby, Wells, and Whitley Counties, Ind.; (2) points in Butler, Clark, Clermont, Fairfield, Franklin, Greene, Hamilton, Licking, Madison, Miami, Montgomery, Pickaway, Preble, and Warren Counties, Ohio; (3) points in Boone, Campbell, Kenton, Callatin, Grant, and Pendleton Counties, Ky.; (4) points in Allegan, Berry, Ionia, Kent, Muskegon, and Ottawa Counties, Mich.; (5) points in Allegheny, Beaver, Washington, and Westmoreland Counties, Pa.; and (6) points in Brooke, Jefferson, and Hancock Counties, Ohio, under contract with Fairfield Farm Kitchens. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 129004 (Sub-No. 1), filed January 5, 1970. Applicant: BORIS M. PETROFF, doing business as TRANS-WORLD VAN LINES, 1520 West 11th Street, Long Beach, Calif. 90813. 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 Kern, Los Angeles, Orange, Riverside, San Bernardino, and Ventura 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: Applicant states that it does not intend to tack. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 133676 (Sub-No. 3), filed January 5, 1970. Applicant: COMET DISTRIBUTION SERVICES, INC., 2125 Sorrell Avenue, Post Office Box 3175, Baton Rouge, La. 70821. Applicant's representative: L. F. Aguillard (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Woodpulp*, from Port Gardner, La., to Baton Rouge, La., serving the greater port of Baton Rouge facilities at Port Allen, La. (in Baton Rouge commercial zone), and the Baton Barge Terminal, for subsequent movement by water. NOTE: If a hearing is deemed necessary, applicant requests it be held at Baton Rouge, La.

No. MC 134041 (Sub-No. 2), filed January 8, 1970. Applicant: WAYNE MOTOR EXPRESS, INC., 406 Fairgrounds Avenue, Wayne, Nebr. 68787. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated buildings, parts, and accessories* therefor, from Wayne, Nebr., to points in South Dakota, points in that part of Minnesota south and west of a line formed by Interstate Highways 94 and 35, and points in that part of Iowa west of a line formed by Interstate Highway 35, under contract with Carhart Lumber Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Sioux City, Iowa, Omaha, Nebr., or Des Moines, Iowa.

No. MC 134060 (Sub-No. 1), filed January 8, 1970. Applicant: DAVINDER FREIGHTWAYS, LTD., Trans Canada Highway, Chemainus, British Columbia, Canada. Applicant's representatives: G. S. Doman, Box 40, Chemainus, British Columbia, Canada, and James T. Johnson, 1610 IBM Building, 1200 Fifth Avenue, Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, between ports of entry on the international boundary line between British Columbia, Canada, and the State of Washington, on the one hand, and, on the other, points in Washington and Oregon located on or west of U.S. Highway 97, restricted to shipments, originating at or destined to points on Vancouver Island, British Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 134142 (Sub-No. 1), filed January 12, 1970. Applicant: BROWN REFRIGERATED EXPRESS, INC., Post Office Box 603, Fort Scott, Kans. 66701. Applicant's representative: Harry Ross, 848 Warner Building, Washington, D.C. 20004. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Articles, dealt in or used by wholesale, retail and/or chain grocery stores*, between National City (San Diego), Sante Fe Springs (Los Angeles), Richmond (San Francisco), and Sacramento, Calif., Clackamus (Portland), Oreg., Bellevue (Seattle) and Spokane, Wash., Phoenix, Ariz., Salt Lake City, Utah, Denver, Colo., Butte, Mont., El Paso, and Garland (Dallas), Tex., Omaha, Nebr., Kansas City, and Wichita, Kans., Little Rock, Ark., Boise, Idaho, and Oklahoma City and Tulsa, Okla., on the one hand, and, on the other, points in Mississippi, Louisiana, Arkansas, Missouri, Iowa, Minnesota, Wisconin, Illinois, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, New Mexico, Colorado, Wyoming, Montana, Arizona, Utah, Nevada, Idaho, Washington, Oregon, and California under contract with Safeway Stores, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 134252, filed December 22, 1969. Applicant: A. C. & W. D. MOORE, INC., Box 286, Heuvelton, N.Y. 13654. Applicant's representatives: Carl O. Bachman, 407 Sherman Street, Watertown, N.Y. 13601, Arthur C. Moore (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cheese and cheese products including equipment and materials* used in connection therewith, in Heuvelton, St. Lawrence County, New Bremen, Lewis County, Adams, Jefferson County, and Chateaugay, Franklin County, N.Y., to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Maryland, and Ohio, and return of *containers and rejected cheese products*, or return, under contract with McCadam Cheese Co., Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Syracuse, N.Y.

