

FEDERAL REGISTER

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Part I
(Part II begins on page 6545)

Agencies in this issue—

Agricultural Research Service
Atomic Energy Commission
Business and Defense Services Administration
Civil Aeronautics Board
Civil Service Commission
Consumer and Marketing Service
Customs Bureau
Federal Aviation Administration
Federal Communications Commission
Federal Crop Insurance Corporation
Federal Insurance Administration
Federal Power Commission
Federal Trade Commission
General Services Administration
Geological Survey
Housing and Urban Development Department
Internal Revenue Service
Interstate Commerce Commission
Labor Department
Land Management Bureau
National Highway Safety Bureau
Saint Lawrence Seaway Development Corporation
Securities and Exchange Commission

Detailed list of Contents appears inside.



Just Released

CODE OF FEDERAL REGULATIONS

(Revised as of January 1, 1970)

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Title 19—Customs Duties	2. 50
Title 39—Postal Service	3. 50

[A Cumulative checklist of CFR issuances for 1970 appears in the first issue of the Federal Register each month under Title 1]

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List of CFR Parts Affected

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Title 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

PART 354—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

Overtime Work at Border Ports, Seaports, and Airports

Pursuant to the authority conferred by the Act of August 28, 1950 (64 Stat. 561; 7 U.S.C. 2260), § 354.1 of Part 354, Title 7, Code of Federal Regulations, is amended to read as follows:

§ 354.1 Overtime work at border ports, seaports, and airports.

(a) Any person, firm, or corporation having ownership, custody, or control of plants, plant products, or other commodities or articles subject to inspection, certification, or quarantine under this chapter, who requires the services of an employee of the Plant Quarantine Division, on a holiday or at any other time outside the regular tour of duty of such employee, shall sufficiently in advance of the period of overtime or holiday service request the Division inspector in charge to furnish inspection, quarantine, or certification service during such overtime or holiday period, and shall pay the Government therefor at the rate of \$8.72 per man-hour per employee. A minimum charge of 2 hours shall be made for any holiday or unscheduled overtime duty performed by an employee on a day when no work was scheduled for him or which is performed by an employee on his regular work day beginning either at least 1 hour before his scheduled tour of duty or which is not in direct continuation of the employee's regular tour of duty. In addition, each such period of unscheduled overtime or holiday work to which the 2-hour minimum charge provision applies which requires the employee involved to perform additional travel may include a commuted travel time period the amount of which shall be prescribed in administrative instructions to be issued by the Director of the Plant Quarantine Division for the areas in which the holiday or overtime work is performed and such period shall be established as nearly as may be practicable to cover the time necessarily spent in reporting to and returning from the place at which the employee performs such overtime or holiday duty if such

travel is performed solely on account of such overtime or holiday service. With respect to places of duty within the metropolitan area of the employee's headquarters, such commuted travel period shall not exceed 3 hours. When inspection, quarantine or certification services are performed at locations outside the metropolitan area in which the employee's headquarters is located, one-half of the commuted travel period applicable to the point at which the services are performed shall be charged when duties involve overtime that begins less than 1 hour before the beginning of the regular tour and/or is in continuation of the regular tour of duty. It will be administratively determined from time to time which days constitute holidays.

(b) The Division inspector in charge in honoring a request to furnish inspection, quarantine, or certification service, shall assign employees to such holiday or overtime duty with due regard to the work program and availability of employees for duty.

(64 Stat. 561; 7 U.S.C. 2260)

The foregoing amendment shall become effective April 23, 1970, when it shall supersede 7 CFR 354.1, effective July 13, 1969.

The purpose of this amendment is to increase the hourly rate for overtime or holiday services from \$8.32 to \$8.72 commensurate with salary increases provided in the Federal Employees Salary Act of 1970 (Public Law 91-231). Determination of the hourly rate for overtime services and of the commuted travel time allowances depends entirely upon facts within the knowledge of the Department of Agriculture. It is to the benefit of the public that this amendment be made effective at the earliest practicable date. Accordingly, pursuant to the administrative provisions of 5 U.S.C. 553, it is found upon good cause that notice and public procedure on this amendment are impracticable, unnecessary, and contrary to the public interest and good cause is found for making this amendment effective less than 30 days after publication in the FEDERAL REGISTER.

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

[SEAL] GEORGE W. IRVING, JR.,
Administrator,
Agricultural Research Service.

[P.R. Doc. 70-4976; Filed, Apr. 22, 1970; 8:50 a.m.]

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

[Navel Orange Reg. 206]

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

Limitation of Handling

§ 907.506 Navel Orange Regulation 206.

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

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

effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on April 21, 1970.

(b) *Order.* (1) The respective quantities of Navel oranges grown in Arizona and designated part of California which may be handled during the period April 24, 1970, through April 30, 1970, are hereby fixed as follows:

(i) District 1: 760,000 cartons;

(ii) District 2: 240,000 cartons;

(iii) District 3: Unlimited.

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

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

Dated: April 21, 1970.

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

[F.R. Doc. 70-5042; Filed, Apr. 22, 1970; 11:32 a.m.]

[Valencia Orange Reg. 310]

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

Limitation of Handling

§ 908.610 Valencia Orange Regulation 310.

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

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became avail-

able and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on April 21, 1970.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period April 24, 1970, through April 30, 1970, are hereby fixed as follows:

(i) District 1: 150,163 cartons;

(ii) District 2: 47,467 cartons;

(iii) District 3: 202,000 cartons.
(2) As used in this section, "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

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

Dated: April 22, 1970.

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

[F.R. Doc. 70-5043; Filed, Apr. 22, 1970; 11:32 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter 1—Civil Service Commission

PART 531—PAY UNDER THE GENERAL SCHEDULE

Miscellaneous Amendment

In the FEDERAL REGISTER (F.R. Doc. 70-4824 of Saturday, April 18, 1970 on page 6311, the last line of § 531.205(a) (3), the word "highest" was omitted between "next" and "dollar" and should read "next highest dollar".

(5115, 5338, E.O. 11524)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 70-5004; Filed Apr. 22, 1970; 8:50 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 1—Federal Procurement Regulations

PART 1-8—TERMINATION OF CONTRACTS

Short Form Settlement Proposal for Terminated Fixed-Price Contracts

This amendment increases from \$2,500 to \$10,000 the dollar limitation governing the use of the simplified short form (Format 802-3, Settlement Proposal (Short Form)—fixed-price type contracts) by a prime contractor or subcontractor in settlement of claims under a fixed-price contract which has been terminated for the convenience of the Government. Format 802-3 is also appropriately revised to reflect the new \$10,000 limitation.

Subpart 1-8.3—Additional Principles Applicable to the Settlement of Fixed-Price Type Contracts Terminated for Convenience

Section 1-8.307-1(d) is revised as follows:

§ 1-8.307-1 Submission of settlement proposals.

(d) If the total amount of claim is less than \$10,000, a simplified settlement proposal form (see § 1-8.802-3) may be used. Claims which would normally be included in a single settlement proposal, such as those based on a series of separate orders for the same item under one contract, shall be consolidated wherever possible and shall not be divided in such a way as to bring them below \$10,000.

Subpart 1-8.8—Formats of Notices, Forms, Warranties, and Agreements

Section 1-8.802-3, Format 802-3 is revised as follows:

§ 1-8.802-3 Format 802-3, Settlement Proposal (Short Form)—fixed-price type contracts.

(a) Page 1 of Format 802-3.
Format 802-3

(b) Page 2 of Format 802-3.

INSTRUCTIONS

- This settlement proposal should be submitted to the contracting officer, if you are a prime contractor, or to your contractor, if you are a subcontractor. This form contract as used hereafter includes a sub-contract or a purchase order.
- Claims which would normally be included in a single settlement proposal, such as those based on a series of separate orders for the same item under one contract should be consolidated whenever possible, and need not be divided in such a way as to bring them below \$10,000.00.
- You should review any provisions of your contract relating to termination and consult your contractor or contracting officer for further information. Government regulations pertaining to the basis for determining a fair and reasonable settlement are contained in Part 1-8, Federal Procurement Regulations (41 CFR 1-8). Your claim for fair and reasonable settlement should be prepared on the basis of the costs shown on your accounting records. Where your costs are not so shown, you will provide a reasonable basis for estimating your costs and work done for fair compensation for the preparations made and work done for the terminated portion of the contract, including a reasonable profit on such preparation and work.
- Generally your settlement proposal may include under items 2, 3, and 4, the following:
 - (a) COSTS.**—Costs incurred which are reasonably necessary and are properly allocable to the terminated portion of your contract under recognized commercial accounting practices, including direct and indirect manufacturing, selling and distribution, administrative, and other costs and expenses incurred.
 - (b) SETTLEMENT WITH SUBCONTRACTORS.**—Reasonable settlements of claims of subcontractors allocable to the terminated portion of the sub-contract. Copies of such settlements will be attached to yours.
 - (c) TRAVEL EXPENSES.**—Reasonable costs of protecting your property and maintaining inventory in your possession and control in your claim.
 - (d) PROFIT.**—A reasonable profit with respect to the preparations you have made and work you have actually done for the terminated portion of your contract. No profit should be included with respect to work which has not been done, nor shall profit be included with respect to settlement expenses, or with respect to settlement with subcontractors.
 - If you use this form, your total charges being claimed (line 5), must be less than \$10,000.00. The government has the right to examine your books and records relative to this proposal, and if you are a subcontractor your contractor must be satisfied with your proposal.

* U.S. GOVERNMENT PRINTING OFFICE: 1967 O-348283

SETTLEMENT PROPOSAL
(SHORT FORM)

FOR USE BY A PRIME CONTRACTOR OR SUBCONTRACTOR IN SETTLEMENT OF A FIRM-FIXED TERMINATED CONTRACT WHEN TOTAL CHARGES CLAIMED ARE LESS THAN \$10,000.00.

THIS PROPOSAL APPLIES TO (Circle one)
 THE CONTRACT
 SUBCONTRACT OR PURCHASE ORDER

SUBCONTRACT OR PURCHASE ORDER NO. _____

CONTRACTOR WHO SENT NOTICE OF TERMINATION

NAME _____

ADDRESS _____

STREET ADDRESS _____

CITY AND STATE _____

NAME OF GOVERNMENT AGENCY _____ GOVERNMENT FIRM CONTRACT NO. _____

CONTRACTOR'S REFERENCE NO. _____ EFFECTIVE DATE OF TERMINATION _____

SECTION 1—STATUS OF CONTRACT OR ORDER AT EFFECTIVE DATE OF TERMINATION

PREVIOUSLY SHIPPED AND INVOICED QUANTITY	PREVIOUSLY RECEIVED AND INVOICED QUANTITY	ON HAND QUANTITY	ON HAND QUANTITY		TOTAL CONTRACT OR ORDER QUANTITY
			SOME COMPLETED (Photo taken when received)	UNCOMPLETED OR NOT TO BE COMPLETED	
AM	AM	AM	AM	AM	AM
1	1	1			1
2	2	2			2
3	3	3			3
4	4	4			4
5	5	5			5

SECTION 2—PROPOSED SETTLEMENT

NO.	DESCRIPTION	AMOUNT OF CHARGE
1	CHARGE FOR ACCEPTABLE FINISHED PRODUCT NOT ON HAND (From Format 802-3)	\$
2	CHARGE FOR WORK IN PROCESS, RAW MATERIAL, ETC., ON HAND (From Format 802-3)	\$
3	OTHER CHARGES INCLUDING PROFIT AND SETTLEMENT EXPENSES	\$
4	CHARGES FOR SETTLEMENTS WITH SUBCONTRACTORS	\$
5	TOTAL PROPOSED SETTLEMENT (Items 1 thru 4)	\$
6	DISPOSAL AND OTHER CREDITS (From Format 802-3, Col. g)	\$
7	NET PROPOSED SETTLEMENT (Item 5 less 6)	\$
8	ADVANCE, PROGRESS AND FINAL PAYMENTS	\$
9	NET PAYMENT REQUESTED (Item 7 less 8)	\$

List your inventory on Form 802-3 and attach a copy hereon. Retain for the applicable period specified in the prime contract and papers and records relating to this proposal for future examination by your contractor or by the contracting officer.

GIVE A BRIEF EXPLANATION OF HOW YOU ARRIVED AT THE AMOUNTS SHOWN IN ITEMS 3, 4, 5 AND 7

NAME OF YOUR COMPANY _____

BY (Signature of authorized official) _____

DATE _____

WHERE THE SPACE PROVIDED FOR ANY INFORMATION IS INSUFFICIENT, ATTACH SEPARATE SUPPORTING SCHEDULES

THE UNDERSIGNED CERTIFIES THAT THE ABOVE PROPOSED SETTLEMENT INCLUDES ONLY CHARGES ALLOCABLE TO THE TERMINATED PORTION OF THE CONTRACT OR PURCHASE ORDER AND THAT THE SETTLEMENT IS A FAIR AND REASONABLE AMOUNT FOR THE WORK AND MATERIALS PROVIDED UNDER THE CONTRACT OR PURCHASE ORDER THAT IT WILL, OR MAY, BE USED DIRECTLY OR INDIRECTLY AS A BASIS FOR SETTLEMENT OF A CLAIM OR CLAIMS AGAINST THE UNITED STATES OR AN AGENCY THEREOF.

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

Effective date. These regulations are effective upon publication in the FEDERAL REGISTER.

Dated: April 15, 1970.

ROBERT L. KUNZIG,
Administrator of General Services.

[F.B. Doc. 70-4870; Filed, Apr. 22, 1970; 8:45 a.m.]

PART 1-16—PROCUREMENT FORMS New Editions of Standard Forms

This amendment of the Federal Procurement Regulations prescribes the use of the October 1969 editions of Standard Forms 19, 19-B, 22, and 23-A. The changes in the forms have been limited to the addition of new and revised contract provisions which previously have been approved for use in connection with the prior editions of these forms and to minor editorial changes.

Subpart 1-16.4—Forms for Advertised Construction Contracts

Section 1-16.401 is revised as follows:

§ 1-16.401 Forms prescribed.

The following standard forms are prescribed for use in accordance with this

Subpart 1-16.4:

(a) Invitation, Bid, and Award (Construction, Alteration, or Repair) (Standard Form 19, October 1969 edition).

(c) Representations and Certifications (Construction Contract) (Standard Form 19-B, October 1969 edition).

(f) Instructions to Bidders (Construction Contract) (Standard Form 22, October 1969 edition).

(h) General Provisions (Construction Contract) (Standard Form 23-A, October 1969 edition).

Subpart 1-16.9—Illustration of Forms

Sections 1-16.901-19, 1-16.901-19-B, 1-16.901-22, and 1-19.901-23-A are revised to illustrate the October 1969 editions of Standard Forms 19, 19-B, 22, and 23-A.

§ 1-16.901-19 Standard Form 19: Invitation, Bid, and Award (Construction, Alteration or Repair).

(a) Page 1 of the Standard Form 19.

STANDARD FORM 19 (Construction, Alteration or Repair) GENERAL SERVICE ADMINISTRATION GSA, FPMR, 48 CFR 1-16.401		INVITATION, BID, AND AWARD (Construction, Alteration or Repair) <input type="checkbox"/> CHECK IF SMALL BUSINESS SET-ASIDE OR OTHER NEGOTIATED PROCEDURE (If checked, "SBA" indicates "Prepaid")		REFERENCE (Include in correspondence)
INVITATION FOR BIDS BIDDING OFFICE # _____ DATE ISSUED _____ NO RECEIVING OFFICE # _____	INFORMATION REGARDING BUILDING MATERIAL MAY BE OBTAINED FROM THE BIDDING OFFICE.			THE UNDESIGNED PARTS, IF THIS BID IS ACCEPTED WITHIN _____ CALENDAR DAYS (30 DAYS AFTER A DIFFERENT PERIOD IS INDICATED) AFTER DATE OF OPENING, TO COMPLETE ALL WORK SPECIFIED IN PRICE SCHEDULES, DRAWINGS AND THE GENERAL PROVISIONS ON THE REVERSE HEREOF, WITHIN _____ CALENDAR DAYS AFTER RECEIPT OF NOTICE TO PROCEED, FOR THE FOLLOWING AMOUNT: _____ INCLUDING ALL APPLICABLE FEDERAL, STATE, AND LOCAL TAXES, AND THE COST OF ANY CONTRACT AWARD ARISING FROM THIS BID EXCEEDS \$2,000, TO COMPLETE WITH THE PROVISIONS OF THE FEDERAL ACQUISITION REGULATIONS APPLICABLE TO CONTRACTS IN EXCESS OF \$2,000 AND TO FURNISH A PERFORMANCE BOND IN AN AMOUNT EQUAL TO 10 PERCENT OF THE CONTRACT PRICE WITHIN _____ CALENDAR DAYS AFTER RECEIPT OF NOTICE TO PROCEED, ON GOVERNMENT FORMS WITHIN _____ DAYS AFTER FORMS ARE FURNISHED.
SEALED BIDS IN enclosed and dated as follows: _____ will be received at the Bid Receiving Office until _____ (Hour and Time Zone) _____ (Date) Sealed envelopes containing bids shall be submitted to the Bid Receiving Office and shall be marked to show Bidder's Name and Address, & Reference Address: & Reference _____ NO (This Section to be completed by Bidder) _____ DATE NO SUBMITTED _____	Information regarding building material may be obtained from the building office.			The undersigned agrees, if this bid is accepted within _____ calendar days (30 days after a different period is indicated) after date of opening, to complete all work specified in price schedule, drawings and the General Provisions on the reverse hereof, within _____ calendar days after receipt of notice to proceed, for the following amount: _____ including all applicable Federal, State, and local taxes, and the cost of any contract award arising from this bid exceeds \$2,000, to complete with the provisions of the Federal Acquisition Regulations Applicable to Contracts in Excess of \$2,000 and to furnish a performance bond in an amount equal to 10 percent of the contract price with _____ calendar days after receipt of notice to proceed, on Government forms within _____ days after forms are furnished.
THE ABOVE BID IS ACCEPTED IN THE AMOUNT OF \$ _____ <input type="checkbox"/> YOU ARE DIRECTED TO PROCEED WITH THE WORK UPON RECEIPT OF THIS AWARD. <input type="checkbox"/> NOTICE TO PROCEED WILL BE ISSUED UPON RECEIPT OF ACCEPTANCE PAYMENT AND PERFORMANCE BOND.		THE UNITED STATES OF AMERICA BY _____ (Contracting Office) (Date) _____		

*Include "ZIP CODE" in all mailing addresses. 18-111

(b) Page 2 of Standard Form 19.

GENERAL PROVISIONS

1. CHANGES AND CHANGED CONDITIONS

(a) The Contracting Officer may, in writing, order changes in the drawings and specifications within the general scope of the contract.
 (b) The Contractor shall promptly notify the Contracting Officer in writing of subsurface or latent physical conditions differing materially from those indicated in this contract or unknown unusual physical conditions at the site, before proceeding further with the work.
 (c) If changes under (a) or conditions under (b) increase or decrease the cost of, or time required for, performing the work, upon assertion of a claim by the Contractor before final payment under the contract, a written equitable adjustment shall be made; except that no adjustment under (b) shall be made unless the notice required therein was given or unless the Contracting Officer waives the requirement therefor. If the adjustment cannot be agreed upon, the dispute shall be decided pursuant to Clause 3.

2. TERMINATION FOR DEFAULT—DAMAGES FOR DELAY—TIME EXTENSIONS

(a) If the Contractor does not prosecute the work to as to insure completion, or fails to complete it, within the time specified, the Government may, by written notice to the Contractor, terminate his right to proceed. Thereafter, the Government may have the work completed and the Contractor shall be liable for any resulting excess cost to the Government. If the Government does not terminate the Contractor's right to proceed, he shall continue the work and shall be liable to the Government for any actual damages occasioned by such delay unless liquidated damages are stipulated.
 (b) The Contractor's right to proceed shall not be terminated nor the Contractor charged with actual or liquidated damages under (a) above because of any delays in completion of the work due to causes other than neglect or negligence, beyond his control and without his fault or negligence, including but not restricted to, acts of God, acts of the public enemy, acts of the Government (in either its sovereign or contractual capacity), acts of another contractor in the performance of a contract with the Government, fires, floods, epidemics, quarantine restrictions, strikes, freight embargoes, and unusually severe weather, or delays of subcontractors or suppliers due to causes beyond their control and without their fault or negligence.
 That the Contractor shall within 10 days from the beginning of any such delay, unless the Contracting Officer shall specify a further period of time prior to the date of his appeal from the contract, notify the Contracting Officer in writing of the causes of delay and the facts relating thereto. The Contracting Officer shall consider the facts and ascertain the extent of the delay, and extend the time for completing the work when in his judgment the facts justify such an extension, and his decision shall be final and conclusive on the parties, subject only to appeal as provided in Clause 3.
 (c) As used in paragraph (b) of this clause, the term "subcontractors or suppliers" meant subcontractors or suppliers at any tier.

3. DISPUTES

Any dispute concerning a question of fact arising under this contract, not disposed of by agreement, shall be decided by the Contracting Officer, who shall reduce his decision to writing and furnish a signed copy to the Contractor. Such decision shall be final and conclusive unless, within 30 days from the date of receipt thereof, the Contractor mails or otherwise furnishes to the Contracting Officer a written appeal, addressed to the head of the Federal agency. The Contractor shall be afforded an opportunity to be heard and to offer evidence. The decision of the head of the Federal agency or his authorized representative, shall be final and conclusive unless fraudulent, or capricious, or arbitrary, or so grossly erroneous as necessarily to imply bad faith, or not supported by substantial evidence. Pending final decision of a dispute hereunder, the Contractor shall proceed diligently with the performance of the contract and in accordance with the Contracting Officer's decision.

4. RESPONSIBILITY OF CONTRACTOR

At his own expense the Contractor shall: (a) obtain any necessary licenses and permits; (b) provide competent superintendence; (c) take precautions necessary to protect persons or property against injury or damage and be responsible for any such injury or damage that occurs as a result of his fault or negligence; (d) perform the work without unnecessarily interfering with other contractors' work or Government activities; (e) be responsible for all damage to work performed and materials delivered (including Government-furnished items), until completion and final acceptance.

5. MATERIAL AND WORKMANSHIP

All material incorporated in the work shall be new and the

work shall be performed in a skillful and workmanlike manner. Both materials and workmanship shall be subject to the inspection of the Contracting Officer or his duly authorized representative who may require the Contractor to correct defective workmanship or materials without cost to the Government.

6. PAYMENTS TO CONTRACTOR

Progress payments equal to 90 percent of the value of work performed may be made monthly on estimates approved by the Contracting Officer. Upon payment therefor, title to the property shall vest in the Government. The Contractor will notify the Government when all work is complete. Final payment will be made after final acceptance.

7. OFFICIALS NOT TO BENEFIT

No Member of or Delegate to Congress, or Resident Commissioner, shall be admitted to any share or part of this contract, or to any benefit that may arise therefrom; but this provision shall not be construed to extend to this contract if made with a corporation for its general benefit.

8. BUY AMERICAN

The Contractor, subcontractors, material men, and suppliers must comply with the Buy American Act of March 3, 1933 (41 U.S.C. 10a-10d) and Executive Order 10582 of December 17, 1954 (19 Fed. Reg. 8725). (In substance the above requires use generally of domestic materials except as otherwise authorized by the Contracting Officer pursuant to the Act and Executive Order.)

9. ASSIGNMENT OF CLAIMS

If this contract provides for payments aggregating \$1,000 or more, claims for moneys due or to become due hereunder may be assigned as provided in 31 U.S.C. 203 and 41 U.S.C. 15.

10. CONDUCT OF LABOR

In compliance with the performance of work under this contract the Contractor agrees not to employ any person under any contract, imprisonment or hard labor.

11. LIABILITY AGAINST CONTINGENT FEES

The Contractor warrants that no person or selling agency has been employed or retained to solicit or secure this contract upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee, excepting bona fide employees or bona fide established commercial or selling agencies maintained by the Contractor for the purpose of securing business. For breach or violation of this warranty the Government shall have the right to annul this contract without liability or in its discretion to deduct from the contract price or consideration, or otherwise recover, the full amount of such commission, percentage, brokerage, or contingent fee.

12. EXAMINATION OF RECORDS

(The following clause is applicable if this contract exceeds \$2,500 and was entered into by means of negotiation, but is not applicable if entered into by means of formal advertising.)

(a) The Contractor agrees that the Comptroller General of the United States or any of his duly authorized representatives shall, until expiration of 3 years after final payment under this contract, or at the time periods for the particular records specified in Part 1-20 of the Federal Procurement Regulations (41 CFR Part 1-20), whichever expires earlier, have access to and the right to examine any directly pertinent books, documents, papers, and records of the Contractor involving transactions related to this contract.

(b) The Contractor further agrees to include in all his subcontracts hereunder a provision to the effect that the subcontractor agrees that the Comptroller General of the United States or any of his duly authorized representatives shall, until expiration of 3 years after final payment under the subcontract, or at the time periods for the particular records specified in Part 1-20 of the Federal Procurement Regulations (41 CFR Part 1-20), whichever expires earlier, have access to and the right to examine any directly pertinent books, documents, papers, and records of such subcontractor, involving transactions related to the subcontract. The term "subcontract" as used in this clause excludes (1) purchase orders not exceeding \$2,500 and (2) subcontracts or purchase orders for public utility services at rates established for uniform applicability to the general public.

13. UTILIZATION OF SMALL BUSINESS CONCERNS

(The following clause is applicable if this contract exceeds \$5,000.)
 (a) It is the policy of the Government as declared by the Congress that a fair proportion of the purchases and contracts for supplies and services for the Government be placed with small business concerns.

(b) The Contractor agrees to accomplish the maximum amount of subcontracting to small business concerns that the Contractor finds to be consistent with the efficient performance of this contract.

REVERSE OF STANDARD FORM 19, OCTOBER 1969

U.S. GOVERNMENT PRINTING OFFICE: 1969 O-330-430 (16-0)

RULES AND REGULATIONS

§ 1-16.901-19-B Standard Form 19-B: Representations and Certifications (Construction Contract).

(a) Page 1 of Standard Form 19-B.

STANDARD FORM 19-B OCTOBER 1968 EDITION GENERAL SERVICES ADMINISTRATION FED. PROC. REG. (41 CFR) 1-16.901	REPRESENTATIONS AND CERTIFICATIONS (Construction Contract) (For use with SF 19 and 21)	REFERENCE (Enter same No. (1) as on SF 19/21)
NAME AND ADDRESS OF BIDDER (No, Street, City, State, and ZIP Code)		DATE OF BID

In negotiated procurements, "bid" and "bidder" shall be construed to mean "offer" and "offeror."

The bidder makes the following representations and certifications as a part of the bid identified above. (Check appropriate boxes.)

1. SMALL BUSINESS

He is, is not, a small business concern. (For this purpose, a small business concern is a business concern, including its affiliates, which (a) is independently owned and operated, (b) is not dominant in the field of operation in which it is bidding on Government contracts, and (c) had average annual receipts for the preceding 3 fiscal years not exceeding \$7,500,000. For additional information see governing regulations of the Small Business Administration.)

2. CONTINGENT FEE

(a) He has, has not, employed or retained any company or person (other than a full-time bona fide employee working solely for the bidder) to solicit or secure this contract, and (b) he has, has not, paid or agreed to pay any company or person (other than a full-time bona fide employee working solely for the bidder) any fee, commission, percentage or brokerage fee, contingent upon or resulting from the award of this contract; and agrees to furnish information relating to (a) and (b) above as requested by the Contracting Officer. (For interpretation of the representation, including the term "bona fide employee," see Code of Federal Regulations, Title 41, Subpart 1-1.5.)

3. TYPE OF ORGANIZATION

He operates as an individual, partnership, joint venture, corporation, incorporated in State of

4. INDEPENDENT PRICE DETERMINATION

(a) By submission of this bid, each bidder certifies, and in the case of a joint bid each party thereto certifies as to his own organization, that in connection with this procurement:

(1) The prices in this bid have been arrived at independently, without consultation, communication, or agreement, for the purpose of restricting competition, at any time relating to such prices with any other bidder or with any competitor;

(2) Unless otherwise required by law, the prices which have been quoted in this bid have not been knowingly disclosed by the bidder and will not knowingly be disclosed by the bidder, prior to opening, in the case of a bid, or prior to award, in the case of a proposal, directly or indirectly to any other bidder or to any competitor; and

(3) No attempt has been made or will be made by the bidder to induce any other person or firm to submit or not to submit a bid for the purpose of restricting competition.

(b) Each person signing this bid certifies that:

(1) He is the person in the bidder's organization responsible within that organization for the decision as to the prices being bid herein and that he has not participated, and will not participate, in any action contrary to (a) (1) through (a) (3) above; or

(2) (i) He is not the person in the bidder's organization responsible within that organization for the decision as to the prices being bid herein but that he has been authorized in writing to act as agent for the persons responsible for such decision in certifying that such persons have not participated, and will not participate, in any action contrary to (a) (1) through (a) (3) above, and as their agent does hereby so certify; and (ii) he has not participated, and will not participate, in any action contrary to (a) (1) through (a) (3) above.

(c) This certification is not applicable to a foreign bidder submitting a bid for a contract which requires performance or delivery outside the United States, its possessions, and Puerto Rico.

(d) A bid will not be considered for award where (a) (1), (a) (3), or (b) above, has been deleted or modified. Where (a) (2) above, has been deleted or modified, the bid will not be considered for award unless the bidder furnishes with the bid a signed statement which sets forth in detail the circumstances of the disclosure and the head of the agency, or his designee, determines that such disclosure was not made for the purpose of restricting competition.

THE FOLLOWING NEED BE CHECKED ONLY IF BID EXCEEDS \$10,000 IN AMOUNT.

5. EQUAL OPPORTUNITY

He has, has not, participated in a previous contract or subcontract subject to the Equal Opportunity Clause herein, the clause originally contained in Section 301 of Executive Order No. 10925, or the clause contained in Section 201 of Executive Order No. 11114; he has, has not, filed all required compliance reports; and representations indicating submission of required compliance reports, signed by proposed subcontractors, will be obtained prior to subcontract awards. (The above representation need not be submitted in connection with contracts or subcontracts which are exempt from the clause.)

NOTE—Bids must set forth full, accurate, and complete information as required by this Invitation for bids (including attachments). The penalty for making false statements in bids is prescribed in 18 U.S.C. 1001.
19-303

(b) Page 2 of Standard Form 19-B.

6. PARENT COMPANY AND EMPLOYER IDENTIFICATION NUMBER

Each bidder shall furnish the following information by filling in the appropriate blocks:
 (a) Is the bidder owned or controlled by a parent company as described below? Yes No. (For the purpose of this bid, a parent company is defined as one which either owns or controls the activities and basic business policies of the bidder. To own another company means the parent company must own at least a majority (more than 50 percent) of the voting rights in that company. To control another company, such ownership is not required; if another company is able to formulate, determine, or veto basic business policy decisions of the bidder, such other company is considered the parent company of the bidder. This control may be exercised through the use of dominant minority voting rights, use of proxy voting, contractual arrangements, or otherwise.)

(b) If the answer to (a) above is "Yes," bidder shall insert in the space below the name and main office address of the parent company.

NAME OF PARENT COMPANY	MAIN OFFICE ADDRESS (No., Street, City, State, and ZIP Code)
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(c) Bidder shall insert in the applicable space below, if he has no parent company, his own Employer's Identification Number (E.I. No.) (Federal Social Security Number used on Employer's Quarterly Federal Tax Return, U.S. Treasury Department Form 941), or, if he has a parent company, the E.I. No. of his parent company.

EMPLOYER IDENTIFICATION NUMBER OF	➔ PARENT COMPANY	BIDDER
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7. CERTIFICATION OF NONSEGREGATED FACILITIES

(Applicable to (1) contracts, (2) subcontracts, and (3) agreements with applicants who are themselves performing federally assisted construction contracts, exceeding \$10,000 which are not exempt from the provisions of the Equal Opportunity clause.)

By the submission of this bid, the bidder, offeror, applicant, or subcontractor certifies that he does not maintain or provide for his employees any segregated facilities at any of his establishments, and that he does not permit his employees to perform their services at any location, under his control, where segregated facilities are maintained. He certifies further that he will not maintain or provide for his employees any segregated facilities at any of his establishments, and that he will not permit his employees to perform their services at any location, under his control, where segregated facilities are maintained. The bidder, offeror, applicant, or subcontractor agrees that a breach of this certification is a violation of the Equal Opportunity clause in this contract. As used in this certification, the term "segregated facilities" means any waiting rooms, work areas, rest rooms and wash rooms, restaurants and other eating areas, time clocks, locker rooms and other storage or dressing areas, parking lots, drinking fountains, recreation or entertainment areas, transportation, and housing facilities provided for employees which are segregated by explicit directive or are in fact segregated on the basis of race, color, religion, or national origin, because of habit, local custom, or otherwise. He further agrees that (except where he has obtained identical certifications from proposed subcontractors for specific time periods) he will obtain identical certifications from proposed subcontractors prior to the award of subcontracts exceeding \$10,000 which are not exempt from the provisions of the Equal Opportunity clause; that he will retain such certifications in his files; and that he will forward the following notice to such proposed subcontractors (except where the proposed subcontractors have submitted identical certifications for specific time periods):

NOTICE TO PROSPECTIVE SUBCONTRACTORS OF REQUIREMENT FOR CERTIFICATIONS OF NONSEGREGATED FACILITIES

A Certification of Nonsegregated Facilities must be submitted prior to the award of a subcontract exceeding \$10,000 which is not exempt from the provisions of the Equal Opportunity clause. The certification may be submitted either for each subcontract or for all subcontracts during a period (i.e., quarterly, semiannually, or annually).

NOTE: The penalty for making false statements in offers is prescribed in 18 U.S.C. 1001.

§ 1-16.901-22 Standard Form 22: Instructions to Bidders (Construction Contract).

(a) Page 1 of Standard Form 22.

STANDARD FORM 22
OCTOBER 1963 EDITION
GENERAL SERVICES ADMINISTRATION
FPMR, 41 CFR 101-11.6

INSTRUCTIONS TO BIDDERS

(CONSTRUCTION CONTRACT)

1. **Explanations to Bidders.** Any explanation desired by a bidder regarding the meaning or interpretation of the invitation for bids, drawings, specifications, etc., must be requested in writing and with sufficient time allowed for a reply to reach bidders before the submission of their bids. Any interpretation made will be in the form of an amendment of the invitation for bids, drawings, specifications, etc., and will be furnished to all prospective bidders. Its receipt by the bidder must be acknowledged in the space provided on the Bid Form (Standard Form 21) or by letter or telegram received before the time set for opening of bids. Oral explanations or instructions given before the award of the contract will not be binding.

2. **Conditions Affecting the Work.** Bidders should visit the site and take such other steps as may be reasonably necessary to ascertain the nature and location of the work, and the general and local conditions which can affect the work or the cost of performing it. Bidders will not relieve bidders of their responsibility for ascertaining properly the difficulty or extent of work to be performed. The Government will assume no responsibility for any misunderstanding or representations concerning conditions made by any of its officers or agents prior to the execution of the contract, unless included in the invitation for bids, the specifications, or related documents.

3. **Bidder's Qualifications.** Before a bid is considered for award, the bidder may be requested by the Government to submit a statement regarding his previous experience in performing comparable work, his business and technical organizations, financial resources, and plant available to be used in performing the work.

4. **Bid Guarantee.** Where a bid guarantee is required by the invitation for bids, failure to furnish a bid guarantee in the proper form and amount, by the time set for opening of bids, may be cause for rejection of the bid.

A bid guarantee shall be in the form of a firm commitment, such as a bid bond, postal money order, certified check, cashier's check, irrevocable letter of credit or, in accordance with Treasury Department regulations, etc.

tain bonds or notes of the United States. Bid guarantees, other than bid bonds, will be returned (a) to unsuccessful bidders as soon as practicable after the opening of bids, and (b) to the successful bidder upon execution of such further contractual documents and bonds as may be required by the bid as accepted.

If the successful bidder, upon acceptance of his bid by the Government within the period specified therein for acceptance (sixty days if no period is specified) fails to execute such further contractual documents, if any, and give such bond(s) as may be required by the terms of the bid as accepted within the time specified (ten days if no period is specified) after receipt of the forms by him, his contract may be terminated for default. In such event he shall be liable for any cost of procuring the work which exceeds the amount of his bid, and the bid guarantee shall be available toward offsetting such difference.

5. **Preparation of Bids.** (a) Bids shall be submitted on the forms furnished, or copies thereof, and must be manually signed. If enclosures or other changes appear on the forms, each enclosure or change must be initialed by the person signing the bid. Unless specifically authorized in the invitation for bids, telegraphic bids will not be considered.

(b) The bid form may provide for submission of a price or prices for one or more items, which may be lump sum bids, alternate prices, scheduled items resulting in a bid on a unit of construction or a combination thereof, etc. Where the bid form explicitly requires that the bidder bid on all items, failure to do so will disqualify the bid. When submission of a price on all items is not required, bidders should insert the words "no bid" in the space provided for any item on which no price is submitted.

(c) Unless called for, alternate bids will not be considered.

(d) Modifications of bids already submitted will be considered if received at the office designated in the invitation for bids by the time set for opening of bids. Telegraphic modifications will be considered, but should not reveal the amount of the original or revised bid.

(b) Page 2 of Standard Form 22.

6. **Submission of Bids.** Bids must be sealed, marked, and addressed as directed in the invitation for bids. Failure to do so may result in a premature opening of, or a failure to open, such bid.

7. **Late Bids and Modifications or Withdrawals.** (This paragraph applies to all advertised solicitations. In the case of Department of Defense negotiated solicitations, it shall also apply to late offers and modifications (other than the normal revisions of offers by selected officers during the usual conduct of negotiations with such officers) but not to withdrawal of offers. Unless otherwise provided, this paragraph does not apply to negotiated solicitations issued by civilian agencies.)

(a) Bids and modifications or withdrawals thereof received at the office designated in the invitation for bids after the exact time set for opening of bids will not be considered unless: (1) They are received before award is made; and either (2) they are sent by registered mail or by certified mail for which an official dated post office stamp (postmark) on the original Receipt for Certified Mail has been obtained and it is determined by the Government that the late receipt was due solely to mishandling by the Government after receipt at the Government installation; *Provided*, That timely receipt at such installation is established upon examination of an appropriate date or time stamp (if any) of such installation, or of other documentary evidence of receipt (if readily available) within the control of such installation or of the post office serving it. However, a modification which makes the terms of the otherwise successful bid more favorable to the Government will be considered at any time it is received and may thereafter be accepted.

(b) Bidders using certified mail are cautioned to obtain a Receipt for Certified Mail showing a legible dated postmark and to retain such receipt against the chance that it will be required as evidence that a late bid was timely mailed.

(c) The time of mailing of late bids submitted by registered or certified mail shall be deemed to be the last minute of the date shown in the postmark on the registered mail receipt or registered mail wrapper or on

the Receipt for Certified Mail unless the bidder furnishes evidence from the post office station of mailing which establishes an earlier time. In the case of certified mail, the only acceptable evidence is as follows: (1) Where the Receipt for Certified Mail identifies the post office station of mailing, evidence furnished by the bidder which establishes that the business day of that station ended at an earlier time, in which case the time of mailing shall be deemed to be the last minute of the business day of that station; or (2) an entry in ink on the Receipt for Certified Mail showing the time of mailing and the initials of the postal employee receiving the item and making the entry, with appropriate written verification of such entry from the post office station of mailing, in which case the time of mailing shall be the time shown in the entry. If the postmark on the original Receipt for Certified Mail does not show a date, the bid shall not be considered.

8. **Withdrawal of Bids.** Bids may be withdrawn by the bidder at any time before the time set for opening of bids.

9. **Public Opening of Bids.** Bids will be publicly opened at the time set for opening in the invitation for bids. Their content will be made public for the information of bidders and others interested, who may be present either in person or by representative.

10. **Award of Contract.** (a) Award of contract will be made to that responsible bidder whose bid, conforming to the invitation for bids, is most advantageous to the Government, price and other factors considered.

(b) The Government may, when in its interest, reject any or all bids or waive any informality in bids received.

(c) The Government may accept any item or combination of items of a bid, unless precluded by the invitation for bids or the bidder includes in his bid a restrictive limitation.

11. **Contract and Bonds.** The bidder whose bid is accepted will, within the time established in the bid, enter into a written contract with the Government and, if required, furnish performance and payment bonds on Government standard forms in the amounts indicated in the invitation for bids or the specifications.

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

Effective date. This amendment is effective July 15, 1970, but may be observed as soon as copies of the new editions of the standard forms are available.

Dated: April 15, 1970.

ROBERT L. KUNZIG,
Administrator of General Services.

[F.R. Doc. 70-4869; Filed, Apr. 22, 1970;
8:45 a.m.]

Chapter 9—Atomic Energy Commission

MISCELLANEOUS AMENDMENTS TO CHAPTER

The amendment clarifies administrative requirements for advance notification, review and approval of termination actions by relating review and approval requirements in Part 9-51 to settlement of terminations and distinguishing such requirements from advance notification requirements in Part 9-8 relating to the act of termination. This amendment also updates reference to the "Suspension of work" clause in Subpart 9-16.4 and makes other minor editorial corrections in the newly reissued edition of the AEC Procurement Regulations.

PART 9-1—GENERAL

1. In § 9-1.354, *Prebidding and pre-proposal conferences*, subparagraph (b) (1) is revised to read as follows:

§ 9-1.354 *Prebidding and preproposal conferences.*

(b) * * *
(1) Outlining principal features of the project.

§ 9-1.702 [Amended]

2. In § 9-1.702, *Small business policies*, paragraph (a), *Specific policies*, is redesignated paragraph (b).

PART 9-2—PROCUREMENT BY FORMAL ADVERTISING

3. § 9-2.407-8, *Protests against award*, is revised to read as follows:

§ 9-2.407-8 *Protests against award.*

After providing the Comptroller General with a notice of intent to make an award, and formal or informal advice is obtained concerning the current status of the case (see FPR 1-2.407-8(b)(3)), the contracting officer shall obtain approval of his superior officer to make an award where a protest has been submitted to the Comptroller General and it is necessary to make an award before the matter is resolved.

PART 9-7—CONTRACT CLAUSES

4. In § 9-7.5006-36, *Nuclear reactor safety*, paragraph (d) (7) is revised to read as follows:

§ 9-7.5006-36 *Nuclear reactor safety.*

(d) * * *
(7) Prepare, in cooperation with other services and facilities available at the site and with the approval of the Contracting Officer, a plan for minimizing the effects of a nuclear incident upon the health and safety of all persons on the site; cooperates with the Contracting Officer in his preparation of a plan to protect the public off the site; instruct its personnel as to their participation in such plans and any personal risk to such personnel that may be involved; and participate in such practice exercises as may be desirable to assure the effectiveness of such plans.

5. In § 9-7.5006-50, *Litigation and claims*, paragraph (a) is revised to read as follows:

§ 9-7.5006-50 *Litigation and claims.*

(a) *Initiation of litigation.* The contractor may, with the prior written authorization of the Contracting Officer, and shall, upon the request of the Government initiate litigation against third parties, including proceedings before administrative agencies; in connection with this contract. The contractor shall proceed with such litigation in good faith and as directed from time to time by the Contracting Officer.

PART 9-8—TERMINATION OF CONTRACTS

6. The following subpart is added:

Subpart 9-8.6—Termination for Default

§ 9-8.601 *General.*

See also § 9-8.201 (b).

PART 9-14—INSPECTION AND ACCEPTANCE

7. In § 9-14.5001, *Inspection and acceptance requirements*, paragraph (a) (3) is revised to read as follows:

§ 9-14.5001 *Inspection and acceptance requirements.*

(a) * * *
(3) Instructions issued by Headquarters divisions, offices or Managers of Field Offices.

PART 9-16—PROCUREMENT FORMS

9. In § 9-16.404-50, *AEC authorized additions to Standard Form 19*, paragraph (b) (5) is revised to read as follows:

§ 9-16.404-50 *AEC authorized additions to Standard Form 19.*

(b) * * *
(5) Suspension of work (FPR 1-7-601-4).

§ 9-16.404-52 [Amended]

10. In § 9-16.404-52, *AEC additions to Standard Form 23A, General Provisions (Construction Contract) (June 1964 edi-*

tion), paragraph (b) (2) is deleted and reserved.

PART 9-51—REVIEW AND APPROVAL OF CONTRACT ACTIONS

11. In § 9-51.001, *Definition*, subparagraph (a) (1) is revised and paragraph (c) is added, as follows:

§ 9-51.001 *Definition.*

(a) * * *
(1) Actions relating to the letting of contracts, subcontracts, agreements with other governmental agencies, and subsequent modifications, extensions and settlements of terminations thereof.

(c) For the purpose of this part, the term "contract actions" does not include the act taken to terminate a contract, subcontract, or agreement with another governmental agency. See § 9-8.201 for Headquarters notification requirements relating to the act of termination.

PART 9-55—JUSTIFICATION AND DOCUMENTATION OF PROCUREMENT ACTIONS

12. The following section is added to Subpart 9-55.2, *Documentation*:

§ 9-55.201 *Procurement files.*

The procurement file shall include copies of all documents, certified, if necessary, that present a historical record of the fact of the transaction. Basic papers of the procurement file shall be arranged and secured in a logical order so as to facilitate review and audit. A complete file shall be maintained, and the removal of pertinent papers avoided. Bulky material, such as unsuccessful proposals, specifications, drawings, etc., need not be physically kept in the file, but may be filed elsewhere under the case reference number, cross referenced in both files.

(Sec. 161, Atomic Energy Act of 1954, as amended, 68 Stat. 948, 42 U.S.C. 2201; sec. 205, Federal Property and Administrative Services Act of 1949, as amended, 63 Stat. 390, 40 U.S.C. 486).

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

Effective date. These amendments are effective upon publication in the FEDERAL REGISTER.

For the U.S. Atomic Energy Commission.

JOSEPH L. SMITH,
Director,
Division of Contracts.

[F.R. Doc. 70-4922; Filed, Apr. 22, 1970;
8:47 a.m.]

