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Conservation Service
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Title 7—AGRICULTURE

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

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

Subpart—U.S. Standards for Grades of Canned Grapefruit¹

FILL OF CONTAINER; CORRECTION

The document amending Subpart—U.S. Standards for Grades of Canned Grapefruit which was published in the FEDERAL REGISTER of March 3, 1970 to become effective March 22, 1970 (35 F.R. 3981), contains an inadvertent error. Such error appears on page 3981 in paragraph (d) of the preamble and in § 52.1144(a)(2), both referring to the fill of container requirement as set forth in the Regulations of the Food and Drug Administration (21 CFR 27.92; 34 F.R. 18598). Such error is corrected by changing the entry "50 percent" to read "53 percent".

As corrected § 52.1144(a)(2) reads:

§ 52.1144 Fill of container.

(a) * * *

(2) The drained weight of the grapefruit is not less than 53 percent of the water capacity of the container.

(Secs. 202-208, 60 Stat. 1087, as amended; 7 U.S.C. 1621-1627)

Dated: March 20, 1970.

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

[F.R. Doc. 70-3570; Filed, Mar. 24, 1970; 8:50 a.m.]

Chapter III—Agricultural Research Service, Department of Agriculture

PART 319—FOREIGN QUARANTINE NOTICES

Subpart—Fruits and Vegetables

COLD TREATMENTS OF CERTAIN IMPORTED FRUITS

Pursuant to the authority conferred by § 319.56-2 of the regulations (7 CFR 319.56-2) supplemental to the Fruit and

¹ Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable state laws and regulations.

Vegetable Quarantine (Notice of Quarantine No. 56, 7 CFR 319.56), under sections 5 and 9 of the Plant Quarantine Act of 1912 and section 106 of the Federal Plant Pest Act (7 U.S.C. 159, 162, 150ee), administrative instructions appearing as 7 CFR 319.56-2d are hereby amended in the following respects:

Section 319.56-2d is amended by deleting the words "Vinifera grapes and any other" from paragraph (a); § 319.56-2d(a)(2) is amended by adding thereto a new subdivision (v); the final part of subparagraph (2) following § 319.56-2d(a)(2)(iv) is transferred to follow the new subdivision (v), and the words "fruit flies" in the said paragraph have been changed to the word "insects"; paragraph (d) is amended; and the title heading is changed; to read as follows:

§ 319.56-2d Administrative instructions for cold treatments of certain imported fruits.

(a) *Treatments authorized.* The following cold treatments are authorized for imported fresh fruits enterable under § 319.56-2 under permit and upon compliance with applicable regulations in this subpart:

(2) * * *

(v) Fruit cold treated because of the false codling moth (*Crytophlebia (Argyroplote) leucotreta*) shall be refrigerated for not less than 22 days at or below 31° F. If the temperature of the fruit rises above 31.5° F. while under treatment, it may be compensated for by extending the treatment one-third of a day for each day or part of a day the 31.5° F. temperature is exceeded. Should the temperature of the fruit exceed 34.5° F. at any time during the period of treatment, the treatment is nullified.

Refrigeration temperatures and periods for fruit to be cold treated because of other species of insects may be designated by the Director of the Plant Quarantine Division, if experimental data are available concerning applicable treatments of known effectiveness.

(d) *Caution and disclaimer.* The cold treatments required for the entry of fruit are considered necessary for the elimination of plant pests, and no liability shall attach to the U.S. Department of Agriculture or to any officer or representative of that Department in the event injury results to fruit offered for entry in accordance with these instructions. In prescribing cold treatments of certain fruits, it should be emphasized that inexactness and carelessness in applying the treatments may result in injury to the fruit, or its rejection for entry. Oranges have been successfully cold treated for the false codling moth in commercial shipments at the temperature prescribed in paragraph (a)(2)(v)

of this section. Since commercial varieties of oranges show a wide variation in acceptable refrigeration temperatures, it is recommended that extensive tests be made with each variety in the country of origin before shipping in commercial quantities.

(Sec. 9, 37 Stat. 318, sec. 106, 71 Stat. 33; 7 U.S.C. 162, 150ee. Interprets or applies sec. 5, 37 Stat. 316; 7 U.S.C. 159, 29 F.R. 16210, as amended; 7 CFR 31956-2)

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

The purpose of the amendment is to provide a cold treatment, which has been accepted by the Department researchers and commercially tested, for the false codling moth. No such schedule has been available heretofore. This treatment allows oranges to be imported from countries infested with the false codling moth. However, this treatment is specific for the false codling moth and is not acceptable as a condition of entry against other dangerous pests for which this treatment is not effective.

Insofar as this amendment relieves certain restrictions, it should be made effective promptly to be of maximum benefit to importers. Insofar as this amendment prescribes certain procedures concerning approval of shipboard refrigeration, and otherwise imposes restrictions, it should be made effective promptly to prevent the introduction of plant pests. Therefore, pursuant to the administrative procedure provisions of 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to this amendment are impracticable and unnecessary, and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Hyattsville, Md., this 18th day of March 1970.

[SEAL]

W. H. WHEELER,
Acting Director,
Plant Quarantine Division.

[F.R. Doc. 70-3542; Filed, Mar. 24, 1970; 8:48 a.m.]

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

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 5]

PART 729—PEANUTS

Subpart—Regulations for Determination of Acreage Allotments and Marketing Quotas for 1969 and Subsequent Crops of Peanuts

ADDITIONAL ACREAGE FOR NEW FARM ALLOTMENT

This amendment of the allotment and marketing quota regulations for peanuts

of the 1969 and subsequent crops is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et seq.).

The purpose of this amendment is to extend for Louisiana for the 1970 crop year the date for filing applications for new farms where additional acreage is available.

Peanut producers are now making plans for the 1970 crop year and it is essential that this amendment be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the notice, public procedure and 30-day effective date requirements of 5 U.S.C. 553 is impracticable and contrary to the public interest and this amendment shall become effective upon filing of this document with the Director, Office of the Federal Register.

Section 729.20 of the regulations for determination of acreage allotments and marketing quotas for 1969 and subsequent crops of peanuts (33 F.R. 18351, 18981, 34 F.R. 14201, 19809, 35 F.R. 2860, 4391) is amended to read as follows:

§ 729.20 Additional acreage for new farm allotment.

If the total of the acreage required to establish allotments and reserves for all old farms in the State and for all new farms in the State which are eligible under § 729.19, is less than the acreage available in the State for establishing such allotments, the balance, upon approval by the Director, shall be available for establishing new farm allotments for farms for which written application is filed by the farm operator at the office of the county committee on or before March 1 of the year for which the allotment is requested, except that for Louisiana for the 1970 crop year the filing date is extended to March 27, and the conditions of eligibility of paragraphs (a) and (b) (2) through (6) of § 729.19 are met. Such farm operators are not required to meet the peanut experience requirement of § 729.19(b) (7).

(Secs. 358, 359, 375, 55 Stat. 88, as amended, 55 Stat. 90, as amended, 52 Stat. 66, as amended, 7 U.S.C. 1358, 1359, 1375)

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

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

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

[F.R. Doc. 70-3585; Filed, Mar. 24, 1970;
8:51 a.m.]

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

[Grapefruit Reg. 74]

PART 912—GRAPEFRUIT GROWN IN INDIAN RIVER DISTRICT IN FLORIDA

Limitation of Handling

Findings. (1) Pursuant to the marketing agreement, as amended, and Order

No. 912, as amended (7 CFR Part 912), regulating the handling of grapefruit grown in the Indian River District in Florida, 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 Indian River Grapefruit Committee, established under the said amended marketing agreement and order, and upon other available information, which indicates that the demand for Indian River grapefruit now exceeds the supply as provided in Grapefruit Regulation 74 (35 F.R. 4545). Handlers should be afforded opportunity to take advantage of all such sales opportunity. Thus, it is hereby found that the limitation imposed by Grapefruit Regulation 74 should be removed.

(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 time of this termination action 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 action is based became available and the time when this action must become effective is insufficient, and this action relieves restrictions on the handling of grapefruit grown in the Indian River District in Florida.

It is, therefore, ordered, That Grapefruit Regulation 74 (§ 912.374, 35 F.R. 4545) is hereby terminated.

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

Dated: March 20, 1970.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable
Division, Consumer and Mar-
keting Service.

[F.R. Doc. 70-3540; Filed, Mar. 24, 1970;
8:48 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Areas Quarantined

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

1. In § 76.2, in paragraph (e) (10) relating to the State of Missouri, subdivision (i) relating to Dunklin and Stoddard Counties, is amended to read:

(10) *Missouri.* (i) The adjacent portions of Dunklin and Stoddard Counties bounded by a line beginning at the junction of State Highway 53 and the St. Francis River at the Butler-Dunklin County line; thence, following the east bank of the St. Francis River in a generally northeasterly direction to State Highway U; thence, following State Highway U in a generally easterly direction to State Highway 25; thence, following State Highway 25 in a generally southerly direction to State Highway 25 and U.S. Highway 62; thence, following State Highway 25 and U.S. Highway 62 in a southerly direction to U.S. Highway 62; thence, following U.S. Highway 62 in a generally westerly direction to State Highway 53; thence, following State Highway 53 in a generally northwesterly direction to its junction with the St. Francis River at the Butler-Dunklin County line.

2. In § 76.2, in paragraph (e) (13) relating to the State of North Carolina, subdivision (iv) relating to Robeson County is amended to read:

(13) *North Carolina.* * * *

(iv) That portion of Robeson County bounded by a line beginning at the junction of State Highway 41 and Secondary Road 1955; thence, following Secondary Road 1955 in a generally northeasterly direction to Secondary Road 1935; thence, following Secondary Road 1935 in a generally southeasterly direction to Secondary Road 1004; thence, following Secondary Road 1004 in a generally northeasterly direction to the Robeson-Bladen County line; thence, following the Robeson-Bladen County line in a generally southwesterly direction to State Highway 211; thence, following State Highway 211 in a generally northwesterly direction to Secondary Road 2100; thence, following Secondary Road 2100 in a southwesterly direction to Secondary Road 1002; thence, following Secondary Road 1002 in a southeasterly direction to Secondary Road 2121; thence, following Secondary Road 2121 in a southwesterly direction to Secondary Road 2116; thence, following Secondary Road 2116 in a northwesterly direction to Secondary Road 2123; thence, following Secondary Road 2123 in a westerly direction to U.S. Highway 74; thence, following U.S. Highway 74 in a northwesterly direction to Secondary Road 2207; thence, following Secondary Road 2207 in a northwesterly direction to Secondary Road 2208; thence, following Secondary Road 2208 in a northwesterly direction to Interstate Highway 95; thence, following Interstate Highway 95 in a northeasterly direction to State Highway 211; thence, following State Highway 211 in a southeasterly direction to State Highway 41; thence, following State Highway 41 in a northwesterly direction to its junction with Secondary Road 1955.

(Secs. 4-7, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791-792, as amended, secs. 1-4, 33 Stat. 1264, 1265, as amended, sec. 1, 75 Stat. 481, secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C.

111, 112, 113, 114g, 115, 117, 120, 121, 123-126, 134b, 134f; 29 F.R. 16210, as amended)

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

The amendments quarantine a portion of Robeson County, N.C., because of the existence of hog cholera. This action is deemed necessary to prevent further spread of the disease. The restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will apply to such county.

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

Insofar as the amendments impose certain further restrictions necessary to prevent the interstate spread of hog cholera they must be made effective immediately to accomplish their purpose in the public interest. Insofar as they relieve restrictions, they should be made effective promptly in order to be of maximum benefit to affected persons.

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

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

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

[F.R. Doc. 70-3541; Filed, Mar. 24, 1970;
8:48 a.m.]

Title 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 20—STANDARDS FOR PROTECTION AGAINST RADIATION

High Radiation Areas

On September 25, 1969, the Atomic Energy Commission published in the FEDERAL REGISTER (34 F.R. 14766) proposed amendments to § 20.203(c), 10 CFR Part 20, of its regulations, regarding the control of access to high radiation areas.

The proposed amendments would: (a) Provide for an additional method of con-

trolling access to high radiation areas by locking access points, with positive control over each individual entry; (b) require that controls over access to high radiation areas be established in such a way that no individual will be prevented from leaving a high radiation area; (c) require control of access to high radiation areas established for a period of 30 days or less and provide that direct surveillance to prevent unauthorized entry may, in such cases, be substituted for control devices or locks; and (d) provide that an applicant may apply to the Commission for approval of methods not included in the regulation for controlling access to high radiation areas.

Interested persons were invited to submit written comments and suggestions for consideration in connection with the proposed amendment within 60 days after publication of the notice of proposed rule making in the FEDERAL REGISTER. After consideration of the comments received and other factors involved, the Commission has decided to adopt the proposed amendment with the following minor modifications to § 20.204.

Section 20.204(d), 10 CFR Part 20, has been amended to provide that control is not required for each entrance or access point to a room or other area which is a high radiation area solely because of the presence of licensed material prepared for transport and packaged and labeled in accordance with regulations of the Department of Transportation. Similarly, § 20.204(b), 10 CFR Part 20, has been amended to provide that control is not required for each entrance or access point to a room or other area in a hospital which is a high radiation area because of the presence of patients containing byproduct material: *Provided*, That there are personnel in attendance who will take the precautions necessary to prevent the exposure of any individual to radiation in excess of the limits established in the regulations of this part.

Pursuant to the Atomic Energy Act of 1954, as amended, and sections 552 and 553 of title 5 of the United States Code, the following amendments to Title 10, Chapter I, Code of Federal Regulations, Part 20, are published as a document subject to codification effective thirty (30) days after publication in the FEDERAL REGISTER.

1. The heading of § 20.203, 10 CFR Part 20, and paragraph (c)(2) are amended, and new subparagraphs (3), (4), and (5) are added to paragraph (c), to read as follows:

§ 20.203 Caution signs, labels, signals, and controls.

(c) *High radiation areas.* * * * *

(2) Each entrance or access point to a high radiation area shall be:

(i) Equipped with a control device which shall cause the level of radiation to be reduced below that at which an individual might receive a dose of 100 millirems in 1 hour upon entry into the area; or

(ii) Equipped with a control device which shall energize a conspicuous vis-

ible or audible alarm signal in such a manner that the individual entering the high radiation area and the licensee or a supervisor of the activity are made aware of the entry; or

(iii) Maintained locked except during periods when access to the area is required, with positive control over each individual entry.

(3) The controls required by subparagraph (2) of this paragraph shall be established in such a way that no individual will be prevented from leaving a high radiation area.

(4) In the case of a high radiation area established for a period of 30 days or less, direct surveillance to prevent unauthorized entry may be substituted for the controls required by subparagraph (2) of this paragraph.

(5) Any licensee, or applicant for a license, may apply to the Commission for approval of methods not included in subparagraphs (2) and (4) of this paragraph for controlling access to high radiation areas. The Commission will approve the proposed alternatives if the licensee or applicant demonstrates that the alternative methods of control will prevent unauthorized entry into a high radiation area, and that the requirement of subparagraph (3) of this paragraph is met.

* * * * *
2. The heading of § 20.204, 10 CFR Part 20, and paragraphs (b) and (d) are amended to read as follows:

§ 20.204 Same: exceptions.

Notwithstanding the provisions of § 20.203,

(b) Rooms or other areas in hospitals are not required to be posted with caution signs, and control of entrance or access thereto pursuant to § 20.203(c) is not required, because of the presence of patients containing byproduct material provided that there are personnel in attendance who will take the precautions necessary to prevent the exposure of any individual to radiation or radioactive material in excess of the limits established in the regulations in this part.

(d) A room or other area is not required to be posted with a caution sign, and control is not required for each entrance or access point to a room or other area which is a high radiation area solely because of the presence of radioactive materials prepared for transport and packaged and labeled in accordance with regulations of the Department of Transportation.

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

Dated at Germantown, Md., this 16th day of March 1970.

For the Atomic Energy Commission.

W. B. McCool,
Secretary.

[F.R. Doc. 70-3545; Filed, Mar. 24, 1970;
8:48 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 69-EA-121]

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

Designation of Control Zone and Alteration of Transition Area

On page 17340 of the FEDERAL REGISTER for October 25, 1969, the Federal Aviation Administration published proposed rules which would alter the Staunton, Virginia transition area (34 F.R. 4770) and designate a Staunton, Va., control zone.

Interested parties were given 30 days in which to submit written comments or data. Comments were received which questioned the validity of the finding by the FAA of adequate communications at the Shenandoah Valley Airport, and objected to the geographical designation of Staunton, Va., as the location of the airport and the controlled airspace.

A review of the communications facilities reaffirms that present communications do comply with the agency's criteria. As to the other objections it seems clear that Shenandoah Valley Airport is more accurately located in the vicinity of Weyers Cave, Va., rather than Staunton, Va. In view of the foregoing the geographical locations will be amended to reflect this more accurate description.

In view of the foregoing, the proposed regulations are hereby adopted effective 0901 G.m.t., May 28, 1970, except as follows:

Delete in paragraphs 1 and 2 of the description in the NPRM the name Staunton, Va., wherever it appears in captions and body and insert in lieu thereof the name Weyers Cave, Va.

(Sec. 307(a), Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on March 11, 1970.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to designate a Weyers Cave, control zone described as follows:

WEYERS CAVE, VA.

"Within a 5-mile radius of the center (38°15'45" N., 78°53'50" W.), of Shenandoah Valley Airport, Weyers Cave, Va.; within 3 miles each side of the 218° bearing from the Laurel Hill RBN (38°12'08" N., 78°57'30" W.) extending from the 5-mile radius zone to 8.5 miles southwest of the RBN; within 3 miles each side of the 355° bearing and the 175° bearing from the Bridgewater RBN (38°21'56" N., 78°57'41" W.) extending from 1.5 miles south of the RBN to 8.5 miles north of the RBN and within 3 miles each side of the 154° bearing from the Bridgewater RBN extending from the 5-mile radius zone to the

RBN. This control zone is effective from 0600 to 2400 hours, local time, daily."

2. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Staunton, Va., transition area and insert in lieu thereof:

WEYERS CAVE, VA.

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of the center (38°15'45" N., 78°53'50" W.), of Shenandoah Valley Airport, Weyers Cave, Va.; within 4.5 miles southeast and 6.5 miles northwest of the 218° bearing from the Laurel Hill RBN (38°12'08" N., 78°57'30" W.) extending from the 8.5-mile radius area to 11.5 miles southwest of the RBN; within 2 miles each side of the Shenandoah Valley Airport Runway 4 centerline, extended from the 8.5-mile radius area to 8.5 miles northeast of the end of the runway; within a 5-mile radius of the center (38°22'00" N., 78°57'40" W.), of Bridgewater Airpark, Bridgewater, Va.; within 3.5 miles each side of the 355° bearing from Bridgewater RBN (38°21'56" N., 78°57'41" W.), extending from the 5-mile radius area to 9.5 miles north of the RBN; within 4 miles northwest of the 210° bearing from the Bridgewater RBN, extending from the 5-mile radius area to 11.5 miles southwest of the RBN; within 2 miles each side of the Bridgewater Airpark Runway 9 centerline, extended from the 5-mile radius area to 7 miles east of the end of the runway; within 2 miles each side of the bridgewater Airpark Runway 27 centerline, extended from the 5-mile radius area to 7.5 miles west of the end of the runway; within 2 miles each side of the Bridgewater Airpark Runway 33 centerline, extended from the 5-mile radius area to 7 miles northwest of the end of the runway.

[F.R. Doc. 70-3536; Filed, Mar. 24, 1970; 8:47 a.m.]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

SODIUM NITRITE USED IN PROCESSING SMOKED CHUB

The Commissioner of Food and Drugs, having evaluated data in a petition (FAP OA2497) filed by National Fisheries Institute, Inc., 1225 Connecticut Avenue NW., Washington, D.C. 20036, and other relevant material, concludes that the food additive regulation providing for use of sodium nitrite in processing smoked chub should be amended to change the cooling procedure to that set forth below. Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.1230(d) is revised to read as follows:

§ 121.1230 Sodium nitrite used in processing smoked chub.

(d) The finished product shall be cooled to a temperature of 50° F. or below within 3 hours after smoking and further cooled to a temperature of 38° F. or below within 12 hours after smoking. A temperature of 38° F. or below shall be maintained during all subsequent storage and distribution. All shipping containers, retail packages, and shipping records shall indicate with appropriate notice the perishable nature of the product and specify that the product shall be held under refrigeration (38° F. or below) until consumed.

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

Dated: March 16, 1970.

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

[F.R. Doc. 70-3531; Filed, Mar. 24, 1970; 8:47 a.m.]

Title 28—JUDICIAL ADMINISTRATION

Chapter I—Department of Justice

[Order 427-70]

PART 44—EMPLOYEE MANAGEMENT COOPERATION IN THE DEPARTMENT OF JUSTICE

Rescission

MARCH 16, 1970.

Under and by virtue of the authority vested in me by Executive Order 11491, Labor-Management Relations in the Federal Service, Part 44 of 28 CFR is hereby rescinded.

Until such time as Department of Justice regulations are issued to comply with section 23 of Executive Order 11491, the provisions of Executive Order 11491, and regulations issued by the Federal Labor Relations Council, the Federal Services

Impasses Panel and the Assistant Secretary of Labor for Labor Management Relations to implement that order will govern labor management relations in the Department of Justice.

Grants of informal recognition made under the authority of 28 CFR 44.9 will terminate on July 1, 1970. Until that date, and to the extent consistent with the efficient and orderly conduct of the public business, it is the policy of the Department of Justice to discuss, with any employee organization which was granted informal recognition on or before October 29, 1969, matters of concern to its members and to permit such organizations to present to appropriate officials its views on such matters.

JOHN N. MITCHELL,
Attorney General.

MARCH 16, 1970.

[F.R. Doc. 70-3532; Filed, Mar. 24, 1970; 8:47 a.m.]

Title 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

SUBCHAPTER I—MILITARY PERSONNEL

PART 882—DECORATIONS AND AWARDS

Change in Section Reference

Part 882 (35 F.R. 4622, Mar. 17, 1970) is amended by changing the section reference in amendatory paragraph 22 from § 882.60(b) to § 882.60(c).

ALEXANDER J. PALENSCAR, JR.,
Colonel, U.S. Air Force, Chief, Special Activities Group, Office of The Judge Advocate General.

[F.R. Doc. 70-3496; Filed, Mar. 24, 1970; 8:45 a.m.]

SUBCHAPTER W—AIR FORCE PROCUREMENT MISCELLANEOUS AMENDMENTS TO SUBCHAPTER

Subchapter W of Chapter VII of Title 32 of the Code of Federal Regulations is amended by adding Parts 1009 and 1030 to read as follows:

PART 1009—PATENTS, DATA AND COPYRIGHTS

Subpart A—Patents

Sec. 1009.110 Reporting of royalties—anticipated or paid.

Subpart B—Rights in Technical and Other Data and Copyrights

1009.203-50 Clause as to rights in technical data.

1009.203-51 When a value engineering incentive or value engineering program requirement clause is included in contract.

1009.203-52 Marketing and identification of technical data.

1009.203-53 Limitation on data requirements.

1009.203-54 Release of restricted data.

AUTHORITY: The provisions of this Part 1009 issued under 10 U.S.C. Ch. 137, 10 U.S.C. 8012.

Subpart A—Patents

§ 1009.110 Reporting of royalties—anticipated or paid.

(a) The schedule of Basic Ordering Agreements will contain a provision substantially as follows:

REPORTING OF ROYALTIES

Whenever the contractor furnishes a price quotation under this BOA, he shall furnish the royalty information required by § 9.110 of this title. The dollar limitation stated therein shall be deemed to apply to each order.

Subpart B—Rights in Technical and Other Data and Copyrights

§ 1009.203-50 Clause as to rights in technical data.

Each contract including a Data Clause will include the following provision:

RIGHTS IN DATA (DECEMBER 1967)

The rights obtained by the Government in technical data are set forth in the Rights in Technical Data Clause incorporated in the contracts, and nothing elsewhere in this contract or in any documents incorporated by reference in this contract shall be construed as in any way altering such rights except as restricted by the express terms, if any, of this contract as to data called for and furnished for provisioning purposes only.

§ 1009.203-51 When a value engineering incentive or value engineering program Requirement Clause is included in contract.

When a value engineering incentive or value engineering program requirement clause (Part 1, Subpart Q of this title) is included in the contract, the following will be inserted in the clause in § 1009.203-50 of this subpart immediately before the words "The rights obtained * * *" "Except as provided in clause entitled (insert applicable clause), the rights obtained by the Government * * *"

§ 1009.203-52 Marking and identification of technical data.

The following clause will be included in all contracts in which technical data is specified to be delivered:

MARKING TECHNICAL DATA (JULY 1964)

The Contractor agrees to mark the number of this contract, and the name and address of the Contractor or subcontractor who generated the data, on technical data delivered to the Government pursuant to any requirement of this contract.

§ 1009.203-53 Limitation on data requirements.

In support of the Data Management Policy set forth in AFSCM/AFLCM 310-1, the following clause will be included in all contracts incorporating the DD Form 1423 or other mechanized listing of data requirements:

LIMITATIONS ON TECHNICAL DATA REQUIREMENTS (JUNE 1968)

All the technical data and reports requirements of this contract are set forth in the

Contract Data Requirement List (DD Form 1423) attached thereto and made a part hereof and in the clauses included in this title. In case of difference or conflict between the data requirements list and the clauses included in this title, the latter shall govern. Nothing in any other documents or specifications made a part hereof shall be construed as altering such data and reports requirements in any way.

§ 1009.203-54 Release of restricted data.

(a) Release of data subject to the previous restrictive provisions of Data Clause (Mar. 1, 1963) in § 9.203 of this title outside the Government for procurement or manufacturing purposes may be made without the contractor's permission, to another contractor, only for the purpose of manufacture required in connection with repair or overhaul where an item is not procurable commercially so as to enable the timely performance of the overhaul or repair work. Whenever such data is to be released or disclosed outside the Government for such overhaul or repair purposes, the contracting officer will cause the action specified in paragraph (d) of this section to be taken.

(b) Release of data subject to the restrictive provisions of the Rights in Technical Data Clause (August 1969) in § 9.203(b) of this title outside the Government for manufacture or procurement may be made without the written permission of the party named in the contract in which the data was delivered only for emergency repair or overhaul work or for the Government, where the item or process concerned is not otherwise reasonably available to enable timely performance of work. Whenever such data is to be released or disclosed outside the Government for such repair or overhaul work, the contracting officer will cause the action specified in paragraph (d) of this section.

(c) The data specified in paragraphs (a) and (b) of this section will not be released until a request therefor has been made by the overhaul or repair contractor, and it has been determined and a finding to that effect made by the contracting officer, approved by the Director of Procurement or his deputy, that the item or process concerned is not otherwise procurable or available to enable timely performance of the work set forth in paragraphs (a) and (b) of this section.

(d) (1) Include in the overhaul or repair contract the following clause:

Certain data which may be furnished by the Government to the contractor under this contract have been obtained by the Government subject to restriction upon disclosure. Such data or restricted portions are marked with an appropriate legend. Contractor will abide by the restrictions appearing on such data and will not reproduce such data in whole or in part without reproducing such restrictions.

(2) Require that the legend authorized by the sections of this title cited in paragraphs (a) and (b) of this section and appearing on the data is reproduced on the copies of data distributed.

**PART 1030—APPENDIXES TO HEAD-
QUARTERS U.S. AIR FORCE ARMED
SERVICES PROCUREMENT REGULA-
TION SUPPLEMENT**

**§ 1030.5 Appendix E—Contract financ-
ing.**

PART I—[RESERVED]

PART II—[RESERVED]

PART III—GUARANTEED LOANS

E-314 *Eligibility certifications.* The Director of Procurement policy, Hq USAF, has delegated his authority to issue Certificates of Eligibility to the Commander AFSC, with power of redelegation not below the level of the Chief or Deputy Chief, Pricing and Financial Division (SCKPF), Hq AFSC. Redelegation has been made.

(10 U.S.C., Ch. 137, 10 U.S.C. 8012)

By order of the Secretary of the Air Force.

ALEXANDER J. PALENSCAR, JR.,
Colonel, U.S. Air Force, Chief,
Special Activities Group, Of-
fice of The Judge Advocate
General.

[F.R. Doc. 70-3495; Filed, Mar. 24, 1970;
8:45 a.m.]

**Title 36—PARKS, FORESTS,
AND MEMORIALS**

**Chapter III—Corps of Engineers,
Department of the Army**

**PART 311—PUBLIC USE OF CERTAIN
RESERVOIR AREAS**

**Marion, Bowman-Haley, Broken Bow,
and Pine Creek Reservoir Areas**

The Secretary of the Army having determined that the use of the following reservoir areas by the general public for boating, swimming, bathing, fishing and other recreational purposes will not be contrary to the public interest and will not be inconsistent with the operation and maintenance of the reservoirs for their primary purposes, hereby prescribes rules and regulations for public use, pursuant to the provisions of section 4 of the Flood Control Act of 1944, as amended (76 Stat. 1195), adding the reservoirs to those listed in § 311.1 as follows:

§ 311.1 Areas covered.

* * *	KANSAS
* * *	Marion Reservoir Area, Cottonwood River.
* * *	NORTH DAKOTA
* * *	Bowman-Haley Reservoir Area, North Fork, Grand River.
* * *	OKLAHOMA
* * *	Broken Bow Reservoir Area, Mountain Fork River.
* * *	Pine Creek Reservoir Area, Little River.
* * *	* * *

[Regs., Jan. 17, 1970, ENGOW-OM] (Sec. 4, 58 Stat. 889, as amended; 16 U.S.C. 460d)

For the Adjutant General.

RICHARD B. BELNAP,
Special Advisor to TAG.

[F.R. Doc. 70-3524; Filed, Mar. 24, 1970;
8:47 a.m.]