No. MC 134281, filed January 13, 1970. Applicant: E. R. WOLCOTT, INC., Post Office Box 296, Big Flats, N.Y. 14814. Applicant's representative: Russell R. Sage, Suite 301, Tavern Square, 421 King

Street, Alexandria, Va. 22314. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, from the facilities of Morton Salt Co. located in Yates County, N.Y., or near Milo, N.Y., to points in Pennsylvania, New Jersey, Delaware, Maryland, Connecticut, Massachusetts, Vermont, Rhode Island, and New Hampshire. NOTE: Applicant states it does not intend to tack. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 134292, filed January 19, 1970. Applicant: RIVERSIDE DISTRIBUTORS, INC., 1063 North Branch Street, Chicago, Ill. 60622. Applicant's representative: Edward Atlas, 77 West Washington Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture, new household furnishings, and new household appliances*, between points in Cook, Lake, Du Page, Will, Kendall, Kane, and McHenry Counties, Ill., Lake and Porter Counties, Ind. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 134293, filed December 31, 1969. Applicant: SMALL BROTHERS, INC., Lowden, Wash. 99342. Applicant's representatives: Herbert H. Freise, 200 Jones Building, Walla Walla, Wash. 99362, and Ray Small, Jr., Lowden, Wash. 99342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: (1) *Lumber products and lumber*, finished and rough cut all species, green or dry, *shakes, shingles, and all types of plywood*, between points in Umatilla County, Oreg., and Walla Walla, Franklin, Benton, Columbia, Garfield, Asotin, Whitman and Adams Counties in Washington; and (2) *silva fiber*, from points in Franklin County, Wash., to points in Oregon. NOTE: If a hearing is deemed necessary, applicant requests it be held at Walla Walla or Pasco, Wash.

No. MC 134294, filed December 31, 1969. Applicant: SUN TRUCKING, INC., Building T106, Big Pasco Industrial Park, Pasco, Wash. 99302. Applicant's representatives: John W. Latimer, Post Office Box 2406, Pasco, Wash. 99301, and Herbert H. Freise, 200 Jones Building, Walla Walla, Wash. 99362. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement* in bulk and in bags, between points in Umatilla County, Oreg., and Walla Walla, Franklin, and Benton Counties, Wash.; and *silva fiber* between points in Franklin County, Wash., on the one hand, and, on the other, points in Oregon. NOTE: If a hearing is deemed necessary, applicant requests it be held at Walla Walla or Pasco, Wash.

No. MC 134310, filed January 26, 1970. Applicant: ED STORTZ AND EDWIN STORTZ, a partnership, doing business as HIGHWAY FUEL COMPANY, 2390 Fairgrounds Road, Salem, Oreg. 97310. 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: *Wood residuals*, between points in Marion, Polk, Linn, and Yamhill Counties, Oreg., on the one hand, and, on the other, points in Clark and Cowlitz Counties, Wash. NOTE: Applicant holds contract carrier authority under MC 126483 and subs thereunder, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

APPLICATION FOR BROKERAGE LICENSE

No. MC 12136 (Sub-No. 4), filed January 22, 1970. Applicant: COLLETTE TRAVEL SERVICE, INC., 383 Main Street, Pawtucket, R.I. 02860. Applicant's representative: Thomas W. Murrett, 342 North Main Street, West Hartford, Conn. 06117. For a license (BMC–5) to engage in operations as a *broker* at Worcester, Mass., in arranging for transportation in interstate or foreign commerce of *passengers and their baggage*, in special and charter operations, between points in the United States, including Alaska and Hawaii.

No. MC 130105, filed December 15, 1969. Applicant: ATLAS TOURS & TRAVEL SERVICE, INC., 518 Madison Avenue, Toledo, Ohio 43604. Applicant's representative: Ronald L. Wollett, 88 East Broad Street, Columbus, Ohio 43215. For a license (BMC–5) to engage in operation as a *broker* at Toledo, Ohio, in arranging for transportation in interstate or foreign commerce of *passengers and their baggage*, both as individuals and charter groups, beginning and ending at Toledo, Ohio, and extending to points in the United States including Alaska and Hawaii.