Chapter 29—Department of Labor

PART 29-61—PROVISIONS REGARDING AWARDS TO CONTRACTORS AND GRANTEES EMPLOYING FORMER DEPARTMENT OF LABOR EMPLOYEES

Pursuant to the authority contained in 5 U.S.C. 301, I hereby amend Chapter 29 of Subtitle A in Title 41 of the Code

of Federal Regulations by adding a new Part 29-61 to read as set forth below. As these regulations relate solely to grants and public contracts, and rules of agency procedure, the requirements of 5 U.S.C. 553 as to notice of proposed rule making, opportunity for public participation, and delay in effective date are not applicable. I do not believe such procedure will serve a useful purpose here. Accordingly, these regulations shall become effective upon publication in the FEDERAL REGISTER.

Sec.

- 29-61.1 Limitations on representation.
29-61.2 Special review procedures.
29-61.3 Application of these regulations.

AUTHORITY: The provisions of this Part 29-61 issued under 5 U.S.C. 301, 80 Stat. 379.

§ 29-61.1 Limitations on representation.

(a) Every contract or grant entered into by the Secretary or his representative under the authority of the Manpower Development and Training Act of 1962, as amended, the Economic Opportunity Act of 1964, as amended, or title IV of the Social Security Act, as amended, shall contain a warranty by the contractor or grantee to the effect that no individual retained or hired by the contractor or grantee has performed or will perform representational activities before the Department of Labor if such individual was formerly employed in the Office of the Assistant Secretary for Manpower, the Manpower Administration, or any subdivision thereof in a position GS 14 or above within 2 years prior to the performance of such representational activities. The warranty clause shall provide that, in the event of breach or violation, the Department shall have the right to annul the contract or grant without liability to the Government, if the Department determines in its discretion, that the circumstances so warrant and that it is in the interest of the Government to do so. For the purposes of this paragraph, representational activities shall mean any appearance, conversation, or other direct contact in relation to the contract or grant between the former employee and any employee of the Department of Labor and shall include telephone conversations and any correspondence with the Department or any subdivision or employee thereof.

(b) The Secretary or his authorized representative shall establish a debarred list consisting of those persons or firms, corporations, concerns, private agencies or organizations which, after compliance with the procedural requirements set forth in § 1-1.604-1 of Title 41 of the Code of Federal Regulations, he has found to have violated the clause required under paragraph (a) of this section. He shall transmit this list to the General Services Administration. No contract or grant shall be awarded by the Department of Labor or any subdivision thereof to any of those on this debarred list or to any concern, corporation, firm, partnership, association, private agency or organization in which any of those on the debarred list has a controlling in-

terest, for a period of 2 years from the time the individual, firm, corporation, concern, partnership, association, private agency or organization is placed on the list, unless the Secretary or his authorized representative otherwise provides.

§ 29-61.2 Special review procedures.

In the case of any contract or grant of the kind described in § 29-61.1(a), a special review staff in the Office of the Assistant Secretary for Manpower shall review, prior to award, any such contract or grant to any firm or private agency or organization in which an individual is employed in an executive capacity who was formerly employed in the Office of the Assistant Secretary for Manpower, the Manpower Administration, or any subdivision thereof. The review shall be for the purpose of recommending to the Assistant Secretary for Manpower whether there are any facts or circumstances which would indicate impropriety or conflict of interest. The recommendation shall be reviewed and acted upon by the Assistant Secretary for Manpower.

§ 29-61.3 Application of these regulations.

The regulations in this part shall be effective with regard to all contracts or grants entered into pursuant to invitations for bids issued or negotiations commenced on or after the effective date of these regulations.

Signed at Washington, D.C., this 20th day of April 1970.

GEORGE P. SHULTZ,
Secretary of Labor.

[F.R. Doc. 70-4933; Filed, Apr. 22, 1970;
8:48 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 18605; FCC 70-386]

PART 73—RADIO BROADCAST SERVICES

Coded Information in TV Visual Transmissions

In the matter of amendment of Part 73, § 73.682(a) of the Commission's rules and regulations to permit the inclusion of coded information in TV visual transmissions for the purpose of program identification, RM-1462.

Report and order. 1. On July 11, 1969, responding to a petition filed by International Digisonics Corp. (IDC), we released a notice of proposed rule making which looked toward amendment of our rules and regulations to permit inclusion in the video signal transmitted by a television broadcast station of certain coded information associated with a particular program or commercial. This material, when intercepted and processed by suitable means, could be used in a system for the independent and automatic verification that the program or commercial in

fact had been broadcast by the station.¹ As extended, the deadlines for filing comments and reply comments, of November 18 and December 17, 1969, respectively, have expired, and the matter is now ready for decision.

2. The specific amendment to the rules offered by IDC and set forth in the notice is as follows:

Amend Part 73, Section 682(a) by adding thereto a new subsection (22) as follows:

(22) The intervals within the first and last 10 microseconds of lines 21 through 23 and 360 through 362 (on a "field" basis) in the first and last 93 frames of a video tape or film transmission may contain coded patterns recorded on the video tape or film for use in electronic identification of television broadcast transmissions, provided that, in any event, the use of such coded patterns shall not result in significant degradation of the program or commercial transmission of the television broadcast station.

3. Transmitted in accordance with proposed rule, the coded information would occupy the four corners of the raster (the scanned picture area) as small, rectangular blocks, appearing simultaneously. Each appearance of the code would have a maximum duration of approximately 4 seconds (corresponding to the transmission time for 93 frames of coded motion picture film). The coded information would be placed near the beginning and, again, near the end of each commercial or other program which is to be automatically identified, to provide an indication as to the length and identification of the commercial or program.²

4. It was alleged that the coded patterns ordinarily would not be visible to the viewing audience, as it is the universal practice to design and initially adjust television receivers so that the viewing area does not include the full dimensions of the transmitted picture. The principal reason for this practice (over-scanning) is to provide a margin for shrinkage in the size of the picture as receiver components age, or when the line voltage dips below normal levels. The corner locations for the code were selected as being the farthest removed

¹ As described in the notice, if an appropriate rule is adopted, IDC plans to establish unmanned monitoring stations in various areas throughout the country which will intercept the signals of television stations in each area, extract and record the coded material with other pertinent information, and transmit, by wire lines, this information to a central computer point which will provide printouts for IDC clients interested in such information.

² IDC points out that the code blocks, which occupy less than 1 percent of the total raster area, could be made much smaller in size were it not for the fact that the great preponderance of television commercial and program material is on motion picture film, and it is necessary to provide for the cumulative errors involved in the processing, projection and transmission of coded film. This same consideration dictates the placement of the coded patterns at all four corners of the program material, rather than at just the top or bottom corners. If TV tape were used, only a portion of one scanning line would be necessary for reliable performance of the identification function.

from the normally visible portions of the TV picture.

5. With respect to the duration of each coded transmission, IDC states in its supplementary comments in this proceeding that experimentation and testing conducted during the period since the proceeding was begun have resulted in improvements in code structure to the extent that satisfactory performance of the identification function can be achieved with a code transmittal having a duration of three-fourths of one second, the time taken for the transmittal of 18 frames of film (rather than the 4-second transmittal which the proposed rule would permit). IDC would support an amendment to the rule to provide for a 1-second limit on transmission time (which includes a one-fourth second tolerance) should such a change be found desirable in the light of the comments filed.

6. In our notice of proposed rule making we invited comment on three basic questions:

(1) Are the portions of the picture raster excluded from the viewing field in the usual television receiver so devoid of present and potential usefulness in TV picture transmission that their employment for other purposes will not inhibit possible future improvements in the quality of visual reproduction in TV receivers?

(2) Assuming that the answer to (1) is in the affirmative, is the use to which IDC proposes to put a portion of the unviewed picture area of sufficient value and general benefit that it can be found in the public interest to authorize such use, to the exclusion of other possible uses?

(3) Would the adoption of the rule IDC proposes in practical effect preempt a portion of all TV broadcast facilities for the primary benefit of a single user? If this is the case, is it in the public interest to adopt such a rule?

In addition to commenting in these areas, certain of the parties raised and commented on the following points.

(4) Whether the code transmissions might not in some cases degrade the picture as viewed on receivers in current use.

(5) Whether the system proposed by IDC can be expected to accurately and reliably perform its intended function.

(6) Whether the proposed function might not satisfactorily be performed by means which would not involve use of any portion of the transmitted picture.

7. IDC filed timely comments, supplementary comments, and a two part report on the results of the tests it had been authorized to conduct during the pendency of this proceeding. Generally supporting the system of program identification proposed by IDC, the service it would provide and the rule which would authorize its use, were comments filed by the following advertising agencies and performers' unions: Ogilvie and Mather, American Federation of TV and Radio Artists, AFL-CIO (AFTRA), Screen Actors Guild, Inc., AFL-CIO (SAG),

American Federation of Musicians, AFL-CIO (AFM).³

8. The Director of Broadcasting of the University of Iowa and the Pennsylvania Public Television Network see the coding of broadcast material as useful to educational television. The latter party specifically supports the proposed rule. The Copyright Office of the Library of Congress filed comments directed solely to the potential benefits of coding television broadcast material for the purpose of logging performances.

9. Murray G. Crosby, while supporting the concept of coding broadcast material for the purpose of its automatic identification at a receiving point, proposed an alternative system under which the code would be included in the aural, rather than the visual portion of the program. However, he later requested that his system be withdrawn from present consideration. See par. 30, below.

10. Opposed to the adoption of the proposed rule were the National Association of Broadcasters (NAB), Association of Maximum Service Telecasters (AMST), Columbia Broadcasting System, Inc. (CBS), American Broadcasting Co., Inc. (ABC), Electronic Industries Association (EIA), and Philco-Ford Corp.

11. Broadcast Advertisers Reports, Inc. (BAR) and The Journal Co. (WTMJ), gave qualified support to the proposal.

12. Replies were filed by IDC, Ted Bates and Co., Trans-World Airlines, Inc. (TWA), Block Drug Co., Ogilvie and Mather, North American Philips Corp., and Carling Brewing Co.

13. Parties opposing adoption of the proposed rule take the position that adoption of the proposed rule could inhibit the development of improved television receivers. They see the increased use in receivers of solid state devices with improved stability and better voltage regulation, with the substantial reduction in the amount of overscan necessary. They also note the imminent introduction of a picture tube with straight sides and nearly square corners, and dimensions nearly conforming to the aspect ratio of the transmitted picture. All of these factors, they urge, will result in the production of receivers which include substantially all of the transmitted picture in their viewing areas. On such receivers the coded patterns might be visible to the viewer, and be a source of annoyance to him. It is suggested that manufacturers may be deterred from making available to the public receivers taking full advantage of the improvements described if the receivers must be designed so that the identification code will not be visible to the broadcast audience.

14. They further suggest that the coded patterns can be a source of pic-

³Other parties supporting IDC's petition, but not submitting comments in the rule making proceeding include the American Association of Advertising Agencies, Association of National Advertisers, Inc., Block Drug Co., Inc., Ted Bates and Co., Inc., David W. Dole, and Colgate-Palmolive Co.

ture degradation in present day receivers, specifically in older (and presumably not well maintained) receivers in which the picture presented to the viewer has so shrunk in size that the raster edges fall within the viewed area. Where this is the case, the coded patterns would obviously become visible.

15. IDC recognizes that the trend in receiver development is to incorporate less overscan, and states that some receivers in current production utilizing solid state devices may overscan as little as 5 percent, as compared to a 20-percent figure for many older receivers. However, it does not believe that with present picture tube design, the complete elimination of overscan is feasible—some tolerance must be provided if the raster edges are not to become visible in the viewing area under adverse conditions. With 5 percent overscan the code is not visible.

16. Even if the code under some circumstances appears in the viewing area, it is IDC's contention that its small size, its location at the extreme periphery of the viewing area, and the short duration of its display (particularly the less than one second exposure given IDC's latest code), all work to produce a visual effect which is minor in nature, and quite unlikely even to be noticed by the average viewer unless he is alerted to look for it. IDC believes that the code transmission is much less distracting than transient effects, such as line dropouts, which the viewer automatically ignores, or the "cue mark" periodically displayed in the upper right portion of the picture area by one of the networks to signal to its affiliates the availability of a pause for a local "spot".⁴

17. In reply to the claims that the code will be visible on older receivers whose picture dimensions are so reduced that the raster edges are within the viewing area, IDC offers that uncorrected faults reflected in such a degree of shrinkage would also result in a severely degraded picture, whose lack of quality would be little affected one way or another by the appearance of the code. In addition, IDC notes that with a picture tube of the usual size and shape and as usually masked, a reduction of the picture in its vertical dimension will first bring into view the vertical interval test signal (VITS) trace, which is present in many network transmissions almost continually and extends completely across the raster.

18. Finally, IDC calls attention to its test period report filed in this proceeding,

⁴IDC holds that, in any event, the provision of the proposed rule that the "coded patterns shall not result in significant degradation of the program or commercial transmissions of the television broadcast station" amply protects the viewer. Should receiver development reach the point where the coded areas become visible in many receivers, and the improved code, although "virtually subliminal" is held to be objectionable, progress in coding methods can reasonably be expected to have been made which could further reduce code perceptibility.

which states, among other things, that for the period between July and December, during which 20 television stations in some of the country's largest markets broadcast a total of approximately 3000 coded commercials, the operating personnel of these stations were unable to produce a single viewer complaint generated by the presence of the code.⁵

19. Ogilvie and Mather and Ted Bates and Co., both large advertising agencies, and Block Drug Co., Carling Brewing Co., and North American Phillips Corp., identifying themselves as large national advertisers, filed reply comments directed to the allegations that the broadcast of the identification code, as proposed, could result in picture degradation. These parties agree that no system of program identification which might degrade the quality of television commercials can be tolerated. However, the investigation of the proposed system by officials of each company has resulted in a conviction that it will not produce picture degradation. Accordingly, each supports adoption of a rule which would permit a system of program identification such as IDC proposes.

20. The adoption of the proposed rule, says IDC, would make possible the implementation of a monitoring system which can provide, by largely automatic means, an independent, accurate, and rapid compilation of information on programs and commercials actually broadcast by individual television stations. Reports of such information are valuable to national advertisers and advertising agencies, who are interested in ascertaining whether "their commercials were broadcast in proper sequence at the proper time, and whether portions of the audio or visual signal were inadvertently omitted". Reports of such information to date "have been compiled manually, subject to human error, and have been available only many months after the commercial was scheduled".

21. Some indication of the extent to which monitoring is now undertaken to provide independent information on broadcast program and commercial material is contained in the filing of Broad-

cast Advertisers Reports, Inc. (BAR), an organization engaged in such activity. "During 1969, BAR will monitor approximately 400,000 broadcast hours across 262 television stations in the United States". BAR submits that "this monitoring has provided and will continue to provide industry performance data for individual television stations, the television networks, advertising agencies, associations * * * and other interested parties.

22. IDC states that information provided by such monitoring would be useful in insuring that performers and performer unions receive all original and residual (reuse) fees to which they are entitled as a result of the appearance of union members on television programs and commercials. AFTRA, whose comments are subscribed to by SAG and AFM, alleges that the absence of precise and accurate records of the incidence and use of television commercials and programs on video tape or film has resulted in the loss of significant sums of money by performers (and by the Industry-AFTRA Pension and Welfare Fund which is supported by contributions based on a percentage of payment to the members), and the filing of "innumerable" claims and grievances against employers. AFTRA sees in a system of electronic coding and subsequent monitoring a means by which proper compensation to its members may be assured, and a source of labor-management friction eliminated.

23. Copyright owners receive fees based on the number of performances or broadcasts of copyrighted material. Unauthorized use of copyrighted broadcast matter, states IDC, is a well-recognized problem. Its proposed coding and monitoring system offers a solution for this problem. IDC further suggests that the concept is applicable to insure compliance of CATV systems with retransmission agreements required by the Commission's proposed rules in Docket 18397 (FCC 68-1176).

24. Its coding and monitoring system, in IDC's view, can be of benefit to broadcast licensees in decreasing cash flow problems generated by delayed billing because of an inability to provide rapid proof-of-performance reports. An independent contractor could make an automatic record of the coded broadcast material, which would serve as a performance affidavit and could be integrated into an automated billing procedure. It is suggested that the contractor could also provide a record of public service or political campaign spots. For networks, the system offers a means for the rapid, complete and accurate gathering of information on the broadcast of a network package by its affiliates, compliance with affiliate agreements, and the types and number of advertising messages carried by competing networks.

25. Oppositions to the use of coded patterns in the TV picture raster for the purposes discussed above is perhaps best summarized by CBS, as follows:

* * * It is not in the public interest to amend the rules in a specific manner to accommodate a particular operating technique for the primary benefit of a single private nonbroadcast user * * *. The proposed IDC system apparently is intended primarily to verify the broadcast of television commercials and to simplify and to otherwise accommodate the reporting and bookkeeping arrangements of advertising agencies and talent unions. However commendable and theoretically efficient the IDC system may be in serving these private interests, television broadcasting is not being directly served. Indeed, since the private interests can and are at present being served by private contractual arrangements there does not seem to be a sufficient public interest for the IDC system in the light of its defects.

26. NAB holds that the adoption of rules providing Subsidiary Communications Authorizations for FM Stations, while sanctioning the use of broadcast frequencies for other than broadcast purposes "can readily be determined to be in the public interest, but we find no basis for a similar determination as to a use which serves only one company and its clients." NAB recognizes that "stations use a great many visual and aural signaling methods, such as film role cues, and vertical interval test signals, for the purpose of program switching and more efficient technical operation. Such uses can truly be said to serve the public interest, but the transmission of coded information such as IDC proposes would not enhance station operation nor otherwise benefit the public."

27. IDC, on this point, urges that the proposed service is a broadcast-related service, and in the public interest. It refers to the report and order in Docket 17873 (FCC 69-1176), which adopted rules permitting the transmission on the carrier of a standard broadcast station of low frequency tones for the purpose of providing data on transmitter operation to a remote control point, and justified this action on the basis that the use authorized was "basically related to the broadcast function" because it would "make for greater reliability of operation and a reduction in operating expense".

* The use of vertical interval test signals, to which NAB refers, is permitted by our rules. Normally, the viewing public is unaware of their employment. The same cannot be said for certain other visual and aural signals, which, although utilized only for signaling and switching within the broadcast system, are nevertheless visible or audible to the broadcast audience. While it can be argued that the transmission of such signals does not contravene any rule or statute, since they are not intended for off-the-air reception, they constitute a possible source of program degradation. In other cases, while the transmission of internally utilized aural signals is suppressed, this suppression is achieved only with some loss in the frequency range of aural program material. If it can be established that the functions performed by these visual and aural signals cannot be achieved practically by means not involving some infringement of the broadcast signal, that such functions are important to efficient and economical operation, and that resulting program derogation is minimal, a finding may be made that their use is in the public interest. However, the Commission has never been called upon to make such a finding, and NAB's conclusion that such is the case is entirely its own.

⁵ The Journal Co., licensee of WTMJ-TV, Milwaukee, Wis., in its comments filed on Sept. 18, 1969, stated it had transmitted commercial material coded by IDC and had found the coded pattern visible "on all the color TV receivers in our offices which use the rectangular picture tubes". It also noted "apparent degradation of the TV picture on certain program material by changing the coverage picture level or duty cycle of the video information". In supplemental comments filed Nov. 13, 1969, WTMJ-TV states, in part, "International Digisonics now has refined their coding system from the one originally proposed in Docket No. 18605 to one that should not be objectionable to the viewing public". IDC's explanation of WTMJ-TV's initial experience is that its tests were made with commercial film coded with a comparatively large "cornice-shaped" bar pattern which IDC tested and discarded prior to petitioning for rule making. The rule proposed in Docket 18605 would not permit the transmission of such an identification pattern.

It holds that the proposed rule is less "private" and less protective than the Subsidiary Communications Authorizations, pursuant to which FM broadcasters provide, on multiplex subcarriers, background music and similar services to specific private customers, which are protected from unauthorized interception under section 605 of the Communications Act of 1934, 47 U.S.C. section 605.¹

28. In response to the apprehension expressed by the Commission, which was echoed by some of the opposing parties, that adoption of the rule could preempt a portion of all TV broadcast service for the primary benefit of a single user (and its clients), IDC makes the following points:

(1) IDC has not obtained patents and knows no bar to the development or purchase of equipment by others who wish to compete in providing a monitoring service similar to IDC's.

(2) While IDC has developed a suggested code for application to film or tape, it does not own the broadcast material on which the code must be placed. There is no reason why the code would be a "secret" code, and it could be read by anyone with receiving equipment at the necessary locations. A national advertiser might code its commercials itself, and seek the services of any contractor with automatic monitoring capability—or any group of broadcasters, advertisers, or copyright owners might establish its own automatic monitoring service.

29. Opposing parties suggested that there is no need to radiate the identification code—that the necessary data can be picked up by monitoring equipment at the program origination point. If it is considered necessary to transmit the code, they believe it can be better accomplished by special signals in the retrace interval or by the use of sub-audible tones.

30. In this latter connection, Murray G. Crosby described a system which he has developed whereby identification information can be inserted in aural program material at an amplitude much below the average program level. It was claimed that this information could be extracted reliably at a receiving point by suitable equipment, that its presence in the aural material was, to all intents and purposes, imperceptible to the broadcast listeners, and that no detectable reduction in the quality of the broadcast signal resulted. Mr. Crosby offered this system as an alternative to the IDC sys-

tem, as not requiring the use of any portion of the TV picture raster.²

31. Other nonbroadcast uses suggested for the picture area proposed for code transmission are for digital data transmission, stock market reports, weather warnings, civil defense messages, and similar uses, to be made available to the general public by special receivers or converters. CBS says that the perimeter of the picture raster should be preserved to the superimposition of "crawls" for announcements or news bulletins.³

32. ABC and EIA see a possible use for this portion of the raster for providing information for improved color. ABC states that the information might be used for automatic receiver control, a TV receiver improvement presently under study by the industry. EIA says that such information might be used to control the adjustment of TV cameras used for color film transmission, or to provide reference black and reference white information for automatic camera correction.

33. Several parties question the reliability and accuracy of the IDC system of program identification, citing registration and alignment problems which may be encountered in the processing, projection and transmission of coded motion picture film, timing errors, and interruptions within program segments, as all militating against the satisfactory performance of the system.

34. Rebutting the contention that the identification code might be transmitted in the vertical retrace interval, IDC points out that, unlike any other use of the raster area suggested by the parties, the code is actually a part of the broadcast film or tape. Its function is to identify the broadcast material, and therefore, it must be a part of the material. It is neither separately transmitted nor superimposed, but rather is made an actual part of the broadcast material at the time of production.

Discussion. 35. The rules of the Commission now permit nonbroadcast communications on broadcast frequencies in the FM broadcast service pursuant to a Subsidiary Communications Authorization (SCA). Since these communications have been found to be in the public interest, in evaluating this aspect of the proposed program identification function it

¹ In further comments filed on Dec. 17, 1969, Mr. Crosby stated that because he was unable at that time to supply field test data to demonstrate the on-the-air feasibility of his system, he was withdrawing his request for consideration of that system in this proceeding, and that he expected to request rule making at a later date. Audicom Corp., a firm which subsequently acquired the rights to the Crosby system, filed such a petition on Mar. 31, 1970.

² Message "crawls", IDC notes, must occupy a visible portion of the picture raster, and would in no way conflict with the IDC code. It further states that broadcast engineers generally agree that receiver control signals should be located in the vertical retrace interval.

will be useful to compare it to the services that may be rendered pursuant to an SCA.⁴

36. The Subsidiary Communications Authorization was created in 1965 to permit the provision of a background music and storecasting service, as a crutch to support the broadcasting service of FM stations, many of which, at the time, were faltering financially and in danger of extinction. As amended in 1960, § 73.293 of the rules specifies two categories of permissible uses under an SCA:

(1) Transmissions of programs which are of a broadcast nature, but which are of interest primarily to limited segments of the public wishing to subscribe thereto.

(2) Transmissions of signals which are directly related to the operation of FM broadcast stations.

37. In the first category, the examples given in the rules make it clear that the phrase "of a broadcast nature" restricts the service to transmissions of material intended to provide information or entertainment of general interest, at least to a limited or specialized audience.

38. In the rendition of such a service, apparatus for intercepting the nonbroadcast signal is installed on each subscriber's premises, and the service is directly usable, while for the program identification function considered herein the intercepted information is processed before being supplied to the final user. In each case, there is an intermediary through which the service is made available to the user. In the former case, it may be the FM licensee himself, wearing his nonbroadcast hat, or he may arrange with an independent contractor to supply the subsidiary service. Whatever type of operation he elects to undertake the broadcaster receives a financial return for the provision of the service. The program identification service is not "of a broadcast nature", usually would be provided by a monitoring system operator, and the broadcaster would receive no direct financial benefit.

39. The second category of services involves the transmission of program material or signals within a broadcast system—between broadcast stations, or between an FM station and its studio or control point for purposes such as the relaying of broadcast material, operating orders or telemetry signals. Such services can be provided by separate transmitting apparatus licensed under Part 74 of the rules, but "for reasons of convenience or economy can be accomplished as well or better by multiplexing techniques" (19 R.R. 1624).

40. It should be observed that none of the services which may be provided under an SCA necessarily requires radio communications for its rendition—each

⁴ The use of low-frequency tones for telemetry purposes by standard broadcast stations, authorized by the Commission in Docket 17873 (FCC 69-1176) has a public interest justification similar to that which supports the second category of SCA uses (see par. 36).

¹ BAR, which presently operates an extensive monitoring service with purposes similar to IDC's proposed service, and assembles its data by "manual" (as opposed to automatic) means, looks forward to conducting such monitoring electronically. It supports adoption of the proposed rule only if the Commission makes it abundantly clear that the transmitted information is not afforded the protection of section 605 of the Communications Act.

can be, and, in certain instances, is accomplished by wire lines or cable. We have held, however, that the employment of broadcast frequencies for the purposes discussed is in the public interest, since in one way or another it will enhance the basic broadcast service. The fact that the program identification function is presently being discharged by means not requiring the transmission of special signals does not differentiate it from those services which now may be rendered under an SCA.

41. Under the proposed rule, it appears feasible to establish a rapid, efficient and accurate system for performing a function, now accomplished by slower, more laborious, more costly and less accurate methods, which a number of entities deeply involved in television broadcasting consider to be highly important, if not essential. In this connection, we note the submission in this proceeding of the Copyright Office of the Library of Congress, which states, in part:

Our view is that discernible trends in the fields of copyright and "neighboring rights" (i.e., rights of performers, record producers, and broadcasters in their respective performances, recordings and emissions) will make automatic logging a virtual necessity if legitimate rights are to be protected. Present logging methods, involving spot checking and voluntary reporting are extremely expensive and problematical at best. With the development of cable television, satellite communications, computer networks, and other technical advances, the complexity and cost of nonautomatic logging seems certain to make present methods break down.

42. IDC has suggested several areas in which the day-to-day nontechnical operations of the stations themselves might be benefited (and, indeed, BAR, which is a large "manual" supplier of the type of information that IDC would glean automatically, indicates it has broadcast licensees and networks among its clients). However, broadcast interests who commented maintain that "television broadcasting is not being directly served, and no general interest of the public is being served" and the system "would not enhance station operation or otherwise benefit the public."

43. Apart from their objections to certain technical aspects of the IDC system, it is essentially on this basis that broadcasters oppose the coded identification transmissions and attempt to distinguish the public interest aspects of such transmissions from the nonbroadcast uses of broadcast frequencies permissible under an SCA.

44. We have found it in the public interest to authorize the use of broadcast frequencies for nonbroadcast transmissions for a number of purposes which do not directly benefit the public, but are considered to convey indirect benefits by making the operation of broadcast stations more "convenient and economical", or making possible a more adequate financial base for the provision of the basic broadcasting service. Even assuming that, as broadcasters contend, the transmission of coded identification information may not contribute directly to the efficient and financially sound operation

of the individual station, it is clear that an important service can be rendered to many entities involved in producing the programs which the station broadcasts, and without which its viable operation, however convenient and economical, would be impossible. Although the segments of the broadcasting industry benefited most by the rendition of this service may be different from those advantaged by SCA's, we find that the theory under which the nonbroadcast uses of FM channels was justified is broadly applicable in this case—that the economy, convenience, and efficiency of broadcasting would be enhanced by the authorization of this service, and the public interest thereby served.

45. If the automatic identification information could be transmitted by means having not even a theoretical potential for degradation of the broadcast program material transmitted to the public (for instance, as has been suggested, in the vertical retrace interval) this, of course, would be desirable. However, it seems evident that any automatic identification information must be incorporated in the program material at the time it is recorded, and transmitted as part of the program material, whether as a part of the transmitted TV picture (the IDC system) or of the accompanying aural materials (the Crosby system). At this time, the Crosby system has not been tested under actual operating conditions, and we do not have information from which we might determine whether or not it offers a fully adequate and satisfactory means for program identification. We will not consider it further in this proceeding.

46. There is a sharp difference of opinion between IDC, advertisers, and advertising agencies on the one hand, and representatives of the broadcasting industry and television receiver industry on the other, as to whether transmission of an identification code, as proposed by IDC, will significantly degrade the viewers' television picture. With respect to the great majority of existing receivers, we believe that it has been adequately established that the identification code will not be within the viewing field of the receiver. However, the question has been raised as to older and inadequately maintained receivers, where the picture has been so reduced in size that the edges of the raster fall within the viewing area, and the coded patterns become visible to the viewer, whether the appearance of these patterns will constitute a source of picture degradation.

47. As IDC points out, under such circumstances the picture itself is, in most cases, degraded, and the momentary appearance of the coded patterns at the extreme corners of the picture can hardly be considered as a significant source of degradation by a viewer willing to tolerate an already degraded picture. Shrinkage of the picture in the vertical dimension would, in the average receiver, first bring into view the vertical interval test signal. This nonbroadcast signal (whose use, NAB states, is clearly in the public interest) is almost constantly

present in many network programs, and extends completely across the raster. By any standard, it is far more apparent to the viewer than the identification code. We therefore conclude that the proposed coded pattern transmissions cannot be considered as a significant source of program degradation at the present time.

48. As to the future, all of those commenting on this aspect of the question agree that trends in receiver design are such that in the newer receivers a larger portion of the transmitted picture will become visible to the viewer. There is a difference of opinion whether such a development will expose to view areas which would be utilized by the coded patterns under the proposed rule. Philco-Ford, EIA and others assume that it will, and suggest that any rule which permits the transmission of these patterns may inhibit the development of improved receivers. IDC is of the opinion that until such time as a matrix type of picture tube comes into use (a matter of perhaps 10 years), some degree of overscan will continue to be employed to take care of the various tolerances involved in picture transmission and receiver manufacture. It notes that the patterns would not be visible unless overscan is reduced to less than 5 percent. If this should occur at some time in the future, it expects that improvements in the methods of coding, which would have meanwhile taken place, could reduce the coded patterns, even though exposed to view, to the point of virtual invisibility. In any event, it urges that the improved code, with its exposure time of less than one second, might reasonably be held to have an insignificant effect on the quality of the viewed picture, even when it falls within the receiver viewing field.

49. We believe that last point is important, for if it can be established that this is the case, the question of future picture degradation will be resolved. The determination, of course, is a subjective one, which might not be made without extensive tests with panels of viewers if the question were at all close.

50. In this connection, it should be noted that over the past months IDC has given a large number of demonstrations with a video tape recorder and monitor, in which interested persons were given an opportunity to view typical television program material displayed with the full raster so that the coded identification patterns were in the monitor viewing field. The demonstration also permitted a comparison of the effect of the pattern exposures with some other accidental or deliberate sources of possible picture degradation.

51. A demonstration of the type described, open to the public, was given in Room 752 of the Commission's offices at 1919 M Street, Washington, D.C., on January 20, 1970, as announced by a public notice of December 31, 1969 (42558). A rather large number of members of the Commission's staff witnessed the demonstration, including both clerical and technically trained personnel.

52. Based on this demonstration and the other information submitted in this proceeding we conclude that the effect

of the code transmissions on the quality of the viewed picture is negligible, even where the picture includes the code. The size, placement, and length of exposure of the coded patterns are such that a viewer, not alerted to look for them, would be unaware that the transmissions had taken place. We believe that they could not, in any sense, be held to be obtrusive or distracting.

53. We further do not believe that an authorization of such transmissions under the proposed rule, as modified to provide only for the shorter exposure times which are now feasible, should in any way deter receiver manufacturers in their efforts to design television receivers which make greater use of the transmitted raster.¹¹

54. With respect to other services or types of programming that the parties suggest are being or could be provided by television stations, which might be found more in the public interest than program identification transmissions, and might be precluded by these transmissions, we believe that nearly all of these fall in one of two categories:

(1) Services for the general public, such as the message crawls mentioned by CBS.

(2) Services generally similar in nature to some of those rendered by an FM station under an SCA, and not available to the general public, including specialized services such as weather and stock market quotations, etc.

55. We do not pass here on the relative public interest aspects of such services, or intimate that services not permitted by existing rules should necessarily be permitted. We are concerned only whether transmission of the program identification code, as proposed, will inhibit presently acceptable programming practices, or preclude the provision of other services that the Commission might eventually find it in the public interest to authorize.

56. It seems clear that services in the first category must be provided on portions of the raster which are clearly visible to the viewing public. We cannot see how the utilization of the extreme corners of the raster for the identification code can hamper in any way the provision of such services.

57. Services in the second category do not require any part in the transmitted picture raster, and in the Commission's opinion, should not, under any circumstances, be accommodated there. Should the Commission, at any future time, find it in the public interest to authorize such services, consideration can be given to their provision in the vertical retrace interval.

58. A possible exception to the above involves the transmission of signals for automatically controlling the television receiver, a function which some com-

ments indicate is under study at the present time. Whether any portion of the raster might be required in the exercise of such control would appear to depend on the nature of the control exercised. Obviously, general control signals could be transmitted in the vertical interval. However, if, for instance, an attempt were made to automatically adjust the color balance of the receiver in accordance with the characteristics of the particular film on which the program was recorded, an appropriate signal for this purpose might have to be included in the program transmission itself.

59. If such a system were perfected and the transmission of such signals found to be in the public interest, they might be coded on film frames immediately succeeding those used for program identification. No conflict with the identification function would necessarily be involved.

60. As before mentioned, reports of the tests which IDC has conducted during the pendency of this proceeding have been submitted and have been incorporated herein. The results reported would appear to refute satisfactorily contentions that for a variety of practical and technical reasons, the IDC system can be expected to be of limited reliability and accuracy. For instance, during the first 2 weeks of December 1969, IDC indicates that of 124 transmissions of the identification code observed by its monitoring stations at Sunnysdale, Calif., and in the New York, Chicago, and Los Angeles areas, all were correctly recorded. IDC states that it has investigated the possibility that its experience with stations in these large markets may not be typical, and that because of poorer maintenance or operating practices in stations in smaller markets, film chain misalignments might cause inaccurate transmission of the identification code. A number of television stations in smaller markets were visited by IDC personnel, and at each station a randomly selected coded commercial film was run through the film chain and observed on the monitor. It found "in only one case could the code scan be considered poor". It believes that this investigation shows there should be no general problem of this nature.

61. We particularly note IDC's contention that the code, the process by which it is placed in program material, and the methods and equipment by which the code is monitored, are not patented, and under the proposed rule others are free to establish their own monitoring systems, either those who intend selling a service similar and competitive to IDC's, or other individuals or groups who have specialized or restricted needs for this kind of service. It emphasizes that it does not own the program material on which the code is placed, and an advertiser could code its own commercials and "seek the services of any contractor with automatic monitoring ability". We note that BAR has indicated its interest in engaging in such monitoring should the proposed rule be adopted.

62. IDC observes that an entity proposing to monitor "must of course develop or purchase the necessary monitoring equipment". The development of satisfactory equipment for this purpose, as IDC has demonstrated, takes time, and it has not indicated where the specialized apparatus necessary may be purchased. Meanwhile, "IDC is now proposing a proven system capable of national coverage by the end of 1970".

63. While, therefore, we are persuaded that if the proposed rule is adopted there will be no legal or technical impediment to others engaging in monitoring activities competitive to IDC, it would appear that IDC may gain a substantial competitive advantage by being the first able to offer this service to clients. We expect that this advantage will be only temporary. However, should it develop, in practical effect, that others are effectively precluded from taking advantage of the facility made possible by this rule amendment, we will take such steps as then appear appropriate in the light of the situation.

64. We do not see how section 605 of the Communications Act could operate to preclude the use of this system. Inasmuch as the coded signals are not communications of a broadcast nature, section 605 is applicable in this situation, and proscribes the interception and divulgence or beneficial use of the transmissions involved without the consent of the broadcast licensee who transmit the signals. However, the transmission of the identification code signals would be by a broadcast licensee who must be fully aware of and has consented to transmit them. Such licensee's participation in the arrangement and consequent transmission of the signals must be construed as consent to anyone to intercept and divulge or beneficially use them.

65. The rule which we are adopting will, in effect, prescribe only the size, location on the raster, and the duration of the identification code. These specifications, and the requirement that the code transmission result in no significant degradation of the transmitted picture, constitute the basic protection offered the broadcast service. We note, however, that the particular parameters of the IDC code, which are described in some detail in Appendix A to its comments, in addition to being those found to produce the maximum reliability in the performance of the identification function, are so chosen as to minimize the possibility of secondary adverse effects on the broadcast transmission (i.e., to avoid any possibility of flicker, or interference with the color burst). Therefore, while we will not attempt to set the specific code parameters, we recommend that others desiring to utilize a coding system other than IDC's take due note of IDC's experience in this matter.

66. The rule which we adopt differs from the one originally proposed by IDC in that the maximum duration of any code appearance is limited, with some tolerance, to that necessary to transmit the improved IDC code, and, as we believe is more appropriate, is expressed

¹¹ It seems obvious that if a receiver is designed which includes the extreme edges of the raster in the viewing field, the major problem will be to avoid exposure of the vertical interval test signal. This would be more noticeable to the viewer than the identification code.

directly in time, rather than indirectly in terms of the exposure time of a number of coded frames of motion picture film. Furthermore, the "transmissions" which, under the proposed rule, could be coded, are specifically identified in the revised rule as programs and spot announcements.

67. Accordingly, it is ordered, That effective May 25, 1970, Part 73 of the Commission's rules and regulations is amended by adding a new subparagraph (22) to § 73.682(a), as follows:

§ 73.682 Transmission standards and changes.

(a) * * *

(22) The intervals between the first and last 10 microseconds of lines 21 through 23 and 260 through 262 (on a "field" basis) may contain coded patterns for the purpose of electronic identification of television broadcast programs and spot announcements. No single transmission of such coded patterns shall exceed one second in duration. The transmission of these patterns shall not result in significant degradation of broadcast transmission.

This action is taken pursuant to authority conferred by sections 4(d), and 303(r) of the Communications Act of 1934, as amended.

68. It is further ordered, That this proceeding is terminated.

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

Adopted: April 15, 1970.

Released: April 20, 1970.

FEDERAL COMMUNICATIONS
COMMISSION¹²

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 70-4935; Filed, Apr. 22, 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,

¹² Commissioners Johnson and H. Rex Lee absent.

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

In § 76.2, the introductory portion in paragraph (e) is amended by adding thereto the name of the State of Arkansas, and a new paragraph (e) (23) relating to the State of Arkansas is added to read:

(e) * * *

(23) Arkansas. That portion of Randolph County bounded by a line beginning at the junction of Hamil Road and State Highway 251; thence, following State Highway 251 in a southeasterly direction to State Highway 115; thence, following State Highway 115 in a southerly direction to State Highway 90; thence, following State Highway 90 in a southerly direction to U.S. Highway 62; thence, following U.S. Highway 62 in a generally westerly direction to the Eleven Point River; thence, following the east bank of the Eleven Point River in a generally northwesterly direction to State Highway 93; thence, following State Highway 93 in a southeasterly direction to Hamil Road; thence, following Hamil Road in a generally easterly direction to its junction with State Highway 251.

(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 P.R. 16210, as amended)

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

The amendment quarantines a portion of Randolph County in Arkansas because of the existence of hog cholera. This action is deemed necessary to prevent further spread of the disease. The restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will apply to the quarantined area designated herein.

The amendment imposes certain further restrictions necessary to prevent the interstate spread of hog cholera and must be made effective immediately to accomplish its purpose in the public interest. Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

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

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

[F.R. Doc. 70-4944; Filed, Apr. 22, 1970;
8:49 a.m.]

SUBCHAPTER D—EXPORTATION AND IMPORTATION OF ANIMALS AND ANIMAL PRODUCTS

PART 97—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

Overtime, Night and Holiday Inspection and Quarantine Activities at Border, Coastal, and Air Ports

Pursuant to the authority conferred by the Act of August 28, 1950 (64 Stat. 561; 7 U.S.C. 2260), § 97.1 of Part 97, Title 9, Code of Federal Regulations, is further amended to read as follows:

§ 97.1 Overtime work at laboratories, border ports, ocean ports and air- ports.¹

Any person, firm, or corporation having ownership, custody or control of animals, animal byproducts, or other commodities subject to inspection, laboratory testing, certification, or quarantine under this subchapter and subchapter G of this chapter, and who requires the services of an employee of the Animal Health Division on a holiday or at any other time outside the regular tour of duty of such employee, shall sufficiently in advance of the period of overtime or holiday service request the Division inspector in charge to furnish inspection, laboratory testing, certification or quarantine service during such overtime or holiday period and shall pay the Administrator of the Agricultural Research Service at the rate of \$8.72 per man hour per employee as follows: A minimum charge of 2 hours shall be made for any holiday or unscheduled overtime duty performed by an employee on a day when no work was scheduled for him or which is performed by an employee on his regular work day beginning either at least 1 hour before his scheduled tour of duty or which is not in direct continuation of the employee's regular tour of duty. In addition, each such period of unscheduled overtime or holiday work to which the 2-hour minimum charge provision applies which requires the employee involved to perform additional travel may include a commuted travel time period the amount of which shall be prescribed in administrative instructions to be issued by the Director of the Animal Health Division for the ports, stations, and areas in which the employees are located and shall be established as nearly as may be practicable to cover the time necessarily spent in reporting to and returning from such overtime or holiday duty if such travel is performed solely on account of such overtime or holiday service. With respect to places of duty within the metropolitan area of the employee's headquarters, such commuted travel period shall not exceed 3 hours. When inspection, laboratory testing, quarantine or certification services are performed at locations outside the metropolitan area in which the employee's headquarters are located,

¹ For designated ports of entry for certain animals, animal semen, poultry, and hatching eggs see 9 CFR 92.1 through 92.3; and for designated ports of entry for certain purebred animals see 9 CFR 151.1 through 151.3.

one-half of the commuted travel time period applicable to the point at which the services are performed shall be charged when duties involve overtime that either begins less than 1 hour before the beginning of the regular tour and/or is in continuation of the regular tour of duty: *Provided, however*, That periods of unscheduled overtime or holiday service performed by laboratory personnel shall be limited to Saturdays, Sundays, and holidays, and shall further be limited to hours which would normally constitute a regular work day. It shall be administratively determined from time to time which days constitute holidays.

The foregoing amendment shall become effective April 23, 1970, when it shall supersede 9 CFR 97.1, effective July 13, 1969.

The purpose of this amendment is to increase the hourly rate for overtime services from \$8.32 to \$8.72 commensurate with salary increases provided in the Federal Employees Salary Act of 1970 (Public Law 91-231). It is to the benefit of those who require such overtime services, as well as the public generally, that this amendment be made effective at the earliest practicable date. Accordingly, pursuant to 5 U.S.C. 553, it is found upon good cause that notice and other public procedure on this amendment are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

(64 Stat. 561; 7 U.S.C. 2260)

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

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

[F.R. Doc. 70-4975; Filed, Apr. 22, 1970;
8:50 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airworthiness Docket No. 70-WE-13-AD;
Amdt. 39-976]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing Airplane Company Model 737 Series

As a result of FAA evaluation of the Boeing 737 series electrical system, sufficient cause has been found to prevent inadvertent operation of the battery switch located on the forward overhead panel. Inadvertent operation of the battery switch during some operating conditions could result in loss of the standby electrical system.

Since this condition may occur in airplanes of the same type design, an airworthiness directive is being issued to require installation of a switch guard on the battery switch.

Since a situation exists that requires immediate adoption of the regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following airworthiness directive:

BOEING. Applies to Model 737 series airplanes.

Compliance required within the next 250 hours time in service after effective date of this AD, unless already accomplished.

As a result of FAA evaluations of the 737 electrical system sufficient cause has been found to prevent inadvertent operation of the battery switch located on the forward overhead panel. Inadvertent operation of the battery switch during some operating conditions could result in loss of the standby electrical system.

To prevent inadvertent operation of the battery switch on the forward overhead panel on the subject 737 series airplanes, accomplish one of the following:

(1) Install a switch guard and light plate per the Boeing Service Bulletin No. 24-1010 Revision (1) dated April 24, 1970, or later FAA approved revisions.

(2) Replace the battery switch with a detent lock type switch, P/N MS 24659-23D or an equivalent MS type, provided the galley switch is a toggle type.

(3) Perform an equivalent installation approved by the Chief, Aircraft Engineering Division, FAA, Western Region.

This amendment becomes effective April 23, 1970.

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

Issued in Los Angeles, Calif., on April 13, 1970.

ARVIN O. BASNIGHT,
Director,
FAA Western Region.

[F.R. Doc. 70-4914; Filed, Apr. 22, 1970;
8:47 a.m.]

[Docket No. 70-SO-31; Amendment 39-977]

PART 39—AIRWORTHINESS DIRECTIVES

Piper PA-28R Series Airplanes

There have been in-flight failures of the propeller spinners on Piper PA-28R series airplanes which have caused damage to various parts of the airplane. Since this condition is likely to exist or develop in other spinners of the same design, an airworthiness directive is being issued to require their inspections or removal from Piper PA-28R series airplanes.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

PIPER. Applies to PA-28R-180 airplanes Serial Nos. 30001 and up, and PA-28R-200 airplanes Serial Nos. 35001 and up, certificated in all categories. Compliance required as indicated.

To insure that cracks are not present in the propeller spinners used on the referenced aircraft, comply with paragraph (a) or (b).