Title 45—PUBLIC WELFARE

**Chapter X—Office of Economic
Opportunity**

**PART 1075—STATE ECONOMIC OP-
PORTUNITY OFFICES AND RE-
SEARCH AND PILOT PROGRAMS**

Chapter X of Title 45 of the Code of Federal Regulations is amended by adding a new Part 1075, reading as set forth above, and a new subpart, reading as follows:

**Subpart—Role of State Economic Opportunity
Offices**

Sec.	
1075.1-1	Applicability of this subpart.
1075.1-2	Introduction.
1075.1-3	Placement.
1075.1-4	Advisor to the Governor on anti-poverty matters.
1075.1-5	Resource mobilization, coordination, and advocacy.
1075.1-6	Technical assistance to CAAs and other OEO grantees.
1075.1-7	Operation of special programs.
1075.1-8	Advisor to OEO.
1075.1-9	Regional office responsibilities toward the SEOOs.
1075.1-10	OEO headquarters relationships with the SEOOs.
1075.1-11	SEOO responsibilities as OEO grantees.

AUTHORITY: The provisions of this subpart issued under sec. 602, 78 Stat. 530; 42 U.S.C. 2942.

**Subpart—Role of State Economic
Opportunity Offices**

§ 1075.1-1 Applicability of this subpart.

This subpart applies to State agencies receiving financial assistance under section 231 of the Economic Opportunity Act.

§ 1075.1-2 Introduction.

(a) The States have an important and unique contribution to make in the Nation's efforts to deal with the problems of the poor and in assisting the Office of Economic Opportunity with programs authorized by the Economic Opportunity Act. It is the policy of the Office of Economic Opportunity (OEO) to encourage the States to make this contribution. The OEO Director, under section 231 of the Act, is authorized to fund State agencies to provide technical assistance to communities and local agencies in connection with title II programs to coordinate related State activities, to mobilize State resources and to advise and assist the OEO Director. At the request of the Governors, OEO provides grants to the States for the establishment of State Economic Opportunity Offices (SEOOs) to assist the States in these activities. Section 242 of the Act

provides that title II grants and contracts of assistance will be submitted to the Governor for his consideration. It has been the practice of Governors to ask their SEOOs for advice and assistance in exercising their authority under section 242 and other sections of the Act.

(b) The establishment and support of State Economic Opportunity Offices (SEOOs) is one way by which OEO seeks to aid State governments in their efforts to assist the poor within their boundaries. OEO expects to obtain through the SEOOs a greater understanding of the roles that the individual States can best play in OEO activities, and to encourage the States to focus more of their resources on such activities. OEO expects to receive advice from the SEOOs on how OEO can best support other State activities consistent with OEO's mission and objectives.

(c) OEO recognizes that States differ in their constitutional, statutory, and organizational patterns and that a Governor needs the flexibility to use various administrative arrangements in the organization and placement of his State Economic Opportunity Office. While the specific means of carrying out their roles will therefore differ, the State offices funded by OEO under section 231 of the Economic Opportunity Act are expected to perform the basic functions outlined below in §§ 1075.1-4, 1075.1-5, 1075.1-6, and 1075.1-8.

§ 1075.1-3 Placement.

Because of the role expected of the SEOOs in State antipoverty activities and the need for coordination at the State level, it is desirable that the SEOO be located at a high level in the State government structure, readily accessible to the Governor.

**§ 1075.1-4 Advisor to the governor on
antipoverty matters.**

(a) The SEOO provides the Governor with information and advice with respect to the policies and programs of OEO and other antipoverty resources, particularly as they relate to his State. At the discretion of the Governor, the SEOO may assist him in carrying out the provisions of section 242 of the Economic Opportunity Act concerning the Governor's authority to disapprove OEO grants and contracts of assistance, and his authority to consent to the assignment and request termination of assignments of VISTA Volunteers (section 810(b)).

(b) Upon the designation of the Governor, the SEOO Director acts as his representative on matters related to the poor. The SEOO may thus represent the Governor with respect to other State agencies, local units of government, CAAs, OEO (Regional and Headquarters), other Federal agencies and other States.

**§ 1075.1-5 Resource mobilization, coordi-
nation and advocacy.**

(a) The SEOO shall give priority to the mobilization and coordination of antipoverty resources, particularly at the

State level. This requires effective inter-agency mechanisms to assure good communication between State agencies and offices whose activities affect the poor. The SEOO should, on its own initiative, seek out and develop or assist in the development of every State, Federal, community, and private agency resource (programs, expertise, funds, etc.) that can be effectively marshalled and/or coordinated to assist CAAs and other anti-poverty efforts within the State.

(b) The SEOO acts as a special advocate for the poor in State government by such activities as:

(1) Working for representation of the poor on State committees and other instrumentalities which develop policy, provide advice or operate programs affecting the poor;

(2) Assessing State poverty related programs and State administrative procedures, and working to make them more responsive to the needs and desires of the poor;

(3) Developing career opportunities for the poor within the SEOO and in other State agencies in coordination with the State civil service system; and

(4) Employing poor persons as staff or as consultants whenever possible.

(c) The SEOO, at the discretion of the Governor, provides information and assistance to the State legislature, State planning agencies, and other State agencies with the objective of enacting and amending legislation and developing programs for the benefit of the poor. SEOOs should consult regularly with local CAAs and other representatives of the poor on legislation they feel should be recommended to the Governor or State legislature.

(d) The SEOO provides State agencies and officials, OEO grantees and the general public, with information and statistics—using such devices as periodic bulletins, annual reports, meetings, etc.—on the problems and needs of the poor and the programs and efforts to overcome poverty within the State.

(e) The SEOO works with the State planning agency, other appropriate State agencies, and the community action agencies of the State in the implementation of BOB Circular A-95 (Part II) which establishes improved State-level coordination of planning in multijurisdictional areas, as it applies to activities conducted under the Economic Opportunity Act.

§ 1075.1-6 Technical assistance to CAAs and other OEO grantees.

In accordance with a Work Program approved by the Regional Office as part of the OEO refunding grant to the SEOO, the State Economic Opportunity Office provides the following technical assistance to community action agencies and other OEO grantees:

(a) Provides special technical assistance where needed to Community Action Agencies, community groups, local government agencies, and other grantees or potential grantees, in developing, conducting and administering programs to alleviate poverty. At the time of grantee

prereview and when developing its own annual refunding request, the SEOO shall consult with the CAAs—using Checkpoint Form 76—and with the Regional Office to determine OEO grantee needs for specialized technical assistance and to get advice on how the SEOO can assist in meeting these needs. In filling staff vacancies and when funds permit hiring new personnel, the SEOO shall give priority emphasis to the hiring and training of personnel specialized in those areas most needed by the CAAs and other OEO grantees.

(b) Participates in the annual field prereview of an OEO grantee, along with an OEO representative (Regional or Headquarters). Through the Checkpoint Procedures, the SEOO provides advice and assistance at any early or prereview stage in the development of program proposals by CAAs and other OEO grantees. The grantee will concurrently provide the SEOO with all the required forms and information that it submits to the Regional Office before and during the prereview. If the SEOO cannot participate in the field prereview, or if a prereview is not being held for a refunding for a new request, such documents and information shall be provided the SEOO at an early or preliminary stage by the grantee or applicant, along with Checkpoint Procedure Form 77. Form 77 should be signed by the SEOO on site at the conclusion of the field prereview or no later than 15 days after receipt of the form. The SEOO shall indicate on the form, or on an attachment thereto, the specific kind of degree of technical assistance it will be able to provide the grantee, identifying those resources it will try to make available.

(c) In consultation with OEO, assists grantees in taking any corrective actions, recommended by OEO as a result of evaluation and audit reports.

(d) Surveys and assists in obtaining resources and funds for CAAs and other OEO grantees, available from State and Federal agencies, the private sector and other sources within the State.

(e) Sponsors or participates in training programs and workshops for CAA staff and Board members, in consultation with OEO grantees and the OEO Regional Office, with particular emphasis on utilization of State resources and personnel.

(f) Provides information and assistance to CAAs and other OEO grantees in planning, developing, and operating volunteer programs.

(g) Assists CAAs in planning and developing boundaries coterminous or complementary with other area development, planning and program units where feasible.

§ 1075.1-7 Operation of special programs.

The State Economic Opportunity Office may:

(a) Receive OEO and other Federal and State agency funds to operate—or delegate the operation of—programs which further the objectives of the Economic Opportunity Act. The Check-

point Procedure (Form 76) must be used by the SEOO with any CAAs whose areas would be affected by the operation of OEO-funded programs. CAA concurrence is required for SEOO programs funded under section 221 of the EOA. (This is required by the EOA, section 221(b).) Whenever an SEOO operates a special OEO-funded program, it shall establish an advisory committee which shall include representatives of the poor and of the affected CAAs.

(b) Participate in research and demonstration programs, funded by OEO and other sources. Research and demonstration proposals in program areas where States have particular experience will be encouraged by OEO. Each fiscal year, OEO will reserve funds to be used by SEOO research and demonstration activities. Grants will be funded in accordance with priorities established in OEO's Research and Demonstration Plan. Priority will be given to proposals for research and demonstration activities designed to bring about meaningful changes in State and local government to assist to make their activities more responsive to the unique problems of the poor. Preference will be given to proposals which provide evidence that State or other non-OEO funding of the program is probable after a successful demonstration of 1 or 2 years.

(c) Develop and carry out programs to help meet the immediate needs of migrant and seasonal farmworkers and their families, promote increased community awareness and acceptance of such families, and help them participate in special education and job training programs. (See sections 311 and 312 of EOA.)

§ 1075.1-8 Advisor to OEO.

(a) The SEOO advises the OEO Regional Offices on the criteria established under section 241 (a) and (b) of the EOA, which are designed to achieve within the States an equitable distribution of assistance between urban and rural areas under Title II of the Act. The SEOO shall provide an annual written analysis to the Governor and to the OEO Regional Office (due July 1), highlighting the principal problems and causes of poverty in the State. This analysis includes recommended priorities and types of programs to meet those problems. The SEOO also prepares an annual 3-year anti-poverty plan for the State. Copies of the SEOO analysis and plans should be sent to the Governor and other appropriate State agencies, to all CAAs in the State, and to the appropriate OEO Regional Office and to OEO Headquarters (State and Local Governmental Division).

(b) After receipt of the annual funding guidance by the Regional Office from OEO Headquarters, each SEOO shall meet with Regional Office representatives to assist in developing the total funding plan for their particular State. A major consideration in developing the State funding plan will be the needs, priorities and analysis provided the Regional Office, described under paragraph

(a) of this section. When disagreements exist, the SEEO will be provided in writing (with copy sent to the State and Local Government Division) the reasons for the Regional Office position before final approval of the State funding plan. Subsequent modifications to the State funding plan require prior SEEO consultation.

(c) The SEEOs shall be consulted in the development of the OEO Headquarters and Regional Training and Technical Assistance Plans. Possibilities for utilizing State resources for all areas of training and technical assistance shall be explored by the Regional Office through the SEEO. Prior to funding, comments and recommendations by the appropriate SEEOs shall be sought by the OEO funding office on all proposals for training and technical assistance projects—whether grants or contracts—that would operate in their States.

(d) The SEEO advises OEO on funding requests from all applicants within the State or who will operate within the State. The SEEO is to receive copies of all such official applications simultaneously with submission to the OEO Regional Office, and written comment on these applications is due in the Regional Office within 20 days after receipt. OEO Headquarters Offices, at the time serious consideration is given to funding or refunding a project, shall submit to the appropriate SEEO(s) a copy of the application or an "information packet" containing pertinent materials describing the project. SEEO comment on these Headquarters proposals, due within 15 days of receipt of the application or the information packet, is submitted to the appropriate Regional Office, which will forward the SEEO comment to OEO Headquarters, along with its own comment. The OEO funding office (Regional and Headquarters) shall seriously consider the SEEO comments in their review prior to funding.

(e) The SEEO jointly participates with the Regional Office in the evaluation of OEO-funded programs and is consulted by the OEO Regional Office in the development of standards for the evaluation of program effectiveness. An SEEO representative shall be invited to serve on all OEO staff evaluation teams which are organized to review the overall effectiveness of a grantee's program. The SEEO shall receive copies of all such evaluation reports and shall work with OEO on any necessary followup.

(f) The SEEO monitors some or all of the OEO-funded programs within the State, if it has the staff capability and if this activity is part of the approved SEEO Work Program. Such monitoring activity shall be included in the joint written agreement on the use of field personnel which shall include arrangements for periodic written reports, plus other reporting of special activity or problems, to the appropriate OEO grant office.

(g) The SEEO advises the OEO Regional Offices on VISTA operations within the State. The Regional Office

will consult with the SEEO in the development of an annual State VISTA plan. This will include consultation on programs for VISTA Volunteers and on VISTA Volunteer assignments. The SEEO will assist VISTA in any coordination needs with State-operated programs. When specifically authorized by VISTA, the SEEO may assist in recruitment. The SEEO advises the Regional Office on special problems in the State that might develop as a result of the activities or presence of VISTA Volunteers, and assists the Regional Office in resolving such problems.

(h) The SEEO advises OEO on procedures and programs which will promote State agency participation in carrying out the aims and objectives of the Economic Opportunity Act.

(i) The SEEO advises and assists OEO in identifying problems posed by Federal and State statutory or administrative requirements that impede State-level coordination of OEO-related programs, and in developing methods or recommendations for overcoming those problems. This is achieved through continuing relations with both OEO Regional Offices and OEO Headquarters, and through the consultation provision of BOB Circular A-85.

§ 1075.1-9 Regional office responsibilities toward the SEEOs.

(a) The responsibility for application review, grant approval and program monitoring of SEEO activities funded under section 231 of the Economic Opportunity Act is the responsibility of the OEO Regional Offices. Regional liaison and coordination with the SEEO Directors (including VISTA, Legal Services and Health Affairs) shall be focused in the Office of Governmental and Private Sector Relations under the Regional Director.

(b) The Regional Office shall encourage and assist each SEEO to develop an annual Work Program (as a part of its funding request), which takes full advantage of SEEO staff capabilities; and which is responsive to the main missions and functions under §§ 1075.1-4, 1075.1-5, 1075.1-6, and 1075.1-8. Consideration should be given to the diversity of the States, recognizing that different approaches are appropriate in carrying out these basic functions.

(c) The Regional Office is responsible for evaluating the effectiveness of the SEEOs, as OEO grantees, in implementing their annual Work Program (Form 7-e) and in carrying out the basic objectives outlined in their "Plans and Priorities" (Form 81-a). Whenever possible, the evaluation team should include a staff member of another SEEO. The Regional Office shall work jointly with the SEEOs to strengthen the SEEO staff capability to carry out their Work Programs and to overcome any weaknesses that may be revealed by these evaluations.

(d) Regional Offices are responsible for ensuring that the SEEOs are consulted concerning OEO Regional Office plans and priorities with regard to OEO

grantees within their respective States. When flexible or other OEO funds become available for additional programs in a given State, the Regional Office shall first consult with the SEEO before committing such funds.

(e) Regional Offices are to involve their SEEOs formally in the development of the State funding plans and on the annual Training and Technical Assistance Plan as it pertains to the State; and they shall provide copies of such plans when approved to the appropriate SEEOs, and to the Division of State and Local Government, Office of Operations. They shall insure that the SEEOs are consulted in advance and notified upon funding on all section 230 (Training and Technical Assistance) grants and contract awards, approved by the Regional Office.

(f) The Regional Office shall jointly work out a written agreement with each SEEO—dividing responsibilities as staff capability and interest dictate—to assure a maximum of coordination and a minimum of overlapping of activities and functions carried out by their respective field representatives. This agreement shall be jointly reviewed at least annually to effect improvements.

(g) The Regional Offices shall invite—with adequate advance notice—the appropriate SEEO to all "pre-reviews" held with other OEO grantees in the State. They are responsible for seeing that the completed Checkpoint Procedure Form 77 is included in all funding requests received by them and will not begin an application review unless the completed Form 77 is included or unless the applicant provides evidence that the SEEO has not responded.

(h) The Regional Office shall insure that a copy of all applications and requests for OEO funds, as well as requests for reprogramming, submitted to the Regional Office for approval is sent by the applicant simultaneously to the appropriate SEEO for information and comment. The Regional Office shall send written notice to the appropriate SEEO(s) upon the receipt of all applications for funding and reprogramming requests. Written comment by the SEEO on funding requests—which is due within 20 days of SEEO receipt of the application—shall receive serious consideration and response by the Regional Office prior to funding.

(i) The Regional Office shall invite the SEEOs to participate in all OEO staff evaluation teams which it organizes to review the overall effectiveness of a grantee's programs, and shall share with the SEEOs the findings and recommendations of such team evaluations immediately upon completion of the written report. The Regional Office, in consultation with the SEEO and the grantee, shall jointly work out a followup procedure and plan to insure implementation of OEO's recommendations.

(j) The Regional Office will work through—or in consultation with—the SEEO in any of its dealings with other State agencies, unless it has arranged for a bypass agreement with the SEEO

for specific types of contacts elsewhere in the State government.

(k) The Regional Directors, and the SEOO Directors in each region, shall jointly plan and participate in regular meetings—to be held at least quarterly—to discuss mutual problems, exchange information and explore new and innovative ways to increase their effectiveness in working together. Notice of such meetings shall be sent the State and Local Government Division of the Office of Operations, so that a representative may attend when practicable.

(l) The Regional Office shall forward to the State and Local Government Division, Office of Operations, a copy of all executed SEOO grant packages and a copy of all evaluation reports on the SEOOs.

§ 1075.1-10 OEO headquarters relationships with the SEOOs.

(a) The State and Local Government Division of the Office of Operations shall be the primary office in OEO Headquarters for dealing with the SEOOs. This Division it to maintain a nationwide overview of SEOO operations and shall work in close coordination with the Office of Governmental and Private Sector Relations of each Regional Office.

(b) OEO Headquarters shall seek to develop and strengthen the effectiveness of the SEOOs in the antipoverty effort and to encourage OEO consultation, coordination and cooperation with the States.

(c) The Office of Operations shall foster an exchange of information and program experience among all the SEOOs and Regional Offices. It will sponsor, and jointly plan with the SEOOs and the Regional Offices, an annual national conference for all SEOO Directors.

(d) OEO Headquarters shall be responsible for keeping the appropriate Regional Office informed of negotiations, requests, etc., from SEOOs, in the Regional Office area of responsibility. It shall consult with, coordinate, and request guidance from the Regional Office on matters affecting SEOOs within the Region's area of responsibility.

(e) In consultation with the Regional Offices and the SEOOs, OEO Headquarters will ascertain national and inter-regional training and technical assistance needs of the SEOOs. It will assist them in meeting such needs by the use of OEO personnel, or through contractors.

(f) The Office of Operations is responsible for monitoring the Checkpoint Procedure system with the SEOOs which is to be used by all funding offices in OEO Headquarters.

(g) The Office of Operations will work with OEO's Office of Program Development and the Regional Offices in the solicitation and review of new SEOO proposals for demonstration programs. SEOOs interested in developing demonstration proposals should ordinarily consult first with the appropriate Regional Office and then contact the State and Local Government Division. The Office of Program Development will provide assistance, review and decide on approval

of SEOO Research and Demonstration grants. When the SEOO makes direct contact with the Office of Program Development, the SEOO is responsible for so informing the Office of Operations.

(h) The Office of Operations shall assist the SEOOs in their dealings with the Headquarters offices of other Federal agencies.

(i) Each OEO Headquarters funding office is responsible for seeing that one copy of every official application (or an "information packet" summarizing the application), submitted to that office for approval, be sent to the SEOO in the State the applicant is located (and to any other SEOOs of States in which the program is to operate) for information and comment, as soon as the funding office has the application under serious consideration. Written comment by the SEOO—which is due in the Regional Office within 15 days of SEOO receipt of the application—shall receive serious consideration by OEO Headquarters prior to funding.

§ 1075.1-11 SEOO responsibilities as OEO grantees.

(a) When a State applies for funding from OEO under section 231 of the Economic Opportunity Act, it shall use the forms and follow the application procedures for SEOOs outlined in OEO Notice 6710-2 of February 26, 1969 (until revised forms and requests for funding procedures are issued by OEO).¹ Refunding requests are due in the Regional Office no later than 60 days before the end of the SEOO's Program Year. Five copies are required by the Regional Office; a sixth copy should be forwarded directly to the State and Local Government Division, Office of Operations.

(b) The State's share for funding under section 231 shall be a minimum of 20 percent of the total cost of the operation in cash and/or in kind.

(c) Preferably 120 days, but no later than 90 days, before the end of its Program Year, the SEOO's "Plans and Priorities" (Form 81-a) is due in the OEO Regional Office. The SEOO should submit three copies to the Regional Office and one copy directly to the State and Local Government Division, Office of Operations.

(d) As part of its annual refunding request, the SEOO must include a progress or self-evaluation report on its activities for the previous year, giving a candid assessment of its successes and failures in meeting its Work Program.

(e) The SEOO shall submit a MIS Quarterly Narrative Report on its activities, related to the approved Work Program, to the OEO Regional Office, with a copy to the State and Local Government Division, Office of Operations. (The MIS Quarterly Statistical Report is no longer required of the SEOOs.)

(f) The SEOO draft Work Program (Form 7-e) shall be checkpointed with all the CAAs in the state for comment and such signed Checkpoint Forms (76)

¹ Not filed with Office of Federal Register.

included as part of the annual SEOO refunding request.

(g) The SEOO shall have an annual financial audit conducted, in accordance with OEO guidelines. It shall cooperate with monitoring and evaluation visits by OEO personnel or by OEO contractors.

(h) SEOO acceptance of an OEO-approved "grant package" is an agreement by the SEOO to perform the work stated in the SEOO Work Program submitted as part of the funding request. Unsatisfactory performance may be cause for OEO to reevaluate and lower the future funding level of a SEOO.

(i) As OEO grantees, the SEOOs shall comply with all applicable OEO Instructions. SEOO personnel policies and procedures shall be consistent with CAP Technical Assistance Memorandum 26-A of April 3, 1967.¹ When OEO personnel policies and procedures are in conflict with State law and personnel regulations, a mutually acceptable solution shall be spelled out in a written agreement between the SEOO and the OEO Regional Office and incorporated in the SEOO grant.

(j) SEOOs are expected to carry out preservice and inservice training programs to upgrade the skills of their staffs, and all SEOO refunding requests shall include specific plans for staff inservice training. Whenever funds permit, the SEOOs will be given the opportunity by OEO to strengthen their staff capabilities to carry out their responsibilities and functions more effectively.

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

DONALD RUMSFELD,
Director.

[F.R. Doc. 70-3578; Filed, Mar. 24, 1970; 8:46 a.m.]

Title 47—TELECOMMUNICATION
Chapter I—Federal Communications Commission

[Docket No. 18766; FCC 70-287]

PART 73—RADIO BROADCAST SERVICES

Table of Assignments, FM Broadcast Stations; Certain Areas in Mississippi and Alabama

In the matter of amendment of § 73.202 *Table of Assignments, FM Broadcast Stations.* (Biloxi, Ocean Springs, and Picayune, Miss., Port Sulphur, La., and Prichard, Ala.), RM-1422, RM-1435, RM-1463.

Report and Order. 1. The Commission has before it for consideration its notice of proposed rule making, FCC 69-1350, issued in this proceeding on December 12, 1969, and published in the FEDERAL REGISTER on December 17, 1969 (34 F.R. 19769), inviting comments on proposed

¹ Not filed with Office of Federal Register.

amendments of the FM Table of Assignments for certain communities located in the Gulf Coast area advanced by various interested parties and on the Commission's own motion. All the comments filed were considered in making the determinations which follow. None of the proposals were opposed and, except as noted, all population figures are from the 1960 U.S. Census.

2. *RM-1422: Biloxi, Miss.* By a petition filed on March 14, 1969, New South Communications, Inc. (South), licensee of Stations WVMI(AM) and WBIL(FM), Biloxi, Miss., requested assignment of Class C Channel 229 to Biloxi, Miss. Biloxi is a city of 44,053 persons, the largest city and county seat of Harrison County, population 119,489. Station WVMI(AM) is a daytime-only station; WBIL(FM) operates on Class A Channel 292A, the only FM assignment presently provided in the table for Biloxi. There is one other AM station in Biloxi, WLOX, a Class IV unlimited-time station, and two other Class A FM assignments in Harrison County, both of which are assigned at Gulfport, population 30,204, about 12 miles east of Biloxi.

3. South submits that the proposed assignment will conform with the technical rules without requiring any other changes in the table. A preclusion study provided with the petition reveals that impact areas would develop on Channels 228A, 229, 230, and 232A. Since very small, coastal marshland areas are involved on Channels 230 and 232A, which contain no established communities, the preclusion areas on these channels are of little consequence. Channel 228A would involve an area containing no community of 2,000 or more population that does not already have one or more FM assignments, or for which other Class A channels are not available. The preclusion area for the proposed channel, 229, extends generally eastward along the coastal area from Biloxi to about the Mississippi-Alabama boundary and does not include any city of 5,000 or more population that does not either have an FM assignment or a petition pending for an assignment which would not be affected by this proposal.

4. Proponent states that Biloxi had a 17.7 percent increase in population between 1950 and 1960, and submits statistical data on the economics, industry, and general business activity of the city in support of its contention that it is a fast-growing and economically sound community. According to cited statistics compiled by the Biloxi Chamber of Commerce, the city had a 1968 estimated population of 61,610 persons. It is claimed that this figure does not include a military strength of some 17,000 men stationed at Keesler Air Force Base located within the Biloxi corporate limits. It is urged that the wide-area coverage provided by a Class C assignment would permit a needed service to the "Gulf Coast tri-county area" (Jackson, Harrison, and Hancock Counties), particularly important because of what is described by petitioner as the "limited

existing broadcast outlets presently at Biloxi and in the area."

5. Statements supporting South's initial proposal were filed by WLOX Broadcasting Co., licensee of Stations WLOX (AM)-TV, Biloxi, and Tung Broadcasting Co. (Tung), licensee of WJRW(AM), Picayune, Miss. Tung advanced the further proposal that Channel 292A, now assigned to Biloxi, be reassigned to Picayune as its first FM assignment.

6. Tung's further proposal that Channel 292A be deleted from Biloxi and reassigned to Picayune as its first FM assignment was included in the notice to this proceeding. It is demonstrated that 292A could be assigned to Picayune and meet all requirements of the rules, if deleted from Biloxi. Picayune, with a 1960 census population of 7,834 persons, has one daytime-only AM station, but is without an FM assignment. Tung submits that Picayune, the largest city in Pearl River County, had an estimated 1965 population of 9,500 persons. At present, the only FM assignment in the county (population 22,411) is a Class A channel in operation at Poplarville (population 2,136), the county seat, located about 25 miles from Picayune.

7. We observed in the notice that no channel was presently available to Picayune without changing the existing assignments of one or more stations. Further, if Channel 292A were moved from Biloxi to Picayune, its assignment could be duplicated in an area lying between Pascagoula, Miss., and Mobile, Ala., which is not the case so long as it remains assigned to Biloxi. Finally, we noted that if the assignment of Channel 228A were also made to Pascagoula (population 17,155), it could serve to replace Channel 285A listed in the table for Pascagoula, but now licensed for use at Moss Point under § 73.203(b).

8. The only parties commenting in response to this portion of the notice were South and Tung, essentially repeating their earlier submissions. After careful consideration of all the contentions and showings of the parties participating in this proceeding, we conclude that assignment of the Class C channel to Biloxi and the reassignment of Channel 292A to each of Picayune and Pascagoula would be in the public interest. We are persuaded that the size and relative importance of Biloxi in its area adequately establishes that a Class C channel there is warranted. Similarly, we are of the opinion that sufficient merit exists for a first assignment to Picayune to delete the Class A assignment from Biloxi. These changes will also permit duplicating the assignment of Channel 228A to Pascagoula as a replacement for a channel formerly assigned there, but used at Moss Point.

9. In view of the foregoing determinations, we are substituting Channel 229 for Channel 292A at Biloxi, Miss., assigning Channel 292A to each of Picayune and Pascagoula, and listing Channel 285A for Moss Point (where it is now used) instead of Pascagoula. Because of the above substitution of channels at

Biloxi, the license of Station WBIL, Biloxi, held by New South Communications, Inc., is being modified, with appropriate conditions, to specify operation on Channel 229 in lieu of Channel 292A.

10. *RM-1435: Port Sulphur, La.* Plaquemines Broadcasting Co., Inc., filed a petition on April 1, 1969, seeking assignment of Class C Channel 294 as a first FM channel at Port Sulphur, La. The assignment would constitute a "drop-in" and require a site about 3 miles east of Port Sulphur so as to meet the minimum separation requirements with other assignments. Port Sulphur has a population of 2,868 persons and is located in Plaquemines Parish (population 25,723) about 40 miles southeast of New Orleans, location of the nearest Class C assignment. The table contains no listing for any community of Plaquemines Parish. An AM daytime-only station, KPBC, is operated by petitioner at Port Sulphur.

11. The petitioner urges that, because of the activity of swampland and offshore drilling by the oil industry, numerous quasi-communities and outposts have been established in the area in which a need has developed for a first local FM service to serve Port Sulphur and the coastal areas of the parish. It is further submitted that providing for a first FM service to Plaquemines Parish will afford a means of establishing an early warning system in an area beset with hurricanes for a major portion of the year. Studies included with the supporting engineering statement show that no community on the "mainland" of sufficient size warranting consideration would be precluded in the limited areas that would be affected by the proposed assignment. Other preclusion areas in the remote southern portion of Plaquemines Parish would occur and involve three channels (292A, 294, and 296A), for which it appears other channels are available for assignment, in the event a need were established.

12. Approximately one-half of Plaquemines Parish consists of a peninsula, including the Mississippi River Delta area, extending about 45-50 miles from the mainland and Port Sulphur. It is demonstrated by petitioner's engineering exhibits that only a small area in the northern portion of the peninsula is within the service area of existing FM assignments, and it is further alleged that the southern area receives no nighttime AM service. In justification of the request for a Class C in lieu of a Class A channel, it is urged that, where coverage from a Class A assignment would be permanently limited to providing a first service to within about 15 miles of Port Sulphur, a Class C assignment would permit establishing a modest facility initially (25 kw at 200 feet), but more importantly it would be possible for the facility and its corresponding coverage to be increased as the future growth of the parish warrants. It is estimated by petitioner that the population of Plaquemines Parish will double by 1978.