MOTOR CARRIER OF PASSENGERS

No. MC 33446 (Sub-No. 2) (Amendment), filed July 7, 1969, published in the FEDERAL REGISTER issue of October 23, 1969, and republished as amended this issue. Applicant: THE REDIFER BUS COMPANY, a corporation, 977 Winona Drive, Youngstown, Ohio 44511. Applicant's representative: Martin E. Cusick, First Federal Building, 1 East State Street, Sharon, Pa. 16146. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in the same vehicle in special operations, beginning and ending at all points in Ohio (except that part of Ohio south of U.S. Highway 224) in the counties of Ashland, Medina, Summit, Portage, Wayne, Stark, Columbiana, Holmes, Tuscarawas, and Carroll, Ohio, and extending to all points in the United States, including Alaska. NOTE: Applicant states it intends to tack and in connection therewith states it is now certificated under MC 33446 to render group and party service from all points in Ohio to 27 other States and the District of Columbia. Common control may be involved. The purpose of this republication is to broaden the scope of the territorial description involved. If a hearing is deemed necessary, applicant requests it be held at Youngstown, Ohio, Pittsburgh, Pa., or Cleveland, Ohio.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

No. MC 36745 (Sub-No. 5), filed January 27, 1970. Applicant: BENNIE M. ANDERSON TRUCKING CO., INC., 51 East Main Street, Falconer, N.Y. 14733. Applicant's representative: Kenneth T. Johnson, Bank of Jamestown Building, Jamestown, N.Y. 14701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from the plantsite of the Sterlingworth Corp., located in the town of Ellicott, Chautauqua County, N.Y, to points in Vermont, New Hampshire, and Maine. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority.

No. MC 41432 (Sub-No. 105) (Clarification), filed January 5, 1970, published in the FEDERAL REGISTER issue of February 12, 1970, and republished in part, as clarified, this issue. Applicant: EAST TEXAS MOTOR FREIGHT LINES, INC., 2355 Stemmons Freeway, Post Office Box 10125, Dallas, Tex. 75207. Applicant's representative: Rollo E. Kidwell (same address as above). The purpose of this partial republication is solely to reflect that applicant requests handling under the modified procedure and had submitted verified statements in support. Therefore the previous publication should have had a heading as follows "Application in Which Handling Without Oral Hearing Has Been Requested." Said heading was inadvertently omitted in the previous publication.

No. MC 125091 (Sub-No. 2), filed December 8, 1969. Applicant: BOEHMER TRANSPORTATION CORP., Mill and Union Streets, Machias, N.Y. 14101. Applicant's representative: Kenneth T. Johnson, Bank of Jamestown Building, Jamestown, N.Y. 14701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand and antiskid sand; washed, crushed, and subbase gravel*, in dump trucks, from the town of Machias, Cattaraugus County, N.Y., to points in Potter, Warren, Forest, Elk, Clarion, Clearfield, and Indiana Counties, Pa. NOTE: Applicant states it holds duplicating authority in its MC No. 125091. No duplicating authority is sought in instant application. Applicant further states that the requested authority cannot be tacked with its existing authority.

No. MC 125091 (Sub-No. 3), filed December 15, 1970. Applicant: BOEHMER TRANSPORTATION CORP., Mill and Union Streets, Machias, N.Y. 14101. Applicant's representative: Kenneth T. Johnson, Bank of Jamestown Building, Jamestown, N.Y. 14701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Sand with loam*, from the town of Eldred, McKean County, Pa., to Lackawanna, N.Y.; and (2) *slag*, in dump trucks, from Lackawanna, N.Y., to Bradford Township, McKean County, Pa. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further

states that duplicating authority will be eliminated.

By the Commission.

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

[F.R. Doc. 70-2028; Filed, Feb. 18, 1970; 8:45 a.m.]

FOURTH SECTION APPLICATION FOR RELIEF

FEBRUARY 16, 1970.