(a) Within the next 25 hours' time in service after the effective date of this airworthiness directive, unless already accomplished remove spinner body Piper Part No. 66786-00, 68713-00, or 760290 as applicable; spinner cap Piper Part No. 66785-00 if applicable; and spinner bulkhead Piper Part No. 68734-00 if desirable. Spinner bulkhead removal requires removal of the propeller, which must be accomplished by authorized individuals or repair facilities.

NOTE: These airplanes are approved for flight with the spinner removed and the bulkhead installed; or with the spinner and bulkhead both removed.

(b) Within the next 25 hours' time in service after the effective date of this airworthiness directive, unless already accomplished, and thereafter at intervals not to exceed 25 hours' time in service, remove the spinner cap and/or body and visually check them and the bulkhead for cracks starting from blade cut-outs, attachment holes, pilot holes, plate nuts, etc. The bulkhead need not be removed for this inspection. Remove from further service all parts on which cracks are found. If no cracks are found, the spinner may be reinstalled. New parts may be installed to replace those found cracked.

(c) The checks required by this airworthiness directive may be performed by pilots, including pilots of aircraft engaged in air carrier operations, except removal and replacement of the bulkhead. Removal and replacement of the bulkhead requires removal and replacement of the propeller, which must be accomplished by authorized individuals or repair facilities.

NOTE: For the requirements regarding the listing of compliance and method of compliance with this airworthiness directive in the airplane's permanent maintenance record, see FAR 91.173.

(d) Time intervals for the visual checks may be adjusted up to a maximum of 10 hours to coincide with aircraft annual or 100-hour scheduled inspections.

Piper Service Bulletin No. 309 or later approved revision covers this same subject.

This amendment becomes effective April 24, 1970.

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

Issued in East Point, Ga., on April 14, 1970.

GORDON A. WILLIAMS, JR.,
Acting Director, Southern Region.

[F.R. Doc. 70-4915; Filed, Apr. 22, 1970;
8:47 a.m.]

[Airspace Docket No. 70-WE-18]

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

PART 75—ESTABLISHMENT OF JET ROUTES

Alteration of Federal Airways and Jet Routes

The purpose of these amendments to Parts 71 and 75 of the Federal Aviation

Regulations is to change the name of the Provo, Utah, VORTAC to Fairfield, Utah. This action is necessary as the State of Utah is installing a terminal VOR on the Provo Airport and the name "Provo" would more accurately identify the airport facility than it would the en route facility.

Since these amendments are editorial in nature and entail no substantive changes in the regulations, notice and public procedure hereon are unnecessary. However, since it is necessary to allow sufficient time to make the appropriate changes to aeronautical charts, these amendments will become effective in more than 30 days.

In consideration of the foregoing, Part 71 and Part 75 of the Federal Aviation Regulations are amended, effective 0901 G.m.t., May 28, 1970, as hereinafter set forth.

1. In § 71.123 (35 F.R. 2009, 3110, 3155) the following changes are made:

a. In V-21, V-200, V-235, and V-253, "Provo" is deleted wherever it appears and "Fairfield" is substituted therefor.

2. In § 71.203 (35 F.R. 2292), "Provo, Utah" is deleted and "Fairfield, Utah" is substituted therefor.

3. In § 75.100 (35 F.R. 2359), the following changes are made:

a. In J-9, J-11, and J-114, "Provo" is deleted wherever it appears and "Fairfield" is substituted therefor.

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

Issued in Washington, D.C., on April 16, 1970.

T. McCORMACK,
Acting Chief, Airspace and
Air Traffic Rules Division.

[F.R. Doc. 70-4916; Filed, Apr. 22, 1970;
8:47 a.m.]

[Airspace Docket No. 70-SO-17]

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

Alteration of Control Zones and Transition Area and Revocation of Transition Area

On March 6, 1970, a notice of proposed rulemaking was published in the FEDERAL REGISTER (35 F.R. 4217), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Atlanta, Ga., Chamblee, Ga., Atlanta, Ga. (Dobbins AFB/NAS Atlanta), and Atlanta, Ga. (Fulton County), control zones, the Atlanta, Ga., transition area and revoke the Atlanta, Ga. (Dobbins AFB/NAS Atlanta), transition area.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. All comments received were favorable.

Subsequent to publication of the notice, the geographic coordinates (lat. 33°-38'35" N., long. 84°25'25" W.) for Atlanta Airport (lat. 33°52'30" N., long.

84°18'10" W.) for De Kalb-Peachtree Airport (lat. 33°54'40" N., long. 84°31'-00" W.) for Dobbins AFB/NAS Atlanta, and (lat. 33°46'35" N., long. 84°31'15" W.) for Fulton County Airport were refined by Coast and Geodetic Survey. It is necessary to alter the descriptions to reflect these changes. Since these amendments are minor in nature, notice and public procedure hereon are unnecessary and action is taken herein to alter the descriptions accordingly.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., June 25, 1970, as hereinafter set forth.

In § 71.171 (35 F.R. 1054), the Atlanta, Ga., Chamblee, Ga., Atlanta, Ga. (Dobbins AFB/NAS Atlanta), and Atlanta, Ga. (Fulton County), control zones are amended to read:

ATLANTA, GA.

Within a 5-mile radius of Atlanta Airport (lat. 33°38'35" N., long. 84°25'25" W.); within 2 miles each side of Atlanta ILS Runway 33 localizer southeast course, extending from the 5-mile radius zone to 1 mile northwest of the LOM; within 2 miles each side of Rex, Ga., VORTAC 264° and 271° radials, extending from the 5-mile radius zone to 1 mile west of the VORTAC; within 2 miles each side of Atlanta ILS Runway 9R localizer west course, extending from the 5-mile radius zone to the LOM; within 2 miles each side of Atlanta ILS Runway 9L localizer west course, extending from the 5-mile radius zone to 1.5 miles east of the LOM; within a 3-mile radius of Morris AAF (lat. 33°37'20" N., long. 84°20'30" W.).

CHAMBLEE, GA.

Within a 5-mile radius of De Kalb-Peachtree Airport (lat. 33°52'30" N., long. 84°18'-10" W.); within 1.5 miles each side of Norcross VORTAC 242° radial, extending from the 5-mile radius zone to 1 mile southwest of the VORTAC. This control zone is effective from 0700 to 2300 hours, local time, daily.

ATLANTA, GA. (DOBBINS AFB/NAS ATLANTA)

Within a 5-mile radius of Dobbins AFB/NAS Atlanta (lat. 33°54'40" N., long. 84°31'-00" W.); within 2 miles each side of the 105° bearing from Lost Mountain RBN, extending from the 5-mile radius zone to 1 mile southeast of the RBN; within 1.5 miles each side of Norcross VORTAC 265° radial, extending from the 5-mile radius zone to 30 miles west of the VORTAC; within 2 miles each side of Runway 29 extended centerline, extending from the 5-mile radius zone to 6 miles east of the runway end; within 1.5 miles each side of NAS Atlanta TACAN 301° radial, extending from the 5-mile radius zone to 7 miles northwest of the TACAN; excluding the portion within Atlanta, Ga. (Fulton County Airport) control zone. This control zone is effective from 0700 to 2300 hours, local time, daily.

ATLANTA, GA. (FULTON COUNTY AIRPORT)

Within a 5-mile radius of Fulton County Airport (lat. 33°46'35" N., long. 84°31'15" W.); within 2.5 miles each side of the 276° bearing from Fulton County RBN, extending from the 5-mile radius zone to 7.5 miles west of the RBN.

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

ATLANTA, GA.

That airspace extending upward from 700 feet above the surface within a 15-mile

radius of Atlanta Airport (lat. 33°38'35" N., long. 84°25'25" W.); within 4.5 miles north and 9.5 miles south of the 091° bearing from Bruce RBN, extending from the 15-mile radius area to 18.5 miles east of the RBN; within 9.5 miles southeast and 4.5 miles southwest of Atlanta ILS Runway 33 localizer southeast course, extending from the 15-mile radius area to 18.5 miles southeast of the LOM; within 9.5 miles south and 4.5 miles north of Atlanta ILS Runway 9R localizer west course, extending from the 15-mile radius area to 18.5 miles west of the LOM; within a 10-mile radius of Fulton County Airport (lat. 33°46'35" N., long. 84°31'15" W.); within an 11.5-mile radius of Dobbins AFB/NAS Atlanta (lat. 33°54'40" N., long. 84°31'00" W.); within 4 miles each side of the NAS Atlanta TACAN 301° radial, extending from the 11.5-mile radius area to 11.5 miles northwest of the TACAN; within an 8.5-mile radius of De Kalb-Peachtree Airport (lat. 33°52'30" N., long. 84°18'10" W.).

In § 71.181 (35 F.R. 2134), the Atlanta, Ga. (Dobbins AFB/NAS Atlanta) transition area is revoked.

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

Issued in East Point, Ga., on April 14, 1970.

GORDON A. WILLIAMS, Jr.,
Acting Director, Southern Region.

[F.R. Doc. 70-4917; Filed, Apr. 22, 1970;
8:47 a.m.]

[Airspace Docket No. 70-SW-7]

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

Alteration of Control Zone and Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Silver City, N. Mex., control zone and transition area.

On February 26, 1970, a notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 3760) stating the Federal Aviation Administration proposed to alter controlled airspace in the Silver City, N. Mex., terminal area.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., June 25, 1970, as hereinafter set forth.

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

SILVER CITY, N. Mex.

Within a 5-mile radius of Silver City-Grant County Airport (lat. 32°38'25" N., long. 108°09'15" W.), and within 3 miles each side of the Silver City VOR 141° radial extending from the 5-mile radius zone to 9 miles southeast of the VOR. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

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

SILVER CITY, N. MEX.

That airspace extending upward from 700 feet above the surface within an 8-mile radius of Silver City-Grant County Airport (lat. 32°38'25" N., long. 108°09'15" W.), and within 3.5 miles each side of the Silver City VOR 141° radial extending from the 8-mile radius area to 10 miles southeast of the VOR; and that airspace extending upward from 1,200 feet above the surface within 8 miles northeast and 9.5 miles southwest of the Silver City VOR 141° and 321° radials extending from 8 miles northwest to 29 miles southeast of the VOR.

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

Issued in Fort Worth, Tex., on April 13, 1970.

HENRY L. NEWMAN,
Director, Southwest Region.

[F.R. Doc. 70-4918; Filed, Apr. 22, 1970; 8:47 a.m.]

[Airspace Docket No. 70-WA-15]

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

PART 75—ESTABLISHMENT OF JET ROUTES

Revocation of Control Area and Jet Route

The purpose of these amendments to Parts 71 and 75 of the Federal Aviation Regulations is to revoke the designation of Jet Route No. 93 from Sea Isle, N.J., direct to Nantucket, Mass., its associated controlled airspace for the portion of the route outside of the Continental Control Area, and the additional control area designated in Warning Areas W-105, W-106, and W-107.

The above airspace designations were made as a temporary measure to facilitate the movement of air traffic from the New York Metropolitan Area during the emergency caused by the absence of large numbers of air traffic controller personnel from the New York ARTC Center. It has been determined that these temporary designations are no longer required and the Federal Aviation Administration is hereby revoking them.

Since these amendments revoke the temporary designation of certain airspace and are minor in nature, notice and public procedure thereon are unnecessary, and good cause exists for making these amendments effective on less than 30 days notice.

In consideration of the foregoing, Parts 71 and 75 of the Federal Aviation Regulations are amended, effective April 21, 1970, as hereinafter set forth.

1. In § 75.100 (35 F.R. 2359, 5803) "Jet Route No. 93" is revoked.
2. In § 71.161 (35 F.R. 2044, 5803) "J-93" is revoked.
3. In § 71.163 (35 F.R. 2046, 5803) the "New York, N.Y." additional control area is revoked.

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

Issued in Washington, D.C., on April 20, 1970.

H. B. HELSTROM,
Chief, Airspace and Air
Traffic Rules Division.

[F.R. Doc. 70-4955; Filed, Apr. 22, 1970; 8:50 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission
[Docket No. C-1718]

PART 13—PROHIBITED TRADE PRACTICES

Gitler & Co., Inc. and Monroe Gitler

Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely*; 13.1108-45 *Fur Products Labeling Act*. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements*; 13.1852-35 *Fur Products Labeling Act*.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Gitler & Co., Inc., et al., New York, N.Y., Docket C-1718, Mar. 26, 1970]

In the Matter of Gitler & Co., Inc., a Corporation, and Monroe Gitler, Individually and as an Officer of Said Corporation

Consent order requiring a New York City wholesale furrier to cease deceptively invoicing its fur products.

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

It is ordered, That respondents Gitler & Co., Inc., a corporation, and its officers, and Monroe Gitler, individually and as an officer of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce, of any fur, as the terms "commerce" and "fur" are defined in the Fur Products Labeling Act do forthwith cease and desist from falsely or deceptively invoicing furs by:

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

2. Misrepresenting in any manner on an invoice, directly or by implication, the country of origin of any imported fur.

It is further ordered, That respondents notify the Commission at least 30 days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the cre-

ation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

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

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

Issued: March 26, 1970.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 70-4910; Filed, Apr. 22, 1970; 8:46 a.m.]

[Docket No. C-1719]

PART 13—PROHIBITED TRADE PRACTICES

Great Southern Chinchilla Ranch, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.15 *Business status, advantages, or connections*; 13.15-235 *Producer status of dealer or seller*; § 13.50 *Dealer or seller assistance*; § 13.60 *Earnings and profits*; § 13.70 *Fictitious or misleading guarantees*; § 13.175 *Quality of product or service*. Subpart—Misrepresenting oneself and goods—Business status, advantages or connections: § 13.1530 *Producer status of dealer*; Misrepresenting oneself and goods—Goods: § 13.1608 *Dealer or seller assistance*; § 13.1615 *Earnings and profits*; § 13.1647 *Guarantees*; § 13.1715 *Quality*.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45 [Cease and desist order, The Great Southern Chinchilla Ranch, Inc., et al., Cayce, S.C., Docket C-1719, Apr. 3, 1970]

In the Matter of The Great Southern Chinchilla Ranch, Inc., a Corporation, and William W. Cope, Glenn E. Deese, Hamp D. Smoak, Jr., and Lewis Way, Individually and as Officers and Directors of Said Corporation, and Pat Vella, Individually and as a Former Officer and Director of Said Corporation.

Consent order requiring a Cayce, S.C., seller of chinchilla breeding stock to cease making exaggerated earning claims, misrepresenting the quality of its stock, deceptively guaranteeing the fertility of its stock, using the word "ranch" deceptively, and misrepresenting its services to purchasers.

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

It is ordered, That respondents The Great Southern Chinchilla Ranch, Inc., a corporation, and its officers, and William W. Cope, Glenn E. Deese, Hamp D. Smoak, Jr., and Lewis Way, individually and as officers and directors of said

corporation, and Pat Vella, individually and as a former officer and director of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale or distribution of chinchilla breeding stock or any other products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

A. Representing, directly or by implication, that:

1. It is commercially feasible to breed or raise chinchillas in homes, basements, garages, spare rooms, enclosed porches, chicken coops, barns or other quarters or buildings or that large profits can be made in this manner unless in immediate conjunction therewith it is clearly and conspicuously disclosed that the the represented quarters or buildings can only be adaptable to and suitable for the breeding and raising of chinchillas on a commercial basis if they have the requisite space, temperature, humidity, ventilation and other environmental conditions.

2. Breeding chinchillas as a commercially profitable enterprise can be achieved without previous knowledge or experience in the breeding, caring for and raising of such animals.

3. Chinchillas are hardy animals or are not susceptible to disease.

4. Purchasers of respondents' chinchilla breeding stock will receive top quality or "Empress Certified" quality chinchillas or any other grade or quality of chinchillas unless purchasers do actually receive chinchillas of the represented grade or quality.

5. Each female chinchilla purchased from respondents and each female offspring will produce at least four live offspring per year.

6. Each female chinchilla purchased from respondents and each female offspring will produce successive litters of from one to five live offspring at 111-day intervals.

7. The live offspring or litters or sizes thereof produced per female chinchilla is any number or range thereof; or representing, in any manner, the past number or range of numbers of live offspring or litters or sizes produced per female chinchilla of purchasers of respondents' breeding stock unless in fact the past number or range of numbers represented are those of a substantial number of purchasers and accurately reflect the number or range of numbers of live offspring or litters or sizes thereof produced per female chinchilla of these purchasers under circumstances similar to those of the purchaser to whom the representation is made.

8. The offspring of chinchilla breeding stock purchased from respondents will produce pelts selling for an average price of \$30 per pelt or that pelts from offspring of respondents' breeding stock generally sell from \$20 to \$75 each.

9. Chinchilla pelts produced from respondents' breeding stock will sell for any price, average price, or range of prices; or representing, in any manner,

the past price, average price or range of prices of purchasers of respondents' breeding stock unless in fact the past price, average price or range of prices represented are those of a substantial number of purchasers and accurately reflect the price, average price or range of prices realized by these purchasers under circumstances similar to those of the purchaser to whom the representation is made.

10. A purchaser starting with five females and one male will have from the sale of pelts, an annual income, earnings or profits of \$9,000 in the fifth year after purchase.

11. Purchasers of respondents' breeding stock will realize earnings, profits or income in any amount or range of amounts; or representing, in any manner, the past earnings, profits or income of purchasers of respondents' breeding stock unless in fact the past earnings, profits or income represented are those of a substantial number of purchasers and accurately reflect the average earnings, profits or income of these purchasers under circumstances similar to those of the purchaser to whom the representation is made.

12. Breeding stock purchased from respondents is guaranteed or warranted without clearly and conspicuously disclosing in immediate conjunction therewith the nature and extent of the guarantee, the manner in which the guarantor will perform thereunder, and the identity of the guarantor.

13. Purchasers of respondents' chinchilla breeding stock are given guidance in the care and breeding of chinchillas or are furnished advice by respondents as to the breeding of chinchillas unless purchasers are actually given the represented guidance in the care and breeding of chinchillas or are furnished the represented advice by respondents as to the breeding of chinchillas.

14. Purchasers of respondents' breeding stock will receive service calls from respondents' service personnel for the first 1 to 3 years or any other interval or frequency after purchase unless the service calls as represented are actually furnished.

15. Purchasers of respondents' chinchilla breeding stock are given guidance in the priming and pelting of chinchillas unless the represented guidance in the priming and pelting of chinchillas is actually furnished.

16. Chinchillas or chinchilla pelts are in great demand; or that purchasers of respondents' breeding stock can expect to be able to sell the offspring or the pelts of the offspring of respondents' chinchillas because said chinchillas or pelts are in great demand.

17. The assistance or advice furnished to purchasers of respondents' breeding stock by respondents will enable purchasers to successfully breed or raise chinchillas as a commercially profitable enterprise.

18. Respondents will purchase all or any of the chinchilla offspring raised by purchasers of respondents' breeding stock for \$25 per female or \$100 for a

group of three males and one female, or for any other price or prices, unless respondents do, in fact, so purchase all of the offspring offered by said purchasers at the represented prices and on the terms and conditions represented.

19. Respondents maintain facilities for and provide priming, pelting and marketing services to purchasers unless they do, in fact, maintain facilities and provide services as represented.

20. Respondents raise their own breeding stock; or misrepresenting, in any manner, the source of their products.

21. Using the word "ranch" or any other word of similar import or meaning in or as part of respondents' corporate or trade name unless and until respondents own and operate premises whereon they breed and raise the chinchilla breeding stock sold by them.

22. Respondents' service personnel are qualified to service purchasers of their chinchilla breeding stock in raising, priming and pelting such animals; or misrepresenting, in any manner, the qualifications, experience or training of such personnel.

B. 1. Misrepresenting, in any manner, the assistance, training, services or advice supplied by respondents to purchasers of their chinchilla breeding stock.

2. Misrepresenting, in any manner, the earnings or profits of purchasers or the quality or reproduction capacity of chinchilla breeding stock sold by respondents.

3. Misrepresenting, in any manner, the status of respondents' business, the source of their products or the facilities available to purchasers of their products.

C. Failing to deliver a copy of this order to cease and desist to all present and future salesmen or other persons engaged in the sale of respondents' products or services, and failing to secure from each such salesman or other person a signed statement acknowledging receipt of said order.

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

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

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

Issued: April 3, 1970.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 70-4911; Filed, Apr. 22, 1970;
8:46 a.m.]

[Docket No. C-1716]

PART 13—PROHIBITED TRADE PRACTICES

Jack A. Hartley et al.

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

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46, Interpret or apply sec. 5, 38 Stat. 719, as amended, 72 Stat. 1717; 15 U.S.C. 45, 70) [Cease and desist order, Jack A. Hartley et al., Miami, Fla., Docket C-1716, Mar. 26, 1970]

In the Matter of Jack A. Hartley, Individually and Trading as Jay Hart Originals, Also Trading as Jay Hart, Jaykini, and JH

Consent order requiring a Miami, Fla., manufacturer of women's and misses' dresses and swimwear to cease misbranding and falsely guaranteeing textile fiber products and failing to maintain required fiber content records.

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

It is ordered, That respondent Jack A. Hartley, individually and trading as Jay Hart Originals, also trading as Jay Hart, Jaykini, and JH, or trading under any other name or names, and respondent's representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, delivery for introduction, manufacture for introduction, sale, advertising, or offering for sale, in commerce, or the transportation or causing to be transported in commerce, or the importation into the United States, of any textile fiber product; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, of any textile fiber product which has been advertised or offered for sale in commerce; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported after shipment in commerce, of any textile fiber product, whether in its original state or contained in other textile fiber products, as the terms "commerce" and "textile fiber product" are defined in the Textile Fiber Products Identification Act, do forthwith cease and desist from:

- A. Misbranding textile fiber products by:
 1. Falsely or deceptively stamping, tagging, labeling, invoicing, advertising or otherwise identifying such products as to the name or amount of constituent fibers contained therein.
 2. Failing to affix a stamp, tag, label, or other means of identification to each

such product showing in a clear, legible and conspicuous manner each element of information required to be disclosed by section 4(b) of the Textile Fiber Products Identification Act.

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

It is further ordered, That respondent Jack A. Hartley, individually and trading as Jay Hart Originals, also trading as Jay Hart, Jaykini, and JH, or trading under any other name or names, and respondent's representatives, agents, and employees, directly or through any corporate or other device, do forthwith cease and desist from furnishing false guaranties that textile fiber products are not misbranded or falsely or deceptively invoiced or advertised under the provisions of the Textile Fiber Products Identification Act.

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

Issued: March 26, 1970.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[P.R. Doc. 70-4908; Filed, Apr. 22, 1970; 8:46 a.m.]

[Docket No. C-1713]

PART 13—PROHIBITED TRADE PRACTICES

Donahue Sales Corp.

Subpart—Coercing and intimidating: § 13.358 *Distributors*. Subpart—Cutting off access to customers or market: § 13.535 *Contracts restricting customers' handling of competing products*; § 13.560 *Interfering with distributive outlets*. Subpart—Dealing on exclusive and tying basis: § 13.670 *Dealing on exclusive and tying basis*: 13.670-20 Federal Trade Commission Act. Subpart—Interfering with competitors or their goods—Goods: § 13.1105 *Removing or substituting product*: 13.1105-10 *Buying up competitors' retail stock*.* Subpart—Maintaining resale prices: § 13.1115 *Black listing*; § 13.1130 *Contracts and agreements*; § 13.1160 *Refusal to sell*.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46, Interpret or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Donahue Sales Corp., New York, N.Y., Docket C-1713, Mar. 25, 1970]

In the Matter of Donahue Sales Corp., a Corporation

Consent order requiring a New York City sales corporation which is the ex-

*New.

clusive distributor of "Talon products," consisting of packaged zippers, spooled thread, tape, and braid, to cease pre-ticketing its merchandise, making agreements with purchasers prescribing minimum prices for a period of 3 years, effectuating any plan involving resale price maintenance, restricting the classes of retailers to whom its wholesalers may sell, and buying up retail stocks of home sewing products manufactured or distributed by any competitor.

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

It is ordered, That respondent, Donahue Sales Corp., a corporation, and its officers, agents, representatives, employees, successors, and assigns, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of packaged zippers, spooled threads, or tapes and braids for home sewing purposes and bearing the trademark "Talon" or manufactured by the Talon Division of Textron, Inc., in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Accepting for resale from Textron, Inc., or any division or subsidiary thereof, any of the above products, with pricing information affixed to said products or imprinted on the packages or containers of said products, unless prior to such acceptance:

(a) Donahue Sales Corp., has independently determined the pricing information to be imprinted on or affixed to said products, without prior consultation with respect to the pricing information to be imprinted on or affixed to said products; and

(b) Donahue Sales Corp., has communicated in writing this pricing information to Textron Inc., or any of its divisions or subsidiaries, requesting them to affix or imprint the pricing information on the said products, packages or containers;

2. Entering into any contract or agreement or continuing the effectiveness of any contract or agreement prescribing minimum or stipulated prices for the above products, when contracts or agreements of that description are lawful as applied to intrastate transactions under any statute, law or public policy in any State, territory, or the District of Columbia, in which such resale is to be made or to which the products are to be transported for such resale, for a period of 3 years following the effective date of this order;

3. Adopting or placing into effect any plan, policy or scheme to fix or maintain the resale price of the above products, by any device or method. In particular, respondent shall cease and desist from:

(a) Requiring purchasers or prospective purchasers to agree that they will resell at prices specified by respondent, or that they will not resell below or above such specified prices;

(b) Threatening to refuse or refusing to sell respondent's products to any purchaser or prospective purchaser, because

such purchaser fails to observe and maintain suggested resale prices or will not agree to observe and maintain suggested resale prices;

(c) Requesting or encouraging purchasers, either directly or through salesmen, agents, representatives or employees, to report any persons or firms who do not observe the resale prices suggested by respondent;

(d) Utilizing salesmen, agents, representatives or employees, directly or indirectly, to report purchasers who do not observe suggested resale prices, as part of any plan, policy or scheme to maintain suggested resale prices, except that nothing in this provision shall be interpreted so as to prohibit respondent's salesmen, agents, representatives or employees, from observing and reporting pricing information, when not a part of such a plan, policy or scheme;

4. Entering into, maintaining, adhering to, enforcing or claiming any rights under any contract, agreement, understanding, plan, policy or program to fix, establish, limit or restrict the persons or classes of persons to whom any distributor or wholesaler may sell the above products in the United States.

5. Offering to buy or buying or taking over stock of packaged zippers, spooled threads or tapes and braids used for home sewing purposes, sold and distributed by competitors, for the purpose of lifting or removing such stock from the channels of trade, or agreeing or arranging with retail sellers for any consideration whatsoever, to lift or remove from the channels of trade any of the above products, distributed to such retail outlets by competitors, except that nothing in this order shall be interpreted so as to restrict the respondent's right to agree to or arrange for acceptance of damaged, soiled or defective Talon trademarked products.

Provided, however, That after a period of 3 years following the effective date of this order, nothing contained in paragraphs 2 through 5 of this order shall be interpreted as prohibiting any act or practice excepted from the provisions of the Federal Trade Commission Act by virtue of the McGuire Act, the amendments to said Act, or any other applicable statute, whether now in effect or hereafter enacted, or from complying with the requirements of any law or ordinance.

It is further ordered, That respondent shall, within sixty (60) days after service upon it of this order, serve a copy of this order by mail, (1) on all of its jobber customers who sell Talon products to the home sewing market, along with a copy of Letter "A" attached hereto, and (2) on all of its retailer and chain store customers who sell Talon products to the home sewing market, along with a copy of Letter "B" attached hereto, both letters to be on respondent's official company stationery and signed by the president of respondent corporation.

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

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

Issued: March 25, 1970.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 70-4907; Filed, Apr. 22, 1970;
8:46 a.m.]

[Docket No. C-1173]

PART 13—PROHIBITED TRADE PRACTICES

Custom Carpet Shop of Virginia and Floyd H. Charsky

Subpart—Advertising falsely or misleadingly: § 13.30 *Composition of goods*: 13.30-75 *Textile Fiber Products Identification Act*; § 13.73 *Formal regulatory and statutory requirements*: 13.73-90 *Textile Fiber Products Identification Act*; § 13.155 *Prices*: 13.155-40 *Exaggerated as regular and customary*; 13.155-70 *Percentage savings*. Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely*: 13.1108-80 *Textile Fiber Products Identification Act*. Subpart—Misbranding or mislabeling: § 13.1185 *Composition*: 13.1185-80 *Textile Fiber Products Identification Act*. Subpart—Misrepresenting oneself and goods—Goods: § 13.1747 *Special or limited offers*; Misrepresenting oneself and goods—Prices: § 13.1805 *Exaggerated as regular and customary*; § 13.1825 *Usual as reduced or to be increased*. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition*: 13.1845-70 *Textile Fiber Products Identification Act*; § 13.1852 *Formal regulatory and statutory requirements*: 13.1852-70 *Textile Fiber Products Identification Act*.

(Sec. 6, Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 72 Stat. 1717; 15 U.S.C. 46, 70) [Modified order to cease and desist, Custom Carpet Shop of Virginia et al., Arlington, Va., Docket C-1173, Mar. 27, 1970]

In the Matter of Custom Carpet Shop of Virginia, a Corporation, and Floyd H. Charsky, Individually and as an Officer of Said Corporation

Order modifying an earlier order dated February 17, 1967, 32 F.R. 3973, which prohibited an Arlington, Va., carpet dealer from deceptively advertising, pricing and misbranding its textile fiber products, by adding to the order a new paragraph numbered 7 which requires respondent to maintain records adequate to support its pricing claims.

The modified order to cease and desist, is as follows:

It is ordered, That this proceeding be, and it hereby is, reopened.

It is further ordered, That the Commission's order of February 17, 1967, be

and it hereby is, modified by adding thereto as paragraph 7 the following:

7. Failing to maintain adequate records which disclose the facts upon which representations as to former prices, and the usual and customary retail prices of merchandise, and as to savings afforded to purchasers, and similar representations of the type dealt with in paragraph 1 and paragraphs 3 through 6 of this order, are based, and from which the validity of any such claim can be established.

Issued: March 27, 1970.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 70-4905; Filed, Apr. 22, 1970;
8:46 a.m.]

[Docket No. C-1712]

PART 13—PROHIBITED TRADE PRACTICES

King-Seeley Thermos Co.

Subpart—Advertising falsely or misleadingly: § 13.155 *Prices*: 13.155-40 *Exaggerated as regular and customary*. Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception*. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1882 *Prices*.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 46) [Cease and desist order, King-Seeley Thermos Co., Ann Arbor, Mich., Docket C-1712, Mar. 24, 1970]

In the Matter of King-Seeley Thermos Co., a Corporation

Consent order requiring an Ann Arbor, Mich., manufacturer of tents, sleeping bags, cot pads, camp pads, and sleeping bag mattresses to cease using exaggerated retail prices of its products as regular and customary in any trade area, furnishing means of deception to others, and failing to maintain pricing records.

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

It is ordered, That respondent King-Seeley Thermos Co., a corporation, and its officers, agents, representatives and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale or distribution of tents, sleeping bags, cot pads, camp pads or sleeping bag mattresses (hereinafter referred to as "Products"), in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Advertising, disseminating or distributing any purported retail price of Products unless (a) it is respondent's bona fide estimate of the actual retail price of the Products in the area where respondent does business and (b) it does not appreciably exceed the highest price at which substantial sales of those Products are made in said trade area.

2. Misrepresenting in any manner either the prices at which Products are sold at retail or the amount of savings available to purchasers or prospective purchasers of Products at retail.

3. Furnishing to others any means or instrumentalities whereby the purchasing public may be misled as to the retail prices of Products.

It is further ordered, That respondent maintain full and adequate records supporting claims as to the price at which Products are sold at retail or the amount of savings available to purchasers or prospective purchasers of Products at retail for a period of three (3) years after making any such claim and that respondent notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of this order.

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

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

Issued: March 24, 1970.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[P.R. Doc. 70-4906; Filed, Apr. 22, 1970;
8:46 a.m.]

[Docket No. C-1717]

PART 13—PROHIBITED TRADE PRACTICES

Rosen Wool Stock Co. and Martin Rosen

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

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2-5, 54 Stat. 1128-1130; 15 U.S.C. 45, 68) [Cease and desist order, Rosen Wool Stock Company et al., Philadelphia, Pa., Docket C-1717, Mar. 26, 1970]

In the Matter of Rosen Wool Stock Co., a Corporation, and Martin Rosen, Individually and as an Officer of Said Corporation

Consent order requiring a Philadelphia, Pa., manufacturer of wool prod-

ucts including garnetted fiber stock to cease misbranding and falsely guaranteeing its woolen merchandise.

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

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

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

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

It is further ordered, That respondents Rosen Wool Stock Co., a corporation, and its officers, and Martin Rosen, individually and as an officer of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, do forthwith cease and desist from furnishing a false guaranty that any wool product is not misbranded, under the Wool Products Labeling Act of 1939, and the rules and regulations promulgated thereunder when there is reason to believe that any such wool product so guaranteed may be introduced, sold, transported or distributed in commerce.

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

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

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

Issued: March 26, 1970.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[P.R. Doc. 70-4909; Filed, Apr. 22, 1970;
8:46 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

Subtitle A—Office of the Secretary, Department of Housing and Urban Development

PART 31—GUARANTEE OF PRIVATE OBLIGATIONS FOR FINANCING NEW COMMUNITY LAND DEVELOPMENT

On December 18, 1969 (34 F.R. 19814), the Secretary of Housing and Urban Development gave notice of the proposed issuance of a new Part 31 of Title 24 of the Code of Federal Regulations, pursuant to the New Communities Act of 1968 (title IV of the Housing and Urban Development Act of 1968, 42 U.S.C. 3901 et seq.). Although the proposed regulations relating to a guarantee are not subject to the rule-making requirements of 5 U.S.C. 553, interested persons were invited to submit written comments or suggestions regarding the proposed regulations to the Assistant Secretary for Metropolitan Planning and Development. All comments and suggestions submitted have been considered, and the proposed regulations, modified as set forth below, are hereby adopted.

The most significant differences between the proposed regulations and those which are adopted are:

1. Criteria for evaluating an internal development plan are added in § 31.6(b) to include schools and recreation, provision for relocation where required by the land use plan, and adaptability of the internal plan to future changes.

2. Variety of housing types is added as an element in determining adequacy of housing balance in § 31.6(c).

3. Section 31.6(e) is revised to require that planning for a new community be consistent with planning of any areawide planning agency which has been certified by the Department.

4. Section 31.6(f) on the social elements of a new community is revised to place emphasis on the product, rather than the process of planning; to stress the requirement of equal access to all facilities; and to take into account citizen participation through locally elected government.

5. Emphasis in § 31.7(a)(3) is placed on controlling, rather than prohibiting, nontitle IV activities of the developer.

6. The requirement of an affirmative action program to promote equal opportunity in § 31.7(b)(2) is strengthened.

7. All references to debentures as possible payment in case of default are eliminated in § 31.16.

8. The title of § 31.19(b) is changed from "letter of commitment" to "offer of commitment."

9. The limitation in § 31.19(c) on the period of time during which an offer of commitment may be accepted by the developer is extended from 60 to 90 days. An accepted commitment will expire within 6 months unless the applicant has taken all steps required for execution of a project agreement or unless extended by the Secretary.

10. Certification of the cost of land acquisition, as well as cost of land development, is now permitted in § 31.22(b) (1) to support disbursements from the proceeds of the sale of Government guaranteed bonds; and trust as well as escrow arrangements are authorized in cases where guaranteed obligations have been sold before the supporting land acquisition or development has occurred.

11. Section 31.22(b) relating to the use of proceeds of guaranteed obligations, and limitations on disbursements where valuation of land exceeds actual costs for land, is revised and broadened to indicate that all disbursements are subject to continuing limitations as approved by the Secretary according to project needs, maintenance of equity, land costs in relation to allowable values, and other relevant considerations.

12. The method of computation of the annual fee is changed to reflect average outstanding obligations during the previous year.

Part 31 of Title 24 is established to read as follows:

Subpart A—General

- Sec.
31.1 Statement of applicable law.
31.2 Definitions.
31.3 Information.
31.4 [Reserved]

Subpart B—New Community Criteria and Standards

- 31.5 General criteria for new communities.
31.6 Specific characteristics of a new community.
31.7 Other requirements for new community development.

Subpart C—Financial and Economic Criteria and Standards

- 31.8 Economic feasibility.
31.9 General financial plan and program.
31.10 Maximum Federal guarantee.
31.11 Land valuation.
31.12 Cost estimation.
31.13 Terms and conditions of borrowing.
31.14 Equity and working capital.
31.15 Security for the guarantee.
31.16 Terms and conditions of payment under the guarantee.
31.17 [Reserved]

Subpart D—Procedures

- 31.18 Preapplication proposal.
31.19 Application.
31.20 Project agreement.
31.21 Issuance of guaranteed obligations.
31.22 Project execution and monitoring.
31.23 [Reserved]

Subpart E—Fee and Charge Schedule

- 31.24 Application charge.
31.25 Commitment charge.
31.26 Reopening charges.
31.27 Guarantee fee.
31.28 Annual fee.
31.29 Transfer charge.

AUTHORITY: The provisions of this Part 31 issued under section 413 of the New Communities Act of 1968, 42 U.S.C. 3912; sec. 7(d), Department of HUD Act, 42 U.S.C. 3535(d); and Secretary's delegation of authority published at 35 F.R. 2745, Feb. 7, 1970.

Subpart A—General

§ 31.1 Statement of applicable law.

(a) The New Communities Act of 1968 (42 U.S.C. 3901-3914) authorizes the

Secretary of Housing and Urban Development to guarantee obligations issued by private developers to help finance new community development projects. It also authorizes the Secretary to make grants to State and local public bodies and agencies to supplement the Federal assistance that is otherwise available for certain water, sewer, or open-space projects if these projects are needed or desirable in connection with an approved new community project which will make available a substantial number of housing units for persons of low and moderate income. The amount of such grants may not exceed 20 percent of project costs, and since this is to supplement other Federal assistance, the projects must also meet the applicable requirements for regular grants under section 702 of the Housing and Urban Development Act of 1965, as amended (42 U.S.C. 3102); section 306(a) (2) of the Consolidated Farmers' Home Administration Act, as amended (7 U.S.C. 1926(a) (2)); or title VII of the Housing Act of 1961, as amended (42 U.S.C. 1500-1500e).

(b) The Act (1) amends section 202 (b) (4) of the Housing Amendments of 1955, as amended (42 U.S.C. 1492), to permit public facilities loans without regard to the population limits otherwise applicable for facilities serving a new community development; (2) amends section 24 of the Federal Reserve Act, as amended (12 U.S.C. 371), with regard to the authority of national banks to invest in obligations guaranteed under the Act; and (3) amends section 5(c) of the Home Owners Loan Act of 1933, as amended (12 U.S.C. 1464), with regard to the authority of the Federal savings and loan associations to invest in obligations guaranteed under the Act. The Secretary is also authorized to make comprehensive planning grants under section 701 of the Housing Act of 1954, as amended (40 U.S.C. 461), to official governmental planning agencies for planning in areas where rapid urbanization is expected to occur on land developed or to be developed as a new community approved under the Act.

(c) Additional assistance to new communities may be available under other Federal laws, even though they do not refer specifically to the Act or to new communities. For example, public bodies may receive Federal assistance for water and sewer and open space, schools, urban transit, and other facilities which serve new communities. Federal assistance for private sponsors would generally be available on the same basis as in other communities. For example, qualifying private sponsors may receive assistance for sales, rental, and cooperative housing projects for lower income families pursuant to sections 235 and 236 of the National Housing Act as amended (12 U.S.C. 1715z and 1715z-1).

(d) It is the declared purpose of the Act to encourage the development of new communities that—

(1) Contribute to the general betterment of living conditions through the improved quality of community development made possible by a consistent design for the provision of homes, com-

mercial and industrial facilities, public and community facilities, and open spaces;

(2) Make substantial contributions to the sound and economic growth of the areas in which they are located;

(3) Provide needed additions to the general housing supply;

(4) Provide opportunities for innovation in housing and community development technology and in land use planning;

(5) Enlarge housing and employment opportunities by increasing the range of housing choice and providing new investment opportunities for industry and commerce;

(6) Encourage the maintenance and growth of a diversified local homebuilding industry; and

(7) Include, to the greatest extent feasible, the employment of new and improved technology, techniques, materials, and methods in housing construction, rehabilitation, and maintenance under programs administered by the Department of Housing and Urban Development with a view to reducing the cost of such construction, rehabilitation, and maintenance, and stimulating the increased and sustained production of housing under such programs.

§ 31.2 Definitions.

For the purpose of the regulations in this part, the following terms shall mean:

(a) *Act.* The New Communities Act of 1968 (title IV of the Housing and Urban Development Act of 1968, 42 U.S.C. 3901-3914).

(b) *Secretary.* The Secretary of Housing and Urban Development or his authorized representatives.

(c) *Assistant Secretary.* The Assistant Secretary for Metropolitan Planning and Development or his authorized representatives.

(d) *Developer.* The private entity, approved by the Secretary to carry out a new community project, which issues obligations guaranteed or to be guaranteed under the Act.

(e) *Project.* The activities and undertakings required to carry out a plan or plans for a new community approved by the Secretary under the Act.

(f) *Land development.* The process of grading land, making, installing, or constructing water lines and water supply installations, sewer lines, and sewage disposal installations, steam, gas, and electric lines and installations, roads, streets, curbs, gutters, sidewalks, storm drainage facilities, and other installations or work, whether on or off the site, which the Secretary deems necessary or desirable to prepare land for residential, commercial, industrial, or other uses, or to provide facilities for public or common use. The term "land development" shall not include any building unless it is (1) a building which is needed in connection with a water supply or sewage disposal installation or a steam, gas, or electric line or installation, or (2) a building, other than a school, which is to be owned and maintained jointly by the residents

of the new community or is to be transferred to public ownership, but not prior to its completion.

(g) *Actual costs.* The costs (exclusive of rebates or discounts) incurred by a new community developer in carrying out the land development assisted under the Act. These costs may include amounts paid for labor, materials, construction contracts, land planning, engineers' and architects' fees, surveys, taxes, and interest during development, organizational and legal expenses, such allocation of general overhead expenses as is acceptable to the Secretary, and other items of expense incidental to development which may be approved by the Secretary. If the Secretary determines that there is an identity of interest between the new community developer and a contractor, there may be included as a part of actual costs an allowance for the contractor's profit in an amount deemed reasonable by the Secretary.

§ 31.3 Information.

General information on the new community program and instructions for applying for assistance under this program, as well as information on other Federal programs which are related to new communities, may be obtained from the Assistant Secretary for Metropolitan Planning and Development, U.S. Department of Housing and Urban Development, Washington, D.C. 20410.

§ 31.4 [Reserved]

Subpart B—New Community Criteria and Standards

§ 31.5 General criteria for new communities.

In determining whether a given undertaking, otherwise eligible for assistance and consistent with the purposes of the Act, is a new community, the Secretary will apply the following general criteria:

(a) A new community must include most, if not all, of the basic activities normally associated with a city or town: Housing, education, cultural facilities, transportation, commerce, industry, and recreation.

(b) It must combine these varying activities in a balanced and harmonious whole, with a view to creating an environment that is an attractive place to live, work, and shop.

(c) It must have a favorable impact upon the growth and development of the area within which it is located in terms of conserving land, minimizing transportation problems, extending the range of housing choice for all who live or may in the future live in the area, promoting needed economic development, and creating new job opportunities.

(d) It must be designed for the fullest possible range of people and families of different compositions and incomes and must be open to members of all national, ethnic, and racial groups.

§ 31.6 Specific characteristics of a new community.

(a) *Size, location, and internal diversity.* (1) *Size.* No minimum or maximum size is prescribed for a new community

qualifying under the Act, but its size must be significant in comparison with existing developments and communities in the area in which it is located. A new community that would be too small to have an appreciable impact in or near a metropolitan area might qualify for assistance if it were located in a rural area and were approximately as large as other communities in the area.

(2) *Location.* A new community may be located in any kind of area: Urban urbanizing, or rural. Wherever located, a new community must have accessibility to highways, airports, or other public transportation facilities commensurate with its size and the anticipated requirements of its population, industry, and commerce.

(3) *Relationship to surrounding development.* If a new community involves development which adds to an existing community or to an existing residential, commercial, or industrial area, both the old and new development will be considered in determining whether the new community qualifies for assistance under the Act. To qualify, however, the new development must be substantial, and the old and new elements must be carefully integrated. The resulting total new community must be planned as a whole and must be demonstrably different from that which existed before. An addition to existing development of housing alone, or commercial or industrial facilities alone, will generally not be considered sufficient for this purpose. Whether or not the new community incorporates existing development, it should take account of this development in internal planning and site location decisions.

(4) *Internal diversity.* Although a new community need not be completely self-sufficient, it must provide in a single area the housing, public and commercial facilities, and job opportunities normally associated with a city or town. In determining the degree of internal diversity for a given site, consideration will be given to adequacy of existing or projected facilities in the immediate area. However, the community may not consist simply of housing or of housing with a minimum of commercial facilities serving only the immediate needs of people for neighborhood shopping. Nor may a new community be predominantly an industrial or commercial development, with a minimum supply of new housing.

(b) *Internal development plan.* A new community must have a general plan and program for its ultimate development designed to create and maintain an attractive and viable environment responsive to human needs. Among the factors which the Secretary will consider in evaluating the plan are the following:

(1) Suitability of the site for the proposed uses, harmonious relationship of these uses with surrounding development, and their protection against adverse physical encroachment;

(2) Effectiveness of the land use and transportation plans and population density and distribution in promoting harmonious interrelationships and optimum internal accessibility;

(3) Preservation and enhancement of natural features such as water bodies and steep slopes; establishment and maintenance of an accessible open-space network for conservation, natural beauty, and recreation; and effectiveness of measures to prevent environmental pollution and problems such as flooding and soil instability;

(4) Adequacy of public facilities to serve community needs, including water and sewer, schools, recreation, health facilities, streets, walkways, highways, and other transportation facilities;

(5) Adequacy of controls and incentives for promoting attractive land utilization, urban design and architecture;

(6) Phasing of all features of the plan on a schedule compatible with economic feasibility and geared to the timing of land acquisition, development, and disposition as reflected in the financial plan;

(7) The extent to which the plan contains innovative features;

(8) Adequacy of provision for relocation of existing residents and businesses to the extent required by the land use plan; and

(9) Adaptability of the plan to the various problems and alternatives which may arise as development proceeds.