It is submitted that the peninsula's southern area will probably be a permanent "white area", unless provisions are made for a Class C station at Port Sulphur.

13. Port Sulphur is the size of community to which Class A assignments are usually made, although we have occasionally made exceptions and adopted Class C assignments for relatively small places where a significant gain in first or second service to the public appeared probable. The showing here by petitioner of a first FM service obtainable from an anticipated initial Class C operation (25 kw. at 200 feet) compared to that obtainable from a Class A facility is not, of itself, a persuasive factor in reaching a decision here. This is chiefly because much of the potential gain is wasted over water areas due to of the narrow peninsular land area involved. We are of the opinion, however, that there is merit to petitioner's contention that future utilization of the potential coverage of a Class C assignment at Port Sulphur may be the only means of assuring future FM service to the southern and remote peninsular area of Plaquemines Parish. Also, it does not appear that significant preclusion of future needed assignments would result in the areas of potential impact from such an assignment.

14. In light of the above considerations, we conclude that an exception to our general policy of only assigning Class A channels to small communities is warranted and would serve the public interest in this instance. We are therefore adopting the assignment of Channel 294 to Port Sulphur, La.

15. *RM-1463: Ocean Springs, Miss.* Included in the notice was the proposal of Mr. Charles H. Cooper to assign Channel 276A to Ocean Springs, Miss., by shifting the channel from Prichard, Ala., where it is neither occupied nor has an application pending for its use. Ocean Springs is a community of 5,025 persons located on the Gulf Coast about 6 miles east of Biloxi. The community ranks third in size in Jackson County which has a population of 55,522. Ocean Springs has no local AM or FM outlet. Channel 276A has not been applied for at Prichard since its inclusion in the original Table of Assignments (1963). There is one daytime station in Prichard, Mobile, which completely encompasses the smaller community of Prichard, is assigned five Class C channels, two of which have not been applied for since their assignment there.

16. The petitioner submits that Ocean Springs is experiencing exceptional growth, that the city limits have been extended since 1960 to include three times its former area, and that its current population is in excess of 10,000 people. It is shown by an associated engineering study that the proposed assignment would conform with the technical requirements of the rules, providing a site is selected about 5-6 miles east of Ocean Springs. As to the proposed removal of the Prichard Class A assignment, it is urged that, considering the unique situation of Prichard being encompassed by the dominant city of Mo-

bile, the Prichard Class A assignment could not effectively compete with Mobile's five Class C assignments. During the pendency of these proceedings, a Mobile Class C station was authorized to the Prichard AM station licensee.

17. In our opinion, an adequate showing has been made to support the assignment of a first FM channel to Ocean Springs by removing it from Prichard. It would appear that Prichard, wholly contained as it is within the city of Mobile, should receive excellent principal-city signals from the Mobile Class C stations. Should a need develop for a Prichard assignment, the remaining Mobile channels are available, at least for the time being, for use there under the provisions of § 73.203(b) of the rules. Meanwhile Channel 276A will be available for applications specifying use of the channel at Ocean Springs, for which an interest has been evidenced by the petitioner herein. Accordingly, we are adopting the assignment of Channel 276A to Ocean Springs, Miss., deleting it from Prichard, Ala.

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

19. In view of the foregoing, *It is ordered*, That effective April 27, 1970, the FM Table of Assignments contained in § 73.202 of the Commission's rules and regulations is amended, insofar as the communities named are concerned, as follows:

(a) The following entries are added:

City	Channel No.
Port Sulphur, La.....	294
Moss Point, Miss.....	285A
Ocean Springs, Miss.....	276A
Picayune, Miss.....	292A

(b) The following entries are amended to read as indicated:

City	Channel No.
Biloxi, Miss.....	229
Pascagoula, Miss.....	256, 292A

(c) The following entry is deleted:

City	Channel No.
Prichard, Ala.....	276A

20. *It is further ordered*, That effective April 27, 1970, and pursuant to section 316(a) of the Communications Act of 1934, as amended, the outstanding license held by New South Communications, Inc., for Station WBIL is modified to specify operation on Channel 229 in lieu of Channel 292A, subject to the following conditions:

(a) The licensee shall advise the Commission in writing by no later than April 17, 1970, of its acceptance of this modification.

(b) The licensee shall submit to the Commission by April 27, 1970, all the technical information normally required for the issuance of a construction permit for operation on Channel 229.

(c) The licensee may continue to operate on Channel 292A under its outstand-

ing authorization until either a station may be authorized to operate on Channel 292A at either Pascagoula, Miss., or Picayune, Miss., or, upon request by the licensee, the Commission authorizes interim operation on Channel 229; following which the licensee shall submit within 30 days the measurement data of the type normally required to be included in an application for an FM broadcast station license.

21. *It is further ordered*, That this proceeding is terminated.

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

Adopted: March 18, 1970.

Released: March 20, 1970.

FEDERAL COMMUNICATIONS COMMISSION,¹

[SEAL] BEN F. WAPLE, Secretary.

[F.R. Doc. 70-3548; Filed, Mar. 24, 1970; 8:48 a.m.]

Title 49—TRANSPORTATION

Chapter X—Interstate Commerce Commission

[Ex Parte 241]

PART 1033—CAR SERVICE

Investigation of Adequacy of Railroad Freight Car Ownership, Car Utilization, Distribution, Rules and Practices

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 18th day of March 1970.

Order. Upon consideration of the record in the above-entitled proceeding, including the report of Division 3, 335 ICC 264, prescribing car service rules and other matters set forth in the appendices to that report; the order of the entire Commission, served February 25, 1970, modifying the said rules and other matters in certain respects, and setting the date for compliance with the requirements of said order as March 27, 1970; the petition of the Association of American Railroads (on behalf of the respondents) (Association) filed on March 17, 1970, seeking postponement of the effective date solely with respect to Rules 1 and 2 set forth in Appendix G to the said report, until July 1, 1970; the telegraphic request of The Procter & Gamble Co. in support of the Association; the petition of National Industrial Traffic League (NITL) for leave to file, and a petition to stay or postpone the effective date of the order served February 25, 1970, for at least 60 days beyond March 27, 1970, filed on March 17, 1970; the telegraphic request of the National Association of Shippers Advisory Boards for postponement of the effective date until after the effective date of the order entered in Chicago, B. & O. R. Co. v. New York, S. & Western R. Co., 332 ICC

¹ Commissioner Johnson absent.

176, filed March 13, 1970; the petition of the New Orleans Traffic and Transportation Bureau for postponement until at least 60 days beyond March 27, 1970, filed March 17, 1970; and the petition of Louisville and Nashville Railroad Co. (L&N), The Chesapeake and Ohio Railway Co. (C&O), The Baltimore and Ohio Railroad Co. (B&O), and Norfolk and Western Railway Co. (N&W), for postponement of the effective date of the order served February 25, 1970, for an unspecified period beyond March 27, 1970, filed on March 15, 1970; and

It appearing, that in seeking the postponement, the Association refers to the complexities of the specified Rules 1 and 2 in relation to actual operations, the variety of interpretations of those rules urged by members of the shipping public, and fears of the latter that application of the rules would adversely affect the orderly production and marketing of their products;

It further appearing, that the Association will seek to obtain maximum possible compliance with the said rules, so that all interested and affected parties may better judge the effect of mandatory application;

It further appearing, that the Association agrees that it will report to this Commission at the end of each 30 days concerning the results of its efforts to obtain maximum possible compliance;

It further appearing, that, in seeking postponement of all of the rules prescribed, the NITL, the National Association of Shippers Advisory Boards, and the New Orleans Traffic and Transportation Bureau, in substance, emphasize that additional time is necessary to explore ways and means of removing the confusion and uncertainty surrounding mandatory application of the rules;

And it further appearing, that, in seeking postponement of all the rules prescribed, the L&N, C&O, B&O, and N&W, in substance, emphasize that additional time is needed to analyze the extent of the modifications and changes made in the report of Division 3, 335 ICC 264, by the order of the Commission served February 25, 1970;

Wherefore, and for good cause shown:

It is ordered, That since the petition of the National Industrial Traffic League for stay or postponement of the effective date was seasonably filed, no action need be taken on its petition for leave to file;

It is further ordered, That, to the extent the petitioners seek postponement of the effective date of the terms of the order served February 25, 1970, with respect to Rules 1 and 2 specified above, the petitions be, and they are hereby, granted, and in all other respects, the petitions be, and they are hereby, denied;

It is further ordered, That, solely with respect to Rules 1 and 2 of Appendix G to the report of Division 3, as modified by the order of the Commission served February 25, 1970, the date for complying with the terms of the order served February 25, 1970, in this proceeding be, and it is hereby, postponed until July 1, 1970; with no further change in the said order.

And it is further ordered, That the Association be, and it is hereby, required to file with this Commission on April 20, 1970, May 20, 1970, and June 19, 1970, a report setting forth the results of its efforts to obtain maximum possible compliance with Rules 1 and 2 prescribed in Appendix G of the report of Division 3, as modified by the order of the Commission served February 25, 1970, including a showing of the effect of compliance with the said order upon the carriers, shippers, and other parties of interest.

By the Commission.

[SEAL]

H. NEIL GARSON,
Secretary.

[F.R. Doc. 70-3564; Filed, Mar. 24, 1970;
8:50 a.m.]

[Ex Parte 241]

PART 1033—CAR SERVICE

Investigation of Adequacy of Railroad Freight Car Ownership, Car Utilization, Distribution, Rules and Practices

The data sheet (Form FCS-1) Car Statistics-General Service Cars and formula for determining freight car ownership

requirements (Form FCS-2) indicate the data and the results are to be reported for the month of October.

The first period of study will be May 1970. For this reporting the following changes should be made on the face of the data sheet (Form FCS-1):

Line No.	Date shown on form	Date to be shown for May study
1	October 1	May 1.
2	November 1	June 1.
3	October	May.
4	October	May.
5	September 30	April 30.
6	October 31	May 31.
8	October	May.

In the heading of the data sheet replace month of October 1970 with month of May.

On the reverse side of the data sheet the following dates should be changed for the May study:

General Instructions: Replace the month of October with May and (replace the dates October 1 to October 31, 1970) with the dates (May 1 to May 31, 1970).

Completion of Form: Substitute the date July 31, 1970, for the date December 31.

Specific Instructions: Line No. 1 and Line No. 2—Cars Owned and Leased: Change the date October 1, to May 1 and November 1 to June 1.

Line No. 5 and Line No. 6—Cars Owned and Leased—Bad Order—End of the Month Preceding Study and End of Month Studied: Change the date September 30 to April 30 and October 31 to May 31.

Detail of Car Days: Adjustments: In place of November, December, and January substitute the months of June, July, and August. Change the filing date from March 31 to October 31.

The date of reporting shown on the formula for determining freight car ownership requirements (Form FCS-2) should be changed from October to May.

The modifications as noted above shall be published in the FEDERAL REGISTER.

[SEAL]

H. NEIL GARSON,
Secretary.

[F.R. Doc. 70-3565; Filed, Mar. 24, 1970;
8:50 a.m.]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 252]

TRADERS ON NAVAJO RESERVATION

Small Loan and Pawn Business

MARCH 19, 1970.

Basis and purpose. Notice is hereby given that pursuant to the authority contained in section 5 of the Act of August 15, 1876 (19 Stat. 200, 25 U.S.C. sec. 261), section 1 of the Act of March 3, 1901 (31 Stat. 1066, 25 U.S.C. sec. 262), and section 10 of the Act of March 3, 1903 (32 Stat. 1099, 25 U.S.C. sec. 262), it is proposed to revise § 252.16 of Title 25 of the Code of Federal Regulations as set forth below.

The purpose of this revision is to establish a system for the regulation and control of small loan and pawn business on the Navajo Indian Reservation in the States of Arizona, New Mexico, and Utah.

Since this revision will impose restrictions on certain aspects of trading with Navajo Indians not currently in effect, public comment and expression are deemed advisable. Accordingly, all persons who desire to submit comments, views, or arguments in connection with the proposed revision shall file the same with the Area Director, Navajo Area Office, Bureau of Indian Affairs, Window Rock, Ariz., no later than 30 days after publication of this notice in the FEDERAL REGISTER.

Section 252.16 of Chapter I, Title 25 of the Code of Federal Regulations is revised to read as follows:

§ 252.16 Regulation of small loans and pawn on Navajo Indian Reservation.

(a) **Objectives and purpose.** (1) The Commissioner of Indian Affairs has been invested by the Congress with broad and comprehensive authority to license and regulate trading with the Indians toward the end of protecting the Indians against unfair or unreasonable trade practices. There exists among the Indians of the Navajo Reservation a substantial demand for small loans from traders license to do business on the Navajo Reservation. Without appropriate regulation, the borrowers of small loans may be exploited by interest charges having no real relation to the expenses and risks attendant to the loan service.

(2) The purpose of this section is to establish a system which will adequately provide honest and efficient small loan service on the Navajo Indian Reservation and assure proper control and supervision of those engaged in the business of making small loans to eliminate abuse of borrowers and stimulate competitive reductions in interest charges.

(b) **Exemption.** This section shall not apply to any bank, savings bank, trust company, savings or building and loan association or credit union operating under the laws of the United States or the States of New Mexico, Arizona, or Utah.

(c) **License requirement.** No person shall lend money to an Indian, or accept pawns or pledges of personal property as security for moneys due by an Indian, on the Navajo Indian Reservation, unless such person is duly licensed by the Commissioner of Indian Affairs to trade with Indians and otherwise strictly conforms to the regulations in this part concerning the making and payment of loans, the taking and acceptance of pawn and the rate of interest to be charged on the loans or pawns.

(d) **Maximum rate of interest.** Any person authorized to make loans or pawns as hereinabove provided may contract for and receive on any loan, pawn or pledge interest or charges as follows:

(1) Interest or service charges at a rate not in excess of 3 percent per month on that part of the unpaid principal balance of a loan not in excess of \$150.

(2) Interest or service charges at a rate not in excess of 2 percent per month on that part of the unpaid principal balance exceeding \$150 but not exceeding \$300.

(3) Interest or service charges at a rate not in excess of 1 percent per month on the remainder of any unpaid principal balance exceeding \$300.

The foregoing charges are limiting maximums and nothing herein shall be construed to prohibit a lender from contracting for or receiving a lesser rate charge than here established.

(e) **Requirements for loan and pawn transactions.** Any person authorized to make loans or accept pawn as provided by the regulations in this part shall deliver to the borrower, at the time any loan is made or pawn is accepted, a duplicate copy of the loan or pawn agreement on which shall be shown the date the loan was made or the pawn accepted; the terms and amount of the loan or pawn; a schedule or description of the payments; a description of the security, if any, for the loan; the name and mailing address of the lender; the name of the person primarily obligated for the loan; the amount of the principal; the agreed rate of interest or service charges on a percent-per-month basis; and the amount of such interest or service charges in dollars and cents.

(f) **Precomputed interest—installment loans.** A person authorized to make loans or accept pawn as provided by the regulations in this part may precompute on a schedule approved by the Commissioner of Indian Affairs or his authorized representative, interest or service charges at the agreed monthly rate not in excess of that hereinabove provided,

to provide repayment of principal and interest in substantially equal and consecutive monthly installments. Each such payment may be applied to the combined total of principal and precomputed charges until the loan agreement is fully paid.

(g) **Compound interest and advance interest payment prohibited.** Interest or service charges on loans or pawns made pursuant to the regulations in this part shall not be paid, deducted or received in advance and shall not be compounded except as provided in paragraph (f) of this section.

(h) **Filing notice with Commissioner of Indian Affairs.** Any person qualified by the regulations in this part to engage in the business of lending money or taking or accepting pawns or pledges shall file, with the Commissioner of Indian Affairs or his authorized representative, a written notice of intention to carry on such business, in a form prescribed by the Commissioner of Indian Affairs, prior to engaging in the business of making loan or pawn transactions. No person shall engage in the business of making loans or taking pawn without first having filed such written notice with the Commissioner of Indian Affairs or his duly authorized representative.

(i) **Examination of loan records.** The Commissioner of Indian Affairs or his duly authorized representative may at any time investigate the business and examine the books, accounts, papers or records of any person qualified to make loans or accept pawn as provided in the regulations in this part.

(j) **Requirements for pawn transactions.** In all transactions where pawn is taken or accepted, a written receipt shall be given to the Indian borrower and shall show the following:

- (1) Date of the transaction.
- (2) Amount of the loan.
- (3) Terms and conditions of repayment.
- (4) Market value of the article pawned or pledged as agreed upon by the lender and borrower.
- (5) Unless otherwise agreed upon between the parties, the period for retention of a pawn or pledge shall be six months, provided, however, that if at least 30 days prior to the expiration of the 6-month period not less than 25 percent of the amount due has been paid, an additional period of 2 months shall be added to the retention period for every additional 25 percent of the amount due that may be repaid.

(6) Pawn or pledge not redeemed within the period provided herein shall be displayed in a conspicuous place on the premises where the loan was made for a period of 30 days and shall bear a notice that unless the amount due, which shall be specified, is paid before the expiration of the 30 days, such pawn or

pledge will be forfeited. On expiration of the 30-day period of grace beyond the redemption period, an unredeemed pawn or pledge shall become the property of the lender, in which event the amount due shall be canceled on the lender's books.

(k) *Truth in Lending Act.* In carrying out the provisions of the regulations in this part, Indian traders shall comply with the provisions of Federal Reserve Board Regulation Z, effective July 1, 1969, and the Truth in Lending Act (Title I of Public Law 90-321, May 29, 1968; 82 Stat. 146; and 12 CFR Part 226), and subsequent amendments.

(l) *Penalty for violations.* Any person making a loan or accepting pawns or pledges in violation of the regulations in this part shall be subject to revocation, suspension or cancellation of his license to trade with Indians. In addition, violators of the Truth in Lending Act and pertinent implementing regulations are subject to criminal and civil liabilities as set forth in the Act and implementing regulations.

WILLIAM J. BENHAM,
Acting Associate Commissioner.

[F.R. Doc. 70-3538; Filed, Mar. 24, 1970;
8:48 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 971]

LETTUCE GROWN IN LOWER RIO GRANDE VALLEY IN SOUTH TEXAS

Notice of Proposed Expenses

Consideration is being given to the approval of the expenses hereinafter set forth which were recommended by the South Texas Lettuce Committee, established pursuant to Marketing Agreement No. 144 and Marketing Order No. 971 (7 CFR Part 971). This marketing order program regulates the handling of lettuce grown in the Lower Rio Grande Valley in South Texas and is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

All persons who desire to submit written data, views, or arguments in connection with this proposal may file the same in four copies with the Hearing Clerk, Room 112-A, U.S. Department of Agriculture, Washington, D.C. 20250, not later than the 15th day after publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)). The proposal is as follows:

§ 971.209 Expenses.

(a) The reasonable expenses that are likely to be incurred by the South Texas Lettuce Committee for its maintenance and functioning and for such other purposes as the Secretary determines to be appropriate, during the fiscal period ending July 31, 1970, will amount to \$850.00.

(b) The terms used in this section have the same meaning as when used in said marketing agreement and this part.

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

Dated: March 20, 1970.

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

[F.R. Doc. 70-3539; Filed, Mar. 24, 1970;
8:48 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Part 526]

SEASONAL INDUSTRIES ENGAGED IN CERTAIN OPERATIONS ON PERISHABLE AGRICULTURAL OR HORTICULTURAL COMMODITIES

Proposed Findings Relating to Sugarcane Processing and Milling in Florida

In accordance with §§ 526.6(b) and 526.7 of Title 29, Code of Federal Regulations, and pursuant to subsections (c) and (d) of section 7 of the Fair Labor Standards Act of 1938 (29 U.S.C. 207 (c) and (d)), Reorganization Plan No. 6 of 1950 (3 CFR 1949-53 Comp., p. 1004), and Secretary of Labor's Order No. 19-67 (32 F.R. 12980), which reissues G.O. No. 45-A (15 F.R. 3290), notice is hereby given of the following proposed finding that the Sugarcane Processing and Milling Industry in Florida, as defined in the proposed amendment of § 526.12, is (a) an industry of a seasonal nature, and (b) an industry engaged in the handling, packing, storing, preparing, first processing, or canning of perishable agricultural or horticultural commodities in their raw or natural state.

Interested persons are invited to submit written data, views, and arguments concerning the proposal within 30 days from its publication in the FEDERAL REGISTER to the Administrator of the Wage and Hour and Public Contracts Divisions, U.S. Department of Labor, 14th Street and Constitution Avenue NW., Washington, D.C. 20210.

As amended by the proposal, 29 CFR 526.12 (34 F.R. 18548) would be amended as follows:

§ 526.12 Seasonal industries engaged in certain operations on perishable agricultural or horticultural commodities.

(b) * * *

(6) *Sugarcane processing and milling industries*—(i) *Sugarcane processing and milling industry in Florida.* The activities comprising the industry are the following:

(a) The loading of sugarcane in the fields and its transportation to a sugarcane processing mill when performed by employees of the processor; the unload-

ing of sugarcane at the mill; and the processing of sugarcane into raw sugar, syrup, and molasses;

(b) The following operations when performed on the premises of a sugarcane mill while the sugarcane is being processed: The immediate refining, as one of a connected series of operations, of raw sugar produced from sugarcane ground on the premises; the refining, by the introduction into such series of operations, of raw sugar which has been produced during the same grinding season in other Florida cane processing plants of the employer, except in establishments where the refined sugar made from such transferred raw sugar constitutes one-half or more of the refined sugar produced during the cane processing season, or where purchased raw sugar, or raw sugar produced outside of Florida is refined during the cane processing season; the burning, removing from the premises or dehydrating of bagasse resulting from the processing of sugarcane;

(c) The handling, baling, bagging, packing, and storing of the sugar, syrup, molasses, or bagasse;

(d) The repair of mechanical equipment used in loading and transporting sugarcane to the mill;

(e) Any operations necessary and incidental to those described in (a), (b), (c), and (d) of this subdivision, including the placing of these products in storage or transportation facilities on or near the premises; and

(f) Clerical, custodial, or other common activities in the harvesting and processing of sugarcane in Florida performed by employees of a processing establishment during the processing season as an incident to or in conjunction with the harvesting of the cane processed at such establishment in accordance with the customary practice of the enterprises of the sugarcane processing and milling industry in Florida.

(Sec. 7 (c) and (d), 52 Stat. 1063, as amended by sec. 204(c), 80 Stat. 835; 29 U.S.C. 207 (c) and (d))

Signed at Washington, D.C., this 17th day of March 1970.

ROBERT D. MORAN,
Administrator, Wage and Hour
and Public Contracts Divisions.

[F.R. Doc. 70-3533; Filed, Mar. 24, 1970;
8:47 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Airspace Docket No. 70-EA-15]

[14 CFR Part 71]

CONTROL ZONE

Proposed Alteration

The Federal Aviation Administration is considering amending § 71.171 of Part

71 of the Federal Aviation Regulations so as to alter the Hyannis, Mass., control zone (35 F.R. 2087).

A new VOR RWY 6 standard instrument approach procedure established for Barnstable Municipal Airport, Hyannis, Mass., requires alteration of the Hyannis, Mass., control zone (35 F.R. 2087) to provide airspace protection for aircraft executing the procedure.

Interested parties may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Standards Branch, Eastern Region.

Any data or views 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.

The official docket will be available for examination by interested persons at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Hyannis, Mass., proposes the airspace action hereinafter set forth:

Amend § 71.171 of Part 71 of the Federal Aviation Regulations by inserting in the description of the Hyannis, Mass., control zone, after the words, "Barnstable Municipal Airport, Hyannis, Mass." the following: "and within 2 miles each side of the Hyannis VORTAC 227° radial, extending from the 5-mile radius zone to 10.5 miles southwest of the VORTAC".

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348), and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Jamaica, N.Y., on March 11, 1970.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 70-3534; Filed, Mar. 24, 1970; 8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 70-EA-12]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending § 71.181 of Part

71 of the Federal Aviation Regulations so as to alter the Elyria, Ohio (35 F.R. 2175), transition area.

The new VOR instrument approach procedure developed for Lorain County Regional Airport and a review of the airspace requirements for Elyria Airport, requires alteration of the Elyria, Ohio (35 F.R. 2175), 700-foot transition area to provide the required controlled airspace to protect aircraft executing the approach procedures for these airports.

Interested parties may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Standards Branch, Eastern Region.

Any data or views 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.

The official docket will be available for examination by interested persons at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Elyria, Ohio, proposes the airspace action hereinafter set forth:

Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Elyria, Ohio, 700-foot transition area and insert the following in lieu thereof: "That airspace extending upward from 700 feet above the surface within a 9-mile radius of the center, 41°20'40" N., 82°10'40" W., of Lorain County Regional Airport and within 3.5 miles each side of the Cleveland VORTAC 300° radial, extending from the 9-mile radius area to 9.5 miles northwest of the VORTAC, excluding the portion that coincides with the Cleveland, Ohio 700-foot transition area."

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348), and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Jamaica, N.Y., on March 11, 1970.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 70-3535; Filed, Mar. 24, 1970; 8:47 a.m.]

[14 CFR Parts 121, 123, 127, 135]

[Dockets Nos. 10012, 10033; Notice 70-14]

SMOKING ON AIRCRAFT OPERATED BY AIR CARRIERS, AIR TRAVEL CLUBS, AND COMMERCIAL OPERATORS

Advance Notice of Proposed Rule Making

The Federal Aviation Administration is considering the need to further regulate the smoking of cigarettes, cigars, and pipes by persons in the passenger compartment of aircraft operated by air carriers, air travel clubs, and commercial operators. This action would involve amending Parts 121, 123, 127, and 135 of the Federal Aviation Regulations.

This advance notice of proposed rule making is being issued in accordance with the FAA's policy for the 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 FAA and reasonable inquiry outside of the FAA do not yield a sufficient basis to identify and select a tentative course or alternate courses of action, or where it would be helpful to invite public participation in the identification and selection of a course or alternative courses of action with respect to a particular rule making problem. The subject matter of this notice involves a situation contemplated by that policy.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice 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. All communications received on or before June 23, 1970, will be considered by the Administrator before taking action upon the proposed rule. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. If it is determined to be in the public interest to proceed further, after consideration of the available data and comments received in response to this notice, a notice of proposed rule making will be issued.

By a petition filed on December 12, 1969 (supplemented by additional documents submitted on Dec. 24, 1969, and on Jan. 14, 1970), the FAA was requested to adopt a rule that would ban the smoking of cigarettes, cigars, and pipes on all passenger carrying flights. The petitioner asserted that the requested rule is required because (1) the lighted cigarettes, cigars or pipes create an imminent and serious threat of fire or fire-induced smoke in the aircraft; (2) the tobacco smoke is deleterious to the health of the passengers; (3) smoking is an annoyance and discomfort to, and discrimination against, the nonsmoking passengers; and

(4) smoking by flight crewmembers during operations presents a possible distraction and imminent danger as the result of an ashtray fire, a wayward ash, smoke itself, or other smoking related possibilities.

In support of his assertion concerning the hazard of fire, petitioner refers to the TWA B-707 fire incident on October 27, 1963; to the Piedmont B-727/Cessna 310 mid-air collision accident at Hendersonville, N.C., on July 19, 1967; to the UAL Viscount accident near Parrottsville, Tenn., on July 9, 1964; and to certain extracts from the CAB hearing transcript (for this UAL Viscount accident), in which other fire incidents are mentioned. In support of his assertion concerning flight crewmember effectiveness, petitioner refers to a report, titled "Chronic Exposure to Low Levels of Carbon Monoxide on Human Health, Behavior, and Performance," issued during 1969 by a special committee of the National Research Council.

In support of his assertion that tobacco smoke is a health hazard to passengers, petitioner refers to the Report of the Advisory Committee to the Surgeon General of the Public Health Service contained in a 1964 "Report on Smoking and Health," that made certain findings with respect to the health hazards of cigarette smoking, and to 1968 and 1969 Supplements to the 1967 "Public Health Service Review of the Health Consequences of Smoking." Petitioner also refers, in this connection, to the following articles from the medical literature:

Cameron, P.: "The Presence of Pets and Smoking as Correlates of Perceived Disease," *Journal of Allergy* 40 (December 1967).

Cameron, P., et al.: "The Health of Smokers' and Nonsmokers' Children," *Journal of Allergy* 43 (June 1969).

Fullmer, C. D., et al.: "Sputum of Chronic Cigarette Smokers," *Rocky Mountain Medical Journal* 66 (January 1969).

"Nonsmokers Share Carcinogenic Risk While Breathing Air Among Smokers," *Medical Tribune* (Dec. 4, 1967).

"Science Magazine," Editorial (December 1967).

"Deutsche Medizinische Wochenschrift," Volume 92 (November 1967).

"Smoking and Health, Summary of a Report of the Royal College of Physicians of London on Smoking in Relation to Cancer of the Lung and Other Diseases" (London, 1962).

H. Oettel, "Cancer Research and Fight Against Cancer," IIIrd Book, 6th Conference of the German Cancer Society in Berlin, from March 12th to 14th, 1954.

H. Oettel, "Smoking and Health," *Nachrichten aus Chemie und Technik* 11 (1963), 28.

Journal of Medicin Rheinland-Pfalz 18 (1965) 217.

H. Oettel, "Toxic Materials in the Air, Water and Food" (Short essay in monthly course of instruction for doctors (1967) written after a speech of the International Congress Lymphosium of the doctors in Davos and Badgern on March 6th and 8th, 1967). National Health Survey, June, 1967.

Caplin, "The Allergic Asthmatic" (1968).

"Laryngoscope," August, 1968 issue, article by Dr. J. J. Ballinger.

Zussman, "Atopic Symptoms Caused by Tobacco Hypersensitivity," 61 *Southern Medical Journal* 1175 (1968).

Speer, "Tobacco and the Nonsmoker," 16 *Archives of Environmental Health* 443 (1968).