Protests to the granting of an application must be prepared in accordance with § 1100.40 of the General Rules of Practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41894—*Class and commodity rates from and to Medley and Maule, Fla.* Filed by O. W. South, Jr., agent (No. A6158) for interested rail carriers. Rates on property moving on class and commodity rates, between Medley and Maule, Fla., on the one hand, and points in the United States and Canada, on the other.

Grounds for relief—New stations and grouping.

By the Commission.

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

[F.R. Doc. 70-2105; Filed, Feb. 18, 1970; 8:48 a.m.]

[Notice 493]

MOTOR CARRIER TRANSFER PROCEEDINGS

FEBRUARY 16, 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-71836. By order of February 6, 1970, the Motor Carrier Board approved the transfer to Bullock Trucking Co., Inc., Thomasville, Ga., of the operating rights in certificates Nos. MC-118859 (Sub-No. 2) and MC-118859 (Sub-No. 3) issued June 23, 1960, and July 29, 1964, respectively, to N. H. Thompson, doing business as Thompson Trucking Co., Valdosta, Ga., authorizing the transportation, over irregular routes, of lumber, treated and untreated, poles, and posts from Valdosta, Ga., and points in Georgia within 75 miles of Valdosta (except those in Dougherty and Colquitt Counties, Ga.), to points in Florida; and lumber (except plywood), poles, and posts, treated and untreated, from Willacoochee and Valdosta, Ga., to points in Alabama and Tennessee, and from Sweetwater, Tenn., to Valdosta, Ga. Virgil H. Smith, 431 Title Building, Atlanta, Ga. 30303, attorney for applicants.

No. MC-FC-71885. By order of February 6, 1970, the Motor Carrier Board approved the transfer to Dennis Paintner and Allen Kenninger, a partnership, doing business as Valley Truck Line, Cooperstown, N. Dak., of the certificate of registration in No. MC-99050 (Sub-No. 2) issued April 6, 1964, to Maynard Freitag, doing business as Valley Truck Line, Cooperstown, N. Dak., evidencing a right to engage in transportation in interstate commerce corresponding in scope to the grant of authority in certificate No. 352 dated April 15, 1954, and certificates Nos. 385 and 412 dated December 8, 1954, issued by the North Dakota Public Service Commission. Allan Foss, 502 First National Bank Building, Fargo, N. Dak. 58102, attorney for applicants.

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

[F.R. Doc. 70-2106; Filed, Feb. 18, 1970; 8:48 a.m.]

[Notice 27]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

FEBRUARY 16, 1969.

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 200 (Sub-No. 232 TA), filed February 9, 1970. Applicant: RISS INTERNATIONAL CORPORATION, Post Office Box 2809, Kansas City, Mo. 64142. Applicant's representative: Rodger J. Walsh (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products and meat byproducts*, from York, Nebr., to points in New York, New Jersey, Pennsylvania, and Florida, for 150 days. Supporting shipper: Sunflower Beef Packers of Nebraska, Inc., 13th Street and Division Avenue, Post Office Box 355, York, Nebr. 68467. Send protests to: Vernon V. Coble, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1100 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 107295 (Sub-No. 298 TA), filed February 9, 1970. Applicant: PRE-FAB TRANSIT CO., 100 South Main Street, Farmer City, Ill. 61842. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ceiling suspension systems; movable partitions; and parts and accessories* used in the installation thereof, from Westlake, Ohio, to points in Kansas, Oklahoma, and Texas, for 180 days. Supporting shipper: Donn Products Inc., 700 Bassett Road, Westlake, Ohio 44145. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 476, 325 West Adams Street, Springfield, Ill. 62704.

No. MC 107882 (Sub-No. 14 TA), filed February 9, 1970. Applicant: ARMORED MOTOR SERVICE CORPORATION, 160 Ewingville Road, Trenton, N.J. 08638. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coin*, moving on Government bills of lading, for the account of General Services Administration, between Denver, Colo.; Philadelphia, Pa.; Richmond, Va.; Charlotte, N.C.; Atlanta, Ga.; Birmingham, Ala.; Jacksonville, Fla.; Fort Knox, Ky.; Nashville, Tenn.; Memphis, Tenn.; New Orleans, La.; Little Rock, Ark.; Oklahoma City, Okla.; El Paso, Tex.; Houston, Tex.; San Antonio, Tex.; Dallas, Tex.; West Point, N.Y.; New York, N.Y., for 90 days. Supporting shipper: General Services Administration, Transportation and Communications Service, Washington, D.C. 20405. Send protests to: Raymond T. Jones, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 410 Post Office Building, Trenton, N.J. 08608.