(c) *Housing mix.* A new community must contain an adequate range of housing and a variety of housing types for both sale and rental for people of all incomes, ages, and family composition, including a substantial amount for people of low and moderate income. The following factors, among others, will be considered in determining the sufficiency of housing mix:

(1) Existing and projected distribution of families by income and size for the region in which the project is located;

(2) Existing and projected housing supply and demand, particularly for low- and moderate-income housing, in the region and market area of the project; and

(3) Income and family characteristics of persons likely to be employed in the new community.

Existing housing in standard condition or proposed to be rehabilitated within the new community, as well as new construction, may be considered in determining adequacy of housing balance. But whether this housing is to be newly constructed or rehabilitated, the new community plan must include reasonable assurances that the units planned will actually be provided. If the development of a new community is to be carried out in stages, sites for low and moderate income housing shall be included in every major residential stage.

(d) *Community services and government.* (1) A new community must be provided with a full range of government and public services adequate to meet the needs of all its residents. Such services may be provided by State or local government, by community organizations, or by other appropriate entities. If public facilities or utilities are to be operated by a nonpublic body, rates and

charges, capital structure, rate of return, and methods of operation of the facility or utility must be regulated by a public body or by other means satisfactory to the Secretary.

(2) A new community need not be or constitute a separate political unit but may be governed through a county, city, town, or other existing political jurisdiction. Where it is contemplated that a developer or a developer-controlled organization or association will, during the course of development, perform functions normally performed by a general unit of government, provision should be made in the new community plan or plans for an orderly transfer of such functions to an appropriate governmental unit at an appropriate time.

(e) *Area planning and development.* The area within which a new community is to be situated must be covered by a comprehensive areawide plan or by on-going planning promulgated or carried on by a duly authorized agency. The location of the new community and the internal development plan for the project must be consistent with such comprehensive plan or planning and must reflect consideration of any economic development programs, functional plans, and public works programs of relevant Federal, State, regional, city, or county agencies for the area in which the new community is located. The comprehensive plan or planning for the area must, in the Secretary's judgment, be sufficiently detailed to provide a reasonable basis for evaluating the relationship of the proposed new community to area population trends, major transportation facilities and development patterns, areawide land use, systems for water and sewage, open space, and recreation. In those areas where there is an areawide planning agency certified by the Secretary, consistency must be found between the planning performed by the certified agency and the new community.

(f) *Social elements.* In order to assure that projects reflect social considerations and human needs, new community plans must reflect or incorporate the following:

(1) Use of citizen advisory groups, opinion surveys, or other methods of developing a design and structure for the new community that will be responsive to the needs of residents, both at the beginning and, through continuing evaluation, at later stages of development;

(2) Location and distribution of housing types and price ranges so as to prevent segregation and afford full access to facilities, and participation in activities, of the community and neighborhood by groups, families, and individuals of different economic, social, and racial backgrounds;

(3) A program of citizen participation in project activities, including use of home associations and civic organizations appropriately formulated to supplement, as necessary, opportunities offered by governmental or public institutions, and to provide for full opportunity for participation by renters and low-income residents; and

(4) Specific actions that may be needed to promote high quality schools

or to encourage or assure, as appropriate, establishment of community colleges, technical or vocational education centers, adult education courses, and job retaining facilities.

(g) *Disclosure of certain interests.* Developers and contractors must disclose, in accordance with such procedures or forms as the Secretary may prescribe, all direct and indirect interests that may affect the arm's length character of any transactions relied upon to establish estimated or actual costs, or value, for purposes of determining the amount of obligations to be guaranteed or the amount of the proceeds of such obligations that can be disbursed. Where such interests exist, the Secretary may fix such special allowances or fees, or require special accounting for costs, or take such other actions as he may determine are reasonable and appropriate in order to prevent the guarantee of obligations, or the disbursement of funds, in excessive amounts.

§ 31.7 Other requirements for new community development.

(a) *Capability of developer.* (1) Only private developers are eligible for guarantees under the Act. These include profit-seeking, nonprofit, or limited dividend corporations. The form of organization of the developer and changes in that form must be approved by the Secretary. Changes in ownership which might result in changes in control of the developer's operation must also be approved.

(2) The developer must have financial, technical, and administrative ability and background appropriate to the size and complexity of the project, the amount of the obligations to be guaranteed, and the period of time for project completion. The developer must have either in his own organization or available to him land development and related skills of a high order over the whole period of development. He must also have the capacity for anticipating and dealing effectively with the social concerns and problems that must be considered in planning the community or that may arise during the period of development.

(3) The developer may engage in non-title IV activities, either in the project itself or in related development, subject to such conditions as the Secretary may impose. The project agreement shall impose such controls and limitations as the Secretary shall determine are required to (i) govern the non-title IV activities of the developer, in the project itself or otherwise, or (ii) provide separation of accounts and activities to serve the purposes of the Act and protect the security interests of the United States.

(b) *Equal opportunity.* (1) The new community project must be specifically designed and implemented so as to assure compliance with all requirements imposed by, or pursuant to, any applicable statute or executive order treating with discrimination on the basis of race, creed, color, sex, or national origin. These include title VIII (Fair Housing) of the Civil Rights Act of 1968 (42 U.S.C. 3601-3619); title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e); the Civil Rights

Act of 1866, as amended (42 U.S.C. 1981 and 1982); Executive Order 11063 (27 F.R. 11527); and Executive Order 11246, as amended by Executive Order 11375 (30 F.R. 12319, as amended by 32 F.R. 14303); which apply variously so as to prohibit discrimination in the use, sale, lease, or other disposition of land, housing, or facilities in the new community and in employment in the new community or in the development of the new community project. Pursuant to the authority in each executive department to issue regulations and take other appropriate action under Executive Order 11063 with respect to its programs, discrimination on the basis of race, color, creed, or national origin in the use, sale, lease, or other disposition of any land developed for residential or related uses with assistance under the Act is hereby specifically made a violation of that order enforceable under the terms of section 302 of the Order after due notice and hearing.

(2) In furtherance of subparagraph (1) of this paragraph and as a condition of granting or continuation of assistance, the developer must formulate and implement an affirmative action program covering all or part of the new community project; include appropriate equal opportunity provisions in pertinent contracts, subcontracts, covenants, or other documents; and take such further steps as the Secretary may direct to carry out the developer's program, including, but not limited to, provision of equal opportunity in employment and encouragement of minority business enterprise.

(c) *Labor standards.* In any new community project, construction contracts, subcontracts, or building and loan agreements for land development assisted under the Act shall contain such labor standards clauses as the Secretary may direct in furtherance of the Act and of the regulations of the Secretary of Labor codified in 29 CFR Part 5. The provisions of such regulations with respect to ineligible contractors shall also be observed. No proceeds of new community obligations may be disbursed to a developer with respect to any such construction contract unless there has been filed, in a manner satisfactory to the Secretary, a certificate signed by the contractor or subcontractor stating that laborers and mechanics employed under the contract have been paid not less than the wages determined by the Secretary of Labor to be prevailing wages for corresponding classes of laborers and mechanics employed on construction of a similar character.

(d) *Small builders.* In any new community project, there must be provision satisfactory to the Secretary to encourage maintenance and growth of a diversified local homebuilding industry and broad participation by builders, particularly small builders.

(e) *Governmental approvals.* The developer must secure all State and local approvals required by law or determined by the Secretary to be necessary for the project. To the extent significant project activities will require, or depend upon,

future approvals that are necessarily unobtainable at the time the offer of commitment is made or the project agreement entered into, the Secretary will require that the project plan or plans provide reasonable assurance that such approvals will and can be secured, in a timely fashion, as needed.

(f) *Staging.* Major new community projects will ordinarily be planned, carried out, and financed in progressive stages, so as to provide an opportunity to test the market and minimize financial risk, with each stage resulting in a balanced and self-sufficient whole. Exceptions to this requirement, and the degree of and terms for staging, will be determined according to the scope of the project, the nature of market demand, the extent of assurance that all contemplated financing will be obtained and all public actions or approvals taken or obtained, the degree to which economies of scale can in fact be obtained, the possible adverse effects of contemplated major improvements upon the Government's security, the projected scheduling of housing in relation to critical housing needs, particularly needs for low and moderate income housing, and such other matters as the Secretary deems relevant. Regardless of the stage covered in the initial application, the developer must submit a general plan for the entire project which will be covered by subsequent stages.

Subpart C—Financial and Economic Criteria and Standards

§ 31.8 Economic feasibility.

A new community must be economically feasible in terms of economic base or potential for growth. Among the criteria by which feasibility will be determined are the following:

(a) Current and projected economic and demographic growth patterns and demand for and supply of industrial, commercial, and residential properties for the region in which the project is located;

(b) The market area of the project and the growth and demand trends projected within this market area;

(c) The advantages of the project, relative to other developments, including its location, the managerial and marketing skills associated with it, and its capacity to sustain a job base which, in turn, will generate demand for housing and commercial facilities.

In the case of projects in rural and other areas, including those beyond the urbanizing portion of a metropolitan area, where, for economic or other reasons, advantage cannot be taken of existing growth trends, it is particularly important that there will be a large enough employment base to generate demand to sustain the projected growth rate of the new community. Feasibility will depend upon the basic conditions for industrial development; the probable effectiveness of private and governmental efforts to attract stable industries and to overcome some of the major obstacles to economic development; and the degree to which

commitments from industries can be secured.

§ 31.9 General financial plan and program.

A new community must be developed pursuant to a financial plan or program which must include provisions that will:

(a) Cover all anticipated project costs, including, but not limited to, costs which will be met with funds to be borrowed under the obligations guaranteed;

(b) Demonstrate the manner by which, and the sources from which, these costs will be met, including anticipated revenues from the project, financial resources of the developer, and borrowing;

(c) Provide assurances that the developer will have an adequate incentive, in terms of equity invested and expected return, for proceeding with the approved project in an expeditious and efficient manner; and

(d) Set forth a procedure for periodic updating of the financial plan to take into consideration changes in costs, revenues, market conditions, and other relevant changes affecting the plan.

§ 31.10 Maximum Federal guarantee.

The maximum loan which may be guaranteed under the Act is the lesser of

(a) 80 percent of the Secretary's estimate of the value of the property upon completion of land development or (b) the sum of 75 percent of the Secretary's estimate of the value of the land before development and 90 percent of his estimate of the actual cost of land development. In no event shall the principal amount of the outstanding obligations guaranteed under the Act with respect to a single project exceed \$50 million. Land which is yet to be acquired and costs which are yet to be incurred at the time a commitment is made may be included as a basis for determining maximum commitment, but, in the absence of escrow or trust provisions under § 31.22(b)(1), only land acquired and costs incurred at or prior to issuance of a guarantee may be included as a basis for determining the maximum outstanding principal amount of obligations which may be guaranteed.

§ 31.11 Land valuation.

Among the principles which the Secretary will apply with respect to any valuation and which should be applied in any valuation made by or on behalf of a developer are the following:

(a) *Before development.* (1) Estimates of the "as is" value of the land prior to its development as part of a new community project must be based, to the greatest extent possible, on recent actual arm's length sales transactions of the land involved or of nearby comparable land. In all cases where land valuations exceed actual prices paid by the developer or paid in the latest arm's length transactions, the reasons for the valuation will be fully explained and documented. Unusually high prices paid for remaining parcels needed to round out a site will be considered as unrepresentative of the values of the site as a whole. Different parcels may be valued according to their highest and best use

only where supported by market demand. In any case, valuation shall not be limited to a small sample acreage or a few selected choice parcels.

(2) Valuation should not take into account any increased values resulting from the guarantees expected to be issued under the Act and the development made possible by these guarantees, as distinct from normal growth that would have been expected in any event. It is recognized, however, that market value may be increased by improvements already on the land, including those installed by the developer, and changes which have occurred in local zoning or comprehensive planning as a result of actions by the developer. Such increases in value may be taken into account to the same extent as they would be in valuing comparable land.

(b) *After development.* Estimates of the value of the property upon completion of land development should reflect the income potential of the new community project from the sale or rental of developed land if the project is carried out as planned. Consideration should be given to the potential effect on values of existing and planned public facilities and other existing and planned development in the area. Absorption rates should be related to the proposed land uses and development schedule for the project. Weight should also be given to any factors affecting the potential value of the particular land in question, such as zoning which may be approved, access, topography, and anticipated governmental approvals.

§ 31.12 Cost estimation.

Only the actual costs of land development, as those terms are defined in § 31.2 (e) and (f), will be considered for purposes of calculating the maximum amount of obligations which may be guaranteed under the Act. The general principles that will apply in estimating actual costs of land development for this determination are as follows:

(a) Costs of land development may be included as estimated actual costs to the extent that they are expected to be incurred after the date as of which land valuation is determined by the Secretary. Planning and other organizational costs relating directly to the development of the new community proposal may be included even if incurred prior to that date.

(b) Construction costs estimates, to the fullest extent feasible, should be supported by detailed engineer's cost figures broken down by unit quantities and prices, and must be identified in terms of specific improvements.

(c) Fees and charges payable pursuant to Subpart E of this part before or during development may be included as estimated actual costs.

§ 31.13 Terms and conditions of borrowing.

(a) *Kind of obligations.* The obligations guaranteed under the Act may include any bond, debenture, note, or other obligation issued by a developer for public or private sale. To facilitate public financing, the guaranteed obligations of

any number of developers may be issued to a trustee who will sell to the public, through underwriters or otherwise, certificates of participation or other securities evidencing rights in the guaranteed obligations held in trust, provided that the terms and conditions of each such transaction shall be approved by the Secretary.

(b) *Investors and lenders.* Investors in guaranteed obligations, except for public offerings, must be approved by the Secretary or must meet such standards and criteria as may be from time to time prescribed by him. In the case of a public offering, obligations must be underwritten under terms and conditions approved by the Secretary.

(c) *Rates of interest and maturities.* Rates of interest and any other charges relating to guaranteed obligations and the repayment maturity and redemption privilege provisions of such obligations must be approved by the Secretary.

(d) *Trustees and fiduciaries.* Any trustee or other person or corporation acting in a fiduciary capacity with respect to a guaranteed obligation must be a banking or other financial institution subject to governmental inspection and supervision. Approval of such a trustee or other person may be conditioned on its written agreement with the Secretary to take such steps and act under such conditions as the Secretary may prescribe for the protection of the security interests of the United States.

§ 31.14 Equity and working capital.

(a) Prior to the execution of the project agreement a developer must make arrangements satisfactory to the Secretary to assure that there will be adequate funds and working capital to meet cash requirements for costs and contingencies, not covered by the proceeds of guaranteed obligations, incurred or to be incurred in connection with the land development program.

(b) The Secretary may require developers to have equity in addition to funds described in paragraph (a) of this section, according to the amount of and arrangements for debt financing, and such other considerations as he determines may bear upon the risks to the United States as guarantor.

§ 31.15 Security for the guarantee.

(a) All obligations must contain, or be issued subject to, such provisions relating to the security interests of the United States as may be required by the Secretary. These shall include general provisions under which the United States shall acquire rights of subrogation on payment of a guarantee in addition to such special provisions relating to the security of the United States in the specific property, including real property being acquired and developed, or other property as may be appropriate.

(b) Unless otherwise required or approved by the Secretary, the security of the United States will include a first lien on the real property of the developer (or such portion thereof as the Secretary may determine) owned or acquired in connection with the project. The developer's title to such property and the

validity of such lien must be evidenced by a title insurance policy issued by a title insurer licensed to do business in the State in which the real property is located and acceptable to the Secretary, or other satisfactory evidence of title. The form and amount of any title insurance policy shall comply with the standards prescribed by the Secretary. At, or prior to, the issuance of obligations guaranteed under the Act, the first lien referred to above shall be given to and held by the Secretary, or by a trustee approved by him. The instruments creating such lien and setting forth the terms and conditions under which it is given and held must be satisfactory to the Secretary.

(c) Such instruments shall include provisions for the release of real property from the lien, as such property is sold or otherwise disposed of for project purposes, in accordance with such schedules and procedures as the Secretary may require in the project agreement to assure that on the sale or other disposition of such property (i) adequate release payments will be applied to the redemption of the guaranteed obligations or paid into an appropriate fund, or (ii) other appropriate action will be taken or assurances received as may be required to protect the security interests of the United States.

§ 31.16 Terms and conditions of payment under the guarantee.

(a) *Nature and scope.* The full faith and credit of the United States is pledged to the payment of any guarantee made pursuant to the Act, and the validity of such guarantee shall be incontestable in the hands of a qualified holder of a guaranteed obligation, except for fraud or material misrepresentation on the part of such holder. The guarantee may extend to both principal and interest, including interest, as may be provided for in the guarantee, accruing between the date of default under a guaranteed obligation and the payment in full of the guarantee.

(b) *Claims and payment upon default.* Upon default by a developer in payment of interest or principal under an obligation guaranteed under the Act, the first recourse of the holder thereof shall be a claim under the guarantee for payment of the defaulted interest or principal; and, upon payment thereof in accordance with the terms of such guarantee, the holder shall have no further recourse. All payments thereunder shall be made in cash from the revolving fund established pursuant to the Act.

§ 31.17 [Reserved]

Subpart D—Procedures

§ 31.18 Preapplication proposal.

The preapplication procedure is designed to provide an initial screening to determine whether or not a project appears to be within the broad framework of the Act before all of the detailed plans are completed by the developer. It will also provide the Secretary an opportunity to work with the developer from the earliest stages of project planning.

(a) *Inquiry.* After familiarizing themselves with the Act and the regulations in this part, applicants are encouraged to meet with the Assistant Secretary for Metropolitan Planning and Development and his designated representatives to discuss their proposals, so that subsequent steps may be taken with a clear understanding of the goals and requirements of the program.

(b) *Proposal.* The first formal step in processing is submission of a preapplication proposal to the Assistant Secretary for Metropolitan Planning and Development, U.S. Department of Housing and Urban Development, Washington, D.C. 20410. The proposal should deal in summary form with the criteria for project evaluation set forth in Subparts B and C of this part. The proposal need not include the detailed supporting data required for an application. Specific instructions regarding the items which must be included in a proposal may be obtained from the Assistant Secretary for Metropolitan Planning and Development. No charge is required upon submission of a preapplication proposal.

(c) *Review and action.* The Assistant Secretary for Metropolitan Planning and Development, upon completion of his review of each proposal, will inform the applicant in writing of his findings and (1) invite submission of an application; (2) invite submission of an application, indicating the need for specific changes in the project; (3) recommend the resolution of certain critical problems before proceeding with an application; or (4) discourage an application, indicating the aspects of the proposal which do not appear to meet the requirements of the Act. An invitation to submit an application does not constitute or imply an assurance of eventual approval by the Department. If the applicant is not invited to submit an application, but nevertheless believes that the project may qualify under the Act, he may resubmit the proposal for further review with such changes as, in his opinion, will overcome the initial objections of the Assistant Secretary for Metropolitan Planning and Development.

§ 31.19 Application.

(a) *Submission.* An application may be submitted to the Assistant Secretary for Metropolitan Planning and Development following receipt of an invitation pursuant to § 31.18, and upon payment of the application charge specified in § 31.24. The application must contain information adequate to enable the Secretary to make the determinations that the criteria covered in Subparts B and C of this part have each been met. Specific instructions regarding the items which must be included in an application may be obtained from the Assistant Secretary for Metropolitan Planning and Development. Such items may, in addition to other matters, include information as to a range of feasible interest rates and alternative repayment schedules and maturities, subject to further determinations in accordance with paragraph (b) of this section.

(b) *Offer of commitment.* If the determinations referred to in paragraph (a) of this section are made by the Secretary and an application is approved by him hereunder, the Secretary may address a letter to the applicant stating in effect that, based upon the information contained in the applicant's proposal and application and any other information which may have been submitted by the applicant, the Secretary is prepared to enter into an agreement providing for the guarantee under the Act of a specified maximum principal amount of obligations to be issued by a specified developer, subject to approval by the Secretary of—

(1) The initial investors (in the case of a private sale of such obligations) or the terms and conditions of the underwriting (in the case of a public sale of such obligations);

(2) The rate of interest to be borne by such obligations or the formula by which such rate will be determined;

(3) The repayment and maturity provisions of such obligations;

(4) The specific measures for the protection of the security interests of the United States, liens and releases of liens, and payment of taxes; and

(5) All other terms and conditions of the financing arrangements which might affect the interest of the United States;

and subject to such further conditions as the Secretary may prescribe.

(c) *Acceptance of offer of commitment.* The offer to commit contained in any such letter shall expire 90 days after the issuance thereof unless accepted by the applicant prior to such expiration by payment of the commitment charge specified in § 31.25. Within 90 days after the expiration of such offer to commit, it may be reopened and accepted by the applicant by request in writing to the Secretary accompanied by tender of the commitment charge and the reopening charge, if the Secretary in his discretion approves such request. An accepted offer to commit shall remain effective as a commitment to enter into a project agreement pursuant to § 31.20 for 6 months, at which time the commitment shall expire unless the applicant has taken all steps that the Secretary determines to be required under this part as a prerequisite to the execution of such project agreement or unless such 6-month period is extended at the discretion of the Secretary.

§ 31.20 Project agreement.

Following satisfaction of all conditions stated in any commitment of the Secretary, and before the making of any guarantees, the developer will be required to enter a project agreement which shall be in a form satisfactory to the Secretary. The agreement shall set forth the understandings of the Secretary and the developer with respect to the entire project, including the understandings, if any, as to how the project is to be carried out in stages. The agreement shall also set forth the developer's agreement to carry out the project in accordance with specified plans, as approved by the Secretary,

and the Secretary's agreement to guarantee obligations of the developer issued pursuant to those plans, subject to the limitations set forth in the Act and this part. The agreement shall further include—

(a) An express covenant to the effect that the Government's interests in the project are not limited to its financial interests as guarantor but extend to accomplishment of the public purposes of the Act;

(b) Provisions setting forth the duties and responsibilities of the developer with respect to parts or portions of the project which will not be carried out by the developer;

(c) Provisions governing the security to be provided to the United States;

(d) Provisions setting forth the rights and remedies of the United States in the event of default, including rights to seek injunctive or other equitable relief;

(e) Special provisions as necessary to assure compliance with equal opportunity, labor standards, and other particular requirements;

(f) Duties of the developer to provide information, data, and reports as required by the Secretary; to maintain adequate books and records; and to permit and provide as necessary for inspections and on-site examinations by or on behalf of the Secretary; and

(g) Such other provisions as the Secretary may require as necessary or appropriate to assure adherence to the project as approved, or the provisions of the Act or of this part, or to protect the Government against loss.

§ 31.21 Issuance of guaranteed obligations.

At the request of the developer pursuant to the project agreement and upon satisfaction of the conditions specified in such agreement, the Secretary will endorse his guarantee upon obligations duly issued by the developer pursuant to a purchase or underwriting agreement approved by the Secretary. The guarantee fee specified in § 31.27 must be paid at the time the guarantee is made.

§ 31.22 Project execution and monitoring.

(a) *Inspections and reports.* To insure that the project is being executed in a manner consistent with the objectives of the Act and as provided in the project agreement, the developer will be required to submit periodic financial and other reports on project execution. The Secretary will also be afforded access to the project site at all reasonable times for purposes of inspection.

(b) *Use of proceeds of guaranteed obligations.*—(1) *Land valuation and cost certification.* Disbursement to the developer of proceeds from the sale of obligations guaranteed under the Act must be supported by prior submission to the Secretary of an independent valuation of land acquired or to be acquired by the developer or certification of actual costs of land acquisition or land development, or a combination of such valuation and certification. Any such valuation must

be prepared in accordance with the principles set forth in § 31.11 to the satisfaction of the Secretary. Any such certification must be in the form satisfactory to the Secretary and must be accompanied by such documentation as he may deem necessary to assure that such costs (i) have in fact been incurred by the developer for the project and (ii) are eligible for financing under the Act. If it is expected that guaranteed obligations will be issued and sold in anticipation of land acquisition or of costs for land development incurred in the future, appropriate provisions must be made for escrow or trusteeship of the proceeds of sale to the extent and so long as disbursement of such proceeds is unsupported by valuation of land actually acquired or certification of actual costs incurred.

(2) *Loan disbursements.* Funds to be derived from obligations which the Secretary has guaranteed or agreed to guarantee shall be disbursed or made available to the developer in accordance with limitations as to disbursements approved by the Secretary. Such limitations shall be based upon project needs, the progress of work completed as against work planned, the maintenance by the developer of required equity and working capital, the possibility of overruns or unanticipated costs, the extent to which allowable land values exceed land costs, and such other matters as the Secretary may deem relevant. Amounts properly allowable and credited, but withheld pursuant to such limitations and not otherwise paid to the developer for approved purposes, will be made available upon conclusion of the project, or the stage of a project to which such amounts relate, or are apportioned, as the Secretary may determine.

(c) *Records.* The developer must maintain, to the satisfaction of the Secretary, records of all costs incurred for the project and must require his contractors and subcontractors to maintain similar records. Upon request, all such records and all agreements relevant thereto shall be made available at all reasonable times for examination by the Secretary. Insofar as such records and agreements relate to any grants or guarantees made pursuant to this part, the financial transactions of recipients of Federal grants or of developers whose obligations are guaranteed by the United States, pursuant to this title, may be audited by the General Accounting Office under such rules and regulations as may be prescribed by the Comptroller General of the United States. The representatives of the General Accounting Office shall have access to all books, accounts, records, files, and all other papers, things, or property belonging to or in use by such developers or recipients of grants pertaining to such financial transactions and necessary to facilitate the audit.

(d) *Amendments.* As a result of changes in market demand, employment patterns, costs and revenues or other factors or conditions, it may become desirable to make certain amendments to the plans initially approved by the

Secretary. All proposals for amendments by the developer must be submitted to the Secretary for approval, together with full justification therefor. Such approval will be based upon the same criteria, and will take account of the same purposes, as are set forth in this part for consideration of the initial application. The Secretary may recommend, or require, subject to conditions set forth in the project agreement, amendments to an approved plan when, in his opinion, such amendments are necessary or desirable to insure the financial stability of the project or to prevent situations which would impair the value of the project or its ability to carry out the purposes of the Act.

§ 31.23 [Reserved]

Subpart F—Fee and Charge Schedule

§ 31.24 **Application charge.**

An application charge of \$5,000, non-refundable, shall accompany the application.

§ 31.25 **Commitment charge.**

A commitment charge equal to 0.5 percent of the principal amount of the commitment up to \$30 million, and, in addition, 0.1 percent of the principal amount above \$30 million, shall be paid upon acceptance of an offer of commitment

or at the time a guarantee is made, whichever occurs first.

§ 31.26 **Reopening charges.**

A reopening request pursuant to § 31.19(c) shall be accompanied by a charge of 0.05 percent of the expired offer of commitment. An offer of commitment which has expired because of the failure to pay the commitment charge may be reopened and accepted only upon payment of the commitment charge and the reopening charge.

§ 31.27 **Guarantee fee.**

A guarantee fee equal to 3 percent of the principal amount of obligations guaranteed by the Government shall be paid at the time of the issuance of such obligations.

§ 31.28 **Annual fee.**

An annual fee equal to 0.5 percent of the average principal amount of guaranteed obligations outstanding during the preceding year shall be paid on the first anniversary date of the initial guarantee and on each following anniversary date of the guarantee, until the seventh such date; and, thereafter, an annual fee of 1 percent of the average principal amount of guaranteed obligations outstanding during the preceding year shall be paid on each subsequent anniversary date of

the initial guarantee until the total obligation is paid in full.

§ 31.29 **Transfer charge.**

Upon application for approval of a case involving the substitution of developers, a transfer charge of 0.05 percent of the unused portion of the commitment shall be paid.

Effective date. This part shall be effective as of April 23, 1970.

SAMUEL C. JACKSON,
Assistant Secretary for Metropolitan Planning and Development.

[F.R. Doc. 70-4929; Filed, Apr. 22, 1970; 8:48 a.m.]

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

SUBCHAPTER A—NATIONAL INSURANCE DEVELOPMENT PROGRAM

PART 1906—STANDARD REINSURANCE CONTRACT

Correction

In F.R. Doc. 70-4610 appearing at page 6125 in the issue for Wednesday, April 15, 1970, the words "shall report to the reinsurer its aggre-" should be inserted between the third and fourth lines of § 1906.31(b).

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR Part 22]

DRAWBACK

Notice of Proposed Amendment of the Customs Regulations Relating to Proof of Export

Notice is hereby given that under the authority of sections 313 and 624 of the Tariff Act of 1930, as amended (19 U.S.C. 1313, 1624), it is proposed to amend (1) § 22.7, Customs Regulations, relating to the filing of the notice of exportation, Customs Form 7511, with or within 3 years after filing the shipper's export declaration with Customs, and (2) §§ 22.6(f) (19), 22.6(g-1) (10), 22.8, 22.9, 22.10, 22.11, 22.13(a), 22.17(a), 22.18(b), 22.20(d), 22.21(a), 22.23(c), 22.26(a), 22.27(a), and 22.45 of the Customs Regulations to conform to § 22.7 and reorganizational changes.

The proposed amendments would eliminate usage of the notice of exportation and the shipper's export declaration for drawback purposes and substitute therefor two alternate procedures whereby the drawback claimant may establish export of the goods upon which drawback will be claimed, by the procedure of his choice.

The basic evidence of export would be the bill of lading, master air waybill, or cargo manifest issued by the exporting carrier, which would be filed with the drawback entry.

The alternate procedure would require that:

(1) At or before the time of export a completed Certificate of Registration, a revised Customs Form 4455, be presented to Customs at the port of export for date stamping and immediate return, to be later filed with the drawback entry;

(2) The claimant furnish a bond to protect the Government against the improper payment of drawback made where the exported articles, the facts regarding their exportation, or the party primarily entitled to such drawback payment is incorrectly described in Customs Form 4455; and

(3) The direct evidence of exportation, that is the bill of lading, master air waybill, or cargo manifest together with any indirect evidence of a sale or other transfer of the product to a foreign country be retained by the claimant for 3 years after payment of the drawback for Government audit purposes.

It is believed that the preparation and processing of drawback claims would be rendered more efficient and flexible by eliminating dependency upon the notice of exportation and shipper's export declaration and would at the same time better protect the interests of both the Government and the private sector.

The terms of the proposed amendments of the Customs Regulations, in tentative form, are as follows:

Section 22.6 (f) (19) and (g-1) (10) is amended to read:

§ 22.6 General drawback rates in effect; approval of drawback statements by the Bureau and by collectors.

* * * * *

(f) * * *

(19) The drawback entry shall be in the following form:

Exporting carrier	Date of clearance	Name of shipper	No. of packages	Quantity and description of exported merchandise				
DESIGNATION OF IMPORTED SUGAR								
No. of import entry	By whom imported or withdrawn from warehouse	Name of importing carrier	When imported	Where imported	Quantity sugar (pounds)	Polarization	Sucrose (pounds)	Certificate of delivery No.

I, _____, the _____ of _____, located at _____, declare that the sugar (or sirup) described in this entry, was manufactured by said company at its refinery at _____ and is part of the sugar (or sirup) covered by abstract No. _____, filed at the port of _____; that the refinery and other records of the company verifying the statements contained in said abstract are now and at all times hereafter will be open to inspection by Customs officers. I further declare that the above-designated imported sugar (upon which the duties have been paid) was received by said company on _____ and was used in the manufacture of sugar and sirup during the period covered by abstract No. _____, customs No. _____, on file with the district director of customs at _____.

I further declare that the sugar or sirup specified herein was delivered to the above-named shippers.

Dated _____, 19____.

(Signature)

(g-1) * * *

(10) The refiner shall file a combination drawback entry and certificate of manufacture showing the products exported in the quantities established by the notices of lading and other evidence of exportation. Inasmuch as exported products, as described on the notices of lading and the other evidence of exportation, may include quantities of non-petroleum additives, a recapitulation shall be made showing quantities exported and the quantity of each product (less additives) in terms of the abstract.

* * * * *

Section 22.7 is amended to read:

§ 22.7 Evidence of exportation.

(a) *Alternate procedures.*—Exportation of articles covered by a drawback

DRAWBACK ENTRY FOR SUGARS AND SIRUPS

U.S. Customs Service,
Port of _____, 19____

Entry for drawback on exported sugars and sirups together with the designation of imported raw sugar containing sucrose of the quantity used in the manufacture of such merchandise, based on the relative value of the refined sugars and sirups manufactured during the period covered by abstract No. _____ (customs No. _____) on file with the district director of customs at the port of _____ Drawback claimed under § 22.6 (f) of the Customs regulations.

claim shall be established by either the procedure described in paragraph (b) or the procedure described in paragraph (c) of this section at the option of the claimant:

(b) *Document of exporting carrier.*—The drawback entry shall be supported by a bill of lading, master air waybill, or cargo manifest, or certified copies thereof, issued by the exporting carrier, which identifies the time and place that the goods described in the entry were shipped and the exporting vessel or other carrier.

(1) The bill of lading, master air waybill, or cargo manifest shall show that the merchandise was shipped by or for the account of the person making the drawback entry, or shall bear an endorsement of the person in whose name or for whose account the merchandise was shipped, showing that the person making drawback entry is authorized to make it and to receive the drawback. If a copy of the original bill of lading, master air waybill, or cargo manifest is filed, it shall bear the signature, not merely the initials of the representative of the transportation company issuing it.

(2) When a shipment is exported to Canada or Mexico from a border port and no bill of lading is issued to cover the exportation, the district director may accept a drawback entry supported by a copy of any inland bill of lading covering the transportation of the merchandise to the border port, and a certificate of the forwarder at the border port showing the name of the person for whose account the merchandise was exported, and identifying that he was the forwarder of the merchandise, that exportation was made by a specified conveyance, and that no bill of lading was issued to cover such exportation. This procedure may also be followed when

articles such as aircraft, automobiles, and other vehicles are exported under their own power.

(3) If the person making the drawback entry cannot produce the required bill of lading, master air waybill, or cargo manifest, he may submit in lieu thereof to the district director of customs a statement showing the cause of failure, with such evidence of exportation and of his right to make the drawback entry as may be obtainable.

(c) *Certificate of registration.* As an alternate procedure to that described in paragraph (b) of this section, the drawback entry shall be supported by a Certificate of Registration, Customs Form 4455, provided that:

(1) At or before the time of export the Customs Form 4455 showing the names of the exporter, the drawback claimant, and the exporting vessel or other carrier, the time and place of lading, the number and kind of packages and their marks and numbers, the description of the merchandise and its weight (gross and net), gauge, measure or number, was presented to the Customs officer supervising exportation at the port of export for date stamping and immediate return;

(2) A bond is furnished by the drawback claimant in an amount determined by the district director, subject to approval of the regional commissioner of customs, to protect the revenue against erroneous payments of drawback due to the incorrect description in the Customs Form 4455 of: (i) The exported articles; (ii) The party entitled to drawback; or (iii) The facts of exportation.

(3) The direct evidence of exportation, the bill of lading, master air waybill, or cargo manifest, or certified copies thereof, and circumstantial evidence of sales or transfers, are retained by the claimant for examination by authorized Government officials for a period of 3 years from the date of payment of the drawback;

(4) If the merchandise is to be exported in railroad cars, a Certificate of Registration shall be filed for each car; and

(5) When merchandise is laden on a vessel for transshipment at a domestic port outside the continental United States, such as San Juan, Puerto Rico, or Honolulu, Hawaii, the Certificate of Registration shall be presented to the Customs officer at the port where the merchandise was last transhipped for its foreign destination. Otherwise, a bill of lading, master air waybill, or cargo manifest submitted with the drawback entry must show the facts of transshipment.

Section 22.8 is amended to read:

§ 22.8 Certificate of registration, mail shipments.

(a) If the merchandise on which drawback is to be claimed is to be exported by mail or parcel post, the Certificate of Registration, Customs Form 4455, shall be prepared in triplicate. The original and two copies shall be filed with the postmaster at the place of mailing, and the merchandise shall be delivered to the postmaster at the same

time and mailed under his supervision. Such certificates shall be numbered by the exporter in accordance with § 22.10.

(b) Each package to be exported shall have stamped or written thereon a waiver of the right to withdraw the package from the mails, signed by the exporter, on Customs Form 3413, or in a substantially similar form.

(c) After the packages have been mailed, the postmaster will date stamp the Certificate of Registration, mark "COPY" on the copies and return the original and one copy to the person who presented the certificate for subsequent use in filing the drawback entry. One copy of the Certificate of Registration will be retained by the postmaster as his record of the transaction.

Section 22.9 is amended to read:

§ 22.9 Evidence of exportation, Government shipments.

(a) In the case of a shipment by a department, branch, or agency of the U.S. Government, the exportation may be established as provided by either § 22.7(b) or (c) whether the drawback is to be claimed by such department, branch, or agency, or by the supplier of the merchandise.

(b) When the § 22.7(c) procedure is to be used:

(1) Three copies of the Certificate of Registration, Customs Form 4455, shall be filed by the exporter or his agent with the Government officer in charge of transportation at the port of exportation. Such certificates shall be numbered by the exporter in accordance with § 22.10.

(2) The Certificate of Registration shall bear an endorsement in the following form, to be placed thereon by the exporter, for execution by the Government transportation officer at the port of exportation.

CERTIFICATE OF EXPORTATION

This is to certify that the merchandise described herein was laden at the port of _____, for _____

(foreign destination—
_____); that the exporting conveyance (actual or code) _____ departed from the above-named port on _____; and that _____

(Date) _____ (Name) _____
_____ was the actual shipper of the merchandise.

(Date) _____ (Name) _____
_____ (Rank, organization, title)

(3) The Government transportation officer at the port of exportation will date stamp the Certificate of Exportation, mark "COPY" on the copies and return the original and one copy to the person who presented the certificate. One copy of the Certificate of Registration will be retained by the Government transportation officer as his record of the transaction.

§ 22.10 [Amended].

Section 22.10 is amended by substituting "Certificates of Registration" for "notices of exportation" in the title, and by substituting "Certificates of Registra-

tion, Customs Form 4455," for "Notices of exportation" in the first sentence.

Section 22.11 is amended to read:

§ 22.11 Incorrect certificates of registration.

The exportation of articles covered by an incorrect Certificate of Registration, Customs Form 4455, must be established as provided by § 22.7(b).

Section 22.13(a) is amended to read:

§ 22.13 Completion of drawback claims.

(a) A drawback entry and certificate of manufacture shall be filed within 3 years after the date the articles are exported. Such entry and certificate shall be filed on Customs Form 7575 except in cases covered by paragraph (c) or (e) of this section. If such entry and certificate are filed on Customs Form 7575, such form shall be filed in duplicate; and, if the entry is filed on Customs Form 7573, only one copy (the original) need be filed, provided that an additional copy of either form may be required by the district director of customs if he deems such additional copy necessary for administrative use in his office. When the bill of lading, master air waybill, cargo manifest, or date stamped Certificate of Registration, Customs Form 4455, is filed with the entry under § 22.7(b) it shall show that the merchandise was shipped by the person making the drawback entry, or shall bear an endorsement of the person in whose name the merchandise was shipped, showing that the person making entry is authorized to make it and to receive the drawback. One entry may cover several shipments. All documents necessary to the liquidation of the entry, including those issued by one Customs officer to another, shall be filed or applied for, as the case may require, within the 3-year period prescribed above, except that any required landing certificate shall be filed within the time prescribed in § 22.17(c). Claims not completed within the 3-year period prescribed above shall be treated as abandoned and no extension will be granted, unless it is established that failure to complete the claim within 3 years was occasioned by action of a responsible Customs officer.

Section 22.17(a) is amended to read:

§ 22.17 Landing certificates.

(a) A landing certificate shall be required (1) whenever the district director of customs at the port of exportation or at the port where the drawback entry is filed shall have reason to believe that the shipment is not a bona fide exportation, (2) when the Bureau specifically directs that a landing certificate shall be produced, (3) when a landing certificate is otherwise required by law or regulation, and (4) for every aircraft which departs from the United States under its own power if drawback is claimed on the aircraft or any part thereof. Landing certificates for aircraft shall show the exact time of landing of the aircraft in the foreign country and describe the aircraft or parts thereof on which drawback is claimed in sufficient detail to enable

the district director of customs to identify them with the bill of lading, master air waybill, cargo manifest, or Certificate of Registration on Customs Form 4455.

Section 22.18(b) is amended to read:

§ 22.18 Supplies for certain vessels and aircraft.

(b) The procedure prescribed in this part as to the filing of an application for a rate of drawback and other required documents shall be followed, so far as applicable, in filing claims for drawback under this section, except that notices of lading on Customs Form 7515 shall be filed in lieu of bills of lading, master air waybills, cargo manifests, or Certificates of Registration on Customs Form 4455.

§ 22.20 [Amended].

Section 22.20(d) is amended by deleting the phrase "notices of exportation."

Section 22.21(a) is amended to read:

§ 22.21 To whom payable.

(a) The person named as exporter in the bill of lading, master air waybill, or cargo manifest shall be held to be the exporter and entitled to the drawback, unless the manufacturer or producer, on the sale or consignment of such articles, shall have reserved to himself the right to claim the drawback, in which case such manufacturer or producer may make entry for such drawback and it shall be paid to him upon the production of satisfactory evidence that such reservation was made with the knowledge and consent of the exporter. Evidence of entitlement for this purpose may be furnished in accordance with section 22.7(c).

Section 22.23(c) is amended to read:

§ 22.23 Procedure.

(c) When the exportation covers duty-paid imported merchandise, in addition to the tax-paid alcohol, two sets of drawback entries shall be filed, one set for Customs drawback and the other for internal-revenue drawback.

Section 22.26(a) is amended to read:

§ 22.26 Statement of drawback due.

(a) When the drawback claim has been completed by the filing of the entry and other documents, as required by the regulations in this part, any required landing certificate has been produced, and clearance of the exporting conveyance has been established by the records of clearance in the case of direct exportation or by a certificate when the merchandise was exported at another port, the regional commissioner of customs shall proceed to ascertain the amount of drawback due by reference to the certificate of manufacture and the drawback rate under which the drawback claimed is allowable.

Section 22.37(a) is amended to read:

§ 22.37 Articles manufactured or produced in the United States.

(a) The procedure prescribed in this part as to the filing of an application for a rate of drawback and other required documents shall be followed, so far as applicable, in filing claims for drawback under the fourth proviso to section 3 of the Act of June 18, 1934, as amended (19 U.S.C. 81c), on articles manufactured or produced in the United States with the use of imported or substituted merchandise, and on flavoring extracts and medicinal or toilet preparations (including perfumery) manufactured or produced with the use of domestic tax-paid alcohol, except that notices of transfer on Customs Form 7513 shall be filed in lieu of bills of lading, master air waybills, cargo manifests, or Certificates of Registration on Customs Form 4455.

§ 22.45 [Amended]

Section 22.45 is amended by deleting the phrase "or notices of exportation" and substituting therefor the phrase "master air waybills, cargo manifests, or Certificates of Registration on Customs Form 4455."

(Secs. 313, 624, 46 Stat. 693, as amended, 759; 19 U.S.C. 1313, 1624)

Prior to the issuance of the proposed amendment, consideration will be given to any relevant data, views, or arguments which are submitted in writing to the Commissioner of Customs, Bureau of Customs, Washington, D.C. 20226, and received not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER. No hearing will be held.

[SEAL] EDWIN F. RAINS,
Acting Commissioner of Customs.

Approved: April 14, 1970.

EUGENE T. ROSSIDES,
Assistant Secretary
of the Treasury.

[P.R. Doc. 70-4957; Filed, Apr. 22, 1970;
8:50 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 52]

CANNED APPLESAUCE

Standards for Grades

Notice is hereby given that the U.S. Department of Agriculture is considering a revision to the U.S. Standards for Grades of Canned Applesauce (7 CFR 52.331-52.343). This revision, if made effective, will be the fourth issue by the Department for this product. These grade standards are issued under authority of the Agricultural Marketing Act of 1946 (Sec. 205, 60 Stat. 1090, as amended; 7 U.S.C. 1624) which provides for the issuance of official U.S. grades to designate different levels of quality for the voluntary use by producers, buyers, and consumers. Official grading services

are also provided under this Act upon request of the applicant and upon payment of a fee to cover the cost of such services.

NOTE: 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.

All persons who desire to submit written views, data, or arguments for consideration in connection with the proposed revision should file the same in duplicate, not later than 120 days after publication hereof in the FEDERAL REGISTER, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250. 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)).

STATEMENT OF CONSIDERATION LEADING TO THE PROPOSED REVISION

The current U.S. Standards for Grades of Canned Applesauce were last revised in 1950. Since that time Standards of Identity have been developed and promulgated under the Federal Food, Drug, and Cosmetic Act which permit certain additives not covered by the current U.S. Department of Agriculture Grade Standards.

In recent years there has been a growing demand for unsweetened applesauce, such as for dietetic purposes. Although the current standards cover such a product, it is excluded from the Grade A classification only because of its lack of sweetness.

A chunky style has also recently been introduced in the market as well as artificially colored applesauce. Current grade standards cover only the traditional comminuted style and do not provide for the addition of artificial coloring.

Evaluation of the factors of defects and consistency are based on subjective requirements in the current standards.

The proposed changes in the USDA grade standards for canned applesauce would include:

(1) A change in the nomenclature of the current grade classification of Grade C to Grade B to provide for more uniformity in USDA grade designations for processed fruits and vegetables;

(2) A realignment of the minimum total score points from 85 to 90 for Grade A and from 70 for the present Grade C to 80 for the proposed Grade B designation (this would not change the quality level for these grades but would bring the scoring system into line with other processed fruit and vegetable standards);

(3) Provision for two types of pack: sweetened and unsweetened—with provision for the unsweetened style in the Grade A classification as well as the sweetened;

(4) An objective method of evaluating requirements for the factors of defects and consistency;

(5) Provision for the additives permitted in the Federal Food and Drug

Standards of Identity for canned applesauce, such as edible organic acids, artificial coloring, spices, and flavorings other than artificial; and

(6) Provision for the chunky style as well as the regular comminuted style.

The proposed revision is as follows:

PRODUCT DESCRIPTION, TYPES, STYLES, GRADES

- Secs.
52.331 Product description.
52.332 Color types.
52.333 Flavor types.
52.334 Type of pack.
52.335 Styles.
52.336 Grades.