F. K. Hausel, "Clinical Allergy" (1958).

Vaugh & Black, "Practice of Allergy" (1954).

Sherman & Kessler, "Allergy in Pediatric Practice" (1957).

Arthur Coca, M.D., "The Pulse Test," Chapter 8.

With respect to the second and third assertions listed above, another petition filed on December 17, 1969, to adopt a rule requiring all domestic air carriers to effectively segregate smoking passengers from nonsmoking passengers, asserts that unregulated cigarette smoking on airlines creates a clear and present danger to the safety, health, and lives of people with allergies or other preexisting medical problems; a significant health hazard for all nonsmoking passengers who are thereby forced to inhale the smoke created by other passengers; and a severe annoyance for many nonsmoking passengers, thereby infringing on their rights and deterring many from flying, and possibly deterring courteous smokers from enjoying their flights.

In addition to these petitions, the FAA has received numerous letters from other interested persons regarding smoking aboard aircraft, each of which has been acknowledged and filed with the rule-making docket of one of the petitions mentioned above.

On the question whether smoking creates a fire (or fire-induced smoke) hazard in aircraft, the FAA has concluded (after examining the matter submitted) that there is no significant hazard of this nature associated with smoking on transport aircraft, as presently regulated. Under current rules, smoking is prohibited during takeoff and landing. Current fire-resistance standards for interior materials (such as seat upholstery, floor covering, draperies, wall panels, etc.) ensure that they are not easily ignited by smokers and that, if ignited, they are self-extinguishing and slow-burning. In any event, if a fire should occur, it would be small, easily detected, and readily extinguished by the crew using the hand fire extinguishers prescribed by current regulations. The presence of oxygen dispensing equipment is not a significant factor. Oxygen is dispensed to all occupants only in the rare instance of cabin depressurization at high altitude and, even then, in small quantities relative to the cabin volume. When oxygen is dispensed, smoking is prohibited.

Referring specifically to the cited TWA B-707 incident, the FAA considers it to be no more than conjecture that the fire was caused by a cigarette, cigar, or pipe. With respect to the cited Piedmont B-727/Cessna 310 and UAL Viscount accidents, the Civil Aeronautics Board Report in one instance, and the National Transportation Safety Board Report in the

other, did not contain a finding that smoking by passengers or crewmembers was the probable cause.

Section 601 of the Federal Aviation Act of 1958 (49 U.S.C. 1421) in pertinent part, authorizes the Administrator to promote safety of flight of civil aircraft in air commerce by prescribing such reasonable rules as he may find necessary to provide adequately therefor. The FAA considers this statutory authority adequate to prescribe rules to protect nonsmoking persons on board aircraft operated by air carriers, air travel clubs, and commercial operators, from the health hazards which may arise from exposure to tobacco smoke caused by others who do smoke on the aircraft. However, rule making on the grounds of annoyance and discomfort to, and discrimination against, nonsmoking passengers may not be justified under the existing statutory authority of the Administrator.

The FAA considers that the matter presented in the petitions (and by others) warrants an in-depth exploration of the health hazard question as related to nonsmoking passengers. The FAA is issuing this advance notice of proposed rule making to obtain wider public participation before undertaking formal rule making, to gather other relevant arguments, data, and evidence, and to give other interested persons an opportunity to put forward alternatives to the courses of action urged by the petitioners. The FAA solicits the views of air travellers, aircraft operators, crewmembers, aircraft manufacturers, medical and technical experts, and other interested persons, on the following questions:

(1) On the basis of the listed medical articles referred to by the petitioners and other available data, is exposure to tobacco smoke, in concentrations likely to occur in transport aircraft (assuming normal ventilation rates), so injurious to the health of nonsmoking passengers as to justify rule making that would require separating smokers from nonsmokers in the passenger compartment, or other relief mentioned in question (2) below? Is there any other medical evidence bearing on this question?

(2) If relief should be provided for nonsmoking passengers, would it be practicable to provide it on aircraft in service (including propeller-driven airplanes):

(a) By separating smokers from nonsmokers in the passenger compartment? Could smokers be confined to the rear of the passenger compartment, or to one side, to adequately reduce the nonsmoker's exposure to tobacco smoke? Would a movable partition be feasible?

(b) By increasing the ventilation rate in the passenger compartment, or by improving the filtering, or by both?

(c) By any other means (short of prohibiting smoking entirely)?

In this connection, it should be noted that FAA's airworthiness standards for transport category aircraft and normal

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 18822; FCC 70-301]

TABLE OF ASSIGNMENTS, TELEVISION BROADCAST STATIONS, AGANA, GUAM

Notice of Proposed Rule Making

In the matter of amendment of § 73.606 *Table of assignments, Television Broadcast Stations (Agana, Guam)*, RM-1428.

1. On March 21, 1969, the Pacific Broadcasting Corp. filed a petition with this Commission requesting the replacement of educational assignment Channel *3 with educational assignment Channel *4, and the addition of educational Channel *12 with deletion of the reservation on Channel *10, all in Agana, Guam. According to the 1960 U.S. Census, Agana (city and heights) has a population of 4,852 persons, while 67,044 persons reside in Guam. Agana has assigned to it Channels *3, 8, and *10. Petitioner's operation KUAM-TV on Channel 8 is, at the present time, the only service originating in Agana. The educational assignments of Channels *3 and *10 are so far unapplied for.

2. Petitioner advocates the replacement of Agana's *3 assignment with a *4 assignment, on the basis that such a shift would also make Channel 2 available for future use. At the present time § 73.606(d) of our rules prevents the use of Channel 4 at Guam for television broadcasting until July 1, 1970.¹ In light of the imminent conclusion of the operations provided for in § 73.603(d) of our rules as well as the termination date of the rule (July 1, 1970) we will consider this segment of petitioner's proposal at this time with the understanding that our action will be contingent upon deletion of § 73.603(d) of our rules, which we are also proposing.

3. With regard to the second segment of petitioner's proposal, the assignment of Channel *12 to Agana and the deletion of the reservation on Channel *10, it is alleged that educational interests are desirous of establishing an educational broadcasting service to Guam from Agana on an upper VHF channel. Although petitioner sets forth no objections to such an educational service, it maintains that it should be on Channel *12 and not on existing Channel *10, for two reasons. First, petitioner uses a

¹ Section 73.603(d): Subject to agreement by the Commission, frequencies within this band may be authorized until July 1, 1970, for use by Government stations in the Maritime Mobile Service in the Mariana Islands and vicinity.

U.S. Navy translator on Channel 10 to supply various other translators on the island of Guam with its broadcast service from Channel 8, at Agana. Of course, if Channel *10 were used for a full educational service, the channel would no longer be available to petitioner for repeater use. It maintains that the denial of the use of Channel 10 for repeater use would place an undue financial burden on it by forcing it to purchase new equipment for a repeater which would have to be established on a new channel, and that the loss of the use of the translator on Channel *10 would disrupt existing viewing patterns on the island of Guam. Second, petitioner further maintains that a full activation of Channel *10 at Agana could interfere with its independent proposal to establish broadcast service at Saipan, where petitioner is proposing to broadcast on Channels 8 and 10.²

4. In view of the foregoing and the availability of Channel 12 as well as the anticipated availability of Channel 4 for assignment to Agana, we are proposing the assignment of Channels *4 and *12 as reserved assignments and the deletion of Channel *3 and the deletion of the reservation on Channel *10, all at Agana, Guam. Our proposed action would change the television assignments at Agana, Guam from Channels *3, 8, and *10 to Channels *4, 8, 10, and *12. In addition, we are proposing the deletion of § 73.603(d) of our rules.

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

6. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules and regulations interested parties may file comments on or before April 27, 1970, and reply comments on or before May 8, 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.

7. 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: March 18, 1970.

Released: March 20, 1970.

FEDERAL COMMUNICATIONS
COMMISSION,³

[SEAL] BEN F. WAPLE,

Secretary.

[F.R. Doc. 70-3549; Filed, Mar. 24, 1970;
8:49 a.m.]

² Following concurrence by the Commission, the Office of Telecommunications Management approved low-power television facilities on Channels 8 and 10 in Saipan which were activated in Oct. 1969.

³ Commissioner Johnson absent.

category rotorcraft contain specific rules on passenger and crew compartment ventilation. Also, the FAA and the Department of Health, Education, and Welfare have entered into a joint study to measure the amounts of tobacco smoke contaminants in air transport aircraft, using flights carrying military personnel and dependents as a "test bed" for the study. In addition to measuring the amounts of impurities in both cockpit and passenger cabin areas, the researchers will gather data on the numbers of smokers and nonsmokers aboard flights, personal attitudes toward smoking and amount and type of tobacco used by smokers. Also, technicians will check the efficiency of existing air circulation systems being operated in the transport planes.

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

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

JAMES F. RUDOLPH,

Director, Flight Standards Service.

[F.R. Doc. 70-3544; Filed, March 24, 1970;
8:48 a.m.]

Federal Highway Administration

[49 CFR Part 371]

[Dockets Nos. 69-22, 69-26, 69-31]

SEAT BELT ASSEMBLIES; FIXED COLLISION BARRIER; DEFECT REPORTS

Extension of Time for Comments

Notices of proposed rulemaking on Seat Belt Assemblies, Fixed Collision Barrier, and Defect Reports were issued on December 24, 1969 (34 F.R. 20211). The closing date for comments on each of these proposals is March 24, 1970. Several interested parties have requested an extension of time to submit comments to these dockets, because of the current widespread disruptions of mail service. The time to submit comments on the above notices is accordingly extended from March 24, 1970, to April 7, 1970.

This notice is issued under the authority of sections 103, 112, 113, and 119 of the National Traffic and Motor Vehicle Safety Act, 15 U.S.C. 1392, 1401, 1402, 1407, and the delegation of authority by the Secretary of Transportation to the Federal Highway Administrator, 49 CFR 1.4(c).

F. C. TURNER,

Federal Highway Administrator.

MARCH 20, 1970.

[F.R. Doc. 70-3634; Filed, Mar. 24, 1970;
8:51 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Internal Revenue Service

GEORGE C. GERMER

Notice of Granting of Relief

Notice is hereby given that George C. Germer, 650 Second Street, Highspire, Pa., has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his convictions on April 1, 1965, in the Dauphin County Court, Harrisburg, Pa., of crimes punishable by imprisonment for a term exceeding one year. Unless relief is granted, it will be unlawful for George C. Germer, because of such convictions, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code, as a firearms or ammunition importer, manufacturer, dealer or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such convictions, it would be unlawful for George C. Germer to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered George C. Germer's application and:

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

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

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code, and delegated to me by 26 CFR 178.144; *It is ordered*, That George C. Germer be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the convictions hereinabove described.

Signed at Washington, D.C., this 18th day of March 1970.

RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

[F.R. Doc. 70-3587; Filed, Mar. 24, 1970; 8:48 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

AMDAL CO.

Notice of Withdrawal of Petition for Food Additive Erythromycin Thiocyanate

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), Amdal Co., Agricultural Division, Abbott Laboratories, 14th and Sheridan Road, North Chicago, Ill. 60064, has withdrawn its petition (12-123V), notice of which was published in the FEDERAL REGISTER of August 1, 1968 (33 F.R. 10952), proposing that the food additive regulations be amended to provide for the safe use of erythromycin thiocyanate for intramuscular injection in cattle, sheep, and swine for specified conditions.

Dated: March 16, 1970.

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

[F.R. Doc. 70-3530; Filed, Mar. 24, 1970; 8:47 a.m.]

DEPARTMENT OF COMMERCE

Business and Defense Services
Administration

COLUMBUS PUBLIC SCHOOLS

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

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

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

Docket No. 70-00192-33-03400. Applicant: Columbus Public Schools, 270 East State Street, Columbus, Ohio 43215. Article: Special amplifying equipment, Model SUVAG 1 and SUVAG 11. Manu-

facturer: Societe Sedi Monsilur Germe, France.

Intended use of article: The article will be used for research and to train teachers in rehabilitation of deaf children in the Alexander Graham Bell School for deaf children. This article is designed to teach children to speak.

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

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

Reasons: The foreign article provides very wide bandwidth transmission, combined with several serial and parallel narrow bandpass filters which are easily selectable and effectively controlled. We are advised by the Department of Health, Education, and Welfare (HEW) that these characteristics are pertinent to the purposes for which the foreign article is intended to be used. (Memorandum dated Jan. 30, 1970.) HEW further advises that it knows of no comparable instrument or apparatus being manufactured in the United States, which provides the above-cited characteristics of the foreign article.

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

[F.R. Doc. 70-3511; Filed, Mar. 24, 1970; 8:46 a.m.]

ENVIRONMENTAL SCIENCE SERVICES ADMINISTRATION

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

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

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

Docket No. 70-00188-65-43000. Applicant: U.S. Department of Commerce, Environmental Science Services Administration, 6010 Executive Boulevard, Rockville, Md. 20852. Article: Magnetometer, Type 592. Manufacturer: Littlemore Scientific Engineering Co., United Kingdom.

Intended use of article: The article will be used for measurement of magnetic

field variations during marine surveys linked with the marine survey (Norton Sound) beginning this spring. The article will be packaged with telemetering and other equipment on an ocean buoy.

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

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

Reasons: The foreign article is a portable precession magnetometer which has a capability for absolute magnetometer measurements. The capability for absolute magnetometer measurements is pertinent to the purposes for which the article is intended to be used. We are advised by the National Bureau of Standards (NBS) in a memorandum dated December 10, 1969, that there are no domestically manufactured portable absolute measuring magnetometers available for the purposes for which the article is intended to be used.

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

[F.R. Doc. 70-3507; Filed, Mar. 24, 1970; 8:45 a.m.]

DUKE UNIVERSITY MEDICAL CENTER Notice of Decision on Application for Duty-Free Entry of Scientific Article

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

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

Docket No. 70-00132-33-46040. Applicant: Duke University Medical Center, Department of Pathology, Durham, N.C. 27706. Article: Electron microscope, Model HU-11E. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article will be used for projects involving the alterations and reactions of cell membranes to injury and the relationship between structure and function in cell membrane. These employ a variety of preparative techniques such as thin sectioning, negative staining and freeze etching. Furthermore, some of the problems involve extremely high resolution studies of macromolecules such as ferritin and of particles such as viruses within the cell.

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

Decision: Application approved. No instrument or apparatus of equivalent

scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article permits a continuous range from 250 to 300,000 magnifications (X) without opening the column to change the pole piece. The most closely comparable domestic electron microscope is the Model EMU-4B which was being manufactured by the Radio Corp. of America (RCA) at the time the applicant ordered the foreign article, but which is currently being produced by Forgio Corp. (Forgio) provides 500 to 240,000X but requires opening the column to change the pole piece. We are advised by the Department of Health, Education, and Welfare (HEW) in a memorandum dated February 3, 1970 that the capability to provide a magnification range of 250 to 300,000X without opening the column to atmospheric pressure which lessens the possibility of increased contamination and damage to the specimen is a pertinent characteristic of the foreign article. For this reason, we find that the Model EMU-4B is not of equivalent scientific value to the foreign article for the purposes for which the article is to be used.

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

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

[F.R. Doc. 70-3515; Filed, Mar. 24, 1970; 8:46 a.m.]

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

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

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

Docket No. 70-00179-33-07730. Applicant: Iowa State University, Ames Laboratory Warehouse, Ames, Iowa 50010. Article: X-ray diffraction guinier camera, Model XDC-700. Manufacturer: Incentive Research and Development AB, Sweden.

Intended use of article: The article will be used to provide high dispersion X-ray diffraction patterns from powder samples by exposing photographic film with diffracted X-rays.

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

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

Reasons: The foreign article provides a high dispersion and high precision measurement of line positions in X-ray diffraction patterns produced on photographic film. We are advised by the National Bureau of Standards (NBS) that high dispersion and precision measurement of line positions are pertinent to the purposes for which the foreign article is intended to be used. NBS further advises that it knows of no instrument or apparatus being manufactured in the United States, which provides these pertinent characteristics.

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

[F.R. Doc. 70-3514; Filed, Mar. 24, 1970; 8:46 a.m.]

MASSACHUSETTS INSTITUTE OF TECHNOLOGY

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

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

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

Docket No. 70-00162-85-46060. Applicant: Massachusetts Institute of Technology, 77 Massachusetts Avenue, Cambridge, Mass. 02139. Article: Polarizing microscope, Model M70A. Manufacturer: Vickers Ltd., Vickers Instrument Division, United Kingdom.

Intended use of article: The article will be used for laboratory study of igneous and metamorphic rock-forming minerals with a petrographic microscope as part of a course in Petrology. This course involves the distribution, association, and origin of igneous and metamorphic rocks. The course content is matched with that of courses in Physical Geology, Historical Geology, Structural Geology, Mineralogy and Crystallography to give a rounded training in the fundamentals of geology.

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

Decision: Application denied. An instrument of equivalent scientific value to the foreign article, for the purposes for which such article was intended to be

used, was being manufactured in the United States.

Reasons: The applicant requires a polarizing microscope which provides wide field specimen viewing. A domestic polarizing microscope, the Model LI-4 (catalog No. 31-28-04) with the capability for wide field specimen viewing and manufactured by Bausch and Lomb Inc. (B&L) was available at the time the foreign article was ordered on June 27, 1967. We are advised by the National Bureau of Standards (NBS) in its memorandum of November 18, 1969, that the B&L Model LI-4 is capable of performing all experiments for which the foreign article is intended to be used.

For this reason, we find that the B&L Model LI-4 is of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used.

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

[F.R. Doc. 70-3512; Filed, Mar. 24, 1970; 8:46 a.m.]

MEDICAL UNIVERSITY OF SOUTH CAROLINA ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

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

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

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

Docket No. 70-00507-33-46500. Applicant: Medical University of South Carolina, 80 Barre Street, Charleston, S.C. 29401. Article: Ultramicrotome, LKB 8800A. Manufacturer: LKB Produkter, AB, Sweden. Intended use of article: The article will be used to obtain long chains of thin sections of equal thickness from well oriented intestinal mucosa and liver, from humans and animals. This material will be examined

with the electron microscope to determine the cellular pathology in various disease and experimental states and to correlate ultrastructural findings with observed clinical and biochemical changes in an effort to better understand pathological processes. Application received by Commissioner of Customs: February 27, 1970.

Docket No. 70-00508-33-46500. Applicant: Auburn University, Auburn, Ala. 36830. Article: Ultramicrotome, Model LKB 8800. Manufacturer: LKB Produkter, AB, Sweden. Intended use of article: The article will be used in the preparation of biological material for the investigation of fine structure by electron microscopy by the Department of Pathology and Parasitology and the Department of Microbiology. The morphology of animal tissues and viruses and certain metazoan parasites will be studied, requiring equal thickness serial sections for considerable distances. Application received by Commissioner of Customs: February 27, 1970.

Docket No. 70-00509-65-46070. Applicant: University of Utah, Purchasing Department, Building 40, Salt Lake City, Utah 84112. Article: Scanning electron microscope, Model Mark IIA. Manufacturer: Cambridge Instrument Co., Ltd., United Kingdom. Intended use of article: The article will be used as a research tool in a variety of scientific projects. Among these are fracture studies of alloys and composites, the precision location of heterojunctions in solid-state ultra-violet radiation detectors, and studies of human bone and tissues (in conjunction with the School of Medicine). The educational uses will consist of demonstrations of a variety of metallurgical phenomena, such as fracture surface observations and slip-line observations in undergraduate and graduate courses taught in the Department of Engineering. Application received by Commissioner of Customs: March 2, 1970.

Docket No. 70-00510-33-46040. Applicant: University of Nebraska, College of Medicine, 42d and Dewey Avenue, Omaha, Nebr. 68105. Article: Electron microscope, Model EM 300. Manufacturer: Philips Electronics NVD, The Netherlands. Intended use of article: The principal intended uses of the article will include training of graduate students, research work by staff members and the preparation of teaching materials to understand ultrastructural features of cells and tissues. Research projects concern a study of pathologic changes in the renal glomeruli of Alloxan-diabetic Rhesus monkeys by means of serial (annual) biopsies from the living animal and a study of the nature of the deoxyribo-nuclease-labile infective units present in crude adenovirus stocks after heat shock. Application received by Commissioner of Customs: March 2, 1970.

Docket No. 70-00512-33-02700. Applicant: The Massachusetts General Hospital, Fruit Street, Boston, Mass. 02114. Article: Watanabe's arthroscrope Type No. 21. Manufacturer: Kamiya Tsusan Kaisha, Ltd., Japan. Intended use of

article: The article will be used for investigative examination and observation in establishing correct diagnosis of diseased knee joints and rheumatoid arthritis. Application received by Commissioner of Customs: March 2, 1970.

Docket No. 70-00513-33-46040. Applicant: Smithsonian Institution, Radiation Biology Laboratory, 12441 Parklawn Drive, Rockville, Md. 20852. Article: Electron microscope, Model EM 300. Manufacturer: Philips Electronics NVD, The Netherlands. Intended use of article: The article will be used for biological research and for teaching post-doctoral fellows and graduate students. Studies concern the micromorphology of the photosynthetic apparatus of algae and higher plants, specifically the subcellular localization of photosynthetic accessory pigment aggregates, and the crystals they form in vitro; the chloroplast-nuclear complex of cryptophyceae algae with its associated tubule elements; and membrane structure of plant and animal cells will be probed with agglutinins labeled with electron dense markers. Application received by Commissioner of Customs: March 2, 1970.

Docket No. 70-00514-33-46070. Applicant: Smithsonian Institution, 10th and Constitution Avenue NW., Washington, D.C. 20560. Article: Scanning electron microscope, Model Mark II. Manufacturer: Cambridge Instrument Co., Ltd., United Kingdom. Intended use of article: The article will be used to study the transformation of morphologic configurations and topography of micro-organism structure, macro-organism parts or organ sections, and skeletal tissue to isometric photographic replicates for functional examination and taxonomic comparison; and to study specimens and phenomena properties of various organic structures of a series of specimens contained in the U.S. National Museum of Natural History ranging from segments of dinosaur bone to midge fly larvae. Application received by Commissioner of Customs: March 2, 1970.

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

[F.R. Doc. 70-3523; Filed, Mar. 24, 1970; 8:46 a.m.]

MOUNT SINAI HOSPITAL OF GREATER MIAMI

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

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

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the

Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 70-00148-33-46500. Applicant: Mount Sinai Hospital of Greater Miami, Inc., 4300 Alton Road, Miami Beach, Fla. 33140. Article: Ultramicrotome, LKB 8800A and accessories. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used for ocular development studies. Embryonic tissues from various vertebrate classes will be studied from earliest beginning development to adult stage. These tissues will be sectioned very thin for observation under the electron microscope. The ultrathin sections needed must be prepared in long series and must be cut in equal thickness throughout. Because the exact thickness needed varies in different tissues, it is imperative that the operator be able to quickly and easily change the cutting thickness anywhere from 50 angstroms to 2 microns.

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

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the application was received (August 22, 1969).

Reasons: The foreign article provides a minimum thickness capability of 50 angstroms. The most closely comparable domestic instrument being manufactured in the United States at the time the application was received was the Model MT-2 ultramicrotome that was being manufactured by Ivan Sorvall, Inc. (Sorvall). The Sorvall Model MT-2 had a guaranteed minimum thickness capability of 100 angstroms. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated January 29, 1970, that the applicant's research studies require sections less than 100 angstroms thick. For this reason, we find that the Sorvall Model MT-2 is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, which was being manufactured in the United States at the time the application was received.

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

[F.R. Doc. 70-3516; Filed, Mar. 24, 1970; 8:46 a.m.]

RHODE ISLAND HOSPITAL

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

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cul-

tural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

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

Docket No. 70-00160-33-46040. Applicant: Rhode Island Hospital, 593 Eddy Street, Providence, R.I. 02902. Article: Electron microscope, Model Elmiskop IA. Manufacturer: Siemens A.G., West Germany. Intended use of article: The article will be used to handle the varied research projects summarized below:

(a) General examination of pathologic specimens from patients (kidney biopsies in transplantation cases, viral examination from isolations performed by the bacteriology lab, etc.);

(b) Examination of hormonal effects in human mammary tissue in vitro;

(c) Study of ultrastructure of atypical lymphocytes in humans—correlation with morphologic, cytochemical studies on light microscopy level;

(d) Characterization of virus isolated from mice with spontaneous osteogenic sarcoma;

(e) Study of platelet ultrastructure in human thrombopathies—looking for organelle changes in relation to specific defects in coagulation;

(f) Study of abnormal lymphocytes in certain diseases comparing the ultrastructure of the material contained in "vacuoles" seen in light microscopy to the known pattern of phospholipid membranes seen in brain tissue from patients.

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

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the applicant placed the order for the foreign article (Sept. 12, 1967).

Reasons: The foreign article has a guaranteed resolving power of 5 angstroms. The most closely comparable domestic instrument available at the time the foreign article was ordered was the Model EMU-4 electron microscope which was then being manufactured by the Radio Corp. of America (RCA) and which is currently being produced by the Forgy Corp. The Model EMU-4 had a guaranteed resolving power of 8 angstroms. (The lower the numerical rating in terms of angstroms, the better the resolving power.) For the purposes for which the foreign article is intended to be used the additional resolving capability of the foreign article must be utilized. Therefore, the additional resolving power of the article is pertinent. The foreign article also provides accelerating voltages of 40, 60, 80, and 100 kilovolts, whereas the Model EMU-4 electron microscope provided only 50 and 100 kilovolt accelerating voltages. It has been experimentally established that the

lower accelerating voltage of the foreign article offers optimum contrast for thin unstained biological specimens and that the voltage intermediate between 50 and 100 kilovolts affords optimum contrast for negatively stained specimens. The research program with which the foreign article is intended to be used involves experiments on both unstained and negatively stained specimens. Therefore, the additional accelerating voltages provided by the foreign article are pertinent. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated January 21, 1970, that at the time the foreign article was ordered, the Model EMU-4 electron microscope was not scientifically equivalent to the foreign article for such purposes as this article is intended to be used.

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

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

[F.R. Doc. 70-3519; Filed, Mar. 24, 1970; 8:46 a.m.]

TEMPLE UNIVERSITY

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

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

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

Docket No. 70-00122-33-46040. Applicant: Temple University, Broad and Montgomery Avenue, Philadelphia, Pa. 19122. Article: two electron microscopes, Model EM 300. Manufacturer: Philips Electronic Instruments, Holland. Intended use of article: The article will be used for the following studies:

1. Analysis of microtubule fine structure.
2. Studies of viral structure.
3. Electron autoradiography of H³ labeled amino acid and nuclei acid uptake into mouse embryos.
4. Electron autoradiography of I¹²⁵ incorporation during differentiation of the thyroid gland.

Comments: No comments were received with respect to this application.

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

Reasons: The foreign article has a guaranteed resolving power of 3.5 angstroms. The most closely comparable domestic instrument available at the time the foreign article was ordered was the Model EMU-4B electron microscope which was then being manufactured by the Radio Corp. of America (RCA), and which is currently being produced by Forgi Corp., (Forgi). The Model EMU-4B electron microscope has a guaranteed resolving power of 5 angstroms. (The lower the numerical rating in terms of angstrom units, the better the resolving power.) We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated January 28, 1970, that the additional resolving capability of the foreign article is pertinent to the purposes for which the article is intended to be used.

We, therefore, find that the Model EMU-4B electron microscope is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

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

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

[F.R. Doc. 70-3518; Filed, Mar. 24, 1970; 8:46 a.m.]

UNIVERSITY OF GEORGIA

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

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

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

Docket No. 70-00131-01-77030. Applicant: The University of Georgia, Department of Chemistry, Athens, Ga. 30601. Article: Nuclear magnetic resonance spectrometer, Model R-20. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article will be used for the following research programs:

(1) Exact analysis of complex proton nuclear magnetic resonance spectra in terms of chemical shifts and coupling constants.

(2) Analysis of ^{31}P , ^{19}F , and ^{13}C nuclear magnetic resonance spectra in terms of chemical shifts and coupling constants.

(3) Variable temperature work for kinetic studies, conformational analysis, determining equilibrium constants, and for detecting the different types of ion pairs formed by hydrocarbon carbanions.

(4) A study of kinetics of proton exchange of substituted anilines is underway.

(5) A study of organometal carbonyls with the organic ligand as the perfluoropropyl group ($\text{CF}_3\text{CF}_2\text{CF}_2\text{M}(\text{CO})$).

The educational use is primarily for the instruction of Graduate Students in the use of the nuclear magnetic resonance techniques, as well as in Chemistry 417-418 (principles of molecular spectroscopy).

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

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

Reasons: The foreign article provides a wide single sweep span of 20 kilohertz (kHz) while maintaining continuously a lock. The most closely comparable domestic instrument available at the time the foreign article was ordered was the Model HA-60-IL Nuclear Magnetic Resonance (NMR) Spectrometer manufactured by Varian Associates (Varian). The HA-60-IL could provide a 20 kHz wide sweep span only by sweeping small portions of the total range in a number of steps by locking on a series of bands. We are advised by the Department of Health, Education, and Welfare in a memorandum dated February 2, 1970, and the National Bureau of Standards in a memorandum dated January 13, 1970, that the wide single sweep capability of the foreign article, which is not matched in available domestic instruments is pertinent.

HEW and NBS further advise that they know of no instrument or apparatus of equivalent scientific value to the foreign article for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the foreign article was ordered.

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

[F.R. Doc. 70-3521; Filed, Mar. 24, 1970; 8:46 a.m.]

UNIVERSITY OF MIAMI SCHOOL OF MEDICINE

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

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural

Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

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

Docket No. 70-00130-33-43780. Applicant: University of Miami School of Medicine, Post Office Box 875, Biscayne Annex, Miami, Fla. 33152. Article: Thermal bath unit. Manufacturer: L. Eschweiler & Co., West Germany.

Intended use of article: The article will be used in the measurement of PCO_2 (Carbon Dioxide Pressure), PO_2 (Oxygen Pressure), and pH in the analysis of experimental samples of animal brain extracts and animal cerebral spinal fluid and blood connected with experimental production and investigation of causes of cerebral edema.