No. MC 108460 (Sub-No. 43 TA), filed February 9, 1970. Applicant: PETROLEUM CARRIERS COMPANY, 5104 West 14th Street, Sioux Falls, S. Dak. 57101. Applicant's representative: Stanley Mundhenke (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, from Whiting, Iowa, to points in Minnesota and South Dakota, for 180 days. Supporting shipper: Farmers Union Central Exchange, 1185 North Concord Street, South St. Paul, Minn.; Carl G. Pylkas, Transportation 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 114106 (Sub-No. 76 TA), filed February 9, 1970. Applicant: MAYBELLE TRANSPORT COMPANY, 1820 South Main Street, Lexington, N.C. 27292. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, in bulk, in dump vehicles, from Lexington, N.C., to points in Virginia, for 150 days. Supporting shipper: Diamond Crystal Salt Co., St. Clair, Mich. Send protests to: Jack K. Huff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 316 East Morehead, Suite 417 (BSR Building), Charlotte, N.C. 28202.

No. MC 118831 (Sub-No. 70 TA), filed February 9, 1970. Applicant: CENTRAL TRANSPORT, INCORPORATED, Box 5044 (Uwharrie Road), High Point, N.C. 27261. Applicant's representative: Richard E. Shaw (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dimethyl terephthalate*, in bulk, from Old Hickory, Tenn., to Anderson, S.C., for 180 days. Supporting shipper: G. W. Fillingame, Assistant Transportation Manager, E. I. du Pont de Nemours & Co., Inc., Wilmington, Del. 19898. Send protests to: Archie W. Andrews, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Post Office Box 10885, Cameron Village Station, Raleigh, N.C. 27605.

No. MC 124813 (Sub-No. 72 TA), filed February 9, 1970. Applicant: UMTHUN TRUCKING CO., 910 South Jackson, Engle Grove, Iowa 50533. 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: *Feed, feed ingredients, and feed supplements* (except liquids in bulk), from Cedar Rapids, Iowa, to points in Kentucky, for 180 days. Supporting shipper: Farmland Industries, Inc., Post Office Box 7305, Kansas City, Mo. 64116. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 129350 (Sub-No. 8 TA), filed February 9, 1970. Applicant: CHARLES E. WOLFE, doing business as EVERGREEN EXPRESS, Post Office Box 212, Billings, Mont. 59103. Applicant's representative: J. F. Meglen, Post Office Box 1581, Billings, Mont. 59103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Processed alfalfa hay pellets*, from Thief River Falls, Minn., and *processed grain type pellets*, from La Moure, N. Dak., to points in Montana and Wyoming, for 180 days. Supporting shipper: Yellowstone Molasses Service, Inc., Post Office Box 404, Billings, Mont. 59103. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 251 U.S. Post Office Building, Billings, Mont. 59101.

No. MC 133854 (Sub-No. 2 TA), filed February 9, 1970. Applicant: DOYLE REASNOR AND LEO REASNOR, a partnership, doing business as REASNOR CONSTRUCTION CO., Box 148, Kinta, Okla. 74552. Applicant's representative: Leo Reasnor (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over regular routes, transporting: *Coal*, in bulk, from mine site of Kerr-McGee Corp., 6 miles southeast of Stigler, Okla., to rail siding of Texas & Pacific RR. approximately 3 miles east of Stigler, Okla., and rail siding at Fort Smith and Van Buren RR. at McCurtain, Okla. and return movement of *rejected shipment*, for 150 days. Supporting shipper: J. S. Dewey, Director of Transportation, Kerr-McGee Corp., Kerr-McGee Building, Oklahoma City, Okla. 73102. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, Okla. 73102.