FILL OF CONTAINER

- 52.337 Fill of container.

FACTORS OF QUALITY

- 52.338 Ascertaining the grade.
52.339 Ascertaining the rating for the factors which are scored.
52.340 Color.
52.341 Consistency.
52.342 Defects.
52.343 Finish.
52.344 Flavor.

METHODS OF ANALYSIS

- 52.345 Soluble solids determination.
52.346 Determination of consistency.
52.347 Examination for defects.

LOT COMPLIANCE

- 52.348 Ascertaining the grade of a lot.

SCORE SHEET

- 52.349 Score sheet for canned applesauce.

AUTHORITY: § 52.331 to 52.349 issued under section 205, 60 Stat. 1090, as amended; 7 U.S.C. 1624.

PRODUCT DESCRIPTION, STYLES, GRADES

§ 52.331 Product description.

"Canned applesauce", as defined in the definitions and Standards of Identity for Canned Fruits and Fruit Juices (21 CFR 27.80) issued pursuant to the Federal Food, Drug, and Cosmetic Act, means the product prepared from comminuted or chopped apples, which may or may not be peeled and cored, and which may have added thereto one or more of the optional ingredients specified in the aforementioned standards of identity. The apple ingredient is heated and, in accordance with good manufacturing practices, bruised apple particles, peel, seed, core material, carpel tissue, and other coarse, hard or extraneous materials are removed. The product is sealed in containers and so processed by heat, either before or after sealing as to prevent spoilage.

§ 52.332 Color styles.

(a) *Natural Color.* Canned applesauce in which the color of the finished product is derived wholly from the apple ingredient.

(b) *Artificially Colored.* Canned applesauce in which the color of the finished product is derived from an artificial coloring substance as permitted in the standards of identity mentioned in § 52.331 of this subpart.

§ 52.333 Flavor types.

(a) *Natural flavor.* Natural flavored canned applesauce is the product in which the flavor is derived from the

apple ingredient and other permitted additives exclusive of flavorings or spices.

(b) *Flavored.* Flavored canned applesauce is the product in which the flavor is derived substantially from an added flavoring ingredient, other than artificial flavorings.

(c) *Spiced.* Spiced canned applesauce is the product in which the flavor is derived substantially from an added spice(s).

§ 52.334 Type of pack.

(a) *Unsweetened.* Canned applesauce prepared without the addition of nutritive sweeteners. The product shall test not less than 9° Brix as prescribed under § 52.345, of this subpart.

(b) *Sweetened.* Canned applesauce with nutritive sweeteners added.

§ 52.335 Styles.

(a) *Regular (or Comminuted).* Canned applesauce in which the apple ingredient has been comminuted into granular particles.

(b) *Chunk (or Chunky).* Canned applesauce in which the apple ingredient has been chopped into small pieces.

§ 52.336 Grades.

(a) "U.S. Grade A" (or "U.S. Fancy") is the quality of canned applesauce that possesses a high degree of excellence and that scores not less than 90 points when scored in accordance with the scoring system outlined in this subpart with respect to:

- (1) Color,
- (2) Consistency,
- (3) Defects,
- (4) Finish, and
- (5) Flavor.

(b) "U.S. Grade B" (or "U.S. Choice") is the quality of canned applesauce that possesses a reasonably high degree of excellence and that scores not less than 80 points when scored in accordance with the scoring system outlined in this subpart with respect to:

- (1) Color,
- (2) Consistency,
- (3) Defects,
- (4) Finish, and
- (5) Flavor.

(c) "Substandard" is the quality of canned applesauce that fails to meet requirements for "U.S. Grade B".

FILL OF CONTAINER

§ 52.337 Fill of container.

The fill of container is not incorporated in the grades of the finished product since fill of container, as such, is not a factor of quality for the purpose of these grades. The standard of fill of container as specified in the Standard of Fill of Container for Canned Applesauce (21 CFR 27.81) issued pursuant to the Federal Food, Drug, and Cosmetic Act, is a fill not less than 90 percent of the total capacity of the container, as determined by the general method for fill of containers prescribed in 21 CFR 10.6(b); except that in the case of glass containers having a total capacity of 6½ fluid ounces or less, the fill is not less than 85 percent.

FACTORS OF QUALITY

§ 52.338 Ascertaining the grade.

(a) The sample unit size for evaluating the factors of defects and consistency is the amount of applesauce required to fill level full the equivalent of a cylinder measuring 3 inches inside diameter and ¾ inches high.

(b) The grade of canned applesauce is ascertained by considering the respective ratings for the factors of color, consistency, defects, finish, and flavor, in conjunction with other nonscoreable requirements.

(c) The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given such factors is:

Factors	Points
Color	20
Consistency	20
Defects	20
Finish	20
Flavor	20
Total score.....	100

§ 52.339 Ascertaining the rating of the factors which are scored.

The essential variations within each factor which is scored are so described that the value may be ascertained for such factors and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "18 to 20 points" means, 18, 19, or 20 points).

§ 52.340 Color.

(a) (A) *Classification.* Canned Applesauce that possesses a good color may be given a score of 18 to 20 points. "Good Color" means that the color of the finished product is bright, practically uniform, and in addition has the following meanings with respect to the following types:

(1) *Natural.* the color is typical for the variety or varieties used and may range from a white color that may be slightly translucent to a light golden color; such color is free from tinges of pink or gray and free from discoloration due to oxidation, scorching, or other causes.

(2) *Artificially colored.* the color is bright, and distinct but not saturated.

(3) *Spiced.* the color is characteristic of the color imparted by the added spices; such color is free from tinges of pink or gray and from discoloration due to oxidation, scorching, or other causes.

(b) (B) *Classification.* Canned Applesauce that possesses a reasonably good color may be given a score of 16 or 17 points: Canned Applesauce that falls into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a limiting rule). "Reasonably good color" means that the color of the finished product may be dull, is reasonably uniform, and in addition has the following meanings with respect to the following types:

(1) *Natural.* The color is typical for the variety or varieties used and may be

slightly brown, slightly pink, or slightly gray, but is not off color.

(2) *Artificially colored*. The color may be fairly bright, is distinct but not saturated.

(3) *Spiced*. The color imparted by the added spices may be no more than slightly affected by pink or gray color but is not off color.

(c) *(SStd) Classification*. Canned applesauce that fails to meet the requirements of paragraph (b) of this section may be given a score of 0 to 15 points. Canned applesauce that falls into this classification shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.341 Consistency.

(a) *General*. Consistency refers to the flow characteristics of the product and to the degree of separation of free liquor when determined in accordance with the procedure prescribed under § 52.346 of this subpart.

(b) (A) *Classification*. Canned applesauce that has a good consistency may be given a score of 18 to 20 points. "Good consistency" has the following meanings with respect to the following styles:

(1) *Regular (or Comminuted)*. The product does not flow more than 6.5 centimeters; and there is not more than one-quarter inch free liquor present.

(2) *Chunk (or Chunky)*. The product does not flow more than 7.5 centimeters; and there may be no more than a slight amount of free liquor present.

(c) (B) *Classification*. Canned applesauce that has a reasonably good consistency may be given a score of 16 or 17 points. Canned applesauce that falls into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a limiting rule). "Reasonably good consistency" has the following meanings with respect to the following styles:

(1) *Regular (or Comminuted)*. The product does not flow more than 8.5 centimeters; and there is not more than three-eighths inch free liquor present.

(2) *Chunk (or Chunky)*. The product flows not more than 9.5 centimeters; and there may be no more than a moderate amount of free liquor present.

(d) *(SStd) Classification*. Canned applesauce that fails to meet the requirements of paragraph (c) of this section may be given a score of 0 to 15 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.342 Defects.

(a) *General*. Defects refer to the degree of freedom from particles of seeds, discolored apple particles, peel, carpel tissue, stamens, and other objectionable particles. Compliance with requirements for defects is determined by the method specified in § 52.347 of this subpart.

(b) *Definition of terms*—(1) *Carpel tissue*. The tough and sometimes hard and sharp tissue from the center portion (core) of the apple surrounding the seed cavity.

(2) *Stamens*. The dark hairlike substances from the blossom end of the apple.

(3) *Seed particles*. Whole seeds or any portion thereof from the core of the apple.

(4) *Discolored apple particles*. Apple particles that are discolored by bruise or other means to the extent that they do not blend well with the normal color of the product and are noticeable.

(5) *Peel*. Apple peel that does not blend well with the normal color of the product and is noticeable or that is tough whether or not it is visually noticeable.

(c) (A) *Classification*. Canned applesauce that is practically free from defects may be given a score of 18 to 20 points. "Practically free from defects" means that any carpel tissue that may be present is not noticeable upon eating the product and there is present not more than:

(1) Three dark stamens; and

(2) A total of one-half of 1 square centimeter of seed particles, peel, and/or discolored apple particles of which one-fourth of 1 square centimeter may be medium and/or dark in color.

(d) (B) *Classification*. Canned applesauce that is reasonably free from defects may be given a score of 16 or 17 points. Canned applesauce that falls into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means that any carpel tissue that may be present is no more than slightly noticeable upon eating the product and there is present not more than:

(1) Five dark stamens; and

(2) A total of 1 square centimeter of seed particles, peel, and/or discolored apple particles of which one-half of 1 square centimeter may be medium and/or dark in color.

(e) *(SStd) Classification*. Canned applesauce that fails to meet the requirements of paragraph (d) of this section may be given a score of 0 to 15 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.343 Finish.

(a) *General*. Finish refers to the texture and tenderness of the apple particles, and with respect to Regular (or Comminuted) style, the evenness of division of the apple particles; with respect to Chunk (or Chunky) style, the uniformity of size of the apple chunks and the amount of fine apple particles that may be present due to sloughing of the chunks or other causes.

(b) (A) *Classification*. Canned applesauce that has a good finish may be given a score of 18 to 20 points. "Good finish" means that the apple particles are tender and in addition has the following meanings with respect to the following styles:

(1) *Regular (or Comminuted)*. The apple particles are evenly divided, granular to the extent that they are of a crisp texture upon eating; not lumpy; and are free from a "pasty" or "salvy" texture.

(2) *Chunk (or Chunky)*. The apple chunks are reasonably uniform in size and any fine apple particles that may be present no more than moderately affects the appearance and/or eating quality of the product.

(c) (B) *Classification*. Canned applesauce that has a fairly good finish may be given a score of 16 or 17 points. Canned applesauce that falls into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a limiting rule). "Fairly good" finish means that the apple particles are fairly tender but not hard or mushy, and in addition has the following meanings with respect to the following styles:

(1) *Regular (or Comminuted)*. The apple particles are evenly divided; the product may lack granular characteristics, and may be slightly "salvy" or "pasty".

(2) *Chunk (or Chunky)*. The apple chunks may lack uniformity of size and any fine apple particles that may be present do not seriously affect the appearance and/or eating quality of the product.

(d) *(SStd) Classification*. Canned applesauce that fails to meet the requirements of paragraph (c) of this section may be given a score of 0 to 15 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.344 Flavor.

Flavor refers to the degree of excellence of the natural flavor and aroma of the apple ingredient; to the apparent relationship of acidity to sweetness; to the freedom of undesirable flavors; and with respect to flavored and spaced types, to the flavor balance of the apple ingredient and the flavor or spice ingredients.

(a) (A) *Classification*. Canned applesauce that possess a good flavor may be given a score of 18 to 20 points. "Good flavor" means that the product has a distinct, pleasing, and characteristic flavor that is free from flavors due to overripe apples, oxidation, fermentation, caramelization, or ground or musty flavors due to storage or other causes or any other undesirable flavor, and in addition has the following meanings with respect to the following types:

(1) *Unsweetened*. The product has a good natural sugar-acid balance in that it may be slightly tart or slightly bland but is free from astringent flavors; and tests not less than 9° Brix measured as prescribed in § 52.345 of this subpart.

(2) *Sweetened*. The product has a good sugar-acid balance in that it may range from slightly tart to slightly sweet; is free from astringent flavors; and tests not less than 16.5° Brix measured as prescribed in § 52.345 of this subpart.

(3) *Flavored; spiced*. In addition to meeting the flavor requirements for unsweetened or sweetened types, paragraph (a) of this section, as the case may be, the flavor is distinct and characteristic of the added flavoring ingredient or added spice(s) but is not strong.

(b) (B) *Classification*. Canned applesauce that possesses a reasonably good flavor may be given a score of 16 or 17 points. Canned applesauce that falls into this classification may not be graded above U.S. Grade B, regardless of the total score for the product (this is a limiting rule). "Reasonably good" flavor means that the product may possess flavors due to overripe apples, oxidation, caramelization, or ground or musty flavors due to storage or other causes that are not objectionable but is free from flavors due to fermentation and in addition has the following meanings with respect to the following types:

(1) *Unsweetened*. The product has a fairly good natural sugar-acid balance in that it may be more than slightly tart, or it may be bland, or it may be slightly astringent, but not to the extent that it is objectionable; and it tests not less than 9° Brix as prescribed in § 52.345 of this subpart.

(2) *Sweetened*. The flavor of the product may be more than slightly tart, or more than slightly sweet, or slightly astringent, but not to the extent that it is objectionable; and it tests not less than 14.5° Brix measured as prescribed in § 52.345 of this subpart.

(3) *Flavored; spiced*. In addition to meeting flavor requirements for unsweetened or sweetened types of paragraph (b) of this section, as the case may be, the flavor derived from the added flavoring ingredient or spice(s) ingredient(s) may be slightly weak or slightly strong but is not objectionable.

(c) (SStd) *Classification*. Canned applesauce that fails to meet the requirements of paragraph (b) of this section may be given a score of 0 to 15 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

METHODS OF ANALYSIS

§ 52.345 Soluble Solids Determination.

The soluble solids content of canned applesauce is the soluble solids as determined by refractometric method prescribed in "Official Methods of Analysis of the Association of Official Analytical Chemists", 10th Edition; Page 309, § 20.016, except that no correction is made for water-insoluble solids. The soluble solids is expressed as "degrees Brix".

§ 52.346 Determination of Consistency.

(a) *Equipment*. (1) USDA Flow Sheet No. 1.

(2) Cylinder—3 inches inside diameter; 3¼ inches high.

(3) Scraper.

The USDA Flow Sheet No. 1 and specifications for the cylinder and scraper may be obtained from:

Chief, Processed Products Standardization and Inspection Branch, Fruit and Vegetable Division, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250.

(b) *Procedure*. (1) Stir contents of container thoroughly; with contents at approximately room temperature;

(2) Place the clean, dry cylinder exactly over the center of the flow sheet—placed on a flat surface under good lighting conditions—by aligning the inside of the cylinder with the periphery of the center circle;

(3) (i) Transfer the well-mixed sample to the cylinder so that the applesauce will fill the cylinder to level full; or

(ii) In the case of No. 10 containers, first transfer a well-mixed sample to a 600 ml beaker or other suitable container (No. 303 or No. 2½ can) sufficient to fill the beaker or container before transferring the applesauce to the cylinder as stated in (3a);

(4) Remove any excess applesauce with a spatula or other suitable instrument, leveling off the top. Do not remove any free liquor that accumulates around the bottom of the cylinder;

(5) With a smooth, even motion, lift the cylinder straight up, permitting the applesauce to spread freely;

(6) Permit the mound of applesauce thus formed to stand for exactly 1 minute;

(7) Determine the extent of flow by averaging the readings taken at the four quadrants of the flow sheet (Readings are taken at the edge of the applesauce exclusive of any free liquor);

(8) In the case of Regular (or comminuted) style, determine the amount of free liquor, if any, by measuring the liquor from the edge of the applesauce at the four quadrants and averaging these measurements.

§ 52.347 Examination for defects.

(a) *Sample preparation*. In the case of Regular (or comminuted) style, with the use of the spreader, spread the sample unit of applesauce used for evaluating consistency (as specified in § 52.346 (b) of this subpart) out over the flow sheet in an even layer holding the spreader in a vertical position in order to maintain an even, maximum depth permitted by the spreader.

In the case of chunky style, spread the sample unit out in as shallow and even a layer as possible using either the notched edge or back edge of the scraper.

(b) *Appearance evaluation*. View the spread sample and evaluate the degree to which the general overall appearance is affected by any defects that may be present.

(c) *Measurable defects*. With a pair of tweezers or other suitable instrument, pick out all scoreable defects (as described in § 52.342(b) of this subpart) from the sample. Remove any excess apple particles from the defects and, except for stamens, place the defects in a contiguous position on the measurement chart in the corner of the flow sheet. Pick out all noticeable specks that may be beneath the surface of the applesauce to determine whether they are scoreable.

(d) *Stamens*. Count the dark stamens that may be present in the sample unit.

LOT COMPLIANCE

§ 52.348 Ascertaining the grade of a lot.

The grade of a lot of canned applesauce covered by these standards is

determined by the procedures set forth in the Regulations Governing Inspection and Certification of Processed Fruits and Vegetables, Processed Products thereof, and certain other processed food products (§§ 52.1 through 52.87).

SCORE SHEET

§ 52.349 Score sheet for canned applesauce.

Size and kind of container.....		
Container mark or identification.....		
Label.....		
Net weight (ounces).....		
Degrees Brix (by refractometer).....		
Style.....		
Vacuum.....		
	Factors	Score points
Color.....	20	(A) 15-20 (B) 10-17 (SStd) 0-15
Consistency.....	20	(A) 15-20 (B) 10-17 (SStd) 0-15
Defects.....	20	(A) 15-20 (B) 10-17 (SStd) 0-15
Finish.....	20	(A) 15-20 (B) 10-17 (SStd) 0-15
Flavor.....	20	(A) 15-20 (B) 10-17 (SStd) 0-15
Total score.....	100	
Grade.....		

¹ Indicates limiting rule.

Dated: April 20, 1970.

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

[P.R. Doc. 70-4943; Filed, Apr. 22, 1970;
8:49 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 69-SO-132]

FEDERAL AIRWAY SEGMENTS

Proposed Alteration

The Federal Aviation Administration (FAA) is considering amendments to Part 71 of the Federal Aviation Regulations that would alter segments of VOR Federal airway Nos. 11, 198 and 240.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Post Office Box 20636, Atlanta, Ga. 30320. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The FAA has under consideration the following airspace actions:

1. Redesignate V-11 segment from Greene County, Miss., to the Richton Intersection by establishing the airway floor at 9,500 feet MSL. Designate V-11 east alternate segment from Mobile, Ala., to Laurel, Miss., via the intersection of the Mobile 356° T (351° M) and Laurel 109° T (104° M) radials.

2. Redesignate V-198 segment from Harvey, La., direct to Brookley, Ala., with a floor of 1,200 feet AGL from Harvey to the intersection of the Gulfport, Miss., 105° T (100° M) radial; 2,500 feet MSL to the intersection of the Mobile 145° T (140° M) radial; thence 1,200 feet AGL to Brookley.

3. Redesignate V-240 segment from New Orleans, La., to Mobile via the intersection of New Orleans 085° T (079° M) and Harvey 065° T (059° M) radials and the intersection of Brookley 246° T (242° M) and Mobile 224° T (219° M) radials.

These proposed actions would provide additional off-airway airspace northwest of Mobile and south of Gulfport to be utilized for training activities by Keesler Air Force Base.

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

Issued in Washington, D.C., on April 15, 1970.

H. B. HELSTROM,
Chief, Airspace and Air
Traffic Rules Division.

[F.R. Doc. 70-4919; Filed, Apr. 22, 1970;
8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 70-WE-12]

FEDERAL AIRWAYS

Proposed Designation and Alteration

The Federal Aviation Administration is considering amendments to Part 71 of the Federal Aviation Regulations that would designate segments of VOR Federal airway Nos. 452 and 536; and realign alternate segments of VOR Federal airway Nos. 23 and 287.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Western Region, Attention: Chief Air Traffic Division, Federal Aviation Administration, 5651 West Manchester Avenue, Post Office Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be

considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The FAA is proposing the following airspace actions:

1. Realign V-23 west alternate from Fort Jones, Calif., via the intersection of Fort Jones 340° T (321° M) and Roseburg, Oreg., 174° T (154° M) radials; Roseburg; intersection of Roseburg 355° T (335° M) and Corvallis, Oreg. 195° T (174° M); Corvallis; Newberg, Oreg.; to Portland, Oreg.

2. Designate V-287 east alternate segment from Medford, Oreg., via Roseburg; Eugene, Oreg.; Corvallis; to the intersection of Corvallis 352° T (331° M) and Newberg 204° T (183° M) radials.

3. Extend V-536 from North Bend, Oreg., via the intersection of North Bend 023° T (003° M) and Corvallis 235° T (214° M) radials; to Corvallis.

4. Designate VOR Federal airway No. 452 from Newport, Oreg., direct to Eugene.

These airspace actions are designed to improve the airway system so as to facilitate the movement of air traffic in the Oregon coastal area between Medford and Portland.

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

Issued in Washington, D.C., on April 15, 1970.

LOUIS H. McCaughey,
Acting Chief, Airspace and Air
Traffic Rules Division.

[F.R. Doc. 70-4920; Filed, Apr. 22, 1970;
8:47 a.m.]

[14 CFR Parts 71, 73, 75]

[Airspace Docket No. 70-SW-1]

RESTRICTED AREA AND JET ROUTES

Proposed Designation

The Federal Aviation Administration (FAA) is considering amendments to Parts 71, 73, and 75 of the Federal Aviation Regulations that would designate a restricted area in the Magdalena Mountains, Socorro, N. Mex., and designate jet routes from Truth or Consequences, N. Mex., to Albuquerque, N. Mex., via Socorro, N. Mex., and from San Simon, Ariz., to Socorro, N. Mex.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southwest Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Post Office Box 1689, Fort Worth, Tex. 76101. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be

considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The FAA proposes the following airspace actions:

1. The Socorro, N. Mex., restricted area would be designated as follows:

Boundaries. Beginning at lat. 34°00'00" N., long. 107°07'30" W.; thence to lat. 33°55'30" N., long. 107°07'30" W.; to lat. 33°55'30" N., long. 107°12'30" W.; to lat. 34°00'00" N., long. 107°12'30" W.; to point of beginning.
Designated altitudes. Surface to 45,000 feet MSL.

Time of designation. From 0900 to 1900 local time, daily June 1 through September 30, annually.

Controlling agency. Federal Aviation Administration, Albuquerque ARTC Center.

Using agency. U.S. Navy, Office of Naval Research, Atmospheric Sciences.

2. A jet route would be designated from the Truth or Consequences, N. Mex., VORTAC to the Albuquerque, N. Mex., VORTAC via the Socorro, N. Mex., VORTAC.

3. A jet route would be designated from the San Simon, Ariz., VORTAC to the Socorro VORTAC via the intersection of the San Simon 038° T (025° M) and Socorro 233° T (220° M) radials.

The proposed restricted area is needed to permit balloon and rocket penetrations into thunderstorms for measurements of cloud electricity in support of studies of lightning and rain formation. The balloons would be moored. The rockets would be controlled surface-to-surface within the restricted area.

The proposed jet routes would be used as alternate routes for J-13 and J-104 during the effective hours of the restricted area. The proposed route from San Simon to Socorro would be 3 nautical miles longer than J-104. The proposed route from Truth or Consequences to Albuquerque would be 2 nautical miles longer than J-13. Coincident with these proposed actions the continental control area would be amended by adding the Socorro restricted area.

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

Issued in Washington, D.C., on April 20, 1970.

H. B. HELSTROM,
Chief, Airspace and Air
Traffic Rules Division.

[F.R. Doc. 70-4954; Filed, Apr. 22, 1970;
8:50 a.m.]

[14 CFR Part 73]

[Airspace Docket No. 70-CE-15]

RESTRICTED AREAS

Proposed Alteration and Designation

The Federal Aviation Administration is considering an amendment to Part 73 of the Federal Aviation Regulations that would alter the Brookville, Kans., Restricted Area R-3601.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The U.S. Air Force has advised that the expansion of R-3601 is essential to contain the weapons delivery patterns of participating aircraft operating against targets with the restricted area. The location of the various targets and respective run-in alignments result in a considerable portion of the patterns being flown outside the perimeter of the currently designated R-3601. The purpose of this proposal is to provide maximum safety to the aviation public and to participating air crews by expanding the restricted area to encompass necessary flight patterns to the maximum extent possible. The expanded R-3601 would be subdivided into two contiguous areas, R-3601A and R-3601B, to be activated for use individually as required.

If action is taken to adopt this proposal, alteration to R-3601 should result in descriptions as follows:

R-3601A BROOKVILLE, KANS.

Boundaries: Beginning at lat. 38°45'20" N., long. 97°46'00" W., to lat. 38°39'45" N., long. 97°46'00" W., along the Missouri Pacific Railroad to lat. 38°38'20" N., long. 97°47'30" W., to lat. 38°38'20" N., long. 97°56'00" W., to lat. 38°45'20" N., long. 97°56'00" W., to point of beginning.

Designated altitudes. Surface to FL-200. Time of designation. Sunrise to 2400 hours c.s.t., Monday through Friday; sunrise to sunset Saturday and Sunday.

Controlling agency. Federal Aviation Administration, Kansas City ARTC Center. Using agency. Commander, McConnell AFB, Kans.

R-3601B BROOKVILLE, KANS.

Boundaries: Beginning at lat. 38°38'20" N., long. 97°50'00" W., to lat. 38°35'00" N., long. 97°50'00" W., to lat. 38°35'00" N., long.

97°56'00" W., to lat. 38°38'20" N., long. 97°56'00" W., to point of beginning.

Designated altitudes. Surface to 6,500 feet MSL.

Time of designation. Sunrise to 2400 hours c.s.t., Monday through Friday; sunrise to sunset Saturday and Sunday.

Controlling agency. Federal Aviation Administration, Kansas City ARTC Center.

Using agency. Commander, McConnell AFB, Kans.

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

Issued in Washington, D.C., on April 15, 1970.

LOUIS H. McCaughey,
Acting Chief, Airspace and
Air Traffic Rules Division.

[P.R. Doc. 70-4921; Filed, Apr. 22, 1970; 8:47 a.m.]

DEPARTMENT OF
TRANSPORTATION

National Highway Safety Bureau

[49 CFR Part 571]

[Docket No. 2-6; Notice 2]

SIDE DOOR STRENGTH—PASSENGER
CARSProposed Motor Vehicle Safety
Standard

On October 14, 1967, an advance notice of proposed rule making was issued concerning a possible standard limiting the amount of intrusion, on exterior impact, of vehicle and other structures into passenger compartments of passenger cars, multipurpose passenger vehicles, trucks, and buses (Docket 2-6, 32 F.R. 14278). In addition, a notice of a proposed consumer information regulation on Side Door Strength was published on January 21, 1970 (35 F.R. 813), which would require manufacturers of passenger cars to supply information on the resistance to penetration of their vehicles. This notice proposes a new motor vehicle safety standard, which would set minimum strength requirements for side doors of passenger cars, on the basis of a test substantially the same as that specified for the consumer information requirement.

Recent studies demonstrate that in side impacts the percentage of dangerous and fatal injuries increases sharply as the maximum depth of penetration increases, and that in fatal side collisions, most occupants die from side structures collapsing inward on them, rather than from their striking the door. To protect occupants from such hazards, a strong door structure is required, in conjunction with an effective restraint system and energy-absorbing material on the vehicle's interior surfaces.

In order to establish a minimum level of protection, a static test is proposed that would set up three requirements that

side doors must meet. The initial resistance, defined as the average force required to crush the door 6 inches inward, is set at a minimum of 2,500 pounds. The equivalent crush resistance, the average force required to crush the door 12 inches corrected by a factor involving the vehicle's weight, is set at a minimum of 3,750 pounds. This is the quantity measured in the consumer information proposal on Side Door Strength. Finally, the peak resistance, the greatest resisting force measured over 18 inches of crush, is set at a minimum of twice the vehicle's weight.

Interested parties are invited to submit data, views, and arguments on the proposed regulation set forth below. Comments should refer to the docket and notice number and be submitted to: Docket Section, National Highway Safety Bureau, Room 4223, 400 Seventh Street SW., Washington, D.C. 20591. It is requested, but not required, that 10 copies be submitted. All comments received by the close of business on July 15, 1970, will be considered, and will be available for examination in the docket both before and after the closing date.

Proposed effective date. September 1, 1971.

This notice of proposed rulemaking is issued under the authority of sections 103 and 119 of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1392, 1407) and the delegation of authority by the Secretary of Transportation to the Director of the National Highway Safety Bureau (§ 1.51 of title 49, Code of Federal Regulations).

DOUGLAS W. TOMS,

Director,

National Highway Safety Bureau.

APRIL 15, 1970.

MOTOR VEHICLE SAFETY STANDARD NO.
--- SIDE DOOR STRENGTH—PASSENGER
CARS

S1. Purpose and scope. This standard specifies strength requirements for side doors of a motor vehicle to minimize the safety hazard caused by intrusion into the passenger compartment in a side impact accident.

S2. Application. This standard applies to passenger cars.

S3. Requirements. Each vehicle shall be capable of meeting the following requirements when any of its side doors that can be used for occupant egress are tested according to S4.

S3.1 Initial Crush Resistance. The initial crush resistance shall be not less than 2,500 pounds.

S3.2 Equivalent Crush Resistance. The equivalent crush resistance shall be not less than 3,750 pounds.

S3.3 Peak Crush Resistance. The peak crush resistance shall be not less than two times the curb weight of the vehicle.

S4. Demonstration Procedures. The requirements of section S3 shall be determined as follows: (1) Remove from the vehicle any seats that may affect load upon, or deflection of, the side of the vehicle. Place all side windows in their

uppermost position. Place the sill of the side of the vehicle opposite to the side being tested against a rigid, unyielding vertical surface. Fix the vehicle rigidly in position by means of tiedown attachments located at or forward of the front wheel centerline and at or rearward of the rear wheel centerline.

(2) Prepare a loading device consisting of a rigid steel cylinder or semicylinder 12 inches in diameter with an edge radius of not more than one-half inch. The length of the loading device shall be such that the top surface of the loading device is at least one-half inch above the bottom edge of the door window opening but not of a length that will cause contact with any structure above the bottom edge of the door window opening during the test.

(3) Locate the loading device as shown in Figure I (side view) of this section so that: (i) Its longitudinal axis is vertical;

(ii) Its longitudinal axis is laterally opposite the midpoint of a horizontal line drawn across the outer surface of the door 5 inches above the lowest point of the door;

(iii) Its bottom surface is in the same horizontal plane as the horizontal line described in subdivision (ii) of this subparagraph.

(iv) The cylindrical face of the device is in contact with the outer surface of the door.

(4) Using the loading device, apply a load to the outer surface of the door in an inboard direction normal to a vertical plane along the vehicle's longitudinal centerline. Apply the load such that the loading device travel rate does not exceed one-half inch per second, and continue application until the loading device travels 18 inches. Guide the loading device to prevent it from being rotated or displaced from its direction of travel. The test must be completed within 120 seconds.

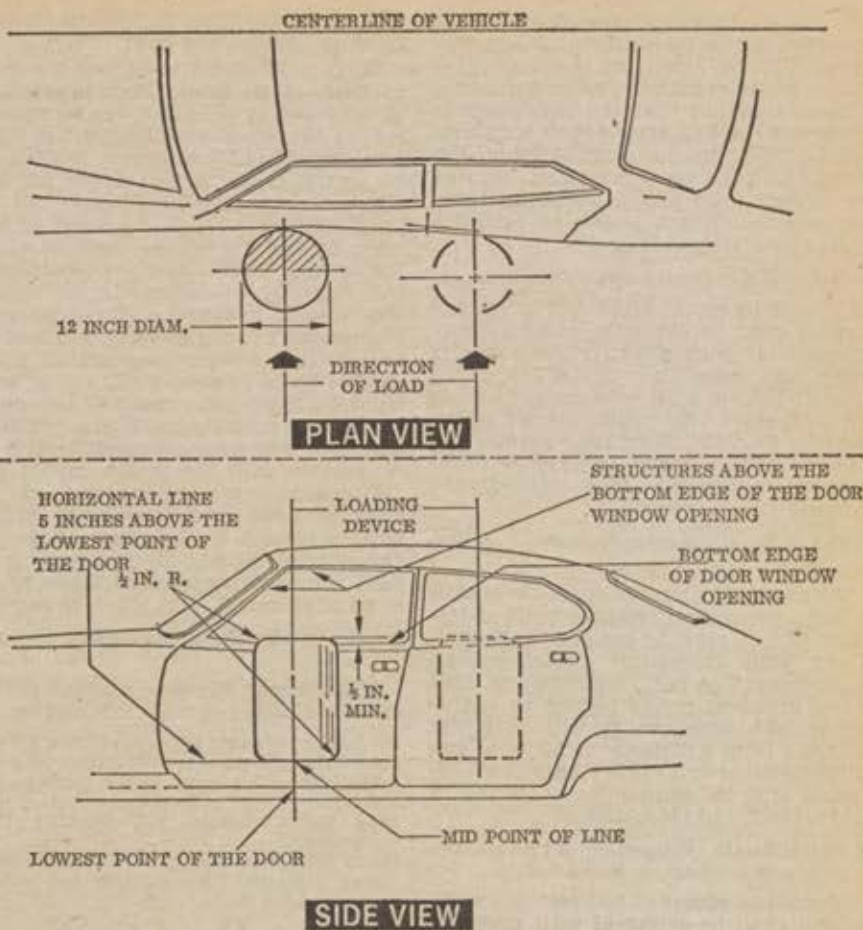
(5) Record the applied load versus displacement of the loading device, either continuously or in increments of not more than 1 inch or 200 pounds for the entire crush distance of 18 inches.

(6) Determine the initial crush resistance, equivalent crush resistance, and peak crush resistance as follows: (i) From the results recorded in subparagraph (5) of this paragraph, plot a curve of load versus displacement and obtain the integrals of the applied load with respect to crush distances specified in subdivisions (ii) and (iii) of this subparagraph. These quantities, expressed in inch-pounds and divided by the specified crush distances, represent the average forces in pounds required to deflect the door those distances.

(ii) The initial crush resistance is the average force required to deform the door over the initial 6 inches of crush.

(iii) The equivalent crush resistance is the average force required to deform the door over the initial 12 inches of crush plus $(\frac{1}{4})(3,000 - W)$, where W is the curb weight of the vehicle in pounds plus 200.

(iv) The peak crush resistance is the largest force recorded over the entire 18-inch crush distance.



LOADING DEVICE LOCATION AND APPLICATION TO THE DOOR

FIGURE I

[F.R. Doc. 70-4882; Filed, Apr. 22, 1970; 8:45 a.m.]

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

[33 CFR Part 401]

SEAWAY REGULATIONS AND RULES

Notice of Proposed Rule Making

Notice is hereby given that the St. Lawrence Seaway Development Corporation acting jointly with The St. Lawrence Seaway Authority of Canada pursuant to provisions of its enabling act (33 U.S.C. 981, et seq.), proposes to adopt miscellaneous amendments with respect to Subpart A—Regulations and Subpart B—Rules of 33 CFR Part 401.

Interested parties may submit written data, views, or arguments in regard to the amendments proposed herein to the St. Lawrence Seaway Development Corporation, Seaway Circle, Massena, N.Y. (Attention: Counsel). All relevant matter received not later than 30 days after publication of this notice will be considered. Formal adoption of these amendments by the Corporation is contemplated dur-

ing the 1970 navigation season of the St. Lawrence Seaway.

The proposed amendments in Subpart A—Regulations and Subpart B—Rules of 33 CFR Part 401, as revised by 28 F.R. 3754-62 and further amended by 29 F.R. 5034-35, 30 F.R. 6580-81, 31 F.R. 8062-64, 32 F.R. 6394-96, 33 F.R. 7083-84, and 34 F.R. 6685-86, are set forth below.

I. It is proposed to amend the rules of Subpart B—Condition of Vessels, §§ 401.102-1 through 401.102-24(1) by amending § 401.102-3—Draft markings, to delete the effective date when midship draft markings were required; (2) by amending § 401.102-10—Radiotelephone equipment, to delete reference to medium frequency equipment, to set out the requirements of operating on Channel 11 and to exempt commercial vessels up to 40 feet in overall length; (3) by amending § 401.102-18—Propeller direction alarms and r.p.m. indicators, to make wrong-way direction alarms mandatory unless the possibility of engine operations against orders from the bridge is otherwise precluded; (4) by amending § 401.102-19—Sewage disposal systems, to reflect and conform with laws applicable in the various sections of the Seaway and to extend

PROPOSED RULE MAKING

the present provision relative to sewage disposal, so as to include garbage disposal; (5) by amending § 401.102-21—Rudder angle indicators, to include a recommendation that the indicators or repeaters shall be arranged so that they can be read from the wings of the bridge, from which the vessel is conned; and (6) by adding § 401.102-25—Steering light, to recommend that vessels be equipped with a bow light, as follows:

§ 401.102-3 Draft markings.

Vessels in excess of 65 feet in overall length must be correctly and distinctly marked on both sides at the bow and stern, and vessels in excess of 350 feet in overall length must also be so marked on both sides with midship draft markings. A Seaway officer may require the Master of any vessel to produce satisfactory evidence that draft markings are correct.

§ 401.102-10 Radiotelephone equipment.

All vessels in excess of 40 feet in overall length, other than pleasure craft of less than 65 feet, must be equipped with VHF (very high frequency) radiotelephone equipment. The radio transmitters must have sufficient power output to enable the vessel to communicate with Authority stations from a distance of 30 miles and must be fitted to operate from the wheelhouse and to communicate on 156.55, 156.6, 156.7, and 156.8 MHz.

§ 401.102-18 Propeller direction alarms and r.p.m. indicators.

Vessels in excess of 260 feet in overall length shall be equipped with propeller direction/shaft r.p.m. indicators and, unless the vessel is bridge-controlled or is equipped with an automatically synchronized electric telegraph system or a device which renders it impossible to operate engines against orders from the bridge, visible and audible wrong-way propeller direction alarms located in the wheelhouse and the engine room.

§ 401.102-19 Sewage and garbage disposal systems.

Vessels not otherwise equipped with containers for ordures shall be equipped with a sewage disposal system enabling compliance with applicable laws relative to sewage disposal. Garbage on a vessel shall be destroyed by means of an incinerator or other device, or it shall be retained on board until such time as it can be disposed of lawfully.

§ 401.102-21 Rudder angle indicators.

Vessels in excess of 260 feet in overall length shall be equipped with rudder angle indicators located in the wheelhouse, and it is strongly recommended that the indicators or repeaters be arranged so that they are easily read from any position on the bridge.

§ 401.102-25 Steering lights.

It is strongly recommended that vessels with a navigating bridge some dis-

tance from the stem be equipped with a steering light on the bow.

II. It is proposed to amend the rules of Subpart B—Radio Communications, §§ 401.103-1 to 401.103-8, (1) by amending § 401.103-2—Radiotelephone frequencies, to add a reference to Channel 11 on the Lakes and to delete the reference to medium frequency; (2) by amending § 401.103-3—Location of stations, to add the Seaway stations which will operate in the Lakes; (3) by amending § 401.103-4—Calling-in, to replace the present provisions with provisions for necessary communications in connection with the positive system of traffic control being implemented; (4) by adding § 401.103-5—Communication—ports, docks, and anchorages, a new provision covering necessary communication in connection with the traffic control system being implemented; and (5) by deleting § 401.103-7—Calling-in points, and § 401.103-8—Communications at Canadian Sault Ste. Marie Canal, to reflect the incorporation of those provisions in amended § 401.103-4, as follows:

§ 401.103-2 Radiotelephone frequencies.

The Seaway Stations operate on the following assigned VHF frequencies:

- 156.8 MHz (channel 16)—Safety and Calling.
- 156.7 MHz (channel 14)—Working (Canadian Stations other than Lakes Ontario and Erie).
- 156.6 MHz (channel 12)—Working (U.S. Stations).
- 156.55 MHz (channel 11)—Working (Canadian Stations, Lake Ontario and eastern end of Lake Erie).

§ 401.103-3 Location of stations.

The Seaway Stations are for vessel traffic control purposes only, and are located as follows:

Call letters	Call sign	Location
VDX20	Seaway Beauharnois.	Upper Beauharnois Lock—Traffic Control Sector No. 1.
KEF	Seaway Eisenhower.	Eisenhower Lock—Traffic Control Sector No. 2.
VDX21	Seaway Iroquois.	Iroquois Lock—Traffic Control Sector No. 3.
WAG	WAG Clayton.	Clayton, N.Y.—Traffic Control Sector No. 4.
VDX70	Seaway Picton.	Picton, Ontario—Traffic Control Sector No. 5.
VDX72	Seaway Oshawa.	Oshawa, Ontario—Traffic Control Sector No. 5.
VDX22	Seaway Welland.	St. Catharines, Ontario—Traffic Control Sector No. 6.
VDX68	Seaway Long Point.	Port Colborne, Ontario—Traffic Control Sector No. 7.
VDX23	Seaway Sault.	Sault Ste. Marie, Ontario—Traffic Control Sector No. 8.

§ 401.103-4 Calling-in.

(a) Vessels intending to, or in transit, must report on the assigned frequency to the designated station when opposite Calling-in Points, as indicated on the General Seaway Plan, and Check Points, indicated hereunder, giving the following information:

C.I.P. and check point	Station to call	Message content
URBOUND VESSELS		
C.I.P. 2—Entering Sector 1. (Order of passing through established.)	Seaway Beauharnois channel 14.	1. Name of Vessel. 2. Location. 3. Destination. 4. Drafts, fore and aft. 5. Cargo. 6. Pilot requirement—Lake Ontario.
C.I.P. 3—(order of passing through established). Exiting Upper Beauharnois Lock.	.....do.....	1. Name of Vessel. 2. Location.
C.I.P. 7—Leaving Sector 1.	.....do.....	1. Name of Vessel. 2. Location.
C.I.P. 7—Entering Sector 2.	Seaway Eisenhower channel 12.	1. Name of Vessel. 2. Location. 3. Destination. 4. Drafts, fore and aft. 5. Cargo. 6. ETA Snell Lock. 7. Pilot requirement—Snell Lock.
C.I.P. 8 and 8A.	.....do.....	1. Name of Vessel. 2. Location.
Exiting Eisenhower Lock.	.....do.....	1. Name of Vessel. 2. Location. 3. ETA C.I.P. 11.
C.I.P. 11—Leaving Sector 2.	.....do.....	1. Name of Vessel. 2. Location.
C.I.P. 11—Entering Sector 3.	Seaway Iroquois channel 14.	1. Name of Vessel. 2. Location.
C.I.P. 12—(order of passing through established). Exiting Iroquois Lock.	.....do.....	1. Name of Vessel. 2. Location. 3. ETA Whaleback Shoal.
Whaleback Shoal—Leaving Sector 3.	.....do.....	1. Name of Vessel. 2. Location.
Whaleback Shoal—Entering Sector 4.	WAG Clayton Channel 16 (switching to Channel 12).	1. Name of Vessel. 2. Location. 3. ETA Cape Vincent. 4. Confirmation pilot requirement—Lake Ontario.
Tibbetts Point—Leaving Sector 4.	.....do.....	1. Name of Vessel. 2. Location.
Tibbetts Point—Entering Sector 5.	Seaway Picton Channel 11.	1. Name of Vessel. 2. Location. 3. ETA Port Weller. 4. ETA Port Weller or Lake Ontario Port. 5. Pilot requirement—Port Weller.
Point Petra.	.....do.....	1. Name of Vessel. 2. Location. 3. ETA Newcastle.
Newcastle.	Seaway Oshawa Channel 11.	1. Name of Vessel. 2. Location. 3. Updated ETA Port Weller (C.I.P. 15). 4. Confirmation pilot requirement—Port Weller.
C.I.P. 15—(order of passing through established).	Seaway Welland Channel 14.	1. Name of Vessel. 2. Location. 3. Destination. 4. Drafts, fore and aft. 5. Cargo. 6. Pilot requirement—Lake Erie.
Port Colborne Piers.	.....do.....	1. Name of Vessel. 2. Location. 3. ETA Long Point.
C.I.P. 16.	Seaway Long Point Channel 11.	1. Name of Vessel. 2. Location.
Long Point—Leaving Sector 6.	.....do.....	1. Name of Vessel. 2. Location.

C.I.P. and check point	Station to call	Message content
C.I.P. 17.....	Seaway Sault Channel 14.	1. Name of Vessel. 2. Location. 3. Destination. 4. Drafts, fore and aft. 5. Cargo.
C.I.P. 18.....	do.....	1. Name of Vessel. 2. Location.

DOWNBOUND VESSELS

C.I.P. 18.....	Seaway Sault Channel 14.	1. Name of Vessel. 2. Location. 3. Destination. 4. Drafts, fore and aft. 5. Cargo.
C.I.P. 17.....	do.....	1. Name of Vessel. 2. Location.
Long Point—Entering Sector 6.	Seaway Long Point Channel 11.	3. ETA C.I.P. 16.
C.I.P. 16—(order of passing through established).	Seaway Welland Channel 14.	1. Name of Vessel. 2. Location. 3. Destination. 4. Drafts, fore and aft. 5. Cargo. 6. Pilot requirement—Lake Ontario.
Exiting Lock No. 1—Welland Canal.	do.....	1. Name of Vessel. 2. Location. 3. ETA Newcastle. 4. ETA Tibbetts Point or Lake Ontario Port. 5. Pilot requirement—Cape Vincent.
C.I.P. 15.....	Seaway Oshawa Channel 11.	1. Name of Vessel. 2. Location.
Newcastle.....	do.....	1. Name of Vessel. 2. Location. 3. ETA Point Petre.
Point Petre.....	Seaway Picton Channel 11.	1. Name of Vessel. 2. Location. 3. Updated ETA Tibbetts Point. 4. Confirmation pilot requirement—Cape Vincent.
Tibbetts Point—Leaving Sector 5.	do.....	1. Name of Vessel. 2. Location.
Tibbetts Point—Entering Sector 4.	WAG Clayton Channel 16 (switching to Channel 12).	1. Name of Vessel. 2. Location. 3. Destination. 4. ETA Whaleback Shoal.
Whaleback Shoal—Leaving Sector 4.	do.....	1. Name of Vessel. 2. Location.
Whaleback Shoal—Entering Sector 2.	Seaway Iroquois Channel 14.	1. Name of Vessel. 2. Location. 3. ETA C.I.P. 14.
C.I.P. 14.....	do.....	1. Name of Vessel. 2. Location. 3. Destination. 4. Drafts, fore and aft. 5. Cargo.
C.I.P. 13—(order of passing through established)	do.....	1. Name of Vessel. 2. Location.
Exiting Iroquois Lock.	do.....	1. Name of Vessel. 2. Location. 3. ETA C.I.P. 10. 4. Harbor or river pilot requirement—St. Lambert.
C.I.P. 10—Leaving Sector 3.	do.....	1. Name of Vessel. 2. Location.
C.I.P. 10—Entering Sector 2.	Seaway Eisenhower Channel 12.	1. Name of Vessel. 2. Location. 3. Destination. 4. Drafts, fore and aft. 5. Cargo.
C.I.P. 9.....	do.....	1. Name of Vessel. 2. Location. 3. Pilot requirement—Snell Lock. 4. ETA Snell Lock.
Exiting Snell Lock.....	do.....	1. Name of Vessel. 2. Location. 3. ETA C.I.P. 6.
C.I.P. 6—Leaving Sector 2.	do.....	1. Name of Vessel. 2. Location.
C.I.P. 6—Entering Sector 1.	Seaway Beauharnois Channel 14.	1. Name of Vessel. 2. Location.