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

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

Reasons: The foreign article permits the measurement of PCO_2 , and PO_2 and pH in samples of brain extracts, spinal fluid and blood, while observing and avoiding bubbles that may possibly appear during the experiment. These bubbles affect the readings adversely and cause unpredictable results.

We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated January 30, 1970, that the glass construction of the foreign article is pertinent because it allows possible bubbles to be observed and avoided during measurement. These bubbles interfere with readings and have caused unpredictable results. HEW further advises that it knows of no similar instrument or apparatus being manufactured in the United States, which provides this pertinent characteristic.

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

[F.R. Doc. 70-3513; Filed, Mar. 24, 1970; 8:46 a.m.]

UNIVERSITY OF MINNESOTA

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

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

A copy of the record pertaining to this decision is available for public review

during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 70-00151-33-46040. Applicant: University of Minnesota, Minneapolis, Minn. 55455. Article: Electron microscope, Model EM-801. Manufacturer: Associated Electronic Industries, United Kingdom.

Intended use of article: The article will be used to complete the projects outlined below:

(a) A high resolution study of septate junction to clarify its development and detailed structure;

(b) A high resolution study of the ultrastructure of biological membranes;

(c) A high resolution study of the peripheral fibrillar component of elastic fibers for confirmation or rejection of its helical configuration.

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

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

Reasons: (1) The foreign article provides a built-in tilting stage with which the foreign manufacturer guarantees a resolution of 3.4 angstroms. The most closely comparable domestic instrument is the Model EMU-4B which was formerly manufactured by the Radio Corp. of America (RCA) and which is currently being produced by the Forgyflo Corp. (Forgflo). The Model EMU-4B has a guaranteed resolving capability of 5 angstroms. (The lower the numerical rating in terms of angstrom units, the better the resolution.) The Model EMU-4B can accommodate a tilt stage that is manufactured by an independent source, which does not guarantee the achievement of any level of resolution. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum of February 5, 1970, that the use of the tilt stage with the Model EMU-4B necessitates increasing the focal length of the objective lens well above the length required to achieve the 5-angstrom resolution. (2) The foreign article provides a slit-type specimen holder for examining large series of specimen sections, which is not provided with the Model EMU-4B. HEW advises that the slit-type specimen holder is necessary to the accomplishment of the purposes for which the foreign article is intended to be used.

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

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article for the purposes for which such

article is intended to be used, which is being manufactured in the United States.

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

[F.R. Doc. 70-3522; Filed, Mar. 24, 1970; 8:46 a.m.]

UNIVERSITY OF TEXAS

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

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

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

Docket No. 70-00161-33-46040. Applicant: The University of Texas M. D. Anderson Hospital and Tumor Institute at Houston, 6723 Bertner Drive, Houston, Tex. 77025. Article: Electron microscope, Model HS-8. Manufacturer: Hitachi, Ltd., Japan.

Intended use of article: The article will be used for the following activities:

1. Training electron microscope technicians in a new biological ultrastructure program in the Graduate School of Biomedical Sciences at Houston;

2. Training predoctoral and postdoctoral fellows in the Biology Department;

3. Student research programs requiring electron microscopy;

4. Staff research programs in biological ultrastructure.

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

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

Reasons: The foreign article is an intermediate electron microscope which, in terms of sophistication and capabilities, lies between the simple, portable electron microscope and the highly complex research types. The applicant intends to use the foreign article for teaching beginning students the fundamentals of electron microscope techniques and, for this purpose, requires a transitional instrument for bridging the gap between the use of the light microscope and the research type of electron microscope. The most closely comparable domestic instrument available at the time the application was received was the EMU-4B electron microscope which was formerly being manufactured by the Radio Corp. of America (RCA) and which is currently being produced by Forgyflo Corp. (Forgflo). The Model EMU-4B electron micro-

scope is a highly sophisticated and relatively complex research electron microscope intended for the use of an expert. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum of January 21, 1970, that the foreign article, which is relatively simple in design and is easy to operate, is more suitable than the EMU-4B for teaching purposes. The greater ease of operation of the foreign article is, therefore, pertinent to the applicant's educational purposes.

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

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

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

[F.R. Doc. 70-3508; Filed, Mar. 24, 1970; 8:45 a.m.]

UNIVERSITY OF WISCONSIN

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

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

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

Docket No. 70-00127-33-90000. Applicant: University of Wisconsin, 750 University Avenue, Madison, Wis. 53706. Article: X-ray diffraction unit, Model GX3 and spares. Manufacturer: Elliott Electronic Tubes Ltd., United Kingdom.

Intended use of article: The article will be used as a laboratory teaching aid in physics course No. 461 (Biophysics) which treats various physical methods of analyzing biological materials, in particular X-ray diffraction analysis. It will also be used as a research training aid for candidates for the M.A. and Ph. D. in physics, biochemistry, and biophysics. The relevant courses are physics 990 and biochemistry 990.

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

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

Reasons: The applicant's research involves the determination of the three-dimensional structure of transfer ribonucleic acid crystals, as well as other biological materials and macromolecules. Since these studies involve very sensitive crystals, an X-ray source of very high intensity which permits relatively short exposure, is a pertinent characteristic. In addition, a very small source is pertinent to the research involving macromolecules because such a source reduces the overlapping of spots on the diffraction pattern. The foreign article provides a very small and intense source of X-rays which reduces the exposure time per diffraction pattern by a factor of 10. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated January 16, 1970, that it knows of no instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

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

[F.R. Doc. 70-3517; Filed, Mar. 24, 1970; 8:46 a.m.]

VETERANS ADMINISTRATION HOSPITAL, WASHINGTON, D.C.

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

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

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

Docket No. 70-00159-33-46040. Applicant: Veterans Administration Hospital, 50 Irving Street NW., Washington, D.C. 20422. Article: Electron microscope, Model EM 801. Manufacturer: GEC-AEI Electronics Ltd., United Kingdom.

Intended use of article: The article will be used to investigate ultrathin serial sections of central and peripheral nervous tissue and skeletal muscle fibers to identify synaptic terminals. The changes that may occur in these structures due to the effects of disease (malignancy, diabetes, alcoholism), anoxia, pharmacologic agents, and atypical physiologic states will be studied. The instrument will be used to more precisely define and distinguish between primary neurogenic and primary muscle atrophy.

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

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

Reasons: The foreign article is to be used in experiments which involve three-dimensional analysis, which requires a tilt-stage. The foreign article provides a built-in tilt-stage. The most closely comparable domestic instrument is the Model EMU-4B which was formerly manufactured by the Radio Corp. of America (RCA) and which is currently being produced by the Forgflo Corp. (Forgflo). Without the tilt-stage, both the foreign article and domestic instrument have a guaranteed resolving capability of five Angstroms. With its built-in tilt-stage, the guaranteed resolving capability of the foreign article is not affected. In the case of the Model EMU-4B, however, the tilt-stage is manufactured by an independent company which does not guarantee that five Angstroms resolution can be achieved when using its tilt-stage. In connection with another application for the same foreign article (Docket No. 70-00151-33-46040), we were advised by the Department of Health, Education, and Welfare (HEW) that the use of the company's tilt-stage in the Model EMU-4B required extending the focal length of the objective lens well beyond the focal length at which a 5-angstrom resolution is attainable. The foreign article also provides a slit-type specimen holder which permits the examination of a large series of specimen sections sequentially. We are advised by HEW in its memorandum dated February 6, 1970, that this accessory, which is not provided with the Model EMU-4B, is necessary to accomplishing the purposes for which the foreign article is intended to be used.

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

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

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

[F.R. Doc. 70-3520; Filed, Mar. 24, 1970; 8:46 a.m.]

WAGNER COLLEGE

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

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

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

Docket No. 70-00163-33-46040. Applicant: Wagner College, 630 Howard Avenue, Staten Island, N.Y. 10301. Article: Electron microscope, Model HU-11E. Manufacturer: Hitachi, Ltd., Japan.

Intended use of article: The article will be used for training and research. Training includes courses for laboratory technicians, graduate and undergraduate students as follow:

- (a) Clinical Pathology (Bacteriology 71);
- (b) Electron Microscopy (Bacteriology 220);
- (c) Introductory Pathology (Bacteriology 17);
- (d) Advanced Pathology (Bacteriology 220).

Student research involves projects on the cellular invasiveness of the microbe, *Listeria Monocytogenes*. In this investigation, guinea pig eyes are inoculated with *Listeria Monocytogenes* in an attempt to study the pathological processes involved. Other investigations planned will be concerned with the finer structures of specific bacteria and the intracellular multiplication of microbes within certain tissues of experimental animals, as well as in tissue culture.

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

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

Reasons: The foreign article permits a continuous range from 250 to 300,000 magnifications (X) without opening the column to change the pole piece. The most closely comparable domestic electron microscope is the Model EMU-4B which was being manufactured by the Radio Corp. of America (RCA) at the time the applicant ordered the foreign article, but which is currently being produced by Forgflo Corp. (Forgflo) provides 500 to 240,000X but requires opening the column to change a pole piece. We are advised by the Department of Health, Education, and Welfare (HEW) in a memorandum dated January 21, 1970, that the capability to provide a magnification range of 250 to 300,000X without opening the column to atmospheric pressure, which lessens the possibility of contamination and damage to the specimen is a pertinent characteristic of the foreign article.

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

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article for the purposes for which such

article is intended to be used, which is being manufactured in the United States.

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

[F.R. Doc. 70-3509; Filed, Mar. 24, 1970; 8:45 a.m.]

YALE UNIVERSITY ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

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

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

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

Docket No. 70-00511-16-19095. Applicant: Yale University, Purchasing Division, 20 Ashmun Street, New Haven, Conn. 06520. Article: Recording microdensitometer, Type M autodensitater. Manufacturer: Joyce, Ioebl & Co., Ltd., United Kingdom. Intended use of article: The article will be used to measure integrated image densities on astronomical plates that have been exposed in the Kron electronographic camera. A given area of the plate will be scanned and the density measured at points on a square raster pattern. Application received by Commissioner of Customs: March 2, 1970.

Docket No. 70-00516-82-84200. Applicant: University of Illinois, Purchasing Division, 223 Administration Building, Urbana, Ill. 61801. Article: Water tunnel, Model No. K 23. Manufacturer: Kemp and Remmers, West Germany. Intended use of article: The article will be used for research in a broad range of studies of cavitation and a study of bodies intended to move at high speeds in water. Application received by Commissioner of Customs: March 3, 1970.

Docket No. 70-00517-01-78030. Applicant: Rutgers, The State University, New Brunswick, N.J. 08903. Article: Infrared spectrophotometer, Model 225. Manufacturer: Bodenseewerk Perkin-Elmer & Co.,

West Germany. Intended use of article: The article will be used for high resolution spectral measurements over range 5000-200 wave numbers. Research programs include a study of the infrared spectra of molecules bound to metals that are contained in various proteins and enzymes; and a study to measure at various temperatures the infrared spectra of materials whose magnetism is strongly temperature dependent. Application received by Commissioner of Customs: March 3, 1970.

Docket No. 70-00518-33-46500. Applicant: Medical College of Ohio at Toledo, Post Office Box 6190, Toledo, Ohio 43614. Article: Ultramicrotome Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used for sectioning a wide variety of tissues for electron microscopic examination, utilizing many different techniques. Lymphoid tissue (thymus, lymph nodes, spleen, and lymphoid tissue in the walls of the intestinal tract) from normal humans and patients with immune deficiency diseases will be studied to compare "normal" changes which occur with time with deviations from this pattern associated with the disease state. Application received by Commissioner of Customs: March 4, 1970.

Docket No. 70-00519-33-46500. Applicant: University of Wisconsin, 750 University Avenue, Madison, Wis. 53706. Article: Ultramicrotome Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used for cutting ultrathin sections of lung, heart, liver, brain, muscles, kidney, adrenal and homogenates of tissue. Other projects include studies on hypoxia and mitochondria; and studies at high altitude and the effect of anesthesia. Application received by Commissioner of Customs: March 4, 1970.

Docket No. 70-00520-99-46040. Applicant: University of North Carolina, Chapel Hill, N.C. 27514. Article: Electron microscope, Model JEM-T7. Manufacturer: Japan Electron Optics Lab. Co., Ltd., Japan. Intended use of article: The article will be used by the Surgical Pathology Division of the Department of Pathology as an instrument for training medical students, residents and fellows in ultrastructural investigation of clinical problems occurring in the routine service of the division. Much of the use of the article will be at relatively low magnification for location of cells within the general structural organization of the tissue so that ultrastructural changes in cells can be correlated with their location and general organizational changes in tissues. Application received by Commissioner of Customs: March 4, 1970.

Docket No. 70-00521-33-46040. Applicant: University of Miami, Office of the Purchasing Agent, Coral Gables, Fla. 33124. Article: Electron microscope, Model AEI EM-801. Manufacturer: Associated Electrical Industries, Ltd., United Kingdom. Intended use of article: The article will be used in a study of

the five structures of attachment mechanisms which bind cells to each other and to connective tissue components; a study of developing contractile filament systems within cells, including cells highly specialized in this regard (muscle) and cells having only subtle contractile properties; and for the comparison of intracellular filament systems which are involved in contraction as against filament systems which function in terms of mechanical support, and which are closely related to sites of intercellular adhesion. Application received by Commissioner of Customs: March 5, 1970.

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

[F.R. Doc. 70-3510; Filed, Mar. 24, 1970; 8:45 a.m.]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[70-39]

EQUIPMENT, CONSTRUCTION, AND MATERIALS

Termination of Approval Notice

1. Certain laws and regulations (46 CFR, Chapter I) require that various items of lifesaving, firefighting and miscellaneous equipment, construction, and materials used on board vessels subject to Coast Guard inspection, on certain motorboats and other recreational vessels, and on the artificial islands and fixed structures on the Outer Continental Shelf be of types approved by the Commandant, U.S. Coast Guard. The purpose of this document is to notify all interested persons that certain approvals have been terminated as herein described during the period from February 4, 1970, to February 18, 1970 (List No. 4-70). These actions were taken in accordance with the procedures set forth in 46 CFR 2.75-1 to 2.75-50.

2. The statutory authority for equipment, construction, and material approvals is generally set forth in sections 367, 375, 390b, 416, 481, 489, 526p, and 1333 of title 46, United States Code, section 1333 of title 43, United States Code, and section 198 of title 50, United States Code. The Secretary of Transportation has delegated authority to the Commandant, U.S. Coast Guard with respect to these approvals (49 CFR 1.4(a)(2) and (g)). The specifications prescribed by the Commandant, U.S. Coast Guard for certain types of equipment, construction, and materials are set forth in 46 CFR, Parts 160 to 164.

3. Notwithstanding the termination of approval listed in this document, the equipment affected may be used as long as it remains in good and serviceable condition.

LIFE PRESERVERS, KAPOK, ADULT AND CHILD (JACKET TYPE), MODELS 3 AND 5

NOTE: Approved for use on all vessels and motorboats.

The J. C. Penney Co., Inc., 1301 Avenue of the Americas, New York, N.Y. 10019, Approval Nos. 160.002/100/0 and 160.-002/101/0 expired and were terminated effective February 18, 1970.

BUOYANT CUSHIONS, UNICELLULAR PLASTIC FOAM

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

The Jones & Yandell Division, American Tent Co., Post Office Box 270, Canton, Miss. 39046, no longer manufactures certain unicellular plastic foam buoyant cushions and Approval No. 160.049/31/5 was therefore terminated, effective February 4, 1970.

BUOYANT VESTS, UNICELLULAR PLASTIC FOAM

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

The Jones & Yandell Division, American Tent Co., Post Office Box 270, Canton, Miss. 39046, no longer manufactures certain unicellular plastic foam buoyant vests and Approval Nos. 160.052/101/2, 160.052/102/2, and 160.052/103/2 were therefore terminated, effective February 4, 1970.

The J. C. Penney Co., Inc., 1301 Avenue of the Americas, New York, N.Y. 10019, Approval Nos. 160.052/292/0, 160.052/293/0, and 160.052/294/0 expired and were terminated, effective February 18, 1970.

WORK VESTS, UNICELLULAR PLASTIC FOAM

The Jones & Yandell Division, American Tent Co., Post Office Box 270, Canton, Miss., no longer manufactures certain unicellular plastic foam work vests and Approval No. 160.053/15/1 was therefore terminated, effective February 4, 1970.

The Seamac Corp., 1505 Pere Marquette Building, New Orleans, La. 70112, no longer manufactures certain unicellular plastic foam work vests and Approval No. 160.053/16/1 was therefore terminated, effective February 4, 1970.

Dated: March 19, 1970.

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

[F.R. Doc. 70-3574; Filed, Mar. 24, 1970;
8:51 a.m.]

[CGFR 70-31]

HOUSE FLAG OF UNITED STATES STEEL CORP. (INTERCOASTAL AND GREAT LAKES FLEET)

Notice of Registration

1. The Commandant, U.S. Coast Guard, in accordance with the provisions of 46 CFR 67.87-5, issued under the authority

of the Act of May 28, 1908, as amended (46 U.S.C. 49), has registered the house flag of the United States Steel Corp. (Intercoastal and Great Lakes Fleet) as described below:

(a) The house flag is rectangular in shape. The hoist is 5 feet, the fly 8 feet. Superimposed on the center of a blue field is a white circle, the outside diameter of which is 46½ inches, and the inside diameter is 39½ inches, the width of the stroke is 3½ inches. Centered in the circle are the letters USS in white. The letters are 16½ inches in height, 9½ inches in width, and the width of the stroke is 3½ inches with the middle letter lower than the others in the circle.

(b) A colored scale replica drawing of the house flag described above is on file with the Office of the Federal Register, National Archives and Records Service.

2. The registration of the house flag of United States Steel Corp. described in Treasury Decision 56112 dated February 13, 1964, as amended by a notice published on September 6, 1967, in the FEDERAL REGISTER (32 F.R. 12767) is hereby canceled.

Dated: March 19, 1970.

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

[F.R. Doc. 70-3573; Filed, Mar. 24, 1970;
8:51 a.m.]

**FEDERAL COMMUNICATIONS
COMMISSION**

[Docket No. 18810; FCC 70-261]

B & K BROADCASTING CO. (WSEW)

**Memorandum Opinion and Order
Designating Application for Hearing
on Stated Issues**

In regard application of B & K Broadcasting Co. (WSEW), Selinsgrove, Pa.; has: 1240 kc., 250 w., U, Class IV, requests: 1240 kc., 250 w., 1 kw.-LS, U, Class IV; Docket No. 18810, File No. BP-17782; for construction permit.

1. The Commission has under consideration the above-captioned and described application; a petition to deny the application filed by P.A.L. Broadcasters, Inc., licensee of cochannel station WBAX, Wilkes-Barre, Pa.; the applicant's opposition to the petition; and a "Request for Relief" filed by the applicant.

2. WBAX contends that a grant of the WSEW proposal would result in interference within the WBAX service area affecting 2,910 persons residing within an area of approximately 54 square miles. WBAX further contends that the interference from the proposed WSEW operation would extend to within 9 miles of the WBAX transmitter site.

3. In its opposition, WSEW claims that the interference caused is "almost de minimis" when compared with the proposed new broadcast service to an

area of 310 square miles in which 22,100 people reside. Moreover, the applicant asserts that the WBAX power increase in 1961 from 250 watts to 1 kilowatt was subject to the condition that WBAX must agree to accept any interference caused by other existing Class IV stations increasing daytime power. WSEW concedes that it was not in existence at the time of the WBAX power increase, but contends that the underlying rationale behind the "carte blanche" imposition of Class IV interference conditions remains the same and, allegedly, is fully applicable to the present situation. Nevertheless, in its opposition and its request for relief, WSEW recognizes the possibility that a hearing may be necessary.

4. The 1 kilowatt daytime operation of WBAX was authorized prior to a grant of the present WSEW 250 watt operation. Accordingly, the WBAX authorization does not require acceptance of interference which may result from operation by WSEW with 1 kilowatt. In view of this and since it has not been determined that the additional interference to WBAX would be in the public interest, the Commission finds that the WSEW application must be designated for hearing with WBAX a party to the proceeding. Moreover, on the basis of information on file, it has not been established that the proposed operation of WSEW would not cause objectionable interference within the service areas of Stations WHUM, Reading, Pa., and WRTA, Altoona, Pa. Therefore, it would be inappropriate to take final action on the WSEW application without fully considering the impact of the proposed operation on the three stations involved. Accordingly, the Commission will, on its own motion name both WRTA and WHUM parties to the proceeding.

5. Except as indicated by the issues specified below, the applicant is qualified. However, in view of the foregoing, the Commission is unable to find that a grant of the application would serve the public interest, convenience and necessity, and is of the opinion that it must be designated for hearing on the issues set forth below.

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

1. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operation and the availability of other primary aural services (1 mv/m or greater in the case of FM) to such areas and populations.

2. To determine whether the proposed operation of WSEW would cause objectionable interference to the existing operations of WBAX, Wilkes-Barre, Pa., WRTA, Altoona, Pa., and WHUM, Reading, Pa., or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary aural services

(1 mv/m or greater in the case of FM) to such areas and populations.

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

7. *It is further ordered*, That the aforementioned pleadings are granted to the extent indicated above and are denied in all other respects.

8. *It is further ordered*, That P.A.L. Broadcasters, Inc., Altoona Trans-Audio Corp., Inc., and Eastern Radio Corp., licensee of Stations WBAX, WRTA, and WHUM, respectively, are made parties to the proceeding.

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

Permittee shall accept such interference as may be imposed by other existing 250-watt Class IV stations in the event they are subsequently authorized to increase power to 1,000 watts.

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

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

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

Adopted: March 11, 1970.

Released: March 17, 1970.

FEDERAL COMMUNICATIONS
COMMISSION,
BEN F. WAPLE,
Secretary.

[SEAL]

[F.R. Doc. 70-3550; Filed, Mar. 24, 1970;
8:49 a.m.]

FEDERAL RESERVE SYSTEM

BARNETT BANKS OF FLORIDA, INC.

Order Approving Application Under Bank Holding Company Act

In the matter of the application of Barnett Banks of Florida, Inc., Jacksonville, Fla., for approval of acquisition of 80 percent or more of the voting shares of Bank of Osceola, Kissimmee, Fla.

There has come before the Board of Governors, pursuant to section 3(a) 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 Barnett Banks of Florida, Inc., Jacksonville, Fla., for the Board's prior approval of the acquisition of 80 percent or more of the voting shares of Bank of Osceola, Kissimmee, 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 Deputy Commissioner recommended approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on January 16, 1970 (35 F.R. 612), 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 Statement¹ of this date, that said application be and hereby is approved, provided that the action so approved shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such time shall be extended by the Board, or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Board of Governors,²
March 17, 1970.

[SEAL]

KENNETH A. KENYON,
Deputy Secretary.

[F.R. Doc. 70-3526; Filed, Mar. 24, 1970;
8:47 a.m.]

GRACE STREET BANK

Order Approving Merger of Banks

In the matter of the application of Grace Street Bank for approval of merger with Southern Bank and Trust Co.

There has come before the Board of Governors, pursuant to the Bank Merger Act (12 U.S.C. 1828(c)), an application by Grace Street Bank, Richmond, Va., which is to be a State member bank of the Federal Reserve System, for the Board's prior approval of the merger of that bank with Southern Bank and Trust Co., Richmond, Va., under the charter of Grace Street Bank and with the name of Southern Bank and Trust Co. As an incident to the merger, the eight branches of Southern Bank and Trust Co. would become branches of Grace Street Bank. Notice of the proposed

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 Burns and Governor Sherrill.

merger, in form approved by the Board, has been published pursuant to said Act.

Upon consideration of all relevant material in the light of the factors set forth in said Act, including reports furnished by the Comptroller of the Currency, the Federal Deposit Insurance Corporation, and the Attorney General on the competitive factors involved in the proposed merger:

It is hereby ordered, For the reasons set forth in the Board's Statement¹ of this date, that said application be and hereby is approved; *Provided*, That said merger shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Richmond pursuant to delegated authority.

By order of the Board of Governors,²
March 17, 1970.

[SEAL]

KENNETH A. KENYON,
Deputy Secretary.

[F.R. Doc. 70-3555; Filed, Mar. 24, 1970;
8:49 a.m.]

HUNTINGTON BANCSHARES, 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 Huntington Bancshares Inc., which is a bank holding company located in Columbus, Ohio, for prior approval by the Board of Governors of the acquisition by Applicant of 80 percent or more of the voting shares of Lagonda National Bank of Springfield, Springfield, Ohio.

Section 3(c) of the Act provides that the Board shall not approve:

(1) Any acquisition or merger or consolidation under section 3 which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or

(2) Any other proposed acquisition or merger or consolidation under section 3 whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless the Board finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

¹ Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Richmond.

² Voting for this action: Chairman Burns and Governors Robertson, Daane, Brimmer, and Sherrill. Absent and not voting: Governors Mitchell and Maisel.

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 Cleveland.

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

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[F.R. Doc. 70-3554; Filed, Mar. 24, 1970;
8:49 a.m.]

MIDLANTIC BANKS, INC.

Order Approving Action To Become Bank Holding Company

In the matter of the application of Midlantic Banks, Inc., Newark, N.J., for approval of action to become a bank holding company through the acquisition of voting shares of four banks in the State of New Jersey.

There has come before the Board of Governors, pursuant to section 3(a) (1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(1)) and § 222.3 (a) of the Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by Midlantic Banks, Inc., Newark, N.J., for prior approval of the Board of action whereby Applicant would become a bank holding company through the acquisition of all (less directors' qualifying shares of the national banks involved) of the voting shares of the following banks: A proposed new bank into which will be merged National Newark & Essex Bank, Newark; a proposed new bank into which will be merged The Sussex and Merchants National Bank of Newton, Newton; a proposed new bank into which will be merged Raritan Valley National Bank, Edison; and Elmer Bank and Trust Co., Elmer, all in New Jersey.

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Comptroller of the Currency and the New Jersey Commissioner of Banks, and requested their views and recommendations. Both the Comptroller and the Commissioner recommended approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on December 19, 1969 (34 F.R. 19923), which provided an opportunity for interested persons to submit comments and views with respect to the proposed transaction. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. The time for filing comments and views has expired and all those received have been considered by the Board.

It is hereby ordered. For the reasons set forth in the Board's statement¹ of this date, that said application be and hereby is approved: *Provided*, That the action so approved shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of New York pursuant to delegated authority.

By order of the Board of Governors,² March 17, 1970.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[F.R. Doc. 70-3525; Filed, Mar. 24, 1970;
8:47 a.m.]

SOUTHEAST BANCORPORATION, INC.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made, pursuant to section 3(a) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)), by Southeast Bancorporation, Inc., which is a bank holding company located in Miami, Fla., for prior approval by the Board of Governors of the acquisition by applicant of 80 percent or more of the voting shares of Southeast National Bank of Orlando, Orlando, Fla., 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 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

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 New York.

² Voting for this action: Vice Chairman Robertson, and Governors Mitchell, Daane, Brimmer, and Sherrill. Absent and not voting: Chairman Burns and Governor Maisel.

should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Atlanta.

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

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[F.R. Doc. 70-3553; Filed, Mar. 24, 1970;
8:49 a.m.]

GENERAL SERVICES ADMINISTRATION

[Federal Property Management Regs.; Temp.
Reg. P-67]

SECRETARY OF DEFENSE

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent the customer interest of the Federal Government in an electric service rate proceeding.

2. *Effective date.* This regulation is effective immediately.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the interests of the executive agencies of the Federal Government before the California Public Utilities Commission in a proceeding involving electric service rates of the Pacific Gas and Electric Co. (Application No. 51552).

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and, further, shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

Dated: March 18, 1970.

ROBERT L. KUNZIG,
Administrator of General Services.

[F.R. Doc. 70-3529; Filed, Mar. 24, 1970;
8:47 a.m.]

[Federal Property Management Regs.; Temp.
Reg. G-7]

CHAIRMAN, ATOMIC ENERGY COMMISSION

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Chairman, Atomic Energy Commission, to represent the shipper interest of the civilian agencies of the Federal Government in a motor carrier operating rights proceeding.

2. *Effective date.* This regulation is effective immediately.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a) (4) and 205(d) (40 U.S.C. 481(a) (4) and 486(d)), authority is delegated to the Chairman, Atomic Energy Commission, to represent the interests of the civilian agencies of the Federal Government before the Interstate Commerce Commission in a proceeding involving a motor carrier application by Railway Express Agency, Inc. (Case No. MC-66562 (Sub. No. 2314)).

b. The Chairman, Atomic Energy Commission, may redelegate this authority to any officer, official, or employee of the Atomic Energy Commission.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and, further, shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

ROBERT L. KUNZIG,
Administrator of General Services.

[F.R. Doc. 70-3551; Filed, Mar. 24, 1970;
8:49 a.m.]

[Wildlife Order 89]

FEDERAL CORRECTIONAL INSTITUTION, SANDSTONE, MINN.

Transfer of Property

Pursuant to section 2 of Public Law 537, 80th Congress, approved May 19, 1948 (16 U.S.C. 667c), notice is hereby given that:

1. On February 18, 1970, the property known as the Federal Correctional Institution in Sandstone, Minn., consisting of approximately 2,405 acres of unimproved land, was transferred from the Department of Justice to the Department of the Interior.

2. This property was transferred for use in carrying out the national migratory bird management program, as authorized by the provisions of section 1 of said Public Law 537 (16 U.S.C. 667b).

Dated: March 13, 1970.

CURTIS A. ROOS,
Assistant Commissioner,
Office of Real Property Disposal.

[F.R. Doc. 70-3552; Filed, Mar. 24, 1970;
8:49 a.m.]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 70-2]

DR. JERRY L. MODISSETTE

Certification To Act as Agent

In accordance with the authority contained in title 18, United States Code, section 207, I hereby certify that in my judgment the national interest would be

served by permitting Dr. Jerry L. Modisette, a former employee of the Manned Spacecraft Center, Houston, Tex., to act as agent for the Houston Baptist College and to appear personally before NASA in connection with a research grant now under consideration with the said college, notwithstanding the restrictions on the activities of former U.S. Government employees, as set forth in title 18, United States Code, sections 207(a) and 207(b).