No. MC 134326 TA, filed February 9, 1970. Applicant: CLYDE FULLER, doing business as FULLER TRUCKING CO., Post Office Box 2171, Fort Oglethorpe, Ga. 30741. Applicant's representative: William Addams, Suite 527, 1776 Peachtree Street NW., Atlanta, Ga. 30309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Carpet, rugs, and pads therefor and materials and supplies* used in the manufacture thereof, between the plantsites of Jorges Carpet Mills, Rossville, Ga.; Southern-Roxbury Carpet Mills, Chattanooga, Tenn.; Wade Carpet Mills, Dalton, Ga.; and Welco Carpet Mills, Calhoun, Ga.; and points in the United States except Alaska and Hawaii, for 180 days. Supporting shippers: Jorges Carpet Mills, Inc., 420 West Lake Avenue, Post Office Box 698, Rossville, Ga. 30741; Roxbury Southern Mills, Inc., Division of Roxbury Carpet Co., Chattanooga, Tenn. 37407; Wade Carpet Mills, Inc., Route 6, Cleveland Road, Dalton, Ga. 30720; Welco Carpet Corp., Post Office Box 281, Calhoun, Ga. 30701. Send protests to: William L. Scroggs, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW., Atlanta, Ga. 30309.

By the Commission.

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

[F.R. Doc. 70-2107; Filed, Feb. 18, 1970; 8:48 a.m.]

[Section 5a Application 76]

TEXAS MOTOR EXPRESS AND FILM CARRIERS ASSOCIATION AGREEMENT

FEBRUARY 16, 1970.

Present: John W. Bush, Commissioner, to whom the matter which is the subject of this order has been assigned for action thereon.

It appearing, that the Commission, division 2, in a report decided May 24, 1961, 313 I.C.C. 765, under the provisions of section 5a of the Interstate Commerce Act, approved, subject to terms and conditions, an agreement between and among 10 motor common carrier members of Texas Motor Express and Film Carriers Association, hereinafter called the association, relating to the joint consideration, initiation, or establishment of rates and related matters governing the transportation of property in interstate commerce to, from, or between points in the United States; and that upon submittal by applicants of amendments to the said agreement in conformity with the conclusions expressed in the said report, an order was entered on September 28, 1961, approving the amended agreement;

It further appearing, that since the date of the said order approving the agreement herein, investigations have been conducted annually by the Commission's staff in compliance by the carrier parties with the regulations established by the Commission under section 5a of the act; that the said investigations have shown that, as of December 22, 1969, the carriers have not so complied, nor have they reached an accord between and among themselves to organize and function pursuant to the terms of the approved agreement;

It further appearing, that these matters have been repeatedly directed to the attention of Mr. John M. Reed, who represents one of the carrier parties, Reeds Film Service, Inc., 150 East Zavala, San Antonio, Tex. 78204, and who is also a director and past president of the association; that Mr. Reed is knowledgeable concerning the requirements of the Commission in section 5a matters; and that despite numerous informal requests by representatives of the Commission that the parties take definite action by activation of the approved agreement, or that they request termination of the approval thereof, the carrier parties have failed to do so; and that they are unwilling to voluntarily request termination of the approval in the belief that the relief conferred by the agreement may be needed sometime in the future;

And it further appearing, that the parties have been afforded sufficient time and adequate opportunity to activate and place in force the agreement approved herein; and that the continuance of the outstanding order of approval in this proceeding serves no necessary or useful purpose in furtherance of the national transportation policy, and places an undue burden and expense on the Commission in carrying out its responsibilities and functions under section 5a of the act; therefore:

It is ordered, That pursuant to paragraphs (7) and (8) of section 5a of the Interstate Commerce Act, the parties to the agreement in this proceeding be, and they are hereby, cited to show cause, if any there be, why the said order of approval should not be terminated, by filing with the Commission on or before March 30, 1970, a verified statement setting forth specifically the grounds relied upon.

It is further ordered, That replies to any such statement made in response to this order may be filed with the Commission not later than April 20, 1970;

It is further ordered, That any statement or any reply thereto, made and filed as hereinbefore provided, shall be served in accordance with the Commission's General Rules of Practice upon all parties to the proceeding, and 15 copies thereof shall be furnished for the use of the Commission;

And it is further ordered, That a copy of this order shall be served on Mr. John M. Reed, of 150 East Zavala, San Antonio, Tex. 78204, as representative for and on behalf of the carrier parties and the association herein, and that public notice of this order shall be made by publication in the FEDERAL REGISTER.

Dated at Washington, D.C., this 5th day of February 1970.

By the Commission, Commissioner Bush.

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

[F.R. Doc. 70-2108; Filed, Feb. 18, 1970; 8:48 a.m.]

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