C.I.P. and check point	Station to call	Message content
C.I.P. 8—(order of passing through established).	do.....	1. Name of Vessel. 2. Location.
Exiting Lower Beauharnois Lock.	do.....	1. Name of Vessel. 2. Location. 3. Confirmation Harbor or river pilot requirement—St. Lambert. 4. Montreal Harbor Berth Number. 5. V.H.F. requirement—St. Lambert.
C.I.P. 7—Leaving Sector 1.	do.....	1. Name of Vessel. 2. Location.

(b) Vessels on Lake Ontario, Lake Erie east of Long Point, and in Traffic Control Sector No. 8 will continue to guard Channel 16. However, initial calls by vessels to Seaway Stations shall be made directly on the channel designated for each station. Initial calls to vessels originating from Seaway Stations will be on Channel 16, switching to Channel 11 or Channel 14 for working.

(c) Exiting a lock refers to the period of time during which the vessel is underway to leave the lock prior to the time when its stern clears the lock chamber.

§ 401.103-5 Communication — ports, docks, and anchorages.

Vessels arriving at ports, docks, and anchorages shall report to the appropriate Seaway Station, giving an estimated time of departure, if possible and, at least 4 hours prior to departure, vessels departing ports, docks, and anchorages shall report in the same way giving their destination and ETA at the next Check Point.

§ 401.103-7 [Deleted].

§ 401.103-8 [Deleted].

III. It is proposed to amend the Rules of Subpart B—Transit Instructions, §§ 401.104-1 through 401.104-49, (1) by amending § 401.104-15—Limit of approach to a lock, to clarify the previous instructions applicable to the present signal light system; (2) by amending § 401.104-23—Passing hand lines, by adding subparagraph (c) to modify the standard system of passing hand lines to reflect the "walk-through" procedure at Iroquois and Lock 8; and (3) by amending § 401.104-32—Anchorage areas, to insert "Beauharnois Canal * * * Melocheville" to reflect the Melocheville Anchorage in the Beauharnois Canal, as follows:

§ 401.104-15 Limit of approach to a lock.

A vessel approaching a lock or guard gate shall be governed by the associated signal light system, and in no case shall its stem pass the appropriate limit of approach sign while a red light or no light is displayed.

§ 401.104-23 Passing hand lines.

(c) At Iroquois Lock and Lock 8, Welland Canal, a vessel transiting in either direction shall use its own hand lines.

§ 401.104-32 Anchorage areas.

Designated anchorage areas are as follows:

Lake St. Louis.....	Point Fortier.
Beauharnois Canal.....	Melocheville.
Lake St. Francis.....	St. Zotique and Dickerson Island.
Lake St. Lawrence.....	Wilson Hill Island and Morrisburg.
St. Lawrence River.....	Prescott.
Lake Ontario.....	Off Port Weller.
Lake Erie.....	Off Port Colborne.

IV. It is proposed to amend the rules of Subpart B—Dangerous Cargo, §§ 401.105-1 through 401.105-11, (1) by amending § 401.105-4—Application for permit, to replace the words "Chief Engineer" at the end of the second line of the paragraph with the words "Director of Operations" to reflect the new organization and a related internal change recently adopted by the Development Corporation; and (2) by amending § 401.105-10—Calling-in, to correct references at the end of the paragraph to conform with the proposed amendments to Subpart B—Radio Communications, as follows:

§ 401.105-4 Application for permit.

Written application for a Seaway Explosives Permit may be made to the Director of Operations, The St. Lawrence Seaway Authority, Cornwall, Ontario, or to the Director of Operations, St. Lawrence Seaway Development Corporation, Massena, N.Y., and it shall show that the goods are packed, marked, labeled, described, certified, stowed, and otherwise conform with all relevant regulations of the country in which they were loaded and of Canada and the United States of America.

§ 401.105-10 Calling-in.

An explosive vessel shall report the Seaway Explosives Permit number, and both explosive and hazardous cargo vessels shall report the nature of their cargo, in addition to the other required information, when calling-in as provided by §§ 401.103-3 and 401.103-4.

V. It is proposed to amend the rules of Subpart B—Pleasure Craft, §§ 401.107-1 to 401.107-8, by amending § 401.107-1—Transit by pleasure craft, in contemplation of the exclusion from the Seaway of sailing craft without auxiliary motors, as follows:

§ 401.107-1 Transit by pleasure craft.

Subject to the applicable conditions and except as hereinafter prescribed, pleasure craft, other than those without adequate motor power, may transit the Seaway.

VI. It is proposed to amend the rules of Subpart B—Forms, by amending § 401.120-1—Preclearance form, Part II—Information on vessel, by deleting item 5, relating to the machinery and equipment on the vessel as this information is more accurately secured through inspection and other sources.

(68 Stat. 93-97, 33 U.S.C. 981-990, as amended)

ST. LAWRENCE SEAWAY DEVELOPMENT CORPORATION,

[SEAL] D. W. OBERLIN,

Administrator.

[F.R. Doc. 70-4880; Filed, Apr. 22, 1970; 8:45 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Internal Revenue Service

GEORGE R. PAINTER

Notice of Granting of Relief

Notice is hereby given that George R. Painter, 1709 Trinity Street, Eureka, Calif. 95501, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on December 4, 1967, in the U.S. District Court, San Francisco, Calif., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for George R. Painter because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for George R. Painter, to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered George R. Painter's application and:

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

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

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

Signed at Washington, D.C., this 15th day of April 1970.

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

[P.R. Doc. 70-4956; Filed, Apr. 22, 1970;
8:50 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[New Mexico 11572]

NEW MEXICO

Notice of Proposed Withdrawal and Reservation of Lands

APRIL 17, 1970.

The Forest Service, U.S. Department of Agriculture, has filed application, Serial No. New Mexico 11572, for the withdrawal of the land described below. The land was conveyed to the United States pursuant to section 8 of the Taylor Grazing Act. It lies within the exterior boundary of the Santa Fe National Forest. It has not been open to entry under the public land laws. The applicant desires the land for the addition to, and the consolidation with, national forest lands to permit more efficient administration thereof in the conservation of natural resources.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Land Office Manager, Post Office Box 1449, Santa Fe, N. Mex. 87501.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

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

The lands involved in the application are:

NEW MEXICO PRINCIPAL MERIDIAN

T. 20 N., R. 2 E.,
Sec. 24, S $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ and W $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 25, W $\frac{1}{2}$ NE $\frac{1}{4}$ and S $\frac{1}{2}$ NW $\frac{1}{4}$.

T. 20 N., R. 3 E.,
Sec. 19, lot 6, S $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, and NW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$.

The areas described aggregate 229.19 acres in Sandoval County.

MICHAEL T. SOLAN,
Land Office Manager.

[P.R. Doc. 70-4928; Filed, Apr. 22, 1970;
8:48 a.m.]

[C-9815]

COLORADO

Notice of Proposed Classification of Public Lands for Multiple Use Management; Correction

APRIL 14, 1970.

F.R. Doc. 70-4006 appearing in the issue for Thursday, April 2, 1970 at pages 5492-5493 is hereby corrected as follows:

SIXTH PRINCIPAL MERIDIAN, COLORADO
ROUFT COUNTY

T. 1 N., R. 84 W.,
Sec. 33, E $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, should read S $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ W $\frac{1}{2}$, and SE $\frac{1}{4}$.

T. 4 N., R. 86 W.,
Sec. 13, SE $\frac{1}{4}$ NW $\frac{1}{4}$ should read SE $\frac{1}{4}$ NE $\frac{1}{4}$.

E. I. ROWLAND,
State Director.

[P.R. Doc. 70-4927; Filed, Apr. 22, 1970;
8:48 a.m.]

[C-9815]

COLORADO

Notice of Proposed Classification of Public Lands—Amendment and Correction

APRIL 14, 1970.

F.R. Doc. 70-4005 appearing in the issue for Thursday, April 2, 1970 at pages 5490-5492 is hereby amended and corrected as follows:

SIXTH PRINCIPAL MERIDIAN, COLORADO
ROUFT COUNTY

T. 2 N., R. 86 W.,
Sec. 12, amended to add SE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ and SE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$.

T. 3 N., R. 86 W.,
Sec. 8, amended to add NW $\frac{1}{4}$ of lot 3, and S $\frac{1}{2}$ of lot 3.

T. 4 N., R. 86 W.,
Sec. 33, NE $\frac{1}{4}$ SE $\frac{1}{4}$ should read NW $\frac{1}{4}$ SE $\frac{1}{4}$.

T. 7 N., R. 86 W.,
Sec. 29, E $\frac{1}{2}$ SW $\frac{1}{4}$ should read E $\frac{1}{2}$ NW $\frac{1}{4}$.

T. 5 N., R. 89 W.,
Sec. 26 should read sec. 36.

E. I. ROWLAND,
State Director.

[P.R. Doc. 70-4926; Filed, Apr. 22, 1970;
8:48 a.m.]

[Serial No. A 1822]

ARIZONA

Notice of Proposed Classification of Public Lands for Transfer Out of Federal Ownership by State Indemnity Lieu Selection

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1412) it is proposed to classify the public lands described below for transfer to the State of Arizona in partial satisfaction of the State's lieu selection rights under R.S. 2275 and 2276, as amended (43 U.S.C. 851-852).

2. Publication of this notice has the effect of segregating the described lands from all forms of appropriation under the public land laws (except under R.S. 2275 and 2276, as amended) and from appropriation under the mining laws.

3. The lands involved were erroneously patented under the mining laws, but have now been returned to the United States by court order. This proposed classification is being made subject to any rights which a court might decree in any party other than the United States.

4. The public lands proposed for classification in this notice are shown on maps on file and available for inspection in the District Office, and in the Land Office, Bureau of Land Management, Federal Building, 230 North First Avenue, Phoenix, Ariz.

5. The lands affected by this classification are located in Maricopa and Yavapai Counties and are described as follows:

GILA AND SALT RIVER MERIDIAN, ARIZONA

T. 7 N., R. 2 W.,

Sec. 19, lots 1 to 4, inclusive, NE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, and SE $\frac{1}{4}$ SW $\frac{1}{4}$.

T. 7 N., R. 3 W.,

Sec. 12, E $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$, E $\frac{1}{2}$ W $\frac{1}{2}$ SW $\frac{1}{4}$, and E $\frac{1}{2}$ SW $\frac{1}{4}$;

Sec. 13, lot 2, SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ W $\frac{1}{2}$ W $\frac{1}{2}$, and E $\frac{1}{2}$ SW $\frac{1}{4}$;

Sec. 20, NE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, and SE $\frac{1}{4}$;

Sec. 21, N $\frac{1}{2}$ NW $\frac{1}{4}$;

Sec. 22, SW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$, and S $\frac{1}{2}$ S $\frac{1}{2}$ SW $\frac{1}{4}$;

Sec. 23, S $\frac{1}{2}$ N $\frac{1}{2}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, and SE $\frac{1}{4}$ SW $\frac{1}{4}$;

Sec. 24, W $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ N $\frac{1}{2}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ N $\frac{1}{2}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, and N $\frac{1}{2}$ SW $\frac{1}{4}$;

Sec. 25, E $\frac{1}{2}$, SW $\frac{1}{4}$, and S $\frac{1}{2}$ NW $\frac{1}{4}$;

Sec. 26, E $\frac{1}{2}$, SW $\frac{1}{4}$, and E $\frac{1}{2}$ NW $\frac{1}{4}$;

Sec. 27, SE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$, W $\frac{1}{2}$ W $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, and S $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$;

Sec. 28;

Sec. 29, E $\frac{1}{2}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, and NE $\frac{1}{4}$ SW $\frac{1}{4}$;

Secs. 33, 34, and 35.

The lands described aggregate 6,286.68 acres.

6. For a period of 60 days from the date of publication of this notice in the FEDERAL REGISTER, all persons who wish to submit comments, suggestions, or objections in connection with the proposed classification may present their views in writing to the District Manager, Bureau of Land Management, 2929 West Clarendon Avenue, Phoenix, Ariz. 85017. If it appears warranted, a public hearing will be held before a final classification decision is made.

Dated: April 16, 1970.

FRED J. WEILER,
State Director.

[F.R. Doc. 70-4925; Filed, Apr. 22, 1970;
8:48 a.m.]

IDAHO

Notice of Filing of Plat of Survey

APRIL 15, 1970.

1. Plat of survey of the lands described below will be officially filed in the Land Office, Boise, Idaho, effective at 10:00 a.m., on May 20, 1970.

BOISE MERIDIAN, IDAHO

T. 19 N., R. 18 E., unsurveyed,
Tracts 37 and 38.

The tracts described aggregate 81.74 acres.

2. The above described tracts are embraced in the Salmon National Forest by Proclamation of November 5, 1906, as amended. The tracts are included in Forest Exchange application, Serial No. I-2839, and are segregated in accordance with 43 CFR 2244.1-2(h) from appropriation under the public land laws, including the mining laws.

ORVAL G. HADLEY,

Manager, Land Office, Boise, Idaho.

[F.R. Doc. 70-4913; Filed, Apr. 22, 1970;
8:46 a.m.]

[Serial No. Utah 8708]

UTAH

Notice of Proposed Classification of Public Lands for Multiple-Use Management

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

2. The public lands affected are those administered by the Bureau of Land Management within the following de-

scribed areas in Seiver, Piute, and Garfield Counties, Utah.

The exterior boundary of the area is described as follows:

SALT LAKE MERIDIAN, UTAH

Beginning at the northwest corner of sec. 22, T. 21 S., R. 2 W., thence following the Fishlake National Forest boundary southwesterly to the SW $\frac{1}{4}$ corner of sec. 2, T. 31 S., R. 5 W., thence following the BLM Richfield-Cedar City district boundary south $\frac{1}{2}$ mile, west $\frac{1}{2}$ mile, south $\frac{1}{4}$ mile, west $\frac{1}{2}$ mile, south $\frac{1}{2}$ mile, west $\frac{1}{4}$ mile, south $\frac{1}{2}$ mile, west $1\frac{1}{2}$ miles, south $\frac{1}{2}$ mile, east $\frac{1}{4}$ mile, south $\frac{1}{2}$ mile, east $\frac{1}{4}$ mile, south $\frac{1}{2}$ mile, east $\frac{1}{4}$ mile, south $\frac{1}{2}$ mile, east $\frac{1}{4}$ mile, south $\frac{1}{4}$ mile, east $\frac{1}{2}$ mile, south $\frac{3}{4}$ mile, west $\frac{1}{2}$ mile, south 1 mile, east 1 mile, south 1 mile, east 1 mile, north 1 mile, east 1 mile, north 1 mile, east 1 mile to southeast corner, sec. 31, T. 31 S., R. 4 W., which is the boundary of the Dixie National Forest. Thence following said forest boundary east and north to the southeast corner sec. 25, T. 30 S., R. 2 $\frac{1}{2}$ W., thence south following said forest boundary approximately 13 miles to the southwest corner sec. 31, T. 32 S., R. 2 W., thence east 6 miles to the southeast corner sec. 36 T. 32 S., R. 2 W., which is the Dixie National Forest boundary, thence following said forest boundary north and east approximately 14 miles to the southeast corner of sec. 32, T. 30 S., R. 1 W., thence north 6 miles, west 1 mile, north 1 mile, east 1 mile, north 3 miles, east 1 mile, north 2 miles, west approximately $\frac{1}{4}$ mile to the southeast corner sec. 33, T. 28 S., R. 1 W., thence north 1 mile, east 1 mile, north 2 miles, east $\frac{1}{2}$ mile, north 3 miles, east $\frac{1}{2}$ mile, north 2 miles, east $\frac{1}{2}$ mile, north 1 mile, east approximately $2\frac{1}{4}$ miles to the southeast corner of sec. 17, T. 27 S., R. 1 E., thence north 1 mile, east $\frac{1}{2}$ mile, north $1\frac{1}{2}$ miles, east $\frac{1}{2}$ mile, north $\frac{1}{2}$ mile, east $\frac{1}{4}$ mile, north 1 mile to the southeast corner of sec. 28, T. 26 S., R. 1 E., which is the Fishlake National Forest boundary, thence following said forest boundary to a point near the middle of sec. 28, T. 21 S., R. 1 E., thence west $\frac{1}{4}$ mile, north $\frac{1}{4}$ mile, west $\frac{1}{4}$ mile, north $\frac{1}{4}$ mile, west $6\frac{1}{4}$ miles, south $\frac{3}{4}$ mile, west $\frac{1}{4}$ mile, south $\frac{1}{2}$ mile, west $\frac{1}{4}$ mile, north $\frac{1}{4}$ mile, west $1\frac{1}{4}$ miles, north $1\frac{1}{2}$ miles, west $2\frac{1}{2}$ miles to point of beginning (see map). Located within the above-described exterior boundary is an independent area of the Fishlake National Forest which is not considered as part of the subject area. The exterior boundary of this forest land area is described as follows: Beginning at northeast corner of sec. 19, T. 24 S., R. 1 W., thence southwesterly along said forest boundary to the southeast corner sec. 29, T. 29 S., R. 2 $\frac{1}{2}$ W., thence northerly following said forest boundary line to point of beginning (see map).

The public lands within the area described aggregate approximately 373,800 acres.

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

SALT LAKE MERIDIAN, UTAH

WINTER SPORTS AREA

T. 24 S., R. 1 W.,
Sec. 22, NE $\frac{1}{4}$.

Containing 160 acres.

WILLOW PATCH RECREATION SITE

T. 24 S., R. 1 W.,
Sec. 9, NW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$
NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$
NW $\frac{1}{4}$ NW $\frac{1}{4}$.
Containing 25 acres.

CHRIS CREEK RECREATION SITE

T. 24 S., R. 1 W.,
Sec. 9, SE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$,
S $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$.
Containing 35 acres.

KOOSHAREM RESERVOIR RECREATION SITE

T. 25 S., R. 1 E.,
Sec. 30, W $\frac{1}{2}$ SW $\frac{1}{4}$.
T. 25 S., R. 1 W.,
Sec. 25, E $\frac{1}{2}$ SE $\frac{1}{4}$.
Containing 160 acres.

PRAETOR CANYON RECREATION SITE

T. 26 S., R. 1 E.,
Sec. 4, S $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$,
SW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$.
Containing 60 acres.

SEVIER RIVER BEND RECREATION SITE

T. 26 S., R. 4 W.,
Sec. 5, NE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$.
Containing 60 acres.

DURKEE SPRING RECREATION SITE

T. 27 S., R. 3 W.,
Sec. 12, SW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 13, NW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$.
Containing 20 acres.

BULLION GULCH RECREATION SITE

T. 27 S., R. 4 W.,
Sec. 26, SE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 35, NE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$.
Containing 5 acres.

BEAVER CREEK RECREATION SITE

T. 27 S., R. 4 W.,
Sec. 14, SW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$
NW $\frac{1}{4}$ SW $\frac{1}{4}$.
Containing 5 acres.

COTTONWOOD BEND RECREATION SITE

T. 28 S., R. 1 W.,
Sec. 31, W $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$
SW $\frac{1}{4}$ SW $\frac{1}{4}$.
T. 29 S., R. 1 W.,
Sec. 6, E $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$
NW $\frac{1}{4}$ NW $\frac{1}{4}$.
Containing 20 acres.

OAK SPRING RECREATION SITE

T. 29 S., R. 3 W.,
Sec. 7, S $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$
NW $\frac{1}{4}$, N $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$
NW $\frac{1}{4}$ NW $\frac{1}{4}$.
Containing 20 acres.

FISHERMEN'S BEACH RECREATION SITE

T. 30 S., R. 2 W.,
Sec. 21, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$.
Containing 80 acres.

LONG NEEDLES RECREATION SITE

T. 30 S., R. 2 $\frac{1}{2}$ W.,
Sec. 26, N $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$
SW $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$
S $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 27, NE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$
SE $\frac{1}{4}$ SE $\frac{1}{4}$.
Containing 20 acres.

POLE CANYON RECREATION SITE

T. 31 S., R. 2 W.,
Sec. 19, SW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$
SW $\frac{1}{4}$ SE $\frac{1}{4}$.
Containing 5 acres.
The sites described above aggregate 670
acres.

4. For a period of 60 days from the date of publication of this notice in the FEDERAL REGISTER, all persons who wish to submit comments, suggestions, or objections in connection with this proposed classification may present their views in writing to the District Manager, Bureau of Land Management, 850 North Main Street, Richfield, Utah 84701; or to the State Director, Bureau of Land Management, Post Office Box 11505, Salt Lake City, Utah 84111.

5. Maps depicting these lands are on file and may be viewed at the Bureau of Land Management District Office at Richfield, Utah, and the State Office, Federal Building, 125 South State Street, Salt Lake City, Utah.

6. A public hearing on the proposed classification will be held on April 30, 1970, at 1:30 p.m., at the Sevier County Courthouse, Richfield, Utah. Statements in support of or opposition to the proposal may be presented at that time.

R. D. NIELSON,
State Director.

[F.R. Doc. 70-4924; Filed, Apr. 22, 1970;
8:45 a.m.]

Geological Survey

ASSISTANT DIRECTOR FOR
ADMINISTRATION ET AL.

Delegation of Authority

The following material is a revision of a portion of the Geological Survey Manual and the numbering system is that of the Manual. (Part 205, General Redelegations, Chapter 4 Procurement) (27 F.R. 2574 and amendment 28 F.R. 3704 are revoked.)

1. *Delegation.* Under authority delegated to heads of bureaus by the Secretary of the Interior in Departmental Manual, Part 205, General Delegations dated November 30, 1961 (26 F.R. 11748), redelegation of authority to officials and employees of the Geological Survey is hereby made.

2. *Exercise of authority.* The redelegation hereby made is of authority, on behalf of the United States and the Geological Survey, to enter into contracts for construction, supplies, or services, in conformity with applicable regulations and statutory requirements and subject to the availability of appropriations; with respect to any such contract, to issue change orders and extra work orders pursuant to the contracts, to enter into modifications of the contract which are legally permissible, and to terminate the contract if such action is legally authorized. This authority is redelegated under categories depending upon the amount involved.

A. Irrespective of the amount involved to:

Assistant Director for Administration.

B. With respect to contracts for helicopter services not exceeding \$100,000 in amount, to:

Procurement Officer,
Management Officer, Denver, Colo.
Management Officer, Menlo Park, Calif.

C. With respect to contracts not exceeding \$25,000 in amount to:

Procurement Officer,
Contract Specialists, Branch of Contracts,
Washington, D.C.

D. With respect to contracts not exceeding \$10,000 in amount to:

Procurement Agents, Branch of Contracts,
Washington, D.C.
Management Officer, Denver, Colo.
Management Officer, Menlo Park, Calif.

W. A. RADLINSKI,
Acting Director.

[F.R. Doc. 70-4912; Filed, Apr. 22, 1970;
8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation

[Notice No. 49]

SUGAR BEETS—MONTANA

Extension of the Closing Date for Filing
of Applications for the 1970
Crop Year

Pursuant to the authority contained in § 401.103 of Title 7 of the Code of Federal Regulations, the time for filing applications for sugar beet crop insurance for the 1970 crop year in all counties in Montana where such insurance is otherwise authorized to be offered is hereby extended until the close of business on April 30, 1970. Such applications received during this period will be accepted only after it is determined that no adverse selectivity will result.

[SEAL] RICHARD H. ASLAKSON,
Manager, Federal
Crop Insurance Corporation.

[F.R. Doc. 70-4945; Filed, Apr. 22, 1970;
8:49 a.m.]

[Notice No. 50]

BARLEY, FLAX, OATS, SUGAR BEETS,
AND WHEAT (WALSH COUNTY,
N. DAK.)Extension of the Closing Date for Filing
of Applications for the 1970
Crop Year

Pursuant to the authority contained in § 401.103 of Title 7 of the Code of Federal Regulations, the time for filing applications for barley, flax, oats, sugar beets, and wheat for the 1970 crop year in Walsh County, N. Dak., is hereby extended until the close of business on April 25, 1970. Such applications received

during this period will be accepted only after it is determined that no adverse selectivity will result.

[SEAL] RICHARD H. ASLAKSON,
Manager, Federal
Crop Insurance Corporation.

[P.R. Doc. 70-4946; Filed, Apr. 22, 1970;
8:49 a.m.]

[Notice No. 51]

SUGAR BEETS—IDAHO, OREGON, UTAH, AND WASHINGTON

Extension of the Closing Date for Filing of Applications for the 1970 Crop Year

Pursuant to the authority contained in § 401.103 of Title 7 of the Code of Federal Regulations, the time for filing applications for sugar beet crop insurance for the 1970 crop year in all counties in Idaho, Oregon, Utah, and Washington where such insurance is otherwise authorized to be offered is hereby extended until the close of business on April 30, 1970. Such applications received during this period will be accepted only after it is determined that no adverse selectivity will result.

RICHARD H. ASLAKSON,
Manager, Federal
Crop Insurance Corporation.

[P.R. Doc. 70-4947; Filed, Apr. 22, 1970;
8:49 a.m.]

DEPARTMENT OF COMMERCE

Business and Defense Services
Administration

HANOVER BOROUGH SCHOOL DISTRICT

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. 70-00258-16-81800. Applicant: Hanover Borough School District, 190 East Walnut Street, Hanover, Pa. 17331. Article: Planetariums and auxiliary projectors, Apollo Model. Manufacturer: Goto Optical Co., Japan.

Intended use of article: The article will be used for instruction in courses in astronomy, navigation and weather for different grade levels and will be operated by both students and teachers.

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

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

Reasons: The applicant requires for its purposes an apparatus that could be used with domes of approximately 10 feet in diameter; is easily movable from one classroom to another and, from one school to another; can be automatically as well as manually controlled; provides a minimum of 750 stars and automatic phasing of the Moon; and has facilities for automatically pointing to any given planet or star. (1) The Model A4 planetarium manufactured by Spitz Laboratories, Inc. (Spitz) has a density of 1,345 stars, but specifies a 30-foot dome. The Spitz Model A4 is primarily designed for fixed installation in museums and similar places for viewing by large groups. The Spitz Model A4, therefore, does not provide the characteristic of mobility which is considered to be pertinent to the purposes for which the foreign article is intended to be used. (2) The Model III planetarium manufactured by Nova Laboratories (Nova) provides 750 stars and can be equipped for use with domes of 10 feet diameter. The Nova Model III is also capable of being operated both automatically and manually. However, it is not designed for portability. Moreover, the Model III does not provide any means for automatically pointing to and identifying any particular stars or planets. We are advised by the National Bureau of Standards (NBS) in its memorandum dated December 9, 1969, that this characteristic is pertinent to the purposes for which the foreign article is intended to be used.

For the foregoing reasons, we find that neither the Spitz Model A4 nor the Nova Model III planetarium is of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other 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.

[P.R. Doc. 70-4903; Filed, Apr. 22, 1970;
8:45 a.m.]

UNIVERSITY OF CINCINNATI COLLEGE OF MEDICINE 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. 70-00287-33-46040. Applicant: University of Cincinnati, College of Medicine, Department of Anatomy, Eden and Bethesda Avenues, Cincinnati, Ohio 45219. Article: Electron microscope, Model HU-11E. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article will be used for ultrastructural research on biological material. Two projects concern ultrastructural studies on embryonic chick connective tissues and ultrastructural and biochemical analysis of isolated liver mitochondria in diabetic rats. Application received by Commissioner of Customs: October 29, 1969.

Docket No. 70-00554-33-71200. Applicant: The University of Chicago, 5801 South Ellis Avenue, Chicago, Ill. 60637. Article: Freeze-drying plant, Model FT-1. Manufacturer: Bergman and Beving A. B., Sweden. Intended use of article: The article will be used to freeze small pieces of tissue removed from animals at very low temperature and then dry them under high vacuum. The material is prepared in this method for the Falck-Hillarp fluorescent histochemical method for the demonstration of monoamines in tissue. Application received by Commissioner of Customs: March 18, 1970.

Docket No. 70-00556-92-46040. Applicant: University of Minnesota, Department of Zoology, Minneapolis, Minn. 55455. Article: Electron microscope, Model EM-801. Manufacturer: Associated Electrical Industries, Ltd., United Kingdom. Intended use of article: The article will be used for research projects concerning a comparative study of the DNA molecules in the kinetoplasts of trypanosomatid protozoa; a study of cell junctions concentrating on the possible function true light and gap junctions as pathways for intercellular exchange in rat Novikoff hepatomas; and section studies of thick and thin muscle filaments in spider cardiac muscle. Application received by Commissioner of Customs: March 18, 1970.

Docket No. 70-00555-80-34000. Applicant: Stanford University, 820 Quarry

Road, Palo Alto, Calif. 94304. Article: Wind-driven generator, Model B24H. Manufacturer: Dunlite Electrical Co., S. Australia. Intended use of article: The article will be used to supply power for an unmanned scientific station to be established in Antarctica. It is being sent to the United States so that personnel of Stanford University can test its operation prior to deployment to Antarctica. Application received by Commissioner of Customs: March 18, 1970.

Docket No. 70-00546-33-43780. Applicant: Massachusetts General Hospital, Fruit Street, Boston, Mass. 02114. Article: 12 Total Hip Joint Replacements. Manufacturer: Protek Ltd., Switzerland. Intended use of article: The articles will be used for a study and scientific assessment of hip reconstructions, using total hip replacement in contrast to previously existing modes of reconstructive hip surgery. Application received by Commissioner of Customs: March 17, 1970.

Docket No. 70-00553-01-07520. Applicant: National Bureau of Standards, Washington, D.C. 20234. Article: Microcalorimeter, Model Calvet. Manufacturer: SETARAM, France. Intended use of article: The article will be used for the accurate measurement of very small amounts of thermal energy in the range 0.1 millijoule to one joule.

Types of processes for which the calorimeter will be suitable include vaporization, mixing, and solution studies. The ability to make thermal measurements in this low energy range and to work with small quantities of reactants also allows the applicant to follow both rapid and slow processes and offers the possibility of performing kinetic studies, which are of importance in the area of biophysical chemistry where the quantities of reactants are often limited and the heat evolved is small. Application received by Commissioner of Customs: March 20, 1970.

Docket No. 70-00558-33-46040. Applicant: The Ohio State University, Department of Otolaryngology, 190 North Oval Drive, Columbus, Ohio 43210. Article: Electron microscope, Model EM 300. Manufacturer: Philips Electronics NVD, The Netherlands. Intended use of article: The primary area of study using the article is the morphology and cytochemistry of the ear in normal and pathological conditions. Projects involve inner ear study for an understanding of the distribution of two types of nerve endings, namely afferent and efferent, under the surface of the sensory hairs; morphological studies on the normal and diseased middle ear mucosa; and a study of cholesteatoma which is a common condition of ear infection and often causes fatal complications such as brain abscess. Application received by Commissioner of Customs: March 20, 1970.

Docket No. 70-00559-01-77030. Applicant: The City College of The City University of New York, Convent Avenue at 138th Street, New York, N.Y. 10031. Article: NMR spectrometer, Model JNM-C-60HL. Manufacturer: Japan Electron Optics Lab. Co., Ltd., Japan. Intended use of article: The article will be used in

spectroscopy courses, organic chemistry and for student research. Specific uses include routine monitoring of crude reaction mixtures by examination of proton resonances as reaction proceeds; examination of crude and purified products in routine syntheses; precision nmr spectroscopy of organic and organometallic compounds such as organosilicon substituted fulvenes to determine chemical shifts and coupling constants with high accuracy; and signal coalescence experiments over a wide temperature range associated with studies of energy barriers for rotation of compounds possessing, e.g., N-N bonds. Application received by Commissioner of Customs: March 20, 1969.

Docket No. 70-00560-33-77030. Applicant: Temple University Health Sciences Center, Philadelphia, Pa. 19140. Article: NMR spectrometer, Model JNM-MH-60II. Manufacturer: Japan Electron Optics Lab. Co., Ltd., Japan. Intended use of article: The article will be used for research on drugs, their metabolites and other organic chemicals of biological interest. The experiments concern chemical structure, stereochemical conformation, kinetics of equilibrium processes and their temperature dependence, including the study of isomerization of a sulfonyl imine; and the nature and temperature dependence of interaction of drugs and related substances with biological macromolecules. Application received by Commissioner of Customs: March 20, 1970.

Docket No. 70-00561-33-77040. Applicant: The Mount Sinai School of Medicine, Fifth Avenue and 100th Street, New York, N.Y. 10029. Article: Mass spectrometer, Model JMS-01SC. Manufacturer: Japan Electron Optics Lab. Co., Ltd., Japan. Intended use of article: The article will be used primarily to aid the diagnosis of inborn errors of metabolism of newborn infants. The early detection of such diseases with the help of the mass spectrometer may save the life of those infected, and prevent the development of mental retardation by instituting early therapy. In the blood samples obtained from infants, and also in other body fluids to be investigated, there are as many as 40 components that must be identified and analyzed in extremely small quantities of materials. Application received by Commissioner of Customs: March 20, 1970.

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

[F.R. Doc. 70-4904; Filed, Apr. 22, 1970; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 21456]

AEROVIAS QUISQUEYANA, C. POR A.

Notice of Hearing

Notice is hereby given pursuant to the Federal Aviation Act of 1958, as amended,

that a hearing in the above-entitled proceeding is assigned to be held on May 5, 1970, at 10 a.m., e.d.s.t., in Room 805, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the undersigned examiner.

Dated at Washington, D.C., April 17, 1970.

[SEAL] JOHN E. FAULK,
Hearing Examiner.

[F.R. Doc. 70-4939; Filed, Apr. 22, 1970; 8:49 a.m.]

[Dockets Nos. 22089, 22079; Order 70-4-79]

NORTHERN AIR LINES, INC.

Order To Show Cause Regarding Establishment of Service Mail Service

Issued under delegated authority, April 16, 1970.

The Postmaster General filed an expedited notice of intent on April 8, 1970, pursuant to 14 CFR Part 298, petitioning the Board to establish for the above-captioned air taxi operator, the domestic multielement rates¹ for the transportation of priority and nonpriority mail by aircraft between Bowling Green, Ky., on the one hand, and both Louisville, Ky., and Nashville, Tenn., on the other hand. A previous petition for the mail service was filed by the Postmaster General in Docket 22079. The petition in Docket 22079 is superseded by the filing of the notice of intent in Docket 22089 and will be dismissed.

By Order 69-8-10, the Board authorized temporary suspension of service by Eastern Air Lines, Inc., at Bowling Green and approved an agreement between Eastern and Air South, Inc., which stated that Air South would provide substitute air service at Bowling Green. Air South has advised the Post Office Department that it would cease its substitute service at Bowling Green after March 31, 1970. Eastern has applied to the Board for continuation of the suspension. The Postmaster General states that to provide the necessary mail service by air to these points, the service of Northern Air Lines, Inc., is needed.

No protest or objection was filed against the proposed services during the time for filing such objections. The Postmaster General states that the Department and the carrier agree that the above rate is a fair and reasonable rate of compensation for the proposed services.

It is in the public interest to fix, determine, and establish the fair and reasonable rate of compensation to be paid by the Postmaster General for the proposed transportation of mail by aircraft, the facilities used and useful therefor,

¹ The present rates per Order 69-12-132, Dec. 30, 1969, as amended, are as follows:
Priority Mail: 24 cents per ton-mile plus 2.34 cents per pound at Louisville, Ky., and Nashville, Tenn., and 9.36 cents per pound at Bowling Green, Ky.

Nonpriority Mail: 11.33 cents per ton-mile plus 2.34 cents per pound at Louisville, Ky., and Nashville, Tenn., and 9.36 cents per pound at Bowling Green, Ky.

and the services connected therewith, between the aforesaid points. Upon consideration of the notice of intent and other matters officially noticed, it is proposed to issue an order* to include the following findings and conclusions:

1. The fair and reasonable final service mail rate to be paid Northern Air Lines, Inc., pursuant to section 406 of the Act, for the transportation of priority mail by aircraft, the facilities used and useful therefor, and the services connected therewith between Bowling Green, Ky., on the one hand, and both Louisville, Ky., and Nashville, Tenn., on the other hand, shall be the rates established by the Board in Order E-25610, August 23, 1967, as amended, and shall be subject to the other provisions of that order;

2. The fair and reasonable final service mail rate to be paid Northern Air Lines, Inc., pursuant to section 406 of the Act for the transportation of non-priority mail by aircraft, the facilities used and useful therefor, and the services connected therewith between Bowling Green, Ky., on the one hand and both Louisville, Ky., and Nashville, Tenn., on the other hand, shall be the rates established by the Board in Orders 70-4-9 and 70-4-10, April 2, 1970, and shall be subject to the other provisions of these orders; and

3. The service mail rates here fixed and determined are to be paid entirely by the Postmaster General.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR Part 302, 14 CFR Part 298, and the authority duly delegated by the Board in its Organization Regulations 14 CFR 385.14(f),

It is ordered, That:

1. Northern Air Lines, Inc., the Postmaster General, Eastern Air Lines, Inc., and all other interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rates specified above for the transportation of priority and nonpriority mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above as the fair and reasonable rate of compensation to be paid to Northern Air Lines, Inc.;

2. Further procedures herein shall be in accordance with 14 CFR Part 302, as specified in the attached appendix;

3. This order shall be served upon Northern Air Lines, Inc., the Postmaster General and Eastern Air Lines, Inc.; and

4. Docket 22079 is hereby dismissed.

*As this order to show cause is not a final action but merely affords interested persons an opportunity to be heard on the matters herein proposed, it is not regarded as subject to the review provisions of Part 385 (14 CFR Part 385). These provisions for Board review will be applicable to final action taken by the staff under authority delegated in § 385.14(g).

This order will be published in the FEDERAL REGISTER.

[SEAL]

HARRY J. ZINK,
Secretary.

APPENDIX

1. Further procedures related to the attached order shall be in accordance with 14 CFR Part 302, and notice of any objection to the rate or to the other findings and conclusions proposed therein, shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after service of this order;

2. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed therein and fix and determine the final rate specified therein;

3. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307).

[F.R. Doc. 70-4940; Filed, Apr. 22, 1970; 8:49 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[FCC 70-387]

USE OF SPECIAL SIGNALS FOR NETWORK PURPOSES WHICH ADVERSELY AFFECT BROADCAST SERVICE

APRIL 20, 1970.

The Commission today adopted a report and order in Docket 18605, which amended Part 73 of its rules and regulations to permit the inclusion in television picture transmissions of patterns containing coded information which, when intercepted and decoded by suitable apparatus, can be used for the electronic identification of a program segment including the code. The Commission found that such a system would benefit many entities involved in television broadcasting, and that transmission of the coded patterns would not result in television picture degradation.

The comments in this proceeding have pointed up a matter that has been of concern to the Commission for some time—the use by networks of certain methods of signaling and cueing which, although intended for use only by networks and their affiliates, nevertheless affect to some extent the quality of broadcast service.

Thus, the Columbia Broadcasting System employs audio tones for signaling purposes, with no attempt to prevent their reception by the general public from its affiliated stations. The National Broadcasting Co. momentarily displays

a blank square or similar marker in the upper right hand corner of certain television programs to advise affiliates of upcoming intervals during which local announcements may be made. This device is clearly visible to the viewing audience.

While the American Broadcasting Co. makes extensive use of signals in the audible range of frequencies, its technique is such that they are not heard by the public. However, the suppression of the tones is achieved by means which restrict, to some degree, the frequency range of aural program material.

Such signals have been employed without permission from the Commission, apparently on the assumption that no specific authorization is required, since the signals, even though they may be received by the general public, are not intended for its use, and their transmission is only incident to their internal employment by the network.

However, all of these signalling systems cause some degree of degradation of the broadcast signal, and their use is subject to regulation by the Commission under section 303(e) of the Communications Act of 1934, as amended, which directs the Commission to "Regulate the kind of apparatus to be used with respect to its external effects and the purity and sharpness of emissions from each station and from the apparatus therein". We, therefore, hold that signals of the nature described cannot be employed without specific authorization by the Commission.

While we recognize that the use of signalling within a network is essential to its efficient operation, we are unconvinced at this time that the function cannot be performed practicably by means which will leave broadcast service to the public unimpaired. Accordingly, we expect that any request for an authorization to use such special signals will include a showing that it is infeasible to transmit signals within the network by means which have no detrimental effect on the broadcast service.

Action by the Commission April 15, 1970. Commissioners Burch (Chairman), Bartley, Robert E. Lee, Cox and Wells.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 70-4936; Filed, Apr. 22, 1970; 8:49 a.m.]

[FCC 70-369]

FILING OF FRANCHISES FOR CATV SYSTEMS NOT IN OPERATION

APRIL 16, 1970.

The Commission presently lacks information regarding the location and ownership of outstanding CATV franchises for systems which are not in operation. (All operating systems should have either filed an FCC Form 325 in 1966 or given notification pursuant to § 74.1105 of the Commission's rules since that date.) This

lack of information may impede the Commission in formulating its future policies for cable utilization. Accordingly, all parties who hold franchises for CATV systems which are nonoperational as of the date of this public notice, whether the franchises are exclusive or nonexclusive, are directed to file a copy of each such franchise with the Federal Communications Commission within ninety (90) days of the date of publication of this public notice in the FEDERAL REGISTER. ("Franchise" means any instrument (local ordinance, franchise, permit, or license) by which a granting municipal or state authority authorizes construction and operation of a CATV system or use of public streets and ways in connection therewith.)

Authority for this filing requirement is contained in section 403 of the Communications Act.

Action by the Commission April 15, 1970, Commissioners Burch (Chairman), Bartley, Robert E. Lee, Cox and Wells.

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

[F.R. Doc. 70-4937; Filed, Apr. 22, 1970;
8:49 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP70-248]

PANHANDLE EASTERN PIPE LINE CO.

Notice of Application

APRIL 21, 1970.

Take notice that on April 16, 1970, Panhandle Eastern Pipe Line Co. (applicant), Post Office Box 1642, Houston, Tex. 77001, filed in Docket No. CP70-248 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the exchange of certain volumes of natural gas and the construction and operation of certain facilities necessary thereto, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate gas measurement facilities in Beaver County, Okla., through which it will receive volumes of gas up to 5,000 Mcf per day for purchase and exchange from Western Gas Interstate Co. (Western), and two meters and the necessary taps and side valves to accommodate the redelivery of exchange gas to Western in Cimarron County, Okla. Applicant states that the issuance of the requested authorizations would make an additional supply source available to it and would enable Western to serve certain of its customers at minimum expense.

The total estimated cost of the proposed facilities is \$17,100, which will be financed by general funds.

It appears reasonable and consistent with the public interest in this case to prescribe a shortened period for the filing of protests and petitions to inter-

vene. Any person desiring to be heard or to make any protest with reference to said application should on or before May 1, 1970, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-5003; Filed, Apr. 22, 1970;
8:50 a.m.]

GENERAL SERVICES ADMINISTRATION

[GSA Bulletin FPR 16]

FEDERAL PROCUREMENT

Report on Procurement by Civilian Executive Agencies

1. *Purpose.* This bulletin advises agencies that the Report on Procurement by Civilian Executive Agencies (Standard Form 37, June 1968 edition) required by FPR (41 CFR) 1-16.804 should list the net dollar amounts of procurements rounded to the nearest thousand dollars.

2. *Expiration date.* This bulletin contains information of a continuing nature and will remain in effect until canceled.

3. *Agency action.* Since some reports have listed exact amounts of procurements rather than rounded figures, agencies are requested to follow the instruction for entering in columns b, c, and d on Standard Form 37 the net dollar amounts of procurements rounded to the nearest thousand dollars.

Dated: April 16, 1970.

HART T. MANKIN,
General Counsel.

[F.R. Doc. 70-4923; Filed, Apr. 22, 1970;
8:47 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 500-1]

PERMASPRAY MANUFACTURING CORP.

Order Suspending Trading

APRIL 16, 1970.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Permaspray Manufacturing Corp. and all other securities of Permaspray Manufacturing Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c) (5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period April 17, 1970, through April 26, 1970, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 70-4930; Filed, Apr. 22, 1970;
8:48 a.m.]

[812-2633]

GOLCONDA MINING CORP., ET AL.

Notice of Filing of Application for Order Exempting Proposed Trans- actions and Permitting Proposed Transactions

APRIL 17, 1970.

Notice is hereby given that Golconda Mining Corp. ("Golconda"), Post Office Box 469, Wallace, Idaho 83873, an Idaho corporation, registered as a nondiversified, closed-end management investment company under the Investment Company Act of 1940 ("Act"), and Alice Silver-Lead Mining Co. ("Alice"), Mullan Silver-Lead Co. ("Mullan"), United Lead-Zinc Mines Co. ("United"), Square Deal Mining and Milling Co., Ltd. ("Square Deal"), Alice Consolidated Mines, Inc. ("Alice Consolidated"), and Hecla Mining Co. ("Hecla") (hereinafter referred to collectively as "Applicants") have filed an application pursuant to section 17(b) of the Act for an order exempting from the provisions of section 17(a) of the Act certain transactions more fully described below, and pursuant to section 17(d) of the Act and Rule 17d-1 thereunder for an order permitting such transactions.