Effective date: March 20, 1970.

T. O. PAINE,
Administrator.

[F.R. Doc. 70-3506; Filed, Mar. 24, 1970;
8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24D-2879]

TOMBSTONE SILVER STANDARD, INC.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor and Notice of Opportunity for Hearing

MARCH 18, 1970.

I. Tombstone Silver Standard, Inc. (issuer), a Utah corporation, 294 North Fourth West, Payson, Utah, filed with the Commission on July 24, 1969, a notification on Form 1-A and an offering circular relating to an offering of 3 million shares of common stock, at 10 cents per share for an aggregate of \$300,000, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof, and Regulation A promulgated thereunder. Weston and Co., Inc., of Salt Lake City, Utah, is designated as underwriter of the offering and is to receive 12 percent of the offering price as commission on shares it sells.

II. The Commission has reasonable cause to believe from information reported to it by the staff that:

A. The terms and conditions of Regulation A were not complied with in that:

1. The Form 1-A filed on behalf of the issuer fails to disclose in Item 9(a) thereof the title and amount of all securities issued by the issuer within 1 year prior to the filing of the notification; the names of the persons to whom those securities were issued and the consideration, if any, paid for those securities.

2. The Form 1-A filed on behalf of the issuer fails accurately to set forth in response to Item 9(c) the exemption from registration claimed with respect to all securities issued by the issuer within 1 year prior to the filing of the notification.

3. The offering circular filed on behalf of the issuer fails to disclose all indirect interests of each officer, director, and promoter of the issuer.

4. The offering circular filed on behalf of the issuer fails to include adequate and accurate financial statements.

B. The offering circular contains untrue statements of material facts and omits to state material facts necessary to make the statements made, in the light of the circumstances under which they were made, not misleading, particularly with respect to:

1. The failure to disclose accurately and adequately certain contingent liabilities to which the issuer may be subject arising out of the sale of its unregistered securities.

2. The failure to disclose certain material transactions between the issuer and its promoters and officers.

3. The failure to disclose that a public offering of securities of the issuer had been made just prior to the filing of the notification in apparent violation of the Federal securities laws.

4. The failure to disclose that certain officers of the corporation were, in fact, nominal officers and that other individuals connected with the issuer were actually in control of the issuer.

5. The failure to include a concise description of the mining property interests held by the corporation under option agreements and the failure to adequately disclose the risks involved in drilling for metallic mineral deposits on the property interests held by the corporation.

C. The offering, as made, was in violation of the registration provisions of section 5 and the antifraud provisions of section 17 of the Securities Act of 1933 as amended, and would continue to be in violation of sections 5 and 17 of the Securities Act of 1933, as amended, if the offers of sale would continue to be made.

D. Officers and promoters of the issuer have failed and refused to furnish certain information requested by the staff in connection with the proposed offering.

III. It appearing to the Commission that it is in the public interest and for the protection of investors that the exemption of the issuer under Regulation A be temporarily suspended.

It is ordered, Pursuant to Rule 261(a), subparagraphs (1) and (2) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

It is further ordered, Pursuant to Rule 7 of the Commission's rules of practice, that the issuer file an answer to the allegations contained in this order within 30 days of the entry thereof.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing within 30 days after the entry of this order; that within 20 days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission, for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; that, if no hearing is requested and none is ordered by the Commission, this order shall become permanent on the 30th day after its entry and shall

remain in effect unless or until it is modified or vacated by the Commission; and that notice of the time and place for any hearing will promptly be given by the Commission.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 70-3546; Filed, Mar. 24, 1970;
8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 10]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

MARCH 20, 1970.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules—Motor Carriers of Property, 1969 (49 CFR 1042.4(d)(11)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.4(d)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.4(d)(12)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules—Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC-263 (Deviation No. 7), GARRETT FREIGHTLINES, INC., Post Office Box 4048, Pocatello, Idaho 83201, filed March 9, 1970. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) From Denver, Colo., over U.S. Highway 87 (Interstate Highway 25) to junction Interstate Highway 90 near Buffalo, Wyo., thence over U.S. Interstate Highway 90 (or U.S. Highway 87) to Billings, Mont., thence over Montana Highway 3 to junction U.S. Highway 12, thence over U.S. Highway 12 to junction U.S. Highway 191 at Harlowton, Mont., thence over U.S. Highway 191 to junction U.S. Highway 87 near Moore, Mont., thence over U.S. Highway 87 to Great Falls, Mont.; and (2) from Denver, Colo., over the route described in (1) above to Harlowton, Mont., thence over U.S. Highway 12 to junction U.S. Highway 287 at Townsend, Mont., thence over U.S. Highway 287 to Helena, Mont., and return over the same routes, for operating con-

venience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent regular routes as follows: (1) From Butte, Mont., over U.S. Highway 91 to junction Idaho Highway 35 (formerly unnumbered highway), thence over Idaho Highway 35 via Oxford and Clifton, Idaho, to Dayton, Idaho, thence over Idaho Highway 86 (formerly unnumbered highway) to Preston, Idaho, thence over U.S. Highway 91 to Logan, Utah, thence over Utah Highway 69 (formerly U.S. Highway 89) to Brigham City, Utah (also from Logan over U.S. Highway 91 to Brigham City), thence over U.S. Highway 91 to Barstow, Calif., thence over U.S. Highway 66 to San Bernardino, Calif.; (2) from Tremonton, Utah, over unnumbered highway (formerly Utah Highway 41) via Garland, Utah, to junction U.S. Highway 191, thence over U.S. Highway 191 to Downey, Idaho; (3) from Salt Lake City, Utah, over U.S. Highway 91 via Springville, Utah, to Spanish Fork, Utah, thence over U.S. Highway 6 to Crescent Junction, Utah (also from Springville over U.S. Highway 50 (portion formerly Alternate U.S. Highway 50) to Crescent Junction), and thence over U.S. Highway 6 to Grand Junction, Colo.; (4) from Denver, Colo., over U.S. Highway 40 (formerly U.S. Highway 6) to junction U.S. Highway 6 near Idaho Springs, Colo., thence over U.S. Highway 6 to Dowd, Colo., thence over U.S. Highway 24 to Grand Junction, Colo.; (5) from junction U.S. Highway 91 and 30N near McCammon, Idaho, over U.S. Highway 30N to Montpelier, Idaho, thence over U.S. Highway 89 to Paris, Idaho; (6) from Butte, Mont., over U.S. Highway 91 to Great Falls, Mont.; and (7) from Grand Junction, Colo., over U.S. Highway 6 to junction U.S. Highway 40 near Idaho Springs, Colo., thence over U.S. Highway 40 to Denver, Colo., and return over the same routes.

No. MC-42487 (Deviation No. 81), CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. 94025, filed March 9, 1970. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) From junction California Highway 99 (formerly U.S. Highway 99) and California Highway 14 (approximately 27 miles north of Los Angeles, Calif.), over California Highway 14 to junction U.S. Highway 395 near Inyokern, Calif., thence over U.S. Highway 395 to Reno, Nev.; and (2) from San Bernardino, Calif., over U.S. Highway 395 to Reno, Nev., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent regular routes as follows: (1) From San Bernardino, Calif., over U.S. Highway 66 to Los Angeles, Calif., thence over California Highway 99 (formerly U.S. Highway 99) to Sacramento, Calif., thence over Interstate Highway 80 to Reno, Nev.; (2) from Los Angeles, Calif., over U.S. Highway

66 to San Bernardino, Calif., thence over U.S. Highway 91 to junction U.S. Highway 70; (3) from Los Angeles, Calif., over U.S. Highway 101 to San Francisco, Calif. (also from Los Angeles over California Highway 99 (formerly U.S. Highway 99) to junction California Highway 152, thence over California Highway 152 to Gilroy, Calif., thence over U.S. Highway 101 to San Jose, Calif., thence over California Highway 17 to Oakland, Calif., thence over U.S. Highway 40 to San Francisco); (4) from Califa, Calif., over California Highway 99 (formerly U.S. Highway 99) to Sacramento, Calif.; and (5) from San Francisco, Calif., over U.S. Highway 40 to Wells, Nev., thence over U.S. Highway 93 to Twin Falls, Idaho, and return over the same routes.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 70-3558; Filed, Mar. 24, 1970;
8:49 a.m.]

[Notice 25]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

MARCH 20, 1970.

The following publications are governed by the new Special Rule 247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

No. MC 61396 (Sub-No. 218) (Republication) filed April 28, 1969, published in the FEDERAL REGISTER issue of May 15, 1969, and republished this issue. Applicant: HERMAN BROS., INC., 2501 North 11th Street, Post Office Box 189, Omaha, Nebr. 68101. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102. By application filed April 28, 1969, Herman Bros., Inc., of Omaha, Nebr., seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of anhydrous ammonia, urea, fertilizer, and fertilizer ingredients from the plants or warehouse facilities of Agrico Chemical Co., located at or near Blair, Nebr., to points in Colorado, Kansas, Illinois, Iowa, Michigan, Minnesota, Missouri, Montana, Nebraska, North Dakota, South Dakota, Wisconsin, and Wyoming. A report and order of the Commission, Review Board

No. 2, decided March 10, 1970, and served March 13, 1970, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, of *anhydrous ammonia*, in bulk, in tank vehicles, from the plantsite of Agric Chemical Co. at or near Blair, Nebr., to points in Colorado, Kansas, Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Nebraska, South Dakota, and Wisconsin; that applicant is fit, willing, and able properly to perform the service authorized, and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described below, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition to reopen or other appropriate pleading with respect to Indiana as a destination State; and setting forth the precise manner in which it has been so prejudiced.

No. MC 116165 (Sub-No. 4) (Corrected Republication) filed August 7, 1969, published in the FEDERAL REGISTER issues of September 25, 1969, and March 18, 1970, and republished in part, as corrected, this issue. Applicant: MURRAY HILL LIMOUSINE SERVICE, LTD., a corporation, 1380 Barre Street, Montreal, Quebec, Canada. Applicant's representative: John J. Brady, Jr., 75 State Street, Albany, N.Y. 12207. NOTE: The purpose of this partial republication is solely to reflect the correct sub number assigned as MC 116165 (Sub-No. 4) inadvertently shown as MC 116165 Sub-No. 14 in the previous publication.

No. MC 133926 (Republication), filed July 22, 1969, published in the FEDERAL REGISTER issues of August 21, 1969, and September 18, 1969, and republished, this issue. Applicant: M & M TRANSFER CO., 415 Pavonia, Sioux City, Iowa 51101. Applicant's representative: Earl H. Scudder, Jr., 605 South 14th Street, Post Office Box 2028, Lincoln, Nebr. 68501. By application filed July 22, 1969, as amended, M & M Transfer Co., an Iowa corporation, of Sioux City, Iowa, as substituted applicant, seeks a permit authorizing operations, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of pulpboard, fiberboard, pulpboard and fiberboard products and materials and supplies used in the manufacture and processing thereof (except commodities in bulk and those which, because of size or weight, require special equipment); (1) from Sioux City, Iowa, to points in Minnesota, South Dakota, Nebraska, and Kansas; with service from Sioux City, Iowa, to Omaha, Nebr., restricted to traffic having a further delivery beyond the

Omaha, Nebr., commercial zone of a shipment or shipment having an aggregate weight equal to or greater than the aggregate weight of shipments delivered in the Omaha, Nebr., commercial zone; and (2) from Lincoln, Nebr.; Sioux Falls, S. Dak.; and St. Paul, Minn.; to Sioux City, Iowa, under contract with Hoerner-Waldorf Corp., St. Paul, Minn. An order of the Commission's Operating Rights Board, dated March 6, 1970, and served March 12, 1970, finds that operation by applicant in interstate or foreign commerce, as a *contract carrier* by motor vehicle, over irregular routes, of *pulpboard, fiberboard, and pulpboard and fiberboard products, and materials and supplies* used in the manufacture and processing of such commodities (except commodities in bulk and except commodities which because of size or weight, require special equipment);

(1) From Sioux City, Iowa, to points in Minnesota, South Dakota, Nebraska, and Kansas; and (2) from Lincoln, Nebr., Sioux Falls, S. Dak., and St. Paul, Minn., to Sioux City, Iowa, under a continuing contract with Hoerner-Waldorf Corp., of St. Paul, Minn.; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a permit in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 133931 (Republication), filed July 27, 1969, published in the FEDERAL REGISTER issue of September 5, 1969, and republished this issue. Applicant: M. POLLON, INC., 1351 North Delaware Avenue, Philadelphia, Pa. 19125. Applicant's representative: Alan Kahn, 1920 Two Penn Center Plaza, Philadelphia, Pa. 19102. By application filed July 27, 1969, as amended, M. Pollon, Inc., doing business as Marine Guard Service, of Philadelphia, Pa., seeks a certificate of public convenience and necessity, authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of checks and money, between Philadelphia, Pa., on the one hand, and, on the other, points in Delaware; and Burlington, Camden, Cumberland, Gloucester, Mercer, and Salem Counties, N.J., restricted to the movement of the commodities named destined to or from ships anchored or berthed in the Delaware River. An order of the Commission, Operating Rights Board, dated March 6, 1970, and served March 11, 1970, finds that the present and future public con-

venience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, of *coin, currency, and cash letters*, from Philadelphia, Pa., to those points on the Delaware River in Burlington, Camden, Cumberland, Gloucester, Mercer, and Salem Counties, N.J., and points in Delaware; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other persons who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

NOTICE OF FILING OF PETITIONS

No. MC 111940 (Sub-No. 27), (Notice of Filing of Petition for Waiver of Rule 1.101(e), for Reconsideration and for Modification of Certificate), filed March 6, 1970. Petitioner: SMITH'S TRUCK LINES, Post Office Box 88, Muncy, Pa. 17756. Applicant's representative: John W. Frame, Box 626, 2207 Old Gettysburg Road, Camp Hill, Pa. 17011. Petitioner holds authority in No. MC 111940 (Sub-No. 27), to transport, over irregular routes, machinery, between points in Pennsylvania on and east of U.S. Highway 15 and north of the east branch of the Susquehanna River in Tioga, Bradford, Lycoming, Sullivan, Union, Snyder, Northumberland, Montour, and Columbia Counties, Pa., on the one hand, and, on the other, points in Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Delaware, Maryland, Virginia, North Carolina, Ohio, and the District of Columbia. By the instant petition, petitioner seeks waiver of the provisions of Rule 1.101(e) and reopen the proceedings in order to modify the Sub No. 27 certificate, as follows: "Machinery and commodities, the transportation of which because of their size or weight require special handling or special equipment; and self-propelled articles, each weighing 15,000 pounds or more (when transported on trailers)." Any interested person desiring to participate may file an original and six copies of his written representations, views, or argument in support of, or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 113855 (Subs Nos. 63 and 183) (Notice of Filing of Petition for Waiver of Rule 1.101(e), for Reconsideration and for Modification of Certificate), filed March 2, 1970. Petitioner: INTERNATIONAL TRANSPORT, INC., Rochester,

Minn. Petitioner's representative: Alan Foss, 502 First National Bank Building, Fargo, N. Dak. 58102. Petitioner holds authority, as here pertinent, in MC 113855 (Sub-No. 63), to transport (a) heavy machinery, between Davenport, Iowa, on the one hand, and, on the other, points in that part of Illinois on, north, and west of a line beginning at Quincy, Ill., and extending along Illinois Highway 104 to junction U.S. Highway 66, thence northward along U.S. Highway 66 to junction Alternate U.S. Highway 66, at or near Gardner, Ill., thence along Alternate U.S. Highway 66 to junction U.S. Highway 66 at a point approximately 10 miles north-east of Plainfield, Ill., and thence along U.S. Highway 66 to Chicago, Ill. (b) Heavy machinery and mining supplies and equipment therefor, except classes A and B explosives, between Elgin, Ill., on the one hand, and, on the other, Scranton, Reading, Allentown, Harrisburg, Lancaster, and Hazleton, Pa., and mines in that part of Pennsylvania south and west of a line beginning at the Pennsylvania-Ohio State line and extending along U.S. Highway 224 to junction U.S. Highway 422, thence along U.S. Highway 422 to junction U.S. Highway 19 near Rose Point, Pa., thence along U.S. Highway 19 to junction unnumbered highway near Portersville, Pa., thence along unnumbered highway via Prospect, Pa., to junction U.S. Highway 422, thence along U.S. Highway 422 to Ebsensburg, Pa., thence along U.S. Highway 22 to junction U.S. Highway 522, thence along U.S. Highway 522 to junction Pennsylvania Highway 433, thence along Pennsylvania Highway 433 to junction Pennsylvania Highway 997, and thence along Pennsylvania Highway 997 to the Pennsylvania-Maryland State line, including points on the indicated portions of the highways specified, and points in West Virginia, Kentucky, Indiana, and Ohio. Petitioner holds authority, as here pertinent, in MC 113855 (Sub-No. 183), to transport;

(c) Machinery, between points in Pennsylvania on and east of a line beginning at the Maryland-Pennsylvania State line and extending along unnumbered highway (formerly portion U.S. Highway 15) to junction Business U.S. Highway 15, near Fairplay, Pa., thence along Business U.S. Highway 15 through Gettysburg, Pa., to junction U.S. Highway 15, thence along U.S. Highway 15 to junction unnumbered highway (formerly portion U.S. Highway 15), thence along unnumbered highway through Clear Spring, Pa., to junction U.S. Highway 15, thence along U.S. Highway 15 to the Pennsylvania-New York State line (except points in Berks, Bucks, Chester, Delaware, Montgomery, and Philadelphia Counties, Pa., to points in Pennsylvania on and east of the above-described line (formerly U.S. Highway 15) in Adams, York, Cumberland, Perry, Dauphin, Lebanon, and Lancaster Counties, Pa., and points in Pennsylvania on and east of U.S. Highway 15 and north of the East Branch of the Susquehanna River in Tioga, Bradford, Lycoming, Sullivan, Union, Snyder, Northumberland, Mon-

tour, and Columbia Counties, Pa.), on the one hand, and, on the other, points in Rhode Island, Massachusetts, Connecticut, New York, New Jersey, Delaware, Maryland, Virginia, North Carolina, Ohio, and the District of Columbia. By the instant petition, petitioner seeks to have its Sub 63 certificate amended to read as follows: (a) (1) Heavy machinery; (2) commodities which, because of size or weight, require the use of special equipment or special handling and related machinery parts and related contractor's equipment, materials, and supplies when their transportation is incidental to the transportation of commodities which, because of size or weight, require the use of special equipment; and

(3) Self-propelled articles, each weighing 15,000 pounds or more, and related machinery, tools, parts, and supplies moving in connection therewith (restricted to commodities which are transported in trailers). (b) (1) Heavy machinery; (2) mining supplies and equipment therefor (except classes A and B explosives); (3) commodities which because of size or weight require the use of special equipment or special handling and related machinery parts and related contractors' equipment, materials and supplies when their transportation is incidental to the transportation of commodities which because of size or weight, require the use of special equipment; and (4) self-propelled articles, each weighing 15,000 pounds or more, and related machinery, tools, parts, and supplies moving in connection therewith (restricted to commodities which are transported in trailers). It also seeks to have its Sub 183 amended to read as follows: (1) Machinery; (2) commodities which because of size or weight, require the use of special equipment or special handling and related machinery parts and related contractors' equipment, materials and supplies when their transportation is incidental to the transportation of commodities which because of size or weight require the use of special equipment; and (3) self-propelled articles, each weighing 15,000 pounds or more, and related machinery, tools, parts, and supplies moving in connection therewith (restricted to commodities which are transported in trailers). Any interested person desiring to participate may file an original and six copies of his written representations, views or argument in support of, or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 119362 (Notice of Filing of Petition for Authority To Serve Three Additional Shippers), filed March 9, 1970. Petitioner: DeWALL TRUCKING SERVICE, INC., Rockford, Ill. Petitioner's representative: Harold E. Marks, 208 South La Salle Street, Chicago, Ill. 60604. Petitioner holds authority in No. MC 119362 as a contract carrier, authorizing the transportation of corrugated pulpboard boxes, knocked down, and shipping containers, knocked down, including necessary partitions and separators used therein, from Rockford, Ill., to specified

counties and points in Wisconsin, and specified points in Iowa, restricted to that performed under a continuing contract or contracts with the Weyerhaeuser Co. of Tacoma, Wash. By the instant petition, petitioner seeks to add the Pierce Box & Paper Corp., of Rockford, Ill., the Downing Box Co., of Rockford, Ill., and the J. L. Clark Manufacturing Co., of Rockford, Ill. Any interested person desiring to participate may file an original and six copies of his written representations, views, or argument in support of, or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 124148 (Notice of Filing of Petition To Reopen Its "Grandfather" Proceeding in MC-1194 and for Modification of the Present Resulting Certificate of Public Convenience and Necessity), filed February 4, 1970. Petitioner: NORTH CENTRAL TRUCK LINES, INC., Marshall, Mo. Petitioner's representatives: Tom B. Kretsinger and Warren H. Sapp, 450 Professional Building, Kansas City, Mo. Petitioner holds authority in No. MC 124148, to perform operations as a common carrier by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting: Stock in trade of drugstores, between points in Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Nebraska, Ohio, and Wisconsin. By the instant petition, petitioner seeks to have its commodity description revised. The following wording is suggested: (1) Such commodities as are sold or used by stores; (2) such commodities as are used in and/or sold by drugstores; (3) such commodities as are used in or in connection with the drugstore business; (4) goods such as are sold in drugstores; (5) miscellaneous merchandise; or (6) general commodities (with the usual exceptions). Any interested person desiring to participate may file an original and six copies of his written representations, views, or argument in support of, or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

APPLICATION FOR CERTIFICATE OR PERMIT WHICH IS TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 240 TO THE EXTENT APPLICABLE

No. MC 27845 (Sub-No. 4), filed February 26, 1970. Applicant: BITER FREIGHT SYSTEM, INC., 1800 North Olden Avenue, Trenton, N.J. 08600. Applicant's representative: Thomas W. Murrett, 342 North Main Street, West Hartford, Conn. 06117. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: General commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between points in Massachusetts. NOTE: Applicant states that tacking will be performed at or near Springfield, Mass., which will enable

service between Massachusetts points on the one hand, and, on the other, all other points authorized in the applicant's certificate in Connecticut, New York, New Jersey, and Pennsylvania. This application is a matter directly related to Docket No. MC-F 10769, published FEDERAL REGISTER issue of March 4, 1970. If a hearing is deemed necessary, applicant requests it be held at Hartford, Conn. or Newark, N.J.

APPLICATIONS UNDER SECTIONS 5
AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F-10744 (Correction) (TWIN CITY FREIGHT, INC.—Purchase—EVANS TRANSFER, INC.), published in the February 18, 1970, issue of the FEDERAL REGISTER, on page 3143. This notice to show the operating rights sought to be transferred should read in lieu of the prior notice: Pursuant to the order of the Operating Rights Board, dated November 21, 1969, in No. MC-121373 Sub-2, EVANS TRANSFER, INC., was granted authority as described below, which is to be purchased, conditioned, among other things, on that carrier making a written request for cancellation of its certificate of registration in No. MC-121373 Sub-1. *General commodities*, excepting, among others, classes A and B explosives, household goods, and commodities in bulk, as a *common carrier*, over regular routes, between East Grand Forks, Minn., and Neche, N. Dak., between Grafton, N. Dak., and Edmore, N. Dak., between Edmore, N. Dak., and Langdon, N. Dak., between Langdon and Hamilton, N. Dak., between Hamilton, N. Dak., and the international boundary between the United States and Canada near Pembina, N. Dak., between the junction of North Dakota Highway 5 and North Dakota Highway 32 to Walhalla, N. Dak., serving all intermediate points and the off-route points of Bathgate and Adams, N. Dak., over one alternate route for operating convenience only; and *general commodities* with exceptions as above, over irregular routes, between Grand Forks, Minot, and Williston and points in Cass County, N. Dak., on the one hand, and, on the other, points in that territory bounded on the west by the North Dakota-Montana State line on the north by North Dakota Highway 5 on the south by U.S. Highway 2 and on the east by U.S. Highway 81, including points on said highways to the extent that they bound the defined territory, between points in that territory bounded on the east by the North Dakota-Minnesota State line, on the north by the international boundary line between the United States and Canada, on the west by North Dakota Highway 18 and on the south by North Dakota Highway 5 on

the one hand, and, on the other, points in North Dakota; and between points in Walsh County, N. Dak. on the one hand, and, on the other, points in North Dakota (except Williston, Minot, Grand Forks and points in Cass County).

No. MC-F-10767. (Correction) (DONALD L. WASHUM—Control—HAYWOOD WASHUM), published in the March 4, 1970, issue of the FEDERAL REGISTER, on page 4104. This notice to show SVENSSON FREIGHT LINES, 800 Pacific Avenue, Post Office, Box 530, Yuma, Ariz. 85364, is authorized in lieu of the prior notice to operate as a *common carrier* in Arizona, and under section 210a(a). Application, which is pending a petition for reconsideration. Temporary authority was granted under section 210a(b), on March 17, 1970, in the MC-F-10767.

No. MC-F-10780. Authority sought for purchase by BRONAUGH MOTOR EXPRESS, INC., 1115 Winchester Road, Lexington, Ky. 40505, of a portion of the operating rights of McDUFFEE MOTOR FREIGHT, INC., 1600 Oliver Avenue, Indianapolis, Ind. 46221, and for acquisition by JOHN W. BRONAUGH, 1120 The Lane, Lexington, Ky. 40504, of control of such rights through the purchase. Applicants' attorneys: Robert M. Pearce, Post Office Box E, Bowling Green, Ky. 42101, and Kirkwood Yockey, Suite 500, Union Federal Building, Indianapolis, Ind. 46204. Operating rights sought to be transferred: *General commodities*, excepting among others, classes A and B explosives, household goods and commodities in bulk, as a *common carrier*, over regular routes, between the Boyle-Washington County, Kentucky line and Danville, Ky., serving all intermediate points and off-route points within 3 miles of the described route, between Brumfield and Danville, Ky., serving all intermediate points, between junction U.S. Highway 68 and Kentucky Highway 243 and Harrodsburg, Ky., serving all intermediate points, and the off-route points within 3 miles of the specified route, between Shakertown, Ky., and Harrodsburg, Ky., serving all intermediate points, but serving Shakertown for purposes of joinder only, between Danville, Ky., and Lexington, Ky., as an alternate route for operating convenience only, serving no intermediate points, between Danville, Ky., and the junction of U.S. Highway 127 with Boyle-Lincoln County, Kentucky line, serving all intermediate points, and off-route points within 5 miles of the described route north of the Boyle-Lincoln County, Kentucky line, between Shakertown, Ky., and the junction of U.S. Highway 127 with the Boyle-Lincoln County, Kentucky line, serving intermediate and off-route points within 11 miles of Danville, Ky., except those on or within 1 mile of U.S. Highway 127 south of the junction with the Boyle-Lincoln County, Kentucky line and serving Shakertown, Ky., for purposes of joinder only, between Danville, Ky., and Camp Dick Robinson, Ky., at junction Kentucky 34 and U.S. 27, serving all intermediate points, between Lancaster, Ky., and Lexington, Ky., serving all intermediate points, and the off-route points

of Wilmore, Burgin, and Shelby City, Ky.;

The commodities classified as (a) meats, meat products, and meat byproducts, (b) dairy products, and (c) articles distributed by meat packinghouses in the appendix to the Commission's report in *Modification of Permits—Packinghouse Products*, 46 M.C.C. 23, over irregular routes, from Lexington, Ky., to points in Kentucky within 45 miles of Lexington (except Richmond, Ky.); and *empty containers*, from points in Kentucky within 45 miles of Lexington (except Richmond, Ky.) to Lexington, Ky., serving Danville, Ky., for purposes of joinder only, in connection with carrier's regular route operation between Louisville, Ky., and Harlan and Middlesboro, Ky., described immediately below, between Louisville, Ky., and a point on U.S. Highway 150, which is 5 miles southeast of Stanford, Ky., between a point on U.S. Highway 150, which is 5 miles southeast of Stanford, Ky., and a point where U.S. Highway 25 crosses the Rockcastle River, approximately 4 miles south of Livingston, Ky., serving no intermediate points, between a point where U.S. Highway 25 crosses the Rockcastle River approximately 4 miles south of Livingston, Ky., and Harlan and Middlesboro, Ky., serving all intermediate points, and all off-route points within 3 miles of highways between London and Middlesboro, Ky., and between London and Harlan, Ky., between junction Kentucky Highway 30 and U.S. Highway 25 (5 miles north of London, Ky.), and Tyner, Ky., serving all intermediate points, and all off-route points within 3 miles of the specified route, between Bernstadt, Ky., and Corbin, Ky., serving all intermediate points, and all off-route points within 3 miles of the specified route, between London, Ky., and junction Kentucky Highway 229 and U.S. Highway 25E (1 mile north of Barbourville, Ky.), serving all intermediate points, and all off-route points within 3 miles of the specified route, between junction Kentucky Highway 11 and U.S. Highway 25E (½ mile north of Barbourville, Ky.) and Manchester, Ky., serving all intermediate points, and all off-route points within 3 miles of the specified route, between junction Kentucky Highway 490 and U.S. Highway 25 (near Livingston, Ky.), and junction Kentucky Highway 490 and U.S. Highway 25 (near East Bernstadt, Ky.), between Berea, Ky., and London, Ky., serving all intermediate points, between Lexington, Ky., and Mount Vernon, Ky., serving no intermediate points, and serving Mount Vernon for purposes of joinder only, between Harlan, Ky., and Lynch, Ky., serving all intermediate points, and all off-route points which are located in Harlan County, Ky., and south of U.S. Highway 119 and Kentucky Highway 160, between Nicholasville, Ky., and Wilmore, Ky., serving all intermediate points. Restriction: No traffic shall be handled over the above routes moving between Cincinnati, Ohio, and Louisville, Ky., and points in their commercial zones on

the one hand, and, on the other, Lexington, Ky., and points in its commercial zone. Vendee is authorized to operate as a *common carrier* in Kentucky. Application has been filed for temporary authority under section 210a(b). NOTE: See also MC-F-10726 (CENTRAL MOTOR EXPRESS, INC.—Purchase (Portion)—McDUFFEE MOTOR FREIGHT, INC.), published in the January 28, 1970, issue of the FEDERAL REGISTER, on page 1137. Nos. MC-32166 Sub 6 and MC-28961 Sub 23 are matters seeking to be concurrently handled with this application.

No. MC-F-10781. Authority sought for purchase by HARPER TRUCK SERVICE, INC., 1230 North Eighth Street, Paducah, Ky., of a portion of the operating rights of ARNOLD LIGON TRUCK LINE, INC., 1600 Oliver Avenue, Indianapolis, Ind. 46221, and for acquisition by DUDLEY HARPER, also of Paducah, Ky., of control of such rights through the purchase. Applicants' attorneys: Robert M. Pearce, Post Office Box E, Bowling Green, Ky. 42101, and Kirkwood Yockey, Suite 501, Union Federal Building, Indianapolis, Ind. 46204. Operating rights sought to be transferred: *General commodities*, excepting among others, classes A and B explosives, household goods and commodities in bulk, as a *common carrier*, over regular routes, serving points in Kentucky within 10 miles of Henderson, Ky., except those points in the Corydon, Ky., commercial zone, as defined by the Commission, in connection with carrier's authorized service to or from Henderson, Ky., between Iuka, Ky., and Crayne, Ky., serving the intermediate points of Crider, Eddyville, Fredonia, Kuttawa, Newbern, and Princeton, Ky., between Hopkinsville and Nortonville, Ky., serving the intermediate points of Cadiz, Dawson Springs, Princeton, St. Charles and serving Nortonville for purposes of joinder only, between Henderson, Ky., and the junction of U.S. Highway 41A with the Webster-Hopkins County, Kentucky line, east of Providence, Ky., serving all intermediate points and the off-route point of Providence, Ky., between the junction of U.S. Highway 41 with the Hopkins-Webster County, Kentucky line and Henderson, Ky., serving all intermediate points, between Providence, Ky., and junction alternate U.S. Highway 41 and Kentucky Highway 85, between Dawson Springs, Ky., and Wheatcroft, Ky.; between Nortonville, Ky., and junction U.S. Highway 62 and Kentucky Highway 112, with restriction; between Princeton, Ky., and Hopkinsville, Ky., between Dawson Springs, Ky., and Hopkinsville, Ky., serving all intermediate points; and off-route points within 3 miles of the specified routes, between Hopkinsville, Ky., and Fort Campbell, Ky., serving no intermediate points, between Princeton, Ky., and Providence, Ky., serving all intermediate points; and off-route points within 3 miles of the specified route; service is authorized to and from intermediate and off-route points in connection with carrier's regular route operations specified hereinabove as follows:

All points in Caldwell County, Ky.; points in Kentucky and Indiana within 5 miles of Evansville, Ind.; points in the Louisville, Ky., commercial zone as defined in *Commercial Zones and Terminal Areas*, 46 M.C.C. 665, and points on and within 3 miles of carrier's above specified regular routes in Webster, Lyon, Christian, and Trigg Counties, Ky. Vendee is authorized to operate as a *common carrier* in Missouri, Illinois, Arkansas, Kentucky, Tennessee, and Indiana. Application has been filed for temporary authority under section 210a(b). NOTE: No. MC-35396 Sub 36 is a matter seeking to be concurrently handled with this application. See also No. MC-F-10782 (MAJORS TRANSIT, INC.—Purchase (Portion)—ARNOLD LIGON TRUCK LINE, INC.), published this same issue.

No. MC-F-10782. Authority sought for purchase by MAJORS TRANSIT, INC., Post Office Box 7, Caneyville, Ky. 42721, of a portion of the operating rights of ARNOLD LIGON TRUCK LINE, INC., 1600 Oliver Avenue, Indianapolis, Ind. 46221, and for acquisition by LAHOMA Y. MAJORS, and DAMON MAJORS, both also of Caneyville, Ky., of control of such rights through the purchase. Applicants' attorneys: Robert M. Pearce, Post Office Box E, Bowling Green, Ky. 42101, and Kirkwood Yockey, Suite 501, Union Federal Building, Indianapolis, Ind. 46204. Operating rights sought to be transferred: *General commodities*, excepting among others, classes A and B explosives, household goods and commodities in bulk, as a *common carrier*, over regular routes, between Nortonville, Ky., and Louisville, Ky., serving the intermediate and off-route points of Earlington, Nortonville, Morton's Gap, Greenville, Central City, Beaver Dam, White Plains, Leitchfield, Cerulean Springs, and Lamasco, Ky., between the junction of U.S. Highway 41A with the Webster-Hopkins County, Kentucky line and Earlington, Ky., serving the intermediate point of Madisonville, Ky., between Madisonville, Ky., and the junction of U.S. Highway 41 with the Hopkins-Webster County, Kentucky line, serving all intermediate points, between Madisonville, Ky., and a point on Kentucky Highway 70, 3 miles east of Beulah, Ky., between Madisonville, Ky., and Central City, Ky., between junction Kentucky Highways 175 and 70, at or near Earles, Ky., and junction Kentucky Highway 175 and U.S. Highway 62, at or near Graham Station, Ky.; between Greenville, Ky., and Hopkinsville, Ky., with restriction; between Greenville, Ky., and junction Kentucky Highways 181 and 81, near Bremen, Ky., serving all intermediate points; and off-route points within 3 miles of the specified routes; service is authorized to and from intermediate and off-route points in connection with carrier's regular route operations specified hereinabove as follows: All points in Hopkins County, Ky., except those on or within 3 miles of Kentucky Highway 109, and on or within 3 miles of that part of U.S. Highway 62 west of Nortonville, Ky.; points in the Louisville, Ky., commercial zone as defined in *Com-*

mercial Zones and Terminal Areas, 46 M.C.C. 665, and points on and within 3 miles of carrier's above-specified regular routes in Muhlenberg and Ohio Counties, Ky. Vendee is authorized to operate as a *common carrier* in Kentucky, and under a certificate of registration, in intrastate commerce within the State of Kentucky. NOTE: No. MC-35496 Sub 36 is a matter seeking to be concurrently handled with this application. See also No. MC-F-10781 (HARPER TRUCK SERVICE, INC.—Purchase (Portion)—ARNOLD LIGON TRUCK LINE, INC.), published this same issue.

No. MC-F-10784. Authority sought for purchase by THOMAS C. DYER, INC., Post Office Box 2744, North Eastern Road, Spokane, Wash. 99220, of a portion of the operating rights and certain property of EADS TRANSFER AND STORAGE COMPANY, 901 North Columbia Boulevard, Portland, Ore. 94217, and for acquisition by TSAWWASSEN GOLF & CLUB, LTD., 1595 52d Ladner, British Columbia, Canada, and in turn by E. W. GIBBS, Route 2, Ladner, British Columbia, Canada, of control of such rights and certain property through the purchase. Applicants' attorney: William B. Adams, 624 Pacific Building, Portland, Ore. 97204. Operating rights sought to be transferred: *General commodities*, except those of unusual value, explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, as a *common carrier* over regular routes, between Vancouver, Wash., and Portland, Ore., serving no intermediate points. Vendee is authorized to operate as a *common carrier* in Washington, Idaho, Oregon, Montana, California, North Dakota, and Minnesota. Application has not been filed for temporary authority under section 210 a(b).

No. MC-F-10785. Authority sought for purchase by ARKANSAS-BEST FREIGHT SYSTEM, INC., 301 South 11th Street, Fort Smith, Ark. 72901, of a portion of the operating rights of INDIANHEAD TRUCK LINE, INC., 1947 County Road C, St. Paul, Minn. 55113, and for acquisition by ARKANSAS BEST CORPORATION, also of Fort Smith, Ark., of control of such rights through the purchase. Applicants' attorneys: Thomas Harper, Post Office Box 43, Fort Smith, Ark. 72901, and Adolph J. Bieberstein, 121 West Doty Street, Madison, Wis. 53703. Operating rights sought to be transferred: *General commodities*, except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, as a *common carrier*, over irregular routes, between points in the Twin Cities area, namely, Minneapolis, St. Paul, Columbia Heights, Robbinsdale, South St. Paul, North St. Paul, Inver Grove, West St. Paul, Newport, St. Louis Park, Hopkins, Edina, Richfield, Fridley, Red Rock, McCarrons Lake, Fort Snelling, and State Fair Grounds, Minn., on the one hand, and, on the other, points

in Rock Island County, Ill., that are on and north of U.S. Highway 6. Vendee is authorized to operate as a *common carrier* in Iowa, Arkansas, Indiana, Illinois, Ohio, Louisiana, Missouri, Mississippi, Tennessee, Oklahoma, Kansas, Wisconsin, and Texas. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-10786. Authority sought for purchase by DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample Street, South Bend, Ind. 46621, of a portion of the operating rights of COMMERCIAL CARRIERS, INC., 10701 Middlebelt Road, Romulus, Mich. 48174. Applicants' attorneys and representative: Jack Goodman, 39 South La Salle Street, Chicago, Ill.; T. Randolph Buck, 3800 Frederica Street, Owensboro, Ky. 42301; and Charles Pieroni, 4000 West Sample Street, South Bend, Ind. 46621. Operating rights sought to be transferred: *Motor vehicles and parts* therefor when transported in connection therewith, restricted to initial movements, in truckaway service, as a *common carrier* over irregular routes, from Toledo, Ohio, to points in Illinois, Indiana, Kentucky, Michigan, North Carolina, South Carolina, Tennessee, and Wisconsin; *motor vehicles, their parts and accessories*, restricted to initial movements, in truckaway service, from Toledo, Ohio, to points in Alabama, Georgia, Florida, Missouri, and Iowa; *motor vehicles, and parts thereof and accessories* thereto moving in connection therewith, restricted to initial movements, in truckaway service, from Toledo, Ohio, to points in Ohio; *automobiles, trucks, buses, tractors, trailers, cabs, chassis, and parts thereof*, in truckaway and driveway service, from Toledo, Ohio, to St. Louis, Mo., from Toledo, Ohio, to Cincinnati, Ohio; Louisville, Ky.; and Evansville, Ind.; restricted to traffic originating at Toledo and interchanged at Cincinnati, Louisville, and Evansville for movement beyond; *new automotive vehicles, including automobiles, trucks, cabs, and chassis*, wholly or partially assembled, restricted to initial movements, in driveway service, from Toledo, Ohio, to points in Maryland, Massachusetts, New Jersey, and Pennsylvania; and *motor vehicles, finished or unfinished, and motor vehicle cabs and chassis, and such motor vehicle parts and accessories* when transported in connection with the above described commodities, restricted to initial movements, in truckaway service, from points of manufacture and assembly in Toledo, Ohio, to points in West Virginia, and those in New York, Pennsylvania, and Maryland, on and west of U.S. Highway 11. Vendee is authorized to operate as a *common carrier* in all States in the United States (except Alaska and Hawaii). Application has not been filed for temporary authority under section 210a(b).

No. MC-F-10788. Authority sought for control by EASTERN FREIGHT WAYS, INC., Eastern and Moonachie Avenues, Carlstadt, N.J. 07072, of (1) E. J. SCANNELL, INC., 151 Linwood Street, Somerville, Mass. 02143, and (2) CENTRAL

STATES TRANSPORTATION CO., INC., 151 Linwood Street, Somerville, Mass. 02143, and for acquisition by NANTAM SYSTEM, INC., and in turn by DANIEL E. SHEVELL, and MYRON P. SHEVELL, all also of Carlstadt, N.J., of control of E. J. SCANNELL, INC., and CENTRAL STATES TRANSPORTATION CO., INC., through the acquisition by EASTERN FREIGHT WAYS, INC. Applicants' attorneys: Maxwell A. Howell, 1120 Investment Building, Washington, D.C. 20005, and A. David Millner, 744 Broad Street, Newark, N.J. 07102. Operating rights sought to be controlled: (1) *General commodities*, excepting, among others, dangerous explosives, household goods, and commodities in bulk, as a *common carrier*, over regular routes, between Baltimore, Md., and Washington, D.C., serving all intermediate points and the off-route points within 5 miles of Baltimore, between Boston, Mass., and Worcester, Mass., and Baltimore, Md., serving certain intermediate and off-route points; between junction Massachusetts Highway 15 and U.S. Highway 20 and New Haven, Conn., between junction U.S. Highways 1 and 130 and Baltimore, Md., for operating convenience only, serving no intermediate points, but the right to join said alternate routes at the junctions of Massachusetts Highway 15 and U.S. Highway 20 and U.S. Highways 1 and 130, respectively, with carrier's regular route operations between Boston, Mass., and Baltimore Md., is authorized; between Boston, Mass., and Haverhill, Mass., serving all intermediate points, between Boston, Mass., and Lowell, Mass., serving all intermediate points, and the off route points of Bedford and Concord, Mass., between Boston, Mass., and Attleboro, Mass., between Boston, Mass., and Blackstone, Mass., between Boston, Mass., and Beverly, Mass., between Boston, Mass., and New Bedford, Mass., serving all intermediate points, between Boston, Mass., and Webster, Mass., serving all intermediate points, and the off route point of Barre, Mass., between Providence, R.I., and Woonsocket, R.I., between Providence, R.I., and Bristol, R.I., between Providence, R.I., and Westerly, R.I., serving all intermediate points; between Lowell, Mass., and Providence, R.I., between Lawrence, Mass., and Woonsocket, R.I., serving no intermediate points, between Boston, Mass., and Westerly, R.I., between New Bedford, Mass., and Providence, R.I., between Boston, Mass., and Providence, R.I., between Haverhill, Mass., and Putnam, Conn., between New Bedford, Mass., and New London, Conn., serving all intermediate points; *general commodities*, with exceptions as specified above, over irregular routes, between Boston, Mass., on the one hand, and, on the other, points in Massachusetts, between Boston, Mass., and points within 12 miles of Boston, on the one hand, and, on the other, points in Connecticut and Rhode Island; and *chemicals, shoes, shoe supplies, building materials, manufactured products, lubricating oils, and waste materials*, between points in Massachusetts, with restriction; and (2)

General commodities, excepting, among others, classes A and B explosives, household goods and commodities in bulk, as a *common carrier*, over regular routes, between Boston, Mass., and Buffalo, N.Y., serving certain intermediate and off-route points. EASTERN FREIGHT WAYS, INC., is authorized to operate as a *common carrier* in Vermont, New York, New Jersey, Pennsylvania, Massachusetts, Connecticut, Virginia, Delaware, Maryland, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC-F-10789. Authority sought for purchase by COMPLETE AUTO TRANSIT, INC., 18544 West Eight Mile Road, Southfield, Mich. 48075, of a portion of the operating rights and certain property of ANCHOR MOTOR FREIGHT, INC., 21111 Chagrin Boulevard, Cleveland, Ohio 44122, and for acquisition by RYDER SYSTEM, INC., and, in turn by J.A.R. CORPORATION, TEMCO INDUSTRIES, INC., JAMES A. RYDER, RALPH B. RYDER, and ROLAND N. REEDY, all of 2701 South Bayshore Drive, Miami, Fla. 33133, of control of such rights and property through the purchase. Applicants' attorney and representative: Walter N. Bieneman, Suite 1700, One Woodward Avenue, Detroit, Mich. 48226, and J. A. Kundtz, National City Bank Building, Cleveland, Ohio 44114. Operating rights sought to be transferred: *Automobiles, trucks, chassis, new, finished, unfinished, and all other automobile vehicles, automobile parts, tools, and accessories, and show equipment and paraphernalia*, in initial movements, in truckaway and driveway service, as a *contract carrier*, over irregular routes, from places of manufacture and assembly in Flint, Mich., to points in Michigan, Ohio, Indiana, Pennsylvania, and West Virginia; and *automotive vehicles, chassis, bodies, cabs, and trailers*, new, used, finished, unfinished, or wrecked, *automobile parts, tools, and accessories*, moving in connection with the above-specified commodities, *chassis, bodies, cabs, and trailers, and show equipment or paraphernalia*, restricted to initial movements, in driveway and truckaway service, from Flint, Mich., to points in Connecticut, Delaware, Illinois, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, Vermont, Virginia, Wisconsin, and the District of Columbia. Vendee is authorized to operate as a *contract carrier* in all points in the United States (except Alaska and Hawaii). Application has been filed for temporary authority under section 210a(b).

PASSENGERS

No. MC-F-10783. Authority sought for control by CONTINENTAL TRAILWAYS, INC., doing business as CONTINENTAL TRAILWAYS, 315 Continental Avenue, Dallas, Tex. 75207, of COLONIAL TRAILWAYS, 520 North Court Street, Montgomery, Ala. 36102, and for acquisition by TCO INDUSTRIES, INC., 1500 Jackson Street, Dallas, Tex. 75201, of control of COLONIAL TRAILWAYS, through the acquisition

by CONTINENTAL TRAILWAYS, INC., doing business as CONTINENTAL TRAILWAYS. Applicants' representative: D. Paul Stafford, Commerce Counsel, Continental Trailways, Inc., 315 Continental Avenue, Dallas, Tex. 75207. Operating rights sought to be controlled: Passengers and their baggage, and newspapers and express in the same vehicle with passengers, as a *common carrier* over regular routes, between Camden, Ala., and Mobile, Ala., and Pensacola, Fla.; between the junction of U.S. Highway 31 and an unnumbered highway east of Mobile (formerly Camp Baldwin, Ala.) and the junction of Alternate U.S. Highway 90 and U.S. Highway 29 approximately 9 miles north of Pensacola, Fla.; between Mobile, Ala., and New Orleans, La., between Pascagoula, Miss., and Moss Point, Miss., serving all intermediate points; passengers and their baggage, and newspapers, express, and mail in the same vehicle with passengers, between junction Alabama Highway 21 (formerly Alabama Highway 11) and unnumbered country road approximately 4 miles south of Hayneville, Ala., and junction Alabama Highway 21 (formerly Alabama Highway 11) and U.S. Highway 80, between Riley, Ala., and junction Alabama Highways 28 and 21, between Frisco City, Ala., and Excel, Ala., serving all intermediate points, between Monroeville, Ala., and Montgomery, Ala., serving all intermediate points except between junction Alabama Highway 21 (formerly Alabama Highway 11) and unnumbered highway between Hayneville and Gordonsville, Ala., and Montgomery. CONTINENTAL TRAILWAYS, INC., doing business as CONTINENTAL TRAILWAYS, is authorized to operate as a *common carrier* in Illinois, Missouri, Kansas, California, Texas, Oklahoma, Utah, Arizona, New Mexico, Colorado, Kansas, Nebraska, Arkansas, Iowa, and Louisiana. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 70-3559; Filed, Mar. 24, 1970;
8:49 a.m.]

[Notice 27]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

MARCH 20, 1970.

The following publications are governed by the new Special Rule 247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the

application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS ASSIGNED FOR ORAL HEARING MOTOR CARRIERS OF PROPERTY

The applications immediately following are assigned for hearing at the time and place designated in the notice of filing as here published in each proceeding. All of the proceedings are subject to the special rules of procedure for hearing outlined below:

SPECIAL RULES OF PROCEDURE FOR HEARING

(1) All of the testimony to be adduced by applicant's company witnesses shall be in the form of written statements which shall be submitted at the hearing at the time and place indicated.

(2) All of the written statements by applicant's company witnesses shall be offered in evidence at the hearing in the same manner as any other type of evidence. The witnesses submitting the written statements shall be made available at the hearing for cross-examination, if such becomes necessary.

(3) The written statements by applicant's company witnesses, if received in evidence, will be accepted as exhibits. To the extent the written statements refer to attached documents such as copies of operating authority, etc., they should be referred to in written statement as numbered appendices thereto.

(4) The admissibility of the evidence contained in the written statements and the appendices thereto, will be at the time of offer, subject to the same rules as if the evidence were produced in the usual manner.

(5) Supplemental testimony by a witness to correct errors or to supply inadvertent omissions in his written statement is permissible.

No. MC 126305 (Sub-No. 24) (Amendment), filed February 4, 1970, published FEDERAL REGISTER, issue of March 11, 1970, and republished as amended this issue. Applicant: BOYD BROTHERS TRANSPORTATION CO., INC., Clayton, Ala. 36016. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe, iron and steel; fittings; valves; hydrants and gaskets; cast iron valves, including brass valves and components, and cast iron hydrants*, from Birmingham, Ala., to points in Pennsylvania, New York, New Jersey, Maryland, Delaware, Massachusetts, Connecticut, Rhode Island, New Hampshire, Maine, and Vermont. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. The purpose of this republication is to add additional commodities proposed to be transported.

HEARING: Remains as assigned April 13, 1970, in the Thomas Jefferson Hotel, Second Avenue and 17th Street North, Birmingham, Ala., before Examiner William A. Royall.

No. MC 126305 (Sub-No. 25) (Amendment), filed February 4, 1970, published

FEDERAL REGISTER, issue of March 11, 1970, and republished as amended this issue. Applicant: BOYD BROTHERS TRANSPORTATION CO., INC., Clayton, Ala. 36016. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe, iron and steel; fittings; valves; hydrants and gaskets; cast iron valves, including brass valves and components, and cast iron hydrants*, from Birmingham, Ala., to points in North Carolina and South Carolina. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. The purpose of this republication is to add additional commodities proposed to be transported.

HEARING: Remains as assigned April 13, 1970, in the Thomas Jefferson Hotel, Second Avenue and 17th Street North, Birmingham, Ala., before Examiner William A. Royall.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 70-3560; Filed, Mar. 24, 1970;
8:50 a.m.]

[Notice 45]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MARCH 19, 1970.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

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

MOTOR CARRIERS OF PROPERTY

No. MC 7073 (Sub-No. 8 TA), filed March 13, 1970. Applicant: EUGENE E. BOOS & RICHARD F. BOOS, doing business as BOOS GRAIN & FERTILIZER CO., Box 41, Highland, Kans. 66035. Applicant's representative: J. David Harden, Jr., 600 Leininger Building, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes,

transporting: *Nitrogen fertilizer solution*, in bulk, in tank vehicles, from Atchison, Kans., to points in Iowa, Kansas, Missouri, and Nebraska for 150 days. Supporting shipper: W. R. Grace & Co., Agricultural Chemicals Group, Post Office Box 277, 100 North Main Street, Memphis, Tenn. 38101. Send protests to: Thomas P. O'Hara, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 234 Federal Building, Topeka, Kans. 66603.

No. MC 10343 (Sub-No. 21 TA) (Correction), filed March 4, 1970, published FEDERAL REGISTER, issue of March 14, 1970, and republished as corrected this issue. Applicant: CHURCHILL TRUCK LINES, INC., U.S. Highway 36 West, Chillicothe, Mo. 64601. Applicant's representative: George Churchill (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), from Kansas City, Mo., over Interstate Highway 70 to St. Louis, Mo., and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, for 180 days. NOTE: Applicant states that it will interline with other carriers at Kansas City and St. Louis. The purpose of this republication is to show that applicant seeks to operate over regular routes, rather than irregular, and seeks to transport general commodities, with the usual exceptions. Supporting shipper: Applicant's own statement. 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 25798 (Sub-No. 209 TA), filed March 13, 1970. Applicant: CLAY HYDER TRUCKING LINES, INC., 502 East Bridgers Avenue, Auburndale, Fla. 33823. Applicant's representative: Tony G. Russell (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Description in Motor Carriers Certificate* 61 M.C.C. 209 and 766 (except commodities in bulk), from Sioux Center, Iowa, to points in Alabama, Florida, Georgia, North Carolina, and South Carolina for 180 days. Supporting shipper: Sioux-Preme Packing Co., Post Office Box 177, Sioux Center, Iowa 51250. Send protests to: Joseph B. Teichert, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 105, Cox Building, 5720 Southwest 17th Street, Miami, Fla. 33155.

No. MC 47171 (Sub-No. 81 TA), filed March 16, 1970. Applicant: COOPER MOTOR LINES, INC., Post Office Box 4255, Greenville, S.C. 29608. Applicant's representative: Harris G. Andrews (same

address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cellulose acetate*, in bulk, from Celriver, S.C., to Belvidere and Newark, N.J., for 180 days. Supporting shipper: Celanese Corp., New York, N.Y. Send protests to: Arthur B. Abercrombie, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 601A Federal Building, 901 Sumter Street, Columbia, S.C. 29201.

No. MC 50069 (Sub-No. 434 TA), filed March 16, 1970. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 445 Earlwood Avenue, Oregon, Ohio 43616. Applicant's representative: Jack A. Gollan (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid vacuum bottoms*, in bulk, in tank vehicles, from Canton, Ohio, to Mertztown, Pa., for 180 days. Supporting shipper: Ashland Oil & Refining Co., Ashland, Ky. 41101. Send protests to: Keith D. Warner, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 5234 Federal Office Building, 234 Summit Street, Toledo, Ohio 43604.

No. MC 52704 (Sub-No. 75 TA), filed March 13, 1970. Applicant: GLENN McCLENDON TRUCKING COMPANY, INC., Post Office Box 49, LaFayette, Ala. 36862. Applicant's representative: Archie B. Culbreth, 1273 West Peachtree Street NE., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned vegetables*, from Lake Jem, Fla., to points in Alabama, Arkansas, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, and Texas, for 180 days. Supporting shipper: Redi Foods Division, A. Duda & Sons Co-operative Association, Post Office Box 257, Oviedo, Fla. 32765. Send protests to: Clifford W. White, District Supervisor, Interstate Commerce Commission, Room 814, 2121 Building, Birmingham, Ala. 35203.

No. MC 57946 (Sub-No. 5 TA), filed March 13, 1970. Applicant: ENGLAND TRANSPORTATION COMPANY, INC., 3733 Contin Street, New Orleans, La. 70119. Applicant's representative: Harold R. Ainsworth, 2307 American Bank Building, New Orleans, La. 70130. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except dangerous explosives, household goods, as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk and those requiring special equipment), from Lake Charles, La., to Houston, Tex., for 180 days. NOTE: Applicant states that it will tack at Lake Charles and interline at Houston, Tex., Lake Charles, and New Orleans, La. Supporting shippers: The application is supported by some 83 statements which may be examined at the offices of the Interstate Commerce Commission in Washington, D.C., or at the field office named below. Send protests to: W. R. Atkins, District Supervisor, Interstate Commerce Commission, Bureau of Op-

erations, T-4009 Federal Building, 701 Loyola Avenue, New Orleans, La. 70113.

No. MC 63860 (Sub-No. 4 TA), filed March 13, 1970. Applicant: BENNETT TRUCKING CORP., 845 Grand Street, Brooklyn, N.Y. 11211. Applicant's representative: Bert Collins, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is manufactured, distributed or sold by a candy and confectionery manufacturer*, from Newark, N.J., to points in New Jersey; and points in Nassau, Suffolk, and Westchester Counties, N.Y., for 180 days. Supporting shipper: Confectionery Consolidations c/o B. Arthur Carolan, 797 Hillside Road, Rahway, N.J. 07065. Send protests to: Robert E. Johnston, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y.

No. MC 78040 (Sub-No. 5 TA), filed March 13, 1970. Applicant: BOYD TRANSFER COMPANY, 4600 East Fayette Street, Baltimore, Md. 21224. Applicant's representative: William J. Augello, Jr., Suite 801, 120 East 41st Street, New York, N.Y. 10017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture* (except new upholstered furniture, uncrated) from Baltimore, Md., to points in Delaware, Maryland, New Jersey (except Atlantic City, Beverly, Haddonfield, Jersey City, Lakewood, Moorestown, Newark, Trenton, Vineland, and Woodbury), Pennsylvania (except Montgomeryville, Paoli, Philadelphia, West Chester, and Willow Grove) and Virginia, for 150 days. Supporting shippers: Baumritter Corp., 205 Lexington Avenue, New York, N.Y. 10016; Craft Associates, Inc., 1212 Scott Street, Wilkes-Barre, Pa. 18705; Selig Manufacturing Co., Inc., Leominster, Mass. Send protests to: William L. Hughes, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1125 Federal Building, Baltimore, Md. 21201.

No. MC 80430 (Sub-No. 134 TA) (Correction), filed February 27, 1970, published FEDERAL REGISTER, issue of March 11, 1970, and republished as corrected this issue. Applicant: GATEWAY TRANSPORTATION CO., INC., 2130 South Avenue, La Crosse, Wis. 54601. Applicant's representative: James Wharton, Post Office Box 231, Orlando, Fla. 32802. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), serving from all points in Florida located on and east of a line beginning at the Gulf of Mexico at Yankeetown, Fla., thence along Florida Highway 40 to intersection with U.S. Highway 41, thence along U.S. Highway 41 to Williston, Fla., thence over Florida Highway 121 to Gainesville, Fla., thence over Florida Highway 24 to point of intersection with U.S. Highway 301, thence along U.S. Highway 301 to the Florida-Georgia State line, as

off-route and intermediate points in connection with applicant's presently authorized regular routes in Florida, to points in Minnesota, Wisconsin, Iowa, Illinois, Missouri, Michigan, Indiana, Ohio, Pennsylvania, New York, New Jersey, Rhode Island, Connecticut, Massachusetts, Kentucky, Tennessee, and Georgia as intermediate and off-route points in connection with applicant's presently authorized regular routes in said destination States for 180 days. NOTE: Applicant states that no return authority is sought by this application. Return movements are to be made as presently authorized over presently authorized regular routes in No. MC 80430. The purpose of this republication is to correctly set forth the proposed authority. Supporting shippers: There are some 42 statements of support attached to the application that may be examined here at the Offices of the Interstate Commerce Commission in Washington, D.C., or at the field office named below. Send protests to: District Supervisor Barney L. Hardin, Interstate Commerce Commission, Bureau of Operations, 444 West Main Street, Room 11, Madison, Wis.