It is proposed to consolidate all of the mining properties of United, Mullan and Alice and part of the mining properties of Golconda and Square Deal by exchanging such properties for shares of

Alice Consolidated, a company which was established for that purpose. The reason for the consolidation is to bring such mining properties into single ownership so that the combined area in the Hunter Mining District of Shoshone County, Idaho, may be explored at depth as a single unit. The consolidation is necessary to eliminate the possibility of disputes with respect to the ownership of any or bodies that may be discovered in the exploration area. The area was delineated by Hecla which will do the exploration work and will be the mining operator under a working agreement and mineral lease with Alice Consolidated.

The number of shares of Alice Consolidated to be received by each company transferring property to Alice Consolidated has been determined by an independent mining geologist by assigning a unit value of 1, 2, or 3 to each property to be transferred in accordance with its exploration potentials. In accordance with this formula, the companies will transfer and receive the following:

Company	Actual acres to be transferred	Weighted acreage	Shares of Alice Consolidated to be received
United	337.13	929.71	2,832,000
Square Deal	56.89	314.73	349,600
Golconda	185.18	264.62	806,400
Alice	324.54	760.26	2,316,000
Mullan	268.03	556.89	1,696,000
	1,109.87	2,626.90	8,000,000

Since Alice Consolidated will be acquiring all of the assets of United, Mullan, and Alice, including nonmining properties and assuming the liabilities of such companies up to an amount equal to 15 percent of the value of the mining properties and other assets to be conveyed to Alice Consolidated, the number of shares of Alice Consolidated to be issued to these companies will be adjusted for such other assets and liabilities. One less share shall be issued for each \$1 of indebtedness assumed by Alice Consolidated and one additional share shall be issued for each \$1 value of such other assets transferred to Alice Consolidated. It appears that as a result of the adjustment approximately 23,000 additional shares of Alice Consolidated will be issued to Alice and approximately 17,500 fewer shares will be issued to United.

The transfer of all the assets of United and Mullan and Alice to Alice Consolidated is dependent upon approval by the holders of two-thirds of the outstanding shares of United, of Mullan and of Alice. Each of these companies proposes to distribute the shares of Alice Consolidated which it receives to its respective shareholders in liquidation and in exchange for its presently outstanding stock.

Should the exploration prove successful, Hecla will operate the area and receive 100 percent of the net profits from its operation until it has recovered its preproduction costs. Thereafter, Hecla and Alice Consolidated will share net profits equally. Golconda has a 20 percent participation in Hecla's interests under the aforementioned working agreement and mineral lease. Applicants represent that the division of profits between

Hecla as operator and Alice Consolidated as owner is probably more favorable to the owner than has been the general practice in the area which has been to give the operator 60 percent of net profits and the owner 40 percent of net profits.

Golconda owns the following percentages of the outstanding shares of the other applicants.

Company	Outstanding percent shares owned by Golconda
Hecla	11
Alice	52.2
United	47.1
Mullan	54.7
Square Deal	54.3

After the transfer of properties to Alice Consolidated, Golconda will own approximately 10 percent of the outstanding shares of Alice Consolidated.

Golconda presumptively controls Alice, United, Mullan, and Square Deal and as a result of the number of shares of Alice Consolidated to be issued to each of such companies Golconda also actually controls Alice Consolidated. By reason of stock ownership or control Golconda and each of the other applicants are affiliated persons.

Section 17(a) of the Act which prohibits an affiliated person of a registered investment company from selling any property to such registered company or to any company controlled by such registered company or from buying any property from such registered company may be deemed to prohibit the proposed transfer of mining properties to Alice Consolidated and the issuance of shares of Alice Consolidated therefor. Section 17(a) may also be deemed to prohibit the proposed working agreement and mineral lease between Hecla and Alice Consolidated and the participation therein of Golconda.

Section 17(b) of the Act provides that the Commission shall exempt a proposed transaction from the provisions of section 17(a) upon finding that the term of the proposed transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned and that the proposed transaction is consistent with the policy of the registered investment company concerned, as recited in its registration statement and reports filed under the Act and that the proposed transaction is consistent with the general purposes of the Act.

Applicants request an order pursuant to section 17(b) exempting the following transactions from section 17(a) of the Act:

(a) The proposed consolidation of United, Mullan, and Alice and part of the mining properties of Golconda and Square Deal into Alice Consolidated.

(b) The proposed agreement for such reorganization between Alice, United, Mullan, Golconda, Square Deal, and Alice Consolidated.

(c) The proposed exchange of property incident thereto by United, Mullan, Alice, Golconda, and Square Deal for shares of Alice Consolidated.

(d) The proposed working agreement and mineral lease between Hecla and Alice Consolidated and the participation by such parties with Golconda in such agreement.

In the absence of a Commission order, section 17(d) and Rule 17d-1 thereunder prohibit an affiliated person of a registered investment company from entering into any joint arrangement or joint enterprise or profit sharing plan with such registered company or a controlled company thereof. Section 17(d) and Rule 17d-1 thereunder may therefore be deemed to prohibit (a) the proposed consolidation of mining properties (b) the working agreement between Alice Consolidated and Hecla and (c) the participation by such parties together with Golconda in such agreement.

Applicants request an order under Rule 17d-1 permitting United Mullan, Alice, and Square Deal to participate together with Golconda in the consolidation of mining properties into Alice Consolidated and further permitting Alice Consolidated and Hecla to become participants in the proposed working agreement and mineral lease and also permitting Alice Consolidated and Hecla to become participants in the proposed working agreement and mineral lease together with Golconda.

In passing upon the application, the Commission is required to consider whether the participation of Golconda or Alice Consolidated in the aforementioned joint enterprise, joint arrangements and profit sharing plans on the basis proposed is consistent with the provisions, policies and purposes of the Act and the extent to which such participations are on a basis different from or less advantageous than that of other participants.

Notice is further given that any interested person may, not later than May 8, 1970, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by the statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address stated above. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter,

including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[P.R. Doc. 70-4931, Filed, Apr. 22, 1970;
8:48 a.m.]

DEPARTMENT OF LABOR

Office of the Secretary

STATUS OF CHAIN SAW OPERATORS USING THEIR OWN EQUIPMENT IN WORK PERFORMED UNDER THE CONTRACT WORK HOURS STAND- ARDS ACT

Notice of Hearing

1. The Corps of Engineers has requested that a hearing be held, as provided in 29 CFR 5.11(b), concerning a dispute relating to the classification, for purposes of the compensation requirements of the Contract Work Hours and Safety Standards Act (40 U.S.C. 327-333), of certain chain saw operators engaged by P & L Hauling Contractors, Inc. (P & L) to perform work contemplated by contracts subject to such Act, awarded to P & L by the Corps of Engineers, for the performance of cleanup services on the Mississippi Gulf Coast subsequent to Hurricane Camille.

2. The ultimate and predominant issue presented is whether or not a chain saw operator performing work contemplated by a contract subject to the Act is, within the meaning of the Act, a "laborer or mechanic employed by any contractor or subcontractor in his performance of work on" such a contract when the operator is performing the work pursuant to a contract with the Government contractor or subcontractor which requires the operator to provide his own equipment and allegedly contemplates his performance of the work as an independent contractor. The Government contractor, P & L, contends that the chain saw operators with respect to whom the dispute has arisen are independent contractors and as such are not protected by section 102 of the Act. Therefore, subsidiary issues are presented as to whether or not the independent contractor status, if established, is dispositive of the ultimate issue and, if so, whether or not the workers involved are independent contractors. The disposition of the issues involves significant sums of money.

3. Other contractors on the Gulf Coast are concerned with the issues involved, and decisions concerning the issues may have a substantial impact upon them.

4. Accordingly, pursuant to 5 CFR 5.11(b), notice is hereby given that a hearing on the issues which are described in paragraph numbered 2 will be held on May 12, 1970, at 10 a.m. in the Community Hall, Biloxi, Miss., before Hearing

Examiner John Mealy, who has been designated as presiding officer.

5. Persons wishing to participate orally in the proceeding in addition to the P & L Hauling Contractors, Inc., the contracting agency, and the Department of Labor, and their representatives, should file a notice to that effect not later than May 6, 1970, with the Chief Hearing Examiner, U.S. Department of Labor, Washington, D.C. 20210, and indicate the amount of time which is sought for their presentations. Persons wishing to make only written presentations may do so by filing the same with the Chief Hearing Examiner not later than May 6, 1970.

6. The hearing shall be governed by the procedure prescribed in 29 CFR 5.11(b). The Hearing Examiner shall have the power to administer oaths and affirmations; to rule on offers of proof and receive relevant evidence; to dispose of procedural requests; and to regulate the proceeding with such supplementary procedures as he may consider appropriate. The hearing shall be stenographically reported and transcripts shall be available to parties and other persons upon payment of fees therefor.

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

L. H. SILBERMAN,
Solicitor of Labor.

[P.R. Doc. 70-4953; Filed, Apr. 22, 1970;
8:50 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 38]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FOR- WADER APPLICATIONS

APRIL 17, 1970.

The following applications are governed by Special Rule 247¹ of the Commission's General Rules of Practice (49 CFR 1100.247, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and de-

¹ Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

scribing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the Special Rules, and shall include the certification required therein.

Section 247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's General Policy Statement Concerning Motor Carrier Licensing Procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record.

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

No. MC 2229 (Sub-No. 151), filed March 30, 1970. Applicant: RED BALL MOTOR FREIGHT, INC., 3177 Irving Boulevard, Post Office Box 47407, Dallas, Tex. 75247. Applicant's representative: James W. Whittemore (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: General commodities, except those of unusual value, classes A and B explosives, household goods, as defined by the Commission, commodities in bulk, commodities which because of size or weight require the use of special equipment and those injurious or contaminating to other lading, between Alexandria and Leesville, La., over Louisiana Highway 28, as an alternate route for operating convenience only, in connection with carrier's presently authorized regular route operations, serving no intermediate points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Dallas or Fort Worth, Tex.

No. MC 2368 (Sub-No. 27), filed March 30, 1970. Applicant: BRALLEY-WILLET TANK LINES, INC., Post Office Box 495, 2212 Deepwater Terminal Road, Richmond, Va. 23204. Applicant's representative: E. Stephen Helsley, McLachlen Bank Building, 666 11th Street, NW, Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sulphuric acid*, in bulk, in tank vehicles, from Chesapeake, Va., to points in North Carolina. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 2900 (Sub-No. 190) (Amendment), filed February 11, 1970, published in FEDERAL REGISTER issue of March 12, 1970, amended March 31, 1970, and republished as amended this issue. Applicant: RYER TRUCK LINES, INC., 2050 Kings Road, Jacksonville, Fla. 32203. Applicant's representative: Larry D. Knox (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper and paper products*; products produced or distributed by manufacturers and converters of paper and paper products (except commodities in bulks) from the plantsites and warehouse facilities of International Paper Co. at or near Ticonderoga, N.Y., to points in Alabama, Connecticut, Florida, Georgia, Illinois, Iowa, Indiana, Kentucky, Maryland, Massachusetts, Minnesota, Missouri, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Tennessee, Texas, Virginia, Wisconsin, and the District of Columbia; and (2) *materials and supplies* (except commodities in bulk) used in the manufacture and distribution of the commodities described in paragraph (1) and returned and rejected shipments, from the States in paragraph (1) of the plantsites and warehouses facilities of International Paper Co. at or near Ticonderoga, N.Y. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. The purpose of this republication is to redescribe the authority sought. If a hearing is deemed necessary, applicant requests it be held at Jacksonville, Fla., Atlanta, Ga., or Washington, D.C.

No. MC 2900 (Sub-No. 194), filed March 26, 1970. Applicant: RYDER TRUCK LINES, INC., 2050 Kings Road, Jacksonville, Fla. 32203. Applicant's representative: Larry D. Knox (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment; (1) between Lawrenceville, Ill., and Princeton, Ind.; From Lawrenceville over Illinois Highway 1 to Mount Carmel, Ill., thence over Indiana Highway 64 to Princeton, Ind., and return over the same

routes, serving all termini for joinder purposes only; (2) between junction U.S. Highway 31 and Indiana Highway 7 and Bedford, Ky.; From junction U.S. Highway 31 and Indiana Highway 7 over Indiana Highway 7 to Madison, Ind., thence over U.S. Highway 421 to Bedford, Ky., and return over the same route, serving the termini for joinder purposes only; (3) between Bedford, Ky., and Frankfort, Ky., over U.S. Highway 421, serving the termini for joinder purposes only; (4) between Louisville, Ky., and Frankfort, Ky., over U.S. Highways 60-460, serving Frankfort, Ky., for joinder purposes only; (5) between Frankfort, Ky., and Mount Vernon, Ky.; From Frankfort over U.S. Highway 127 to Danville, Ky., thence over U.S. Highway 150 to Mount Vernon, Ky., and return over the same route, serving the termini for joinder purposes only;

(6) Between Mount Vernon, Ky., and junction U.S. Highways 25W and 11; From Mount Vernon over U.S. Highway 25 (also Interstate Highway 75) to junction U.S. Highway 25W and Interstate Highway 75, thence over U.S. Highway 25W to junction U.S. Highways 25W and 11, and return over the same route, serving the termini for joinder purposes only; (7) between Mount Vernon, Ky., and Lexington, Ky., over Interstate Highway 75, serving the termini for joinder purposes only; (8) between Lexington, Ky., and Cincinnati, Ohio, over Interstate Highway 75, serving Lexington for joinder purposes only; (9) between Lexington, Ky., and Ripley, Ohio; From Lexington over U.S. Highway 68 to junction U.S. Highways 68 and 52, thence over U.S. Highway 52 to Ripley and return over the same route, serving the termini for joinder purposes only; (10) between Ripley, Ohio, and Washington Court House, Ohio, over U.S. Highway 62 serving the termini for joinder purposes only; (11) between Ripley, Ohio, and Wilmington, Ohio, over U.S. Highway 68 serving the termini for joinder purposes only; as alternate routes for operating convenience only, in (1) through (11) above, serving no intermediate points. **NOTE:** Common control may be involved. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Jacksonville, Fla., or Atlanta, Ga.

No. MC 7073 (Sub-No. 9), filed March 30, 1970. Applicant: EUGENE E. BOOS AND RICHARD P. BOOS, a partnership, doing business as BOOS GRAIN & FERTILIZER CO., Box 41, Highland, Kans. 66035. Applicant's representative: J. David Harden, Jr., 600 Leifinger 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. **NOTE:** Applicant states it is unaware of any feasible tacking operations that would arise as a result of a grant herein. However, applicant opposes the imposition of a restriction against tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the ap-

plication may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Kans., or Oklahoma City, Okla.

No. MC 10872 (Sub-No. 46), filed March 19, 1970. Applicant: BE-MAC TRANSPORT COMPANY, INC., 7400 North Broadway, St. Louis, Mo. 63147. Applicant's representative: David D. Brunson, 419 Northwest Sixth Street, Oklahoma City, Okla. 73102. 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 in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, and those requiring special equipment), between Tulsa and Muskogee, Okla., from Tulsa over Broken Arrow Expressway to junction Muskogee Turnpike, thence over Muskogee Turnpike to Muskogee, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., Oklahoma City, Okla., or Washington, D.C.

No. MC 13002 (Sub-No. 7), filed March 30, 1970. Applicant: FREMONT SMITH TRUCK LINES, INC., 5500 Military Road, Sioux City, Iowa 51109. Applicant's representative: William L. Fairbank, 610 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and storage facilities utilized by Sioux-Preme Packing Co., at or near Sioux Center, Iowa, to points in Colorado, Illinois, Indiana, Iowa, and Nebraska, under contract with Sioux-Preme Packing Co. **NOTE:** Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Omaha, Nebr.

No. MC 22179 (Sub-No. 14), filed March 20, 1970. Applicant: FREEMAN TRUCK LINE, INC., 416 Jackson Avenue, Post Office Box 467, Oxford, Miss. 38655. Applicant's representative: Louis J. Dailey, 2111 Sterick Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Carrollton and North Carrollton and Kilmichael, Miss., as off-route points in connection with applicant's presently authorized regular-route operations between Memphis, Tenn., and Durant, Miss., over U.S. Highway 51 Interstate Highway 55. **NOTE:** If a hearing is deemed

necessary, applicant requests it be held at Winona or Jackson, Miss., of Memphis, Tenn.

No. MC 25798 (Sub-No. 210), filed March 27, 1970. Applicant: CLAY HYDER TRUCKING LINES, INC., 502 East Bridgers Avenue, Post Office Box 1186, Auburndale, Fla. 33823. Applicant's representatives: Tony G. Russell (same address as applicant), and William J. Boyd, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, in vehicles equipped with mechanical refrigeration (except commodities in bulk, in tank vehicles), from Washington, Evansville, and Indianapolis, Ind., and Louisville, Ky., to points in Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee. NOTE: Applicant states that tacking possibilities exist with its Sub 103, however it does not intend to tack the requested authority herein. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 25798 (Sub-No. 211), filed April 6, 1970. Applicant: CLAY HYDER TRUCKING LINES, INC., 502 East Bridgers Avenue, Post Office Box 1186, Auburndale, Fla. 33823. Applicant's representative: Tony G. Russell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products* (except in bulk, in tank vehicles), from the plantsites of Humble Oil & Refining Co., located at Baton Rouge, La., to points in Florida. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Tampa, Fla., or Charlotte, N.C.

No. MC 25798 (Sub-No. 212), filed April 6, 1970. Applicant: CLAY HYDER TRUCKING LINES, INC., 502 East Bridgers Avenue, Post Office Box 1186, Auburndale, Fla. 33823. Applicant's representative: Tony G. Russell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from points in Texas, to points in Alabama, Florida, Georgia, North Carolina, and South Carolina. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 28961 (Sub-No. 23), filed March 16, 1970. Applicant: McDUFFEE MOTOR FREIGHT, INC., 1600 Oliver Avenue, Indianapolis, Ind. 46221. Applicant's representatives: Robert M. Pearce, Post Office Box E, Bowling Green, Ky. 42101, and Kirkwood Yockey, Suite 501, Union Federal Building, Indianapolis,

Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment); (1) between Cincinnati, Ohio, and Middlesboro, Ky., from Cincinnati over U.S. Highway 25 to Lexington, Ky., thence over U.S. Highway 27 to Camp Dick Robinson, thence over Kentucky Highway 34 to Danville, Ky., thence over U.S. Highway 150 to Mount Vernon, Ky., thence over U.S. Highway 25 to Corbin, Ky., thence over U.S. Highway 25E to Middlesboro, and return over the same route, serving no intermediate points; and (2) between Lexington and Nicholasville, Ky., over U.S. Highway 27, serving no intermediate points and serving Nicholasville for purposes of joinder only. NOTE: Common control may be involved. Applicant states that it now has authority to operate between all of the above points sought. This application is filed in connection with MC-F-10780, Bronaugh Motor Express, Inc.—Purchase (Portion)—McDuffee Motor Freight, Inc. MC-F-10780 is a matter to be handled concurrently with this application. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky.

No. MC 30844 (Sub-No. 318), filed March 24, 1970. Applicant: KROBLIN REFRIGERATED EXPRESS, INC., 2125 Commercial, Waterloo, Iowa 50704. Applicant's representative: Truman A. Stockton, Jr., The 1650 Grant Street Building, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products, meat byproducts, dairy products, and articles distributed by meat packinghouses*, as described in sections A, B, and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Hartley, Iowa, to points in Delaware, Connecticut, Indiana, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia; and (2) *Dairy products*, between Dubuque, Iowa, on the one hand, and, on the other, points in Connecticut, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and the District of Columbia. NOTE: Applicant states it intends to tack at Dubuque, Iowa, with its presently held authority to provide service to points in Arkansas, Colorado, Kansas, Missouri, Nebraska, Oklahoma, and Texas. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 30844 (Sub-No. 319), filed March 30, 1970. Applicant: KROBLIN REFRIGERATED EXPRESS, INC., 2125 Commercial, Waterloo, Iowa 50704. Applicant's representative: Truman A. Stockton, Jr., The 1650 Grant Street Building, Denver, Colo. 80202. Authority sought to operate as a *common carrier*,

by motor vehicle, over irregular routes, transporting: *Soaps, toilet preparations, and cleaning compounds*, from Eldora, Iowa, to points in Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kansas, Louisiana, Maine, Maryland, Massachusetts, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, and the District of Columbia, Kentucky, Michigan, Mississippi, and Wisconsin. Common control may be involved. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 30844 (Sub-No. 320), filed April 2, 1970. Applicant: KROBLIN REFRIGERATED EXPRESS, INC., 2125 Commercial Street, Waterloo, Iowa 50704. Applicant's representative: Truman A. Stockton, Jr., The 1650 Grant Street Building, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Caps, covers, disks, ends, bands, rings or tops for bottles, glasses and jars*, from Muncie, Ind., to points in Iowa, Minnesota, Nebraska, and South Dakota. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Indianapolis, Ind.

No. MC 30844 (Sub-No. 321), filed April 2, 1970. Applicant: KROBLIN REFRIGERATED EXPRESS, INC., 2125 Commercial Street, Waterloo, Iowa, 50704. Applicant's representative: Truman A. Stockton, Jr., The 1650 Grant Street Building, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities used in liquid dispensers*, from Linden and Hillside, N.J., to Lake Mills, Iowa. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Washington, D.C.

No. MC 30844 (Sub-No. 322), filed April 6, 1970. Applicant: KROBLIN REFRIGERATED EXPRESS, INC., 2125 Commercial Street, Waterloo, Iowa, 50704. Applicant's representative: Truman A. Stockton, Jr., The 1650 Grant Street Building, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles, and hides), from Great Bend, Kans., to points in Connecticut, Delaware, Iowa, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, the

District of Columbia, and Covington, Ky. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 30844 (Sub-No. 323), filed April 6, 1970. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 2125 Commercial Street, Waterloo, Iowa, 50704. Applicant's representative: Truman A. Stockton, Jr., The 1650 Grant Street Building, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned and prepared foodstuffs*, from Hamlin, Holley, and Williamson, N.Y., to points in Michigan, Indiana, Ohio, Wisconsin, Illinois, Missouri, Minnesota, North Dakota, South Dakota, Iowa, and Nebraska. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 32182 (Sub-No. 1), filed January 29, 1970. Applicant: ARNOLD SCHLADWEILER, Ellsworth, Wis. Applicant's representative: Robert R. Gavic, Spring Valley, Wis. 54767. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and animal and poultry feed*, from Hager City, Pierce County, Wis., to St. Paul and Minneapolis, Minn. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held as close to Ellsworth, Wis., as possible.

No. MC 32882 (Sub-No. 52), filed March 30, 1970. Applicant: MITCHELL BROS. TRUCK LINES, a corporation, 3841 North Columbia Boulevard, Portland, Ore. 97217. Applicant's representative: Norman E. Sutherland, 1200 Jackson Tower, 806 Southwest Broadway, Portland, Ore. 97205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fiberboard packaging materials and pulpboard*, from points in Pierce County, Wash., and Multnomah County, Ore., to points in Idaho. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Portland, Ore., or Seattle, Wash.

No. MC 35396 (Sub-No. 36), filed March 16, 1970. Applicant: ARNOLD LIGON TRUCK LINE, INC., 1600 Oliver Avenue, Indianapolis, Ind. 46221. Applicant's representatives: Robert M. Pearce, Post Office Box E, Bowling Green, Ky. 42101, and Kirkwood Yockey, Suite 501, Union Federal Building, Indianapolis, Ind. 46204. 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; (1) between the junction of U.S. Highway 41 with the Kentucky-Tennessee State line, near Guthrie, Ky., and Henderson, Ky., from the junction of U.S. Highway 41 with the Kentucky-Tennessee State line over U.S. Highway 41 to Henderson and return over the same route serving no intermediate points, and serving the junction of U.S. Highway 41 with the Kentucky-Tennessee State line, Nortonville, Ky., and Hopkinsville, Ky., for purposes of joinder only; (2) between Louisville and Nortonville, Ky., from Louisville over U.S. Highway 31W to Elizabethtown, Ky., thence over U.S. Highway 62 to Nortonville and return over the same route, serving no intermediate points, and serving Nortonville and Beaver Dam, Ky., for purposes of joinder only; and (3) between Fort Campbell and Hopkinsville, Ky., over U.S. Highway 41A to Hopkinsville and return over the same route, serving no intermediate points and serving Fort Campbell and Hopkinsville for purposes of joinder only. **NOTE:** Applicant now has authority over each of the above routes. The authority sought constitutes duplicate traversal routes in connection with pending finance application under MC-F-10781 and MC-F-10782. Applicant further request that this application be concurrently handled with MC-F-10781 and MC-F-10782. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 50069 (Sub-No. 437), filed March 30, 1970. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 445 Earlwood Avenue, Oregon (Toledo) Ohio 43616. Applicant's representative: J. A. Kundtz, 1100 National City Bank Building, Cleveland, Ohio 44114. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid soft flux petroleum asphalt*, in bulk, in tank vehicles, from Canton, Ohio, to Mertztown, Pa. **NOTE:** Common control and dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states that no duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 52465 (Sub-No. 35), filed April 2, 1970. Applicant: RICE TRUCK LINES, a corporation, 1627 Third Street Northwest, Great Falls, Mont. 59401. Applicant's representative: Ray F. Koby, 314 Montana Building, Great Falls, Mont. 59401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids and chemicals*, in bulk, between points in Missoula County, Mont., on the one hand, and, on the other, points in Montana, Colorado, Wyoming, Idaho, Oregon, and Washington. Common control may be involved. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Missoula, Mont., or Spokane, Wash.

No. MC 52465 (Sub-No. 36), filed April 1, 1970. Applicant: RICE TRUCK

LINES, a corporation, 1627 Third Street Northwest, Great Falls, Mont. 59401. Applicant's representative: Ray F. Koby, 314 Montana Building, Great Falls, Mont. 59401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement, pozzolan, and fly ash*, in bulk, between points in and east of Okanogan, Chelan, Kittitas, Yakima, and Klickitat Counties, Wash. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Portland, Ore., or Seattle, Wash.

No. MC 59680 (Sub-No. 177) (Correction), filed February 16, 1970, published in the FEDERAL REGISTER issue of March 26, 1970, and republished as corrected this issue. Applicant: STRICKLAND TRANSPORTATION CO., INC., 3011 Gulden, Post Office Box 5689, Dallas, Tex. 75222. Applicant's representative: Oscar P. Peck (same address as above). **NOTE:** The purpose of this partial publication is to correctly set forth U.S. Highway 21 in route (d) above, in lieu of U.S. Highway 20 as inadvertently shown in the previous publication. If a hearing is deemed necessary, applicant requests it be held at Dallas or Fort Worth, Tex.

No. MC 61825 (Sub-No. 35), filed March 23, 1970. Applicant: ROY STONE TRANSFER CORPORATION, V.C. Drive, Collinsville, Va. 24078. Applicant's representative: George S. Hales, Post Office Box 872, Martinsville, Va. 24112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tires and tubes* from Bellwood, Pa., and Memphis, Tenn., to Charlotte and Wilson, N.C., and Martinsville and Virginia Beach, Va. **NOTE:** Common control may be involved. Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 64446 (Sub-No. 4), filed March 25, 1970. Applicant: W. H. FITZGERALD, INC., 163 West Main Street, Youngsville, Pa. 16371. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. 17101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Such commodities* as are manufactured or processed by concerns engaged primarily in the manufacture and processing of forgings, machinery, and ordnance, from Titusville and Irvine, Pa., to points in Connecticut, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, Pennsylvania, Rhode Island, Tennessee, Vermont, and Wisconsin; (2) *equipment, materials, and supplies* used in the manufacture and

processing of such commodities as are manufactured or processed by concerns engaged primarily in the manufacture and processing of forgings, machinery, and ordnance, from points in Connecticut, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, Pennsylvania, Rhode Island, Tennessee, Vermont, and Wisconsin to Titusville and Irvine, Pa.; (3) such commodities as are manufactured or processed by concerns engaged primarily in the manufacture and processing of forgings, castings, machinery, and ordnance, from Erie, Pa., to points in Alabama, Connecticut, Delaware, District of Columbia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Tennessee, Vermont, Virginia, West Virginia, and Wisconsin; and (4) equipment, materials, and supplies used in the manufacture and processing of such commodities as are manufactured or processed by concerns engaged primarily in the manufacture and processing of forgings, castings, machinery, and ordnance, from points in Alabama, Connecticut, Delaware, District of Columbia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Tennessee, Vermont, Virginia, West Virginia, and Wisconsin to Erie, Pa., under a continuing contract or contracts with National Forge Co. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa., or Washington, D.C.

No. MC 67818 (Sub-No. 82), filed March 16, 1970. Applicant: MICHIGAN EXPRESS, INC., 1122 Freeman Avenue SW., Grand Rapids, Mich. 49502. Applicant's representative: J. M. Neath, Jr., 900 Old Kent Building, Grand Rapids, Mich. 49502. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *New store fixtures, uncrated, and including food and beverage, storage, dispensing, and vending machines, uncrated, from Grand Haven, Mich., to points in Connecticut, Delaware, Florida, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, West Virginia, Wisconsin, and the District of Columbia.* **NOTE:** Applicant states it will tack at Grand Haven, Mich., to enable service to all authorized points. If a hearing is deemed necessary, applicant requests it be held at Lansing or Detroit, Mich., or Chicago, Ill.

No. MC 82841 (Sub-No. 70), filed March 30, 1970. Applicant: HUNT TRANSPORTATION, INC., 801 Livestock Exchange Building, Omaha, Nebr. 68107. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Lawnmowers, lawn tractors, mini-bikes, snow blowers, snow throwers,*

snowmobiles, and attachments, parts, and accessories therefor, from Omaha, Nebr., and Council Bluffs, Iowa. **NOTE:** in the United States (excluding Alaska and Hawaii); and (2) *materials, equipment, components, and supplies, used in the manufacturing of items listed in (1) above, from points in Michigan, Wisconsin, Illinois, Indiana, and Ohio to Omaha, Nebr., and Council Bluffs, Iowa.* **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Chicago, Ill.

No. MC 89723 (Sub-No. 58), filed March 23, 1970. Applicant: MISSOURI PACIFIC TRUCK LINES, INC., 210 North 13th Street, St. Louis, Mo. 63103. Applicant's representative: Robert S. Davis, 2008 Missouri Pacific Building, St. Louis, Mo. 63103. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *General commodities.* The instant application seeks authority solely to lift Laredo, Tex., as a key point on traffic moving to, from or through the key point of San Antonio in applicant's certificate No. MC-89723 (Sub-No. 4), wherein it is authorized to transport general commodities over regular routes, between various points in Texas in service auxiliary to and supplemental of rail service of Missouri Pacific Railroad Co. but to continue both Laredo and San Antonio as key points against the remaining key points in said certificate of Houston, Palestine, Fort Worth, Waco, and Hearne Valley Junction, Tex., and subject to all other restrictions contained in said certificate. No new routes or points are sought to be served. **NOTE:** Common control may be involved. Applicant states it is a wholly owned subsidiary of Missouri Pacific Railroad Co. If a hearing is deemed necessary, applicant requests it be held at San Antonio or Houston, Tex.

No. MC 93903 (Sub-No. 10), filed April 6, 1970. Applicant: ANDERSON'S TRUCKING CORPORATION, 93 Marcy Avenue, East Orange, N.J. 07019. Applicant's representative: Herman B. J. Weckstein, 60 Park Place, Newark, N.J. 07102. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Concrete pipes, concrete products, fittings, forms, molds, and equipment used in the manufacture of concrete pipe, between Readington and Somerville, N.J., on the one hand, and, on the other, points in Connecticut, Delaware, Maryland, Massachusetts, Pennsylvania, Rhode Island, New York, the District of Columbia, those in Accomack, Arlington, Clarke, Culpeper, Fairfax, Fauquier, King George, Loudoun, Northampton, Prince William, Rappahannock, Spotsylvania, Stafford, and Warren Counties, Va., and those in Berkeley and Jefferson Counties, W. Va., under contract with Mancrete, Inc. of Somerville, N.J.* **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Newark, N.J., or Washington, D.C.

No. MC 103993 (Sub-No. 510), filed March 30, 1970. Applicant: MORGAN

DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representatives: Ralph H. Miller and Paul D. Borghesani (same address as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Buildings, in sections, mounted on undercarriages, from points in Jasper County, S.C., to points in the United States east of the Mississippi River and to points in Minnesota and Louisiana.* **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Charleston, S.C.

No. MC 106603 (Sub-No. 109), filed March 19, 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: *Building, roofing, paving, and insulating materials and materials, equipment, and supplies used in the manufacture, packaging, and shipping thereof (except commodities in bulk); (1) between Cincinnati, Ohio, on the one hand, and, on the other, points in Kentucky, Missouri, Tennessee, and West Virginia; and (2) between Wilmington, Ill., on the one hand, and, on the other, points in Indiana, Kentucky, Missouri, and Ohio.* **NOTE:** Applicant states that its lead docket sheet No. 4 and its Subs 47, 88, and 97 would permit the authority sought to be tacked to provide a through service to the Lower Peninsula of Michigan and specified points in Indiana. Applicant has contract carrier authority in MC 46240 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 107295 (Sub-No. 357), filed March 27, 1970. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South Main Street, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same address as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Plastic sheets, plastic plates, plastic forms or shapes, and accessories used in the installation thereof, from Grand Junction, Tenn., to points in the United States (except Alaska and Hawaii).* **NOTE:** Applicant states the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 107295 (Sub-No. 358), filed March 27, 1970. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South Main Street, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same address as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Paving joints, compounds, siding, roofing cement, concrete curing compounds, from Elgin and Hampshire,*

Ill., to points in Arkansas, Georgia, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Ohio, Pennsylvania, Tennessee, Virginia, West Virginia, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 107295 (Sub-No. 359), filed March 31, 1970. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South Main Street, Farmer City, Ill. Applicant's representative: Dale L. Cox (same address as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Plywood, hardboard, veneer, wood paneling, and wood particle board, from Oshkosh, Wis., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107295 (Sub-No. 360), filed April 1, 1970. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South Main Street, Farmer City, Ill. Applicant's representative: Dale L. Cox (same address as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Plastic pipe, fittings, and accessories, from Louisville, Ky., to points in Colorado, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, Oklahoma, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107515 (Sub-No. 695), filed March 30, 1970. Applicant: REFRIGERATED TRANSPORT CO., INC., 3901 Jonesboro Road, Post Office Box 308, Forest Park, Ga. 30050. Applicant's representative: Byron L. Gundlach (same address as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Meats, meat products, and meat by-products, and articles distributed by meat packinghouses, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except in bulk in tanks), in vehicles equipped with mechanical refrigeration units, from the plantsite of Oscar Mayer & Co. at or near Goodlettsville, Tenn., to points in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Virginia, and Arkansas; restricted to traffic originating at the above-described plantsite and destined to points in the above-named destination States. NOTE: Applicant states it presently can serve Goodlettsville, Tenn., by tacking with its Sub-1 to points in Atlanta, Columbus, Macon, Albany, and Montezuma, Ga., and tack with its Sub-28 to points in North Carolina, South Carolina, Florida, Alabama, Mississippi, and Louisiana. No duplicating authority is sought. If a hearing is deemed neces-

sary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 107839 (Sub-No. 140), filed March 9, 1970. Applicant: DENVER-ALBUQUERQUE MOTOR TRANSPORT, INC., 770 East 51st Avenue, Denver, Colo. 80216. Applicant's representative: Edward T. Lyons, Jr., 420 Denver Club Building, Denver, Colo. 80202. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Meats, meat products, and meat byproducts, dairy products, and articles distributed by meat packinghouses, as described in sections A, B, and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from points in Texas to points in Louisiana, Mississippi, Alabama, Georgia, Florida, North Carolina, and South Carolina. NOTE: Applicant states that the authority herein sought could be tacked with its present authority in Subs 3, 12, 13, 40, 61, 62, 68, 81, 119, and 121 so as to transport the above-named commodities from Denver, Colorado Springs, and Pueblo, Colo.; from points in Bernalillo County, N. Mex.; from Mason City, Iowa, from the plantsite of Producers Packing Co. near Garden City, Kans.; from the plantsites of Sterling Colorado Beef Packers near Sterling, Colo., and of American Beef Packers, Inc., near Fort Morgan, Colo.; and from the plantsites of Cornland Dressed Beef Co. near Lexington, Nebr.; and Minden Beef Co. near Minden, Nebr., to points in the above-named destination States. If a hearing is deemed necessary, applicant request it be held at Fort Worth, Tex.

No. MC 108473 (Sub-No. 32), filed March 23, 1970. Applicant: ST. JOHNSBURY TRUCKING COMPANY, INC., 38 Main Street, St. Johnsbury, Vt. Applicant's representatives: Francis E. Barrett and Francis P. Barrett, 60 Adams Street, Milton, Mass. 02187. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: General commodities, except those of unusual value, classes A and B explosives, livestock, household goods, as defined by the Commission, commodities in bulk, and those requiring special equipment, between Schenectady and Binghamton, N.Y., over New York Highway 7 to Binghamton, N.Y., and return over the same route, as an alternate route for operating convenience only. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 109397 (Sub-No. 211), filed March 31, 1970. Applicant: TRI-STATE MOTOR TRANSPORT CO., a corporation, Post Office Box 113, Joplin, Mo. 64801. Applicant's representatives: A. N. Jacobs (same address as above), and Wilburn L. Williamson, 600 Leininger Building, Oklahoma City, Okla. 73112. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) Aircraft and aircraft parts, between points in New Jersey, New York, Pennsylvania, Maryland, District of Columbia, North Carolina, South Carolina, Georgia, Florida, Alabama,

Louisiana, Texas, Mississippi, Tennessee, Kentucky, Ohio, Michigan, Indiana, Arkansas, Illinois, Missouri, Arizona, Nevada, and California; and (2) equipment, parts, materials, machinery, and supplies, used in the assembling, maintenance, servicing, repairing, and operation of aircraft (except commodities in bulk, and automobiles, trucks and buses, other than those designed for off-highway use), between points in (1) above, on the one hand, and, on the other, points in the United States (except Hawaii and Alaska); restricted to traffic originating at or destined to terminals and facilities of Delta Air Lines, Inc. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Atlanta, Ga.

No. MC 109637 (Sub-No. 368), filed March 31, 1970. Applicant: SOUTHERN TANK LINES, INC., Post Office Box 1047, 4107 Bells Lane, Louisville, Ky. 40201. Applicant's representatives: George R. Thim (same address as applicant), and John E. Nelson, 10 West Baltimore Avenue, Lansdowne, Pa. 19050. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Feed ingredients, from points in Jefferson County, Ind., to points in Illinois, Indiana, Kentucky, Ohio, Tennessee, the Southern Peninsula of Michigan, and points in that part of Pennsylvania on and west of U.S. Highway 219. NOTE: Common control may be involved. Applicant states that at the present time it does not intend to tack, however, it much prefers to avoid the encumbrance of a no-tacking provision, if that is possible. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky., or St. Louis, Mo.

No. MC 110420 (Sub-No. 612), filed April 1, 1970. Applicant: QUALITY CARRIERS, INC., 100 South Calumet Street, Burlington, Wis. 53105. Applicant's representative: A. Bryant Torhorst (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Chemicals, in bulk, from Peoria, Ill., to points in Alabama, Georgia, North Carolina, and South Carolina. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates it has no present intention to tack and therefore does not identify the points or territories which can be served by tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the applicant may result in an unrestricted grant of authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 112668 (Sub-No. 51), filed March 30, 1970. Applicant: HARVEY R. SHIPLEY & SONS, INC., U.S. Route 140, Finksburg, Md. 21048. Applicant's representative: Norman E. Shipley (same address as above). Authority sought to

operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, from Senaca Lake, Milo Township (Yates County), N.Y., to points in Delaware, Maryland, New Jersey, North Carolina, Virginia, West Virginia, and the District of Columbia. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 113267 (Sub-No. 231), filed March 26, 1970. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 312 West Morris Street, Caseyville, Ill. 62232. Applicant's representative: Lawrence A. Fischer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, from the plantsite of Sioux-Preme Packing Co., and storage facilities used by Sioux-Preme Packing Co., at or near Sioux Center, Iowa, to points in Arkansas, Louisiana, Mississippi, and Memphis, Tenn., restricted to traffic originating at the above-named plantsite and storage facilities and destined to the above-named destinations. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Sioux City, Iowa, or Omaha, Nebr.

No. MC 113362 (Sub-No. 184), filed March 30, 1970. Applicant: ELLSWORTH FREIGHT LINES, INC., 310 East Broadway, Eagle Grove, Iowa 50533. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk in tank vehicles), from (a) cold storage facilities utilized by Oscar Mayer & Co., at Des Moines, Iowa, to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia; and (b) from the plantsite of Oscar Mayer & Co. at Perry, Iowa, to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, and the District of Columbia. Restricted to traffic originating at the above-named plantsite and storage facilities utilized by Oscar Mayer & Co. and destined to the above-named destination points. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 113362 (Sub-No. 185), filed March 27, 1970. Applicant: ELLSWORTH FREIGHT LINES, INC., 310 East Broadway, Eagle Grove, Iowa 50533. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transport-

ing: *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 vehicle, and hides), from St. Paul, Minn., to points in Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, Ohio, and West Virginia. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 113459 (Sub-No. 57), filed March 30, 1970. Applicant: H. J. JEFFRIES TRUCK LINE, INC., Post Office Box 94850, Oklahoma City, Okla. 73109. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Building, Dallas, Tex. 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tubing*, other than oilfield tubing, from Rosenberg, Tex., to points in the United States (except Hawaii). **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. No duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Houston or Dallas, Tex.

No. MC 113459 (Sub-No. 58), filed March 30, 1970. Applicant: H. J. JEFFRIES TRUCK LINE, INC., Post Office Box 94850, Oklahoma City, Okla. 73109. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Building, Dallas, Tex. 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tubing*, other than oilfield tubing, between points in Tulsa County, Okla., on the one hand, and, on the other, points in the United States (except Hawaii). **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. No duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Tulsa or Oklahoma City, Okla.

No. MC 113855 (Sub-No. 216), filed March 16, 1970. Applicant: INTERNATIONAL TRANSPORT, INC., South Highway 52, Rochester, Minn. 55902. Applicant's representative: Alan Foss, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) (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 there-

with (restricted to commodities which are transported in trailers) between points in that part of 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, thence along Business U.S. Highway 15 through Gettysburg, 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., and points in Pennsylvania on and east of the above-described line 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, Montour, 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.

(B) (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), 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 Illinois Highway 53 (formerly portion of Alternate U.S. Highway 66), at or near Gardner, Ill., thence along Illinois Highway 53 to junction U.S. Highway 66 at a point approximately 10 miles northeast of Plainfield, Ill., and thence along U.S. Highway 66 to Chicago, Ill. (C) (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 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

(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), 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 Pennsylvania Highway 448 (formerly unnumbered highway) near Portersville, Pa., thence along Pennsylvania Highway 448 via Prospect, Pa., to junction U.S. Highway 422, thence along U.S. Highway 422 to Ebensburg, Pa., thence along U.S. Highway 22 to junction U.S. Highway 522, thence along U.S. Highway 522 to junction Pennsylvania Highway 641 (formerly Pennsylvania Highway 433), thence along Pennsylvania Highway 641 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. **NOTE:** Applicant states it presently holds authority duplicating territorially the authority here sought. Applicant further states that it would tack the authority sought herein with that now presently held so as to render service at points in the western part of the United States. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 113855 (Sub-No. 218), filed March 16, 1970. Applicant: INTERNATIONAL TRANSPORT, INC., South Highway 52, Rochester, Minn. 55901. Applicant's representative: Alan Foss, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities*, the transportation of which because of their size or weight, requires the use of special equipment, and related machinery parts and related contractor's materials and supplies when their transportation is incidental to the transportation by said carrier of commodities which by reason of size or weight require special equipment; (2) *self-propelled articles*, each weighing 15,000 pounds or more, and related machinery, tools, parts, and supplies moving in connection therewith (restriction to commodities which are transported on trailers); and (3) *construction, agricultural, maintenance, and industrial machinery, equipment, materials, and supplies and parts, attachments and accessories; aircraft and aerospace equipment, materials, parts, accessories, and supplies*, between points in Washington, Oregon, California, Nevada, Arizona, New Mexico, and Utah, on the one hand, and, on the other, points in Alabama, Georgia, Florida, North Carolina, South Carolina, Tennessee, Mississippi, and Texas. **NOTE:** Applicant proposes to tack

this authority with its other authority to serve western States. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 114004 (Sub-No. 80), filed March 23, 1970. Applicant: CHANDLER TRAILER CONVOY, INC., 8828 New Benton Highway, Little Rock, Ark. 72209. Applicant's representative: W. G. Chandler, 8828 New Benton Highway, Little Rock, Ark. 72209. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles and mobile homes, in initial movements, and *portable buildings*, in initial movements, in truck-away service, from points in Robeson County, N.C., and Mecklenburg County, Va. (except trailers designed to be drawn by passenger automobiles from South Hill, Va.), to points in the United States except Alaska and Hawaii, and Flint, Detroit, and Mount Clemens, Mich. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Richmond, Va.

No. MC 114045 (Sub-No. 336), filed April 2, 1970. Applicant: TRANS-COLD EXPRESS, INC., Post Office Box 5842, Dallas, Tex. 75222. Applicant's representative: J. B. Stuart (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Electric toothbrushes, toothbrushes, and artificial sweeteners*, from New Brunswick, N.J., to points in Texas. **NOTE:** Applicant states that the purpose of this application is to broaden applicant's present authority to embrace shippers complete line of products. Common control may be involved. Applicant states that tacking or interlining is possible at origin, but is not contemplated at this time. Persons interested in tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 114312 (Sub-No. 15) filed March 30, 1970. Applicant: ABBOTT TRUCKING, INC., Route 3, Delta, Ohio 43515. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer, fertilizer materials, and urea*, in bulk, from Spencerville, Ohio, to points in Indiana and Ohio. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, or Washington, D.C.

No. MC 115379 (Sub-No. 37), filed April 1, 1970. Applicant: JOHN D. BOHR, INC., Post Office Box 217, Annville, Pa. 17003. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Poultry byproduct meal*, in bulk,

from points in Delaware and those portions of Maryland and Virginia lying east of the Chesapeake Bay and south of the Chesapeake and Delaware Canal, to Battle Creek, Mich. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa., or Washington, D.C.

No. MC 115841 (Sub-No. 374), filed March 27, 1970. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 West Bankhead Highway, Post Office Box 2169, Birmingham, Ala. 35201. Applicant's representatives: C. E. Wesley (same address as applicant), and E. Stephen Heisley, 666 11th Street, N.W., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk in tank vehicles) from the plantsite of Oscar Mayer & Co. at or near Goodlettsville, Tenn., to points in Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Virginia, West Virginia, and Arkansas, restricted to traffic originating at the above-described plantsite and destined to points in the above-named destination States. **NOTE:** Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn., or Birmingham, Ala.

No. MC 115841 (Sub-No. 375), filed April 2, 1970. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 West Bankhead Highway, Post Office Box 2169, Birmingham, Ala. Applicant's representatives: E. Stephen Heisley, 666 11th Street N.W., Washington, D.C. 20001, and C. E. Wesley (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared foodstuffs* (except in bulk), in vehicles equipped with mechanical refrigeration, upon the plantsite and warehouse facilities of the Pillsbury Co., at or near Seelyville, Ind., to East Greenville, Pa., restricted to traffic originating at the origin indicated and destined to the point shown. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 116473 (Sub-No. 5), filed March 27, 1970. Applicant: THOMAS HANLEY, doing business as HANLEY TRUCKING, an individual, 266 Magnolia Avenue, Hillsdale, N.J. 07642. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Textiles*, from East Rutherford, N.J., to points in Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, the District of Columbia, Virginia, North Carolina, and South

Carolina, and materials, supplies, and equipment (except in bulk) used in the finishing, processing and manufacturing of textiles, from the above-described destinations to East Rutherford, N.J., and New York, N.Y. Restriction: Delivery to New York, N.Y., restricted to shipments for processing which are to be delivered thereafter to East Rutherford, N.J., under contract with Bentex Mills, Inc. Common control may be involved. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 117765 (Sub-No. 94) (Amendment), filed December 29, 1969, published FEDERAL REGISTER issue of January 29, 1970, and republished as amended this issue. Applicant: HAHN TRUCK LINE, INC., 5315 Northwest Fifth, Oklahoma City, Okla. 73107. Applicant's representative: R. E. Hagan (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Carpet, carpeting, padding, and materials and supplies used in the manufacture, installation, or distribution thereof, between the plantsites, warehouse, and shipping facilities of Arrowhead Carpet Mills, Inc., at or near Roswell (Chase County), N. Mex., on the one hand, and, on the other, points in Alabama, Arkansas, Colorado, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Mississippi, Missouri, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Tennessee, Texas, Utah, Wisconsin, and Wyoming. NOTE: The amendment changes "the plantsites, warehouses, and shipping facilities of Arrowhead Carpet Mills, Inc., at or near Roswell (Chase County), N. Mex." to plantsites, warehouses and shipping facilities of Arrowhead Carpet Mills, Inc., at or near Roswell, N. Mex. The States of Oklahoma, Idaho, and Montana have also been eliminated. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla.

No. MC 118253 (Sub-No. 5), filed March 11, 1970. Applicant: S. F. DOUGLAS, doing business as S. F. DOUGLAS TRUCK LINE, Post Office Box 2766 (New Brighton), St. Paul, Minn. 55112. Applicant's representative: A. R. Fowler, 2288 University Avenue, St. Paul, Minn. 55114. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Sugar, in packages, between points in East Grand Forks, Minn., and Minneapolis, Minn. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 118816 (Sub-No. 6), filed March 30, 1970. Applicant: MATERIALS TRANSPORT SERVICE, INC., Post Office Box 98, Whitehall, Pa. 18052. Applicant's representative: Beverley S. Simms, 1100 17th Street NW., Washington, D.C. 20036. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting:

Dry cement, from the plantsite of the Lone Star Cement Corp. near Nazareth, Pa., to points in Dutchess County, N.Y. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 118989 (Sub-No. 39), filed April 2, 1970. Applicant: CONTAINER TRANSIT, INC., 5223 South Ninth Street, Milwaukee, Wis. 53211. Applicant's representative: Robert H. Levy, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Water softeners with minerals and related fittings, and materials and supplies related thereto, from Deerfield, Wis., to points in Minnesota, Iowa, Michigan (except the Upper Peninsula of Michigan), Illinois, Indiana, Ohio, Missouri, New Jersey, Connecticut, North Dakota, South Dakota, West Virginia, and New York. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 19669 (Sub-No. 9), filed March 16, 1970. Applicant: TEMPCO TRANSPORTATION, INC., 546 South 31A, Columbus, Ind. 47201. Applicant's representative: William J. Boyd, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Meats, meat products and meat byproducts and articles distributed by meat packing-houses 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), from Columbus, Ind., to points in New York, Pennsylvania, Ohio, West Virginia, and Michigan. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Indianapolis, Ind.

No. MC 119700 (Sub-No. 16), filed March 23, 1970. Applicant: STEEL HAULERS, INC., 306 Ewing Avenue, Kansas City, Mo. 64125. Applicant's representative: Frank W. Taylor, Jr., 1221 Baltimore Avenue, Kansas City, Mo. 64105. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Lumber, lumber mill products, plywood, and particleboard, from Huttig, Ark.; Lillie and Winnfield, La., to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Shreveport, La.

No. MC 119829 (Sub-No. 38), filed March 30, 1970. Applicant: F. J. EGNER & SON, INC., 3969 Congress Parkway, West Richfield, Ohio 44286. Applicant's representative: Taylor C. Burneson, 88

East Broad Street, Suite 1680, Columbus, Ohio 43215. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Anhydrous ammonia, in bulk, in tank vehicles, from Van Wert, Ohio, to points in Indiana, Kentucky, Michigan, and West Virginia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, or Washington, D.C.

No. MC 119908 (Sub-No. 9), filed March 30, 1970. Applicant: WESTERN LINES, INC., Post Office Box 1145, Houston, Tex. 77001. Applicant's representative: Wilburn L. Williamson, 600 Leininger Building, Oklahoma City, Okla. 73112. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Lumber, lumber mill products, and particleboard, from Huttig, Ark.; Lillie and Winnfield, La., to points in Arkansas, Kansas, Louisiana, Mississippi, Missouri, New Mexico, Oklahoma, and Texas. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant has contract carrier authority under MC 110814 and subs thereunder, therefore dual operations may be involved. Applicant further states that no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La., or Memphis, Tenn.

No. MC 119934 (Sub-No. 165), filed April 2, 1970. Applicant: ECOFF TRUCKING, INC., 825 East Broadway, Fortville, Ind. 46240. Applicant's representative: Robert C. Smith, 711 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Phosphoric acid, in bulk, from Gary, Ind., to points in Texas and Cleveland, Miss. NOTE: Applicant states that it does not propose to tack the authority sought with any presently existing authority. Applicant has contract carrier authority under MC 128161, therefore dual operations may be involved. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119974 (Sub-No. 32), filed March 31, 1970. Applicant: L.C.L. TRANSPORT COMPANY, a corporation, 520 North Roosevelt Street, Post Office Box 949, Green Bay, Wis. 54305. Applicant's representative: Charles E. Dye (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Foodstuffs (except commodities in bulk), from Medford, Wis., to points in Illinois (except Chicago), Indiana, Iowa, Michigan, Minnesota (except points in that part of Minnesota on, south and east of U.S. Highway 8 and north of U.S. Highway 12, and points west of U.S. Highway 169 within the Minneapolis, St. Paul commercial zone as defined by the Commission) and St. Louis, Mo. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary,

applicant requests it be held at Chicago, Ill., or Minneapolis, Minn.

No. MC 120398 (Sub-No. 8), filed March 23, 1970. Applicant: VALLEY EXPRESS, INC., Post Office Box 158, Schofield, Wis. 54476. Applicant's representative: Edward Solie, Executive Building, Suite 100, 4513 Vernon Boulevard, Madison, Wis. 53705. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between New Chester Township, Adams County, Wis., and Chicago, Ill., from New Chester Township over Adams and Marquette County trunks E to junction with U.S. Highway 51, thence over U.S. Highway 51 to its junction with U.S. Highway 18, thence over U.S. Highway 18 to Milwaukee, Wis., and thence over U.S. Highway 41 to Chicago, Ill., and return over the same route, serving the intermediate points of the unincorporated community of Lawrence, Marquette County, Wis., and Milwaukee, Wis., restricted against traffic moving between Milwaukee, Wis., and Chicago, Ill., and further restricted against tacking with applicant's present authority. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Madison, Wis.

No. MC 123387 (Sub-No. 1), filed March 19, 1970. Applicant: E. E. HENRY, 1128 South Military Highway, Norfolk, Va. 23519. Applicant's representative: Jno. C. Goddin, 200 West Grace Street, Richmond, Va. 23220. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dried blood* from Smithfield, Va., to Norfolk, Va.; and (2) *aluminum coils and aluminum sheets* from Norfolk, Va., to Lynchburg, Va. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Richmond, Va.

No. MC 123681 (Sub-No. 18), filed April 2, 1970. Applicant: WIDING TRANSPORTATION, INC., Post Office Box 03159, Portland, Oreg. 97203. Applicant's representative: Earle V. White, 2400 Southwest Fourth Avenue, Portland, Oreg. 97201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids and chemicals*, in bulk, between points in Missoula County, Mont., on the one hand, and, on the other, points in Montana, Colorado, Wyoming, Idaho, Oregon, and Washington. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. Applicant states no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Missoula, Mont., or Spokane, Wash.

No. MC 124078 (Sub-No. 428), filed March 30, 1970. Applicant: SCHWERTMAN TRUCKING CO., a corporation, 611 South 28th Street, Milwaukee, Wis. 53246. Applicant's representative: James R.

Ziperski (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, from Van Wert, Ohio, to points in Indiana, Kentucky, Michigan, and West Virginia. **NOTE:** Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 124410 (Sub-No. 10), filed March 23, 1970. Applicant: ROBERT A. STATON, doing business as BOB STATON TRANSPORT CO., Junction U.S. Highway 36 and 65, Chillicothe, Mo. 64601. Applicant's representative: Frank W. Taylor, Jr., 1221 Baltimore Avenue, Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer*, in tank vehicles, from the plantsite of Williams Bros. Pipeline Terminal at Kansas City, Kans., to points in Missouri. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 125091 (Sub-No. 4) (Correction), filed March 23, 1970, published in the FEDERAL REGISTER issue of April 16, 1970, corrected and republished as corrected this issue. Applicant: BOEHMER TRANSPORTATION CORP., Mill and Union Streets, Machias, N.Y. 14101. Applicant's representative: Kenneth T. Johnson, Bank of Jamestown Building, Jamestown, N.Y. 14701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, from points in Milo Township (Yates County), N.Y., to points in Pennsylvania, Maryland, Delaware, New Jersey, Massachusetts, Connecticut, Vermont, and New Hampshire. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. The purpose of this republication is to show the correct docket number as MC 125091 (Sub-No. 4) in lieu of MC 125019 (Sub-No. 4) as previously published. If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

No. MC 125169 (Sub-No. 3), filed March 23, 1970. Applicant: C. R. WINTERS, INC., 592 Winters Avenue, Paramus, N.J. 07652. Applicant's representative: A. David Millner, 744 Broad Street, Newark, N.J. 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Expanded crushed shale* in dump vehicles, from Kingston, N.Y., and Saugerties, N.Y., to Paramus, N.J., and Monsey, N.Y. To be limited to a transportation service to be performed under

a continuing contract, or contracts, with Faber Cement Block Co., Inc., of Paramus, N.J. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 127122 (Sub-No. 4), filed March 26, 1970. Applicant: JOE MOSS, doing business as SIMPSONVILLE GARAGE WRECKER SERVICE, Box 66, Simpsonville, Ky. 40067. Applicant's representative: Robert M. Pearce, Post Office Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wrecked, disabled, and repossessed motor vehicles*; (2) *wrecked or disabled, trailers* designed to be drawn by passenger automobiles; (3) *replacement vehicles and parts therefor*, by use of wrecker equipment only, between points in Kentucky on and west of U.S. Highway 23 and points in Connecticut, Delaware, District of Columbia, Illinois, Indiana, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia. **NOTE:** Applicant states that it intends to tack with its presently held authority in MC 127122. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky.

No. MC 128273 (Sub-No. 65), filed April 6, 1970. Applicant: MIDWESTERN EXPRESS, INC., Box 189, Fort Scott, Kans. 66701. Applicant's representative: Danny Ellis (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic products, paper and paper products, and products produced or distributed by manufacturers and converters of paper and paper products*; and (2) *materials and supplies* used in the manufacture and distribution of the foregoing commodities (except commodities in bulk). Between points in Allegan, Kalamazoo, and St. Joseph Counties, Mich., on the one hand, and, on the other, points in the United States (except Hawaii). **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. Applicant has pending in MC 133791, an application for motor contract carrier authority, therefor dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 128273 (Sub-No. 66), filed April 6, 1970. Applicant: MIDWESTERN EXPRESS, INC., Box 189, Fort Scott, Kans. 66701. Applicant's representative: Danny Ellis (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products, products produced by manufacturers and converters of paper and paper products, materials, and supplies* used in the manufacture and distribution of paper and paper products (except commodities in bulk), between points in Putnam and Escambia Counties, Fla., and Yulee, Fla., on the one hand, and, on the other, points in Alabama, Arizona, Arkansas, California, Colorado,

Idaho, Illinois, Indiana, Ohio, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, Pennsylvania, South Dakota, Tennessee, Texas, Utah, Washington, Wisconsin, and Wyoming. Note: Applicant states that the requested authority cannot be tacked with its presently held authority. Applicant has pending in MC 133791, an application for motor contract carrier authority, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 129893 (Sub-No. 4), filed April 2, 1970. Applicant: DALLAS MATERIALS TRANSPORT COMPANY, a corporation, Post Office Box 6117, Dallas, Tex. 75222. Applicant's representative: Dan Felts, Post Office Box 1117, Austin, Tex. 78767. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Sand and gravel*, in containers and bulk, from points in Miller County, Ark., to points in Oklahoma, Texas, and Louisiana, under contract with Gifford-Hill Portland Cement Co. Note: Common control may be involved. Applicant states no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Dallas, Fort Worth, or Houston, Tex.

No. MC 133555 (Sub-No. 1), filed March 8, 1970. Applicant: BELL OIL COMPANY OF OCEAN DRIVE, INC., Post Office Box 161, Ocean Drive Beach, S.C. 29582. Applicant's representative: John W. Jenrette, Jr., Post Office Box 362, Ocean Drive Beach, S.C. 29582. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Fertilizer* in bags, from points in New Hanover and Brunswick Counties, N.C., to points in Horry, Marion, Georgetown, Williamsburg, and Florence Counties, S.C. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbia or Florence, S.C.

No. MC 133967 (Sub-No. 3), filed March 25, 1970. Applicant: JOHN R. McCORMICK doing business as McCORMICK TRUCKING, Route 1, Catawba, Wis. 54515. Applicant's representative: Rolfe E. Hanson, 121 West Doty Street, Madison, Wis. 53703. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (1) *Doors, sashes, window units, screens, frames, and window blinds and parts and accessories thereof* whether moving in separate or mixed shipments, from Hawkins, Wis., to points in Michigan, Ohio, Indiana, Iowa, Minnesota, North Dakota, South Dakota, Wisconsin, Kentucky, Missouri, Nebraska, Pennsylvania, West Virginia, and Illinois; and (2) *materials and supplies* used in the manufacture and distribution of the above commodities, from the States named in (1) above to Hawkins, Wis., under contract with Northern Sash & Door Co., and Flambeau Millwork

Distributors, Inc., Hawkins, Wis. Note: If a hearing is deemed necessary, applicant requests it be held at Madison, Wis., or Minneapolis, Minn.

No. MC 134225 (Sub-No. 2), filed March 12, 1970. Applicant: ANGUS PETE PHILLIPS, doing business as A. P. PHILLIPS, Carthage Street, Cameron, N.C. 28236. Applicant's representative: H. M. Jackson, Sanford, N.C. 27330. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Salt and salt products*, in packages and blocks; *pepper*, in packages, in mixed shipments with salt and salt products in packages; *animal and poultry mineral feed mixtures*, in packages and blocks, in mixed shipments with salt and salt products in packages, from Cameron, N.C., to points in Moore, Montgomery, Union, Wake, Cabarrus, Durham, Anson, Granville, Richmond, Scotland, Person, Robeson, Orange, Columbus, Caswell, Bladen, Alamance, Duplin, Guilford, Sampson, Rockingham, Wayne, Forsyth, Davidson, Johnston, Randolph, Franklin, Chatham, Nash, Stanly, Hoke, Cumberland, Harnett, Lee, Rowan, Pender, Onslow, and Jones Counties, N.C. Note: Applicant states that it does not intend to tack. If a hearing is deemed necessary, applicant requests it be held at Raleigh, N.C.

No. MC 134300 (Sub-No. 3), filed April 6, 1970. Applicant: PELHAM PRODUCE CARRIERS, INC., 649 Pelham Boulevard, St. Paul, Minn. 55114. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *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 of Motor Carrier Certificates*, 61 M.C.C. 209 and 766; and (2) *foodstuffs* when transported in mixed with (1) above, from Austin, Minn., to points in Illinois, Kentucky, Indiana, Ohio, Michigan, Pennsylvania, West Virginia, Virginia, Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, Vermont, and the District of Columbia, restricted to traffic originating at the plants and/or warehouse facilities of Geo. A. Hormel & Co., Austin, Minn., and destined to points in the named States. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 134438, filed March 19, 1970. Applicant: BILLY N. JAMES, doing business as JAMES TRUCK LINE, Route 2, Charleston, Miss. 38921. Applicant's representative: Harold D. Miller, Jr., 700 Petroleum Building, Post Office Box 22567, Jackson, Miss. 39205. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between (1) Memphis, Tenn., and

Webb, Miss.; From Memphis, Tenn., over U.S. Highway 51 and/or Interstate Highway 55, to Oakland, Miss., thence over Mississippi Highway 32 to Webb, and return over the same route, serving all intermediate points on Mississippi Highway 32; (2) between Tutwiler, Miss., and Greenwood, Miss., over U.S. Highway 49E, serving all intermediate points; (3) between Charleston, Miss., and the intersection of Mississippi Highway 8 and U.S. Highway 49E near Philipp, Miss., from Charleston over Mississippi Highway 35 to Oxberry, Miss., thence over Mississippi Highway 8 via Philipp, Miss., to the intersection of Mississippi Highway 8 and U.S. Highway 49E and return over the same route serving all intermediate points; (4) between Oxberry, Miss., and Greenwood, Miss., over Mississippi Highway 7, serving all intermediate points; (5) between Philipp, Miss., and Greenwood, Miss., over unnumbered Mississippi highway or county road via Sunnyside, Money, and Shellmound, Miss., serving all intermediate points; (6) serving Drew and Parchman, Miss., as off-route points in connection with applicant's regular route operations. Note: Applicant proposes to join or tack all requested routes. If a hearing is deemed necessary, applicant requests it be held at Greenwood, Miss.

No. MC 134445, filed March 22, 1970. Applicant: WILLIAM D. DEES, doing business as DEES TRANSPORTATION, Post Office Box 446, Worland, Wyo. 82401. Applicant's representative: Robert S. Staufer, 3539 Boston Road, Cheyenne, Wyo. 82001. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (1) (a) *Machinery, equipment, and supplies* used in or in connection with the manufacture, production, and distribution of nonalcoholic beverages, including advertising materials from Salt Lake City, Utah, and Denver, Colo., to Worland, Wyo.; and (b) *nonalcoholic beverages*, from Worland, Wyo., to points in Montana and South Dakota; and (2) *dry animal and poultry feed and feed ingredients, fertilizer, and fertilizer ingredients* in bulk and in bags, *sanitation and health aids, seeds, and canned pet foods*, from Billings, Mont., to points in Big Horn, Park, Sheridan, Johnson, Campbell, Washakie, Hot Springs, Fremont, Teton, and Natrona Counties, Wyo., under contract with Admiral Beverage Corp., and Ralston Purina Co. Note: If a hearing is deemed necessary, applicant requests it be held at Billings, Mont., Denver, Colo., or Casper, Wyo.

No. MC 134467, filed March 30, 1970. Applicant: POLAR EXPRESS, INC., Post Office Box 691, Springdale, Ark. Applicant's representative: William J. Boyd, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, in vehicles equipped with mechanical refrigeration (except commodities in bulk, in tank vehicles) from Evansville, Indianapolis, and Washington, Ind., and Louisville, Ky., to points

in Illinois, Wisconsin, Minnesota, Michigan, Ohio, Pennsylvania, New Jersey, New York, Massachusetts, Connecticut, Rhode Island, Vermont, Maine, New Hampshire, Delaware, Maryland, District of Columbia, Virginia, West Virginia, North Carolina, South Carolina, Georgia, Alabama, Mississippi, Louisiana, Tennessee, Kentucky, and Florida. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 134469, filed March 30, 1970. Applicant: H. B. NELSON AND SONS, INC., 2510 Broadway, Alexandria, Minn. 56308. Applicant's representative: A. R. Fowler, 2288 University Avenue, St. Paul, Minn. 55114. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Anti-freeze, petroleum, and petroleum products*, in containers, *machinery, materials, tools, and equipment, and spare parts*, used in and for the dispensing and application of petroleum products, *hydraulic system components, parts and accessories, agricultural crop spray oils, cleaning agents and solvents, advertising and display materials, racks and stands*, from Minneapolis and St. Paul, Minn., to points in Minnesota, North Dakota, South Dakota, and points in Iowa that are on and north of U.S. Highway 20; under contract with The Farm-Oyl Co. NOTE: Applicant has common carrier authority in MC 100300 (Sub-No. 2), therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 134470, filed March 31, 1970. Applicant: AEROSOL, INC., Neodesha, Kans. Applicant's representative: Frederick J. Coffman, 521 South 14th Street, Post Office Box 806, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Spray products, products in pressurized or squeeze containers, aerosol products and related items, and materials, ingredients, and supplies*, used in the manufacture, processing, and distribution of spray products, products in pressurized or squeeze containers, aerosol products and related items (except in bulk), between the plantsite of and the storage and warehouse facilities utilized by Aerosol Co., Inc., at or near Neodesha, Kans., on the one hand, and, on the other, points in the United States (including Alaska, but excepting Hawaii), under a continuing contract with Aerosol Co., Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Wichita or Kansas City, Kans., or Lincoln, Nebr.

No. MC 134482, filed March 30, 1970. Applicant: SEAGRAVES SEED AND ACID DELINTING CO., a corporation, Box 908, Seagraves, Tex. Applicant's representative: John C. Sims, 1607 Broadway, Lubbock, Tex. 79401. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper, paper products, paper bags, and other personal property owned by Bancroft Bag Factory*, between the plantsites and other facilities of Bancroft Bag Factory located at Monroe, La., on the one hand, and, on the other,

points in Texas under contract with Bancroft Bag Factory. NOTE: If a hearing is deemed necessary, applicant does not specify a location.

MOTOR CARRIERS OF PASSENGERS

No. MC 111504 (Sub-No. 8), filed April 1, 1970. Applicant: STARR TRANSIT COMPANY, INC., 2531 East State Street, Trenton, N.J. 08619. Applicant's representative: Edward F. Bowes, 744 Broad Street, Newark, N.J. 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers*, in special operations, beginning and ending at Trenton, N.J., and extending to the Veteran's Stadium in Philadelphia, Pa. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. Applicant also holds authority as motor contract carrier of passengers under MC 129525 Sub 2. If a hearing is deemed necessary, applicant requests it be held at Newark or Trenton, N.J.

No. MC 115116 (Sub-No. 21), filed March 25, 1970. Applicant: SUBURBAN TRANSIT CORP., 750 Somerset Street, New Brunswick, N.J. 08901. Applicant's representative: Michael J. Marzano, 17 Academy Street, Newark, N.J. 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and express and newspapers* in the same vehicle with passengers, between points in Edison Township, N.J., as follows: From junction Amboy Avenue, Main Street, and Woodbridge Avenue in Edison Township, N.J., over Woodbridge Avenue to access roads to the New Jersey Turnpike at Interchange No. 10, thence over New Jersey Turnpike access roads to the New Jersey Turnpike at Interchange No. 10 in Edison Township, N.J., and return over the same route, with the right to join the aforesaid route with the existing route of Suburban Transit Corp. on the New Jersey Turnpike at Interchange No. 10 in Edison Township, N.J., serving all intermediate points. NOTE: Applicant proposes to provide service to and from New York, N.Y., by joining the proposed route with its existing routes. If a hearing is deemed necessary, applicant requests it be held at Newark, N.J.

No. MC 133885 (Sub-No. 2), filed March 19, 1970. Applicant: PARKS AND RECREATION DEPARTMENT OF THE NAVAJO TRIBE OF INDIANS, Post Office Box 155, Window Rock, Ariz. 86515. Applicant's representative: Lynn W. Mitton, Window Rock, Window Rock, Ariz. 86515. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage in the same vehicle with passengers*, in special operations in sightseeing tours, beginning and ending at Flagstaff, Ariz., and Farmington, N. Mex., and Gallup, N. Mex., and extending to points in the Navajo, Hopi, and Zuni Indian Reservations, and to the points of Aztec Ruins National Monument, N. Mex., Chaco Canyon National

Monument, N. Mex.; Mesa Verde National Park, Colo.; Hovenweep National Monument, Utah; Wahweap Marina, Ariz.; Wupatki National Monument, Ariz.; Sunset Crater National Monument, Ariz.; Walnut Canyon National Monument, Ariz., and Petrified Forest National Monument, Ariz. NOTE: If a hearing is deemed necessary, applicant requests it be held at Gallup, Phoenix, or Albuquerque, N. Mex.

APPLICATION FOR BROKERAGE LICENSE

No. MC 130045 (Sub-No. 1), filed March 27, 1970. Applicant: WM. A. GROUX TOURS, INC., 15 Maple Hill Road, Clifton, N.J. 07013. Applicant's representative: L. C. Major, Jr., Suite 301, Tavern Square, 421 King Street, Alexandria, Va. 22314. For a license (BMC 5) to engage in operation as a *broker* at Clifton, N.J., in arranging for transportation in interstate or foreign commerce of (1) *students, teachers, and chaperons, and their baggage*, in round trip all expense tours, beginning and ending at points in Orange County, N.Y., and Monmouth County, N.J., and extending to points in the United States (except Alaska and Hawaii); and (2) *passengers and their baggage*, in round trip all expense tours, beginning and ending at points in New York (Manhattan), Bronx, Queens, Kings (Brooklyn), and points in Richmond Counties, N.Y., and extending to points in the State of New York. NOTE: Applicant states the sole purpose in part 2 above of this application is to enable applicant to use all of the Hudson River Crossings, including the Holland Tunnel, Lincoln Tunnel, and George Washington Bridge, rather than being confined solely to use of the Tappan Zee Bridge.

FREIGHT FORWARDER APPLICATION

No. FF-388 (RED BALL FORWARDERS, INC., Freight Forwarder Application), filed April 10, 1970. Applicant: RED BALL FORWARDER, INC., 200 Illinois Building, Indianapolis, Ind. 46264. Applicant's representative: Clyde E. Herring, 320 Transportation Building, Washington, D.C. 20006. Application under section 410 of part IV of the Interstate Commerce Act, for a permit to institute operation as a freight forwarder, in interstate or foreign commerce, through use of the facilities of common carriers by railroad, water, air, or motor vehicle, in the transportation of: *Household goods* as defined by the Commission in 17 M.C.C. 467, *used automobiles and unaccompanied baggage*, between points in the United States, including Alaska and Hawaii.

APPLICATION IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

No. MC 59856 (Sub-No. 37), filed March 16, 1970. Applicant: SALT CREEK FREIGHTWAYS, a corporation, 3333 West Yellowstone, Casper, Wyo. 82601. Applicant's representative: Pat Culver, 3333 West Yellowstone, Post Office Box 1411, Casper, Wyo. 82601. 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, between Newcastle and Orin, Wyo. From Newcastle over Highway 85 to Lusk, Wyo., thence over Highway 20 to Orin, Wyo. As an alternate route for operating convenience only, serving no intermediate points, to be operated in connection with presently authorized regular routes operations in MC 59856, pages 1 and 2. Common control and dual operations may be involved.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 70-4894; Filed, Apr. 22, 1970;
8:45 a.m.]

[Notice 64]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

APRIL 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 field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 808 (Sub-No. 43 TA), filed April 14, 1970. Applicant: ANCHOR MOTOR FREIGHT, INC., 21111 Chagrin Blvd., Cleveland, Ohio 44122. Applicant's representative: John Andrew Kundtz, National City Bank Building, Cleveland, Ohio 44114. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicles*, in initial movements, in truckaway service, from the plantsite of General Motors Corp., in Lordstown Township, Trumbull County, Ohio, to points in Connecticut, Rhode Island, Massachusetts, New Hampshire, Vermont, Maine, Georgia, Florida, Alabama, Mississippi, and Louisiana, for 180 days. Supporting shipper: Chevrolet Motor Division, General Motors Building, Detroit, Mich. 48202. Send protests to: G. J.

Bacel, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 181 Federal Office Building, Cleveland, Ohio 44199.

No. MC 2860 (Sub-No. 75 TA), filed April 14, 1970. Applicant: NATIONAL FREIGHT, INC., 57 West Park Avenue, Vineland, N.J. 08360. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Partitions, paper*, other than corrugated, from Vineland, N.J., to Bradenton, Jacksonville, and Lakeland, Fla., for 180 days. Note: Applicant states it intends to tack the authority here applied for to other authority held by it in MC 2860. Supporting shipper: Cleveland Partition Corp., Post Office Box H, Vineland, N.J. 08360. Send protests to: Raymond T. Jones, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 410 Post Office Building, Trenton, N.J. 08608.

No. MC 52310 (Sub-No. 28 TA), filed April 13, 1970. Applicant: BRUCE MOTOR FREIGHT, INC., Post Office Box 623, Des Moines, Iowa 50303. Applicant's representative: Cecil L. Goettsch, 11th Floor, Des Moines Building, Des Moines, Iowa 50309. 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, serving the plantsite and storage facilities of Duane Arnold Energy Center located approximately 3½ miles northeast of Palo, Linn County, Iowa, as an off-route point in connection with applicant's presently authorized regular route operations, for 180 days. Note: Applicant indicates intent to tack with all applicable authority in MC-52310 and Subs. Supporting shipper: Iowa Electric Light and Power Co., Box 351, Cedar Rapids, Iowa 52406. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 42487 (Sub-No. 743 TA), filed April 14, 1970. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. 94025. Applicant's representative: Robert Bowden (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat fats*, in bulk, in tank vehicles, from Seattle, Wash., to Los Angeles, Calif., for 150 days. Supporting shipper: Cudahy Co., 2203 Airport Way S., Post Office Box 3545, Seattle, Wash. 98124. Send protests to: Claud W. Reeves, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 450 Golden Gate Avenue, Box 36004, San Francisco, Calif. 94102.

No. MC 50307 (Sub-No. 52 TA), filed April 16, 1970. Applicant: INTERSTATE DRESS CARRIERS, INC., 247 West 35th Street, New York, N.Y. 10001. Applicant's representative: Zely and Burstein, 30 Church Street, New York, N.Y. 10007.

Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel and materials, supplies and equipment* used in the manufacture thereof, between points in the New York, N.Y., commercial zone, on the one hand, and, on the other, Strasburg, Va., for 150 days. Supporting shipper: Stitching Unlimited, Inc., Strasburg, Va. Send protests to: Paul W. Assenza, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 101219 (Sub-No. 51 TA), filed April 16, 1970. Applicant: MERIT DRESS DELIVERY, INC., 524 West 36th Street, New York, N.Y. 10018. Applicant's representative: Herman J. Weckstein, 60 Park Place, Newark, N.J. 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel, and materials and supplies* used in the manufacture of wearing apparel, between Biddeford, Maine, on the one hand, and, on the other, Boston and Fall River, Mass., for 180 days. Note: Applicant states it intends to tack with existing authority. Supporting shipper: Trimount Clothing Co., Inc., 18 Station Street, Boston, Mass. 02120. Send protests to: Paul W. Assenza—District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 103993 (Sub-No. 518 TA), filed April 16, 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: *Campers*, designed to be installed on pickup trucks from Milwaukie, Oreg., to points in Washington, Idaho, Utah, Montana, Wyoming, Colorado, New Mexico, Arizona, Nevada, and California, for 180 days. Supporting shipper: Mel Mar Industries, Milwaukie, Oreg. Send protests to: District Supervisor J. H. Gray, Interstate Commerce Commission, Bureau of Operations, Room 204, 345 West Wayne Street, Fort Wayne, Ind. 46802.

No. MC 106760 (Sub-No. 127 TA), filed April 16, 1970. Applicant: WHITEHOUSE TRUCKING, INC., 1925 National Plaza, Tulsa, Okla. 74151. Applicant's representative: Irvin Tull (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials*, from the plantsite of Empire Lumber Co. at Grandville, Mich., to points in Ohio, Indiana, Illinois, and Wisconsin, for 180 days. Supporting shipper: Empire Lumber Co., Donald C. Griffith, Vice-President, 2971 Franklin Street, Post Office Box 248, Grandville, Mich. 49418. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240 Old Post Office Building, 215 Northwest Third, Oklahoma City, Okla. 73102.

No. MC 108207 (Sub-No. 292 TA), filed April 16, 1970. Applicant: FROZEN

FOOD EXPRESS, 318 Cadiz, Post Office Box 5888, Dallas, Tex. 75222. Applicant's representative: L. M. McLean (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh meats*, from (a) Clovis, N. Mex., to Henderson, Ky., and Columbia, Tenn.; (b) Fort Worth, Tex., to Henderson, Ky., for 150 days. NOTE: Carrier does not intend to tack authority. Supporting shipper: Swift Fresh Meats Co., 115 West Jackson Boulevard, Chicago, Ill. 60604. Send protests to: E. K. Willis, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 513 Thomas Building, 1314 Wood Street, Dallas, Tex. 75202.

No. MC 110525 (Sub-No. 969 TA), filed April 13, 1970. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hydrogen peroxide*, in bulk, in tank vehicles, from Woodstock, Tenn., to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Minnesota, Mississippi, Missouri, Nebraska, North Carolina, Ohio, Oklahoma, South Carolina, Texas, Virginia, West Virginia, and Wisconsin, for 180 days. Supporting shipper: E. I. du Pont de Nemours & Co., Wilmington, Del. 19898. Send protests to: Peter R. Guman, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 900 U.S. Customhouse, Philadelphia, Pa. 19106.

No. MC 111170 (Sub-No. 141 TA), filed April 13, 1970. Applicant: WHEELING PIPE LINE, INC., Post Office Box 1718, El Dorado, Ark. 71730. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, from Shumaker, Ark., to points in Louisiana, Mississippi, Oklahoma, and Texas, for 180 days. Supporting shipper: Arkla Chemical Corp., 400 East Capitol, Little Rock, Ark. 72203. Send protests to: District Supervisor William H. Land, Jr., Interstate Commerce Commission, Bureau of Operations, 2519 Federal Office Building, Little Rock, Ark. 72201.

No. MC 111401 (Sub-No. 299 TA), filed April 16, 1970. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Boulevard, Enid, Okla. 73701. Applicant's representative: Victor R. Comstock (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Potash*, in bulk, in tank vehicles, from Eddy County, N. Mex., to Holland, Tex. for 180 days. Supporting shipper: P. R. Gary, Assistant Manager of Traffic, Purchasing and Traffic Department, American Oil Co., Post Office Box 5690, Chicago, Ill. 60680. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, Okla. 73102.

No. MC 112520 (Sub-No. 217 TA), filed April 16, 1970. Applicant: MCKENZIE TANK LINES, INC., New Quincy Road, Tallahassee, Fla. 32302. Applicant's representative: Sol H. Proctor, 1729 Gulf Life Tower, Jacksonville, Fla. 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, in bulk, from Cordele, Ga., to points in Florida, for 180 days. Supporting shipper: Cotton Producers Association, Post Office Box 2210, Atlanta, Ga. 30309. Send protests to: District Supervisor G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, Fla. 32202.

No. MC 113666 (Sub-No. 44 TA), filed April 16, 1970. Applicant: FREEPORT TRANSPORT, INC., 1200 Butler Road, Freeport, Pa. 16229. Applicant's representative: Andrew Smetanick (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crude silicon carbide*, in bulk, in dump trailers, from Springdale, Pa., to points in Michigan, Illinois, and Indiana, for 180 days. Supporting shipper: Satellite Alloy Corp., 9800 McKnight Road, Pittsburgh, Pa. 15237. 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 114123 (Sub-No. 35 TA), filed April 16, 1970. Applicant: HERMAN R. EWELL, INC., East Earl, Pa. Applicant's representative: John M. Musselman, 400 North Third Street, Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid and invert sugar, corn syrup, and mixtures of liquid or invert sugar and corn syrup*, in bulk in tank vehicles, from Yonkers, N.Y., to points in Delaware, Maryland, and Pennsylvania, for 180 days. Supporting shipper: Refined Syrups & Sugars, CPC International, Inc., Federal Street, Yonkers, N.Y. 10702. Send protests to: Robert W. Ritenour, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 508 Federal Building, Post Office Box 869, Harrisburg, Pa. 17108.

No. MC 114533 (Sub-No. 210 TA), filed April 14, 1970. Applicant: BANKERS DISPATCH CORPORATION, 4970 South Archer Avenue, Chicago, Ill. 60632. Applicant's representative: Stanley Komosa (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Parts, electronic components and supplies used in the repair, maintenance, and operation of electronic and mechanical office machines and systems*, limited to 150 pounds per shipment, between Kansas City, Mo., on the one hand, and on the other, points in Kansas, for 180 days. Supporting shipper: IBM, Post Office Box 1831, Kansas City, Mo. Send protests to: Roger L. Buchanan, District Supervisor,

Interstate Commerce Commission, Bureau of Operations, 219 South Dearborn Street, Room 1086, Chicago, Ill. 60604.

No. MC 117565 (Sub-No. 27 TA), filed April 16, 1970. Applicant: MOTOR SERVICE COMPANY, INC., 237 South Fifth Street, Coshocton, Ohio 43812. Applicant's representative: Louis J. Amato, Central Building, 1033 State Street, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Boats*, in initial movements, from the plantside of Coleman Saling Manufacturing Co., Inc., Morgantown, Ky., to points in North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas and points in all States east thereof, for 180 days. Supporting shipper: Coleman Saling Manufacturing Co., Inc., Post Office Box 482, Morgantown, Ky. 42261. Send protests to: A. M. Culver, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 255 Federal Building and U.S. Courthouse, 85 Marconi Boulevard, Columbus, Ohio 43215.

No. MC 117765 (Sub-No. 99 TA), filed April 16, 1970. Applicant: HAHN TRUCK LINE, INC., 5315 Fifth Northwest, Post Office Box 75267, Oklahoma City, Okla. 73107. Applicant's representative: R. E. Hagan (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carpet tacking strips*, metal and wood combined, in containers, from plantsite and warehouse facilities of Oklahoma Carpet Tackless, Inc., Norman and Oklahoma City, Okla., to points in Arkansas, Colorado, Kansas, Louisiana, Missouri, New Mexico, Tennessee, and Texas, for 180 days. Supporting shipper: E. L. Nichols, Oklahoma Carpet Tackless, Inc., 24 Plaza Court Building, 1100 Classen Drive, Oklahoma City, Okla. 73103. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 Third Northwest, Oklahoma City, Okla. 73102.

No. MC 125952 (Sub-No. 12 TA), filed April 13, 1970. Applicant: INTERSTATE DISTRIBUTOR CO., 8311 Durango SW., Tacoma, Wash. 98499. Applicant's representative: George R. LaBissoniere, 1424 Washington Building, Seattle, Wash. 98101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such articles or commodities as are dealt in or sold by wholesale, grocery companies for the account of Standard Grocery Co., only*, from points in California to Tacoma, Buckley and Burien, Wash., for 180 days. Supporting shipper: Standard Grocery Co., 2320 Milwaukee Way, Post Office Box 1095, Tacoma, Wash. 98401. Send protests to: E. J. Casey, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 6130 Arcade Building, Seattle, Wash. 98101.

No. MC 126472 (Sub-No. 6 TA), filed April 16, 1970. Applicant: WILLCOXSON TRANSPORT, INC., Post Office Box 16, Bloomfield, Iowa 52537. Applicant's representative: Kenneth F. Dudley, Post

Office Box 279, Ottumwa, Iowa 52501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, from Fort Dodge and Carner, Iowa, to points in Minnesota and South Dakota, for 180 days. Supporting shipper: Chevron Chemical Co., Post Office Box 282, Fort Madison, Iowa 52627. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 127227 (Sub-No. 7 TA), filed April 16, 1970. Applicant: BIRDSALL CONSTRUCTION COMPANY, 821 Avenue E, Riviera Beach, Fla. 33404. Applicant's representative: J. Edward Allen, 1205 Universal Marion Building, Jacksonville, Fla. 32201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, between points in Dade, Broward, and Palm Beach Counties, Fla.; Restricted to traffic having an immediate prior or subsequent movement by water in foreign commerce, for 150 days. Supporting shippers: There are approximately 10 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: District Supervisor Joseph B. Telchert, Interstate Commerce Commission, Bureau of Operations, Room 105, Cox Building, 5720 Southwest 17th Street, Miami, Fla. 33155.

No. MC 127525 (Sub-No. 2 TA), filed April 16, 1970. Applicant: ERNEST ROSENBAUM AND ELSIE ROSENBAUM, doing business as COMET CARRIERS, 315 West 36th Street, New York, N.Y. 10018. Applicant's representative: William J. Hanlon, 744 Broad Street, Newark, N.J. 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Materials and supplies* used in the manufacture of ladies' coats and suits, and *clothing hangers*, from South Hackensack, N.J., to New York, N.Y. (2) *Ladies' coats and suits*, on hangers, from New York, N.Y., to South Hackensack, N.J.; Restriction: Transportation restricted to services from and to the plant-site of Greenlea Modes, Inc., 12 Horizon Boulevard, South Hackensack, N.J., for 150 days. Supporting shipper: Greenlea Modes, Inc. 265 West 37th Street, New York, N.Y. 10018. Send protests to: Paul W. Assenza, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 129645 (Sub-No. 19 TA), filed April 16, 1970. Applicant: BASIL J. SMEESTER AND JOSEPH G. SMEESTER, a partnership doing business as SMEESTER BROTHERS, 1330 South Jackson Street, Iron Mountain, Mich. 49801. Applicant's representative: Basil J. Smeester (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular

routes, transporting: *Gypsum building products* (except in bulk), *building, roofing, and insulation board, composition board, and related materials, supplies and accessories thereto*, in flat bed equipment only, from the plant and warehouse sites of Grand Rapids Gypsum Co. at or near Grand Rapids, Mich., to points in Indiana (except Chicago commercial zone), and Wisconsin, for 180 days. NOTE: Applicant states that there will be no tacking nor interlining. Supporting shipper: Grand Rapids Gypsum, Post Office Box 1674, Grand Rapids, Mich. 49501. Send protests to: C. R. Flemming, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 225 Federal Building, Lansing, Mich. 48933.

No. MC 133713 (Sub-No. 2 TA) (Amendment), filed March 24, 1970, published in the FEDERAL REGISTER issue of April 4, 1970, and republished as part correct amendment, this issue. Applicant: UELAND TRUCKING, INC., Route 1, Box 25B, Shakopee, Minn. 55379. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn. 55402. NOTE: The purpose of this corrected amendment is to omit Minneapolis-St. Paul Minn., as an origin point. The rest of this application remains as previously published.

No. MC 133873 (Sub-No. 1 TA), filed April 13, 1970. Applicant: Thomas Walsh, doing business as THOMAS TRUCKING, 24 McLaughlin Avenue, West Haverstraw, N.Y. 10933. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Graphic materials, printing materials* (except printer's ink), *staturary*, between New York, N.Y., on the one hand, and, on the other, points in New Jersey and Connecticut; (2) *books*, from the plant-site and facilities of International Book Service at Bayonne, N.J., to points in Connecticut; Nassau, Suffolk Counties, N.Y., and Philadelphia, Pa.; (3) *medical laboratory machinery and equipment, and materials used in the operation of the medical laboratory machinery*, from Tarrytown, N.Y., to points in New Jersey, New York, N.Y.; Nassau, Suffolk Counties, N.Y., and points in Connecticut. Restriction: Restricted against the transportation of packages or articles weighing in the aggregate more than 500 pounds from one consignor to one consignee on any one day, for 150 days. Supporting shippers: Technicon Corp., Tarrytown, N.Y.; International Book Service Inc., 75 Hook Road, Bayonne N.J. 07002; Consolidated Fine Arts Ltd., 185 Madison Avenue, New York, N.Y. 10016. Send protests to: Stephen P. Tomany, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 134400 (Sub-No. 2 TA), filed April 16, 1970. Applicant: MILLER'S TRUCKING & RENTAL, INC., 345 South Main Street, Dubuque, Iowa 52001.

Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Building materials, roof trim, guttering, and related accessories*, from Dubuque, Iowa, to Illinois, Indiana, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, Oklahoma, South Dakota, Texas, and Wisconsin, for 180 days. Supporting shipper: Klauer Manufacturing Co., Post Office Box 59, Dubuque, Iowa 52001. Send protests to: Chas. C. Biggers, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 332 Federal Building, Davenport, Iowa 52801.

No. MC 134433 TA (Correction), filed March 23, 1970, published in the FEDERAL REGISTER issue of April 4, 1970 and republished as part corrected, this issue. Applicant: FRITZ-WAY MESSENGER SERVICE, INC., 9561 Berwyn, Rosemont, Ill. 60018. Applicant's representative: Eugene L. Cohn, 1 North La Salle Street, Chicago, Ill. 60602. NOTE: The purpose of this partial republication is solely to correctly show Applicant's Representative address. Which should read "1 North La Salle Street, Chicago, Ill. 60602;" in lieu of, "10 N. E. La Salle St., Chicago, Ill. 60602." The rest of the application remains as previously published.

No. MC