No. MC 94265 (Sub-No. 226 TA), filed March 13, 1970. Applicant: BONNEY MOTOR EXPRESS, INC., Post Office Box 12388, Norfolk, Va. 23502. Applicant's representative: Harry G. Buckwalter (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts and articles distributed by meat packinghouses* as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766 (except commodities in bulk in tank vehicles and hides) from Philadelphia, Pa., to points in Virginia, West Virginia, and District of Columbia, for 180 days. Supporting shipper: Hygrade Food Products Corp., 11801 Mack Avenue, Detroit, Mich. 48214. Send protests to: Robert W. Waldron, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 10-502 Federal Building, Richmond, Va. 23240.

No. MC 103993 (Sub-No. 506 TA), filed March 13, 1970. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representative: Ralph H. Miller (address same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Campers*, designed to be installed on pickup trucks, from Milwaukie, Ore., to points in Washington, Idaho, and Utah for 180 days. Supporting shipper: Mel Mar Industries, Milwaukie, Ore. Send protests to: J. H. Gray, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 204, 345 West Wayne Street, Fort Wayne, Ind. 46802.

No. MC 103993 (Sub-No. 507 TA), filed March 13, 1970. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representative: Ralph H. Miller (same address as above). Authority sought to operate as a *common carrier*,

by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, from Worthington, Minn., to points in North Dakota and South Dakota for 180 days. Supporting shipper: Boise Cascade Mobile Homes, Post Office Box 190, Worthington, Minn. Send protests to: J. H. Gray, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 204, 345 West Wayne Street, Fort Wayne, Ind. 46802.

No. MC 106603 (Sub-No. 108 TA), filed March 13, 1970. Applicant: DIRECT TRANSIT LINES, INC., 200 Colrain Street SW., Grand Rapids, Mich. 49508. Applicant's representative: Robert A. Sullivan, 1800 Buhl Building, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from Gaylord, Mich., to points in Indiana, Illinois, Ohio, and Wisconsin, for 180 days. Supporting shipper: U.S. Plywood-Champion Papers, Inc., Knightsbridge, Hamilton, Ohio 45011. Send protests to: C. R. Flemming, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 225 Federal Building, Lansing, Mich. 48933.

No. MC 107012 (Sub-No. 105 TA), filed March 13, 1970. Applicant: NORTH AMERICAN VAN LINES, INC., Post Office Box 988, Fort Wayne, Ind. 46801. Applicant's representative: Karlton Holle (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New uncrated bath and shower enclosures*, from Bremen, Ind., Riverside, Calif., and Valdosta, Ga., to points in the United States (excluding Alaska and Hawaii), and *return of damaged or rejected shipments* of the above described commodities, for 180 days. Supporting shipper: Corl Corp., Bremen, Ind. Send protests to: J. H. Gray, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 204, 345 West Wayne Street, Fort Wayne, Ind. 46802.

No. MC 107295 (Sub-No. 325 TA), filed March 13, 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: *Plastic pipe, fittings, and accessories used in the installation thereof*, from Louisville, Ky., to points in Indiana, Michigan, Illinois, Wisconsin, Minnesota, Iowa, Missouri, Kansas, Oklahoma, Colorado, and Nebraska, for 180 days. Supporting shipper: Cabot Corp., 125 High Street, Boston, Mass. 02110. 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 107295 (Sub-No. 326 TA), filed March 13, 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, transport-

ing: *Building board, wallboard, insulation board, laminated flakeboard and accessories used in the installation thereof*, from the plantsite of Permaneer Corp. at Wright City, Mo., to points in Illinois, Indiana, Michigan, Ohio, and Pennsylvania, for 180 days. Supporting shipper: Permaneer Corp., Wright Corp., Wright City, Mo. 63390. 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 107295 (Sub-No. 327 TA), filed March 13, 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: *Adhesive cement*, from Freeport and Brooklyn, N.Y., to points in Illinois, Michigan, Missouri, Oklahoma, and Tennessee, for 180 days. Supporting shipper: Columbia Cement Co., Inc., 159 Hanse Avenue, Freeport, N.Y. 11520. 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 107295 (Sub-No. 328 TA), filed March 13, 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: *Plywood and plywood paneling*, from the warehouse facilities of Pacific Wood Products, Chicago, Ill., to points in Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Ohio, West Virginia, and Wisconsin, for 180 days. Supporting shipper: Pacific Wood Products Co., Suburban National Bank Building, Suite 918, 800 East Northwest Highway, Palatine, Ill. 60067. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, Room 476, 325 West Adams Street, Springfield, Ill. 62704.

No. MC 112801 (Sub-No. 104 TA), filed March 13, 1970. Applicant: TRANSPORT SERVICE CO., Post Office Box 50272, Chicago, Ill. 60650. Applicant's representative: Albert A. Andrin, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer solutions*, in bulk, from the plantsite and/or facilities of Royster Co. at or near Seneca, Ill., to points in Indiana, Ohio, Michigan, Kentucky, Wisconsin, and Iowa, for 180 days. Supporting shipper: Royster Co., Post Office Drawer 1940, Norfolk, Va. 23501. Send protests to: Roger L. Buchanan, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1086 Federal Office Building, 219 South Dearborn Street, Chicago, Ill. 60604.

No. MC 113666 (Sub-No. 41 TA), filed March 16, 1970. Applicant: FREEPORT TRANSPORT, INC., 1200 Butler Road, Freeport, Pa. 16229. Applicant's representative: David W. Gilkey (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle,

over irregular routes, transporting: *Refractory products*, from Canonsburg, Pa., to points in Ohio, Illinois, and Indiana, for 180 days. Supporting shipper: Haws Refractories Co., Post Office Box 518, Johnstown, Pa. 15907. Send protests to: John J. England, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 2111 Federal Building, 1000 Liberty Avenue, Pittsburgh, Pa. 15222.

No. MC 114890 (Sub-No. 45 TA), filed March 13, 1970. Applicant: C. E. REYNOLDS TRANSPORT, INC., Post Office Box A, Joplin, Mo. 64801. Applicant's representative: J. David Harden, Jr., 600 Leininger Building, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nitrogen fertilizer solution*, in bulk, in tank vehicles, from Atchison, Kans., to points in Iowa, Kansas, Missouri, and Nebraska, for 150 days. Supporting shipper: W. R. Grace & Co., Post Office Box 277, 100 North Main Street, Memphis, Tenn. 38101. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1100 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 115331 (Sub-No. 280 TA), filed March 13, 1970. Applicant: TRUCK TRANSPORT, INCORPORATED, 1931 North Geyer Road, St. Louis, Mo. 63131. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid sugar*, from National Marine Terminal Facility near Granite City, Ill., to St. Louis, Mo., for 180 days. Supporting shipper: American Sugar Co., 460 Northwest Highway, Park Ridge, Ill. 60068. Send protests to: J. P. Werthmann, Interstate Commerce Commission, Bureau of Operations, Room 3248, 1520 Market Street, St. Louis, Mo. 63103.

No. MC 116077 (Sub-No. 291 TA), filed March 13, 1970. Applicant: ROBERTSON TANK LINES, INC., 5700 Polk Avenue, Post Office Box 1505, Houston, Tex. 77001. Applicant's representative: J. C. Browder (address same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from De Ridder, La., to points in Texas, for 180 days. Supporting shipper: American Cyanamid Co., Industrial Chemicals Division, Wayne, N.J. 07470. Send protests to: John C. Redus, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Post Office Box 61212, Houston, Tex. 77061.

No. MC 117200 (Sub-No. 14 TA), filed March 4, 1970. Applicant: TISCH & DREWS, INC., 212 Green Bay Avenue, Oconto Falls, Wis. 54154. Applicant's representative: Eugene E. Behling, Post Office Box 68, Oconto Falls, Wis. 54154. Authority sought to operate as a *contract carrier*, by vehicle, over irregular routes, transporting: *Ground wood pulp*, from Tomahawk, Wis., to points in Michigan, for 180 days. Supporting shipper: Tomahawk Power & Pulp Co., Tomahawk, Wis. 54487. Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce

Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 118959 (Sub-No. 83 TA), filed March 13, 1970. 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: *Galvanized steel chain link fence posts, galvanized steel tubing, wire, and chain link fence fittings and accessories*, from Jacksonville and Miami, Fla., to points in Alabama, Arkansas, Colorado, Georgia, Louisiana, Illinois, Indiana, Kansas, Kentucky, Iowa, Michigan, Minnesota, Missouri, North Dakota, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, and Wisconsin, and *equipment, materials, and supplies used in the manufacturing and processing of the items named above*, from the above-described destination States to Jacksonville and Miami, Fla., for 180 days. Supporting shipper: Atlantic Fence Manufacturing Co., Cape Girardeau, Mo. Send protests to: District Supervisor J. P. Werthmann, Interstate Commerce Commission, Bureau of Operations, Room 3248, 1520 Market Street, St. Louis, Mo. 63103.

No. MC 119767 (Sub-No. 239 TA), filed March 13, 1970. Applicant: BEAVER TRANSPORT CO., 100 South Calumet Street, Burlington, Wis. 53105. Applicant's representative: A. Bryant Torhorst (address same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen biscuits*, from Columbus, Ohio, to Chicago and Peoria, Ill.; Des Moines, Iowa; and Minneapolis, Minn., for 180 days. Supporting shipper: Hart's Biscuit Co., Inc., 3660 East Fifth Avenue, Columbus, Ohio 43219. Send protests to: Lyle D. Helfer, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 124230 (Sub-No. 11 TA), filed March 13, 1970. Applicant: C. B. JOHNSON, INC., Post Office Drawer S, Cortez, Colo. 81321. Applicant's representative: Leslie R. Kehl, 420 Denver Club Building, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ores and concentrates*, from Rico, Colo., to points in Grand County, Utah, and Montrose, Colo., for 150 days. Supporting shipper: Rico Argentine Mining Co., 605 Kearns Building, Salt Lake City, Utah. Send protests to: H. C. Ruoff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 2022 Federal Building, Denver, Colo. 80202.

No. MC 124510 (Sub-No. 2 TA), filed March 13, 1970. Applicant: A & F TRUCKING CORPORATION, Overbrook Drive, Stamford, Conn. 06906. Applicant's representative: William D. Traub, 10 East 40th Street, New York, N.Y. 10016. Authority sought to operate

as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as are dealt in by retail drug stores*, between the warehouse of Liggett Drug Co. at Stamford, Conn., and points in Albany, Columbia, Dutchess, Greene, Putnam, Rensselaer, and Ulster Counties, N.Y., and Litchfield County, Conn., for 150 days. Supporting shipper: Liggett Drug Co., Division of Dart Industries, Inc., 300 Stillwater Avenue, Stamford, Conn. 06904. Send protests to: David J. Kiernan, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 324 U.S. Post Office Building, 135 High Street, Hartford, Conn. 06101.

No. MC 127834 (Sub-No. 52 TA), filed March 13, 1970. Applicant: CHEROKEE HAULING & RIGGING, INC., 540-42 Merritt Avenue, Nashville, Tenn. 37203. Applicant's representative: Fred F. Bradley, Suite 202, Court Square Office Building, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fabricated metal stampings, shipping devices, steel containers, and storage racks and containers used in the erection and completion thereof*, from Car-Rack Corp., Macedonia, Ohio, to points in the United States except Alaska and Hawaii, for 180 days. Supporting shipper: Car-Rack Corp., Macedonia, Ohio. Send protests to: Joe J. Tate, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 803-1808 West End Building, Nashville, Tenn. 37203.

No. MC 127844 (Sub-No. 7 TA), filed March 13, 1970. Applicant: L. B. BARNHILL AND I. S. JOHNSON, JR., doing business as B & J TRANSPORTATION, Route 2, Box 162, Mullins, S.C. 29574. Applicant's representative: Henry P. Willimon, Post Office Box 1075, Greenville, S.C. 29602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from Mullins, S.C., to points in Connecticut, Delaware, Maryland (except Annapolis, Baltimore, Cockeysville, Laurel, and Sparrows Point), Massachusetts, Virginia (except Alexandria, Ashland, Clarendon, Clarksville, Frederickburg, La Crosse, Lawrenceville, Occoquan, Petersburg, Richmond, Rosslyn, and South Hill), and Rhode Island. Also from Mullins, S.C., to points in New York, New Jersey, and Pennsylvania, for 180 days. Supporting shipper: Schofield Industries, Mullins, S.C. 29574. Send protests to: Arthur B. Abercrombie, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 601A Federal Building, 901 Sumter Street, Columbia, S.C. 29201.

No. MC 128375 (Sub-No. 38 TA), filed March 13, 1970. Applicant: CRETE CARRIER CORPORATION, Post Office Box 249, Crete, Nebr. 68333. Applicant's representative: Richard Peterson, Post Office Box 806, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from Erie and Lock Haven,

Pa.; Hamilton, Ohio; and Oswego, N.Y.; and their commercial zones to Des Moines, Cedar Rapids, and Sioux City, Iowa; Omaha and Lincoln, Nebr.; Topeka, Fredonia, Wichita, and Kansas City, Kans.; Billings, Mont.; Dallas and Houston, Tex.; Fargo, N. Dak.; North Kansas City, Mo.; Little Rock, Ark.; Memphis, Tenn.; Oklahoma City and Tulsa, Okla.; and Salt Lake City, Utah; and points in their commercial zones, for 180 days. Supporting shipper: Western Paper Co., 4001 Main Street, Kansas City, Mo. 64112. Send protests to: Max H. Johnston, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 315 Post Office Building, Lincoln, Nebr. 68508.

No. MC 129156 (Sub-No. 2 TA), filed March 13, 1970. Applicant: DAVID WELLS, doing business as GIDDI-UP-GO HORSE TRANSPORTATION, 2722 East Nesbitt, Phoenix, Ariz. 85032. Applicant's representative: A. Michael Bernstein, 1327 United Bank Building, 3550 North Central Avenue, Phoenix, Ariz. 85012. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Horses, other than ordinary, and tack equipment and supplies, mascots, and trainers when transported together with said horses*, between points in Arizona, California, Nevada, Colorado, Texas, New Mexico, Oklahoma, Kansas, Nebraska, Illinois, Kentucky, Ohio, Missouri, and Arkansas, for 180 days. Supporting shipper: The application is supported by some seven statements which may be examined at the offices of the Interstate Commerce Commission in Washington, D.C., or at the field office named below. Send protests to: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 3427 Federal Building, Phoenix, Ariz. 85025.

No. MC 129219 (Sub-No. 2 TA), filed March 13, 1970. Applicant: CMD TRANSPORTATION, INC., 3750 Southeast Belmont Street, Portland, Ore. 97214. Applicant's representative: Anthony Pelay, Jr., 6359 Southwest Capitol Highway, Portland, Ore. 97201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Electric storage batteries, junk batteries and batteries for rebuilding*, from points in Oregon, Washington, and Idaho to Los Angeles and San Jose, Calif., and from Los Angeles and San Jose, Calif., to points in Oregon, Washington, and Idaho, for 180 days. Supporting shipper: Standard Batteries, Inc., 3750 Southeast Belmont Street, Portland, Ore. 97214. Send protests to: W. J. Huetig, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 450 Multnomah Building, 120 Southwest Fourth Avenue, Portland, Ore. 97204.

No. MC 134108 (Sub-No. 1 TA), filed March 13, 1970. Applicant: WILBUR W. WHITE, doing business as STAR TRANSPORT, 12432 Pine, Garden Grove, Calif. 92640. Applicant's representative: Milton W. Flack, Suite 400, 1813 Wilshire Boulevard, Los Angeles, Calif. 90057. Au-

thority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mobile homes, trailer coaches, modular housing, and cabanas*, from counties of Los Angeles, Orange, San Bernardino, Riverside, Calif., to points in Arizona, Nevada, and Oregon, for 180 days. Supporting shipper: The application is supported by some 15 statements which may be examined at the offices of the Interstate Commerce Commission in Washington, D.C., or at the field office named below. Send protests to: Robert G. Harrison, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 7708, Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 134325 (Sub-No. 1 TA), filed March 13, 1970. Applicant: NORRIS LE-ROY HARRISON, Route 2, Box 28, Easton, Md. 21601. Applicant's representative: Norris LeRoy Harrison (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, from Felton, Del., to Centreville and Matthews, Md., for 180 days. Supporting shipper: Agway, Inc., Box 776, Dover, Del. 19901. Send protests to: Paul J. Lowry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 206 Old Post Office Building, 129 East Main Street, Salisbury, Md. 21801.

No. MC 134374 (Sub-No. 1 TA), filed March 13, 1970. Applicant: STANLEY C. KLAPACZ, doing business as CROWN CARTAGE, 2045 West James Street, Chicago, Ill. 60609. Applicant's representative: Edwin L. Wojciak, 4740 West 95th Street, Room 2-B, Oak Lawn, Ill. 60453. Authority sought to operate as a *contract carrier*, over irregular routes, transporting: *Television, radio, stereo; radio and television parts and components and advertising materials*, from Des Plaines, Ill., to points in Elkhart, Kosciusko, Marshall, Starke, Pulaski, Jasper, Newton, and Fulton Counties, Ind.; Van Buren Berrier, Cass, and St. Joseph Counties, Mich., for 180 days. Supporting shipper: RCA Distributing Corp., 424 East Howard Avenue, Des Plaines, Ill. 60018. Send protests to: Roger L. Buchanan, 1086 Federal Office Building, 219 South Dearborn Street, Chicago, Ill. 60604.

No. MC 134399 (Sub-No. 1 TA), filed March 13, 1970. Applicant: BRISON GILL, Route 5, Box 245, Monticello, Ark. 71655. Applicant's representative: John Gibson, Dermott, Ark. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Small watercraft (fishing boats, ski boats, party barges, etc.)* from Monticello, Ark., to points in the United States (excluding Alaska and Hawaii) (*some merchandise returned to shipper*), for 180 days. Supporting shipper: MonArk Boat Co., Monticello, Ark. Send protests to: William H. Land, Jr., District Supervisor, 2519 Federal Office Building, 700 West Capitol, Little Rock, Ark. 72201.

No. MC 134406 TA, filed March 16, 1970. Applicant: MEDGAR CORP., 2 Water Street, Cuba, N.Y. 14727. Appli-

cant's representative: Ronald W. Mallin, Bank of Jamestown Building, Jamestown, N.Y. 14701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dairy products* within the exemption of section 203(b)(6) of the Interstate Commerce Act, Part II, when transported with nonexempt commodities; (2) *Dairy products* not within the exemption of section 203(b)(6) of the Interstate Commerce Act, Part II; (3) *Dairy substitutes*; (4) *Prepared foods*; (5) *Flavors*; (6) *Ice cream*; (7) *Fruit juices, fruit drinks, imitation fruit drinks*; (8) *Fruit sections*; (9) *Yogurt*; and (10) *Groceries*, from the plantsite of Guilford Dairy, Inc., located at Cuba, N.Y., to points in McKean, Warren, Potter, Cameron, and Elk Counties, Pa.; under continuing contract with F. C. Thomas, Inc., for 180 days. Supporting shippers: (1) F. C. Thomas, Inc., 422 East State Street, Olean, N.Y. 14760; (2) Guilford Dairy, Inc., Cuba, N.Y. 14727. Send protests to: George M. Parker, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 518 Federal Office Building, 121 Ellicott Street, Buffalo, N.Y. 14203.

MOTOR CARRIER OF PASSENGERS

No. MC 134317 (Sub-No. 1 TA), filed March 13, 1970. Applicant: P & L PROCESSORS, INC., Stockton, Md. 21864. Applicant's representative: Howard T. Pruitt, Stockton, Md. 21864. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers*, in special operations, between points in Accomack and Northampton Counties, Va., and Stockton, Md., for 180 days. Supporting shipper: P & L Processors, Inc., Stockton, Md. 21864. Send protests to: Paul J. Lowry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 206 Old Post Office Building, 129 East Main Street, Salisbury, Md. 21801.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 70-3561; Filed, Mar. 24, 1970;
8:50 a.m.]

[Notice 46]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MARCH 20, 1970.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized

representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

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

MOTOR CARRIERS OF PROPERTY

No. MC 1641 (Sub-No. 88 TA), filed March 17, 1970. Applicant: PEAKE TRANSPORT SERVICE, INC., Post Office Box 366, Chester, Nebr. 68327. Applicant's representative: Einar Viren, 904 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *Cut-back asphalt and/or road oil*, from Phillipsburg, Kans., to points in Kit Carson County, Colo., for 180 days. Supporting shipper: Farmland Industries, Inc., Post Office Box 7305, Kansas City, Mo. 64116. Send protests to: District Supervisor Johnston, Bureau of Operations, Interstate Commerce Commission, 315 Post Office Building, Lincoln, Nebr. 68508.

No. MC 15511 (Sub-No. 28 TA), filed March 13, 1970. Applicant: CARSTENSEN FREIGHT LINES, INC., Lincoln Highway, Clinton, Iowa 52732. Applicant's representative: Edward M. Sheller (same address as above). 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 contaminating to other lading, serving the site of the Duane Arnold Energy Center located near Palo (Linn County), Iowa, as an off-route point in connection with applicant's presently authorized regular routes, for 180 days. Note: Applicant states that all authority presently held will be tacked with proposed authority. Supporting shipper: Iowa Electric Light and Power Co., Box 351, Cedar Rapids, Iowa 52406. Send protests to: Chas. C. Biggers, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 332 Federal Building, Davenport, Iowa 52801.

No. MC 74857 (Sub-No. 29 TA), filed March 17, 1970. Applicant: FULLER MOTOR DELIVERY CO., a corporation, 802 Plum Street, Cincinnati, Ohio 45202. Applicant's representative: Donald E. Fuller (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Feed ingredients*, from Madison, Ind., to points in Indiana, Kentucky, Ohio, Illinois, Tennessee, southern peninsula of Michigan, and that part of Pennsylvania on and west of U.S. Highway 219, for 180 days. Supporting shipper: Occidental Chemical Co., Progress Parkway, Maryland Heights, Mo. 63042. Send protests to:

Emil P. Schwab, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 5514-B Federal Building, 550 Main Street, Cincinnati, Ohio 45202.

No. MC 76025 (Sub-No. 17 TA), filed March 17, 1970. Applicant: OVERLAND EXPRESS, INC., 651 First Street SW., New Brighton, Minn. 55112. Applicant's representative: James F. Sexton (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats and packinghouse products*, from Mason City, Iowa, to Jacksonville, Miami, Orlando, Plant City, St. Petersburg, and Tampa, Fla.; Albany, Atlanta, Augusta, Columbus, Macon, and Thomasville, Ga.; Asheville, Ahsokie, Charlotte, Franklinville, Greenville, Holly Ridge, Raleigh, and Wilmington, N.C.; and Columbia, Charleston, and Greenville, S.C., for the account of Armour & Co., for 180 days. Supporting shipper: Armour & Co., Chicago, Ill. Send protests to: District Supervisor A. E. Rathert, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building, and U.S. Courthouse, 100 South Fourth Street, Minneapolis, Minn. 55401.

No. MC 107295 (Sub-No. 312 TA) (Correction), filed March 4, 1970, published FEDERAL REGISTER, issue of March 18, 1970, under No. MC 133562 (Sub-No. 1 TA), and republished as corrected this issue. 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: *Steel doors, steel door frames, steel window frames, and elevator cars, and accessories*, from plantsite and warehouse facilities of Williamsburg Steel Products Co., Brooklyn, N.Y., to points in North Carolina, South Carolina, Georgia, Florida, and the District of Columbia, for 180 days. Supporting shipper: Williamsburg Steel Products Co., Brooklyn, N.Y. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 476, 325 West Adams Street, Springfield, Ill. 62704. Note: The purpose of this republication is to show the correct docket number assigned thereto, No. MC 107295 (Sub-No. 312 TA), in lieu of No. MC 133562 Sub-No. 1 TA, which was published in error.

No. MC 107295 (Sub-No. 324 TA), filed March 13, 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: *Plywood, hardboard, molding, and accessories*, from Chesapeake, Va., to points in Illinois, Indiana, Michigan, Missouri, Tennessee, and Pennsylvania, for 180 days. Supporting shipper: Evans Products Co., Post Office Box 880, Corona, Calif. 91720. 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 108297 (Sub-No. 16 TA), filed March 17, 1970. Applicant: FOX TRANSPORT SYSTEM, 21 South Fifth

Street, Philadelphia, Pa. 19106. Applicant's representative: Alan Kahn, Suite 1920, 2 Penn Center Plaza, John F. Kennedy Boulevard at 15th Street, Philadelphia, Pa. 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products* in vehicles equipped with mechanical refrigeration, and *fruit juices and fruit drinks* (except commodities in bulk, in tank or hopper-type vehicles, from Fort Washington, Montgomery County, Pa., to points in Prince William County, Va., for 150 days. Supporting shipper: The Great Atlantic & Pacific Tea Co., Inc., 90 Delaware Avenue, Paterson, N.J. 07503. Send protests to: Peter R. Guman, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 900 U.S. Customhouse, Second and Chestnut Streets, Philadelphia, Pa. 19106.

No. MC 134305 TA (Correction), filed February 2, 1970, published FEDERAL REGISTER, issues of February 11, February 25, and March 18, 1970, and republished as corrected this issue. Applicant: HARRY E. HAMM, doing business as HAMM TRUCKING, Rural Route No. 1, Erie, Ill. 61250. Applicant's representative: Albert A. Andrin, 29 South La Salle Street, Chicago, Ill. 60603. Note: The purpose of this correction is to show the correct address of the applicant's representative. The rest of the notice remains as previously published.

No. MC 134365 (Sub-No. 1 TA), filed March 17, 1970. Applicant: RUSSELL BARTLETT, doing business as RUSSELL BARTLETT TRUCKING, Post Office Box 342, LaCrosse, Wash. 99143. Applicant's representative: Don J. Clark, 1999 West Lewis Street, Post Office Box 465, Pasco, Wash. 99301. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Metal buildings*, complete, knocked down, or in sections, including all component parts, materials, supplies, and fixtures, from Turlock, Calif., to points in Oregon, Idaho, and Washington, for 150 days. Supporting shipper: Cuckler Steel Fabricating Co., Post Office Box Drawer 1028, Turlock, Calif. 95380. Send protests to: L. C. Taylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 401 U.S. Post Office, Spokane, Wash. 99201.

No. MC 134413 TA, filed March 17, 1970. Applicant: McDONNELL BROS., INC., 759 Riverside Avenue, Lyndhurst, N.J. 07071. Applicant's representative: James J. Farrell, 206 North Boulevard, Belmar, N.J. 07719. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nonferrous scrap metal*, in bulk, in packages, or on pallets, between Jackson Township (Monmouth County), N.J., on the one hand, and, on the other, Baltimore, Md., New York, N.Y., and points in Connecticut, Ohio, Pennsylvania, and Rhode Island, for 180 days. Supporting shipper: Emil A. Schroth Metals, 39 Hyatt Avenue, Newark, N.J. 07105. Send protests to: District Supervisor Joel Morrow, Bureau of Operations, Interstate

Commerce Commission, 970 Broad Street, Newark, N.J. 07102.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 70-3562; Filed, Mar. 24, 1970;
8:50 a.m.]

[Notice 513]

MOTOR CARRIER TRANSFER PROCEEDINGS

MARCH 20, 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-71924. By order of March 18, 1970, the Motor Carrier Board approved the transfer to Fireproof Storage & Van Co., Inc., 201-211 Randolph Street, Knoxville, Tenn. 37901, of the operating rights in certificate No. MC-

124873 issued January 31, 1963, to Rowe Moving & Storage Co., Inc., Post Office Box 219, 2006 Hoitt Avenue, Knoxville, Tenn. 37917, authorizing the transportation of household goods, between Knoxville, Tenn., and points in Tennessee within 100 miles thereof, on the one hand, and, on the other, points in Georgia, South Carolina, North Carolina, and Kentucky.

No. MC-FC-72015. By order of March 18, 1970, the Motor Carrier Board approved the transfer to Behnke Inc., Battle Creek, Mich., of permit No. MC-52473 issued February 29, 1956, to Carl H. Behnke, doing business as Behnke, Battle Creek, Mich., authorizing the transportation of: Wire refrigerator shelves, steel and wire articles, and paper and paper products, from, to, or between, as pertinent, Battle Creek, Mich. to specified points in Indiana, Ohio, Minnesota, and Illinois; waste paper and pulp-board boxes, from Chicago, Ill., to Battle Creek, Mich.; alum, from Joliet, Ill., to Battle Creek Mich.; acid, from Grasselli, Ind., to Battle Creek, Mich.; and empty acid containers, on return. Carl H. Behnke, President of Behnke Inc., 77 South Monroe Street, Battle Creek, Mich. 49014, representative of applicants.

No. MC-FC-72017. By order of March 18, 1970, the Motor Carrier Board approved the transfer to Bekins Moving & Storage Co., a corporation, 1335 South Figueroa Street, Los Angeles, Calif. 90015, of corrected license No. MC-12077 (Sub-No. 1) issued to Bekins Van &

Storage, Inc., 25 East Mason Street, Santa Barbara, Calif. 93101, authorizing the holder to engage in operations as a broker in arranging for the transportation of: Household goods, as defined by the Commission, between points in the United States.

No. MC-FC-72035. By order of March 18, 1970, the Motor Carrier Board approved the transfer to Dora A. Phillips and Clair W. Phillips, a partnership, doing business as Walter J. Phillips Sons, 1289 Franklin Avenue, Franklin, Pa. 16323, of the operating rights in certificate No. MC-100934 issued August 10, 1967, to Dora A. Phillips, Clair W. Phillips, and Frederick D. Phillips (The Exchange Bank & Trust Co., Executor), a partnership, doing business as Walter J. Phillips Sons, Franklin, Pa. 16323, authorizing the transportation of boilers, heavy machinery, oil well equipment, brick, tile, sewer pipe, iron and steel articles, steam shovels, pile drivers, and lumber, materials and equipment from dismantled plants, between points in Pennsylvania on and west of U.S. Highway 220, on the one hand, and, on the other, points in Ohio, those in New York on and west of U.S. Highway 11, and those in West Virginia on and north of U.S. Highway 60 and on and west of U.S. Highway 219.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 70-3563; Filed, Mar. 24, 1970;
8:50 a.m.]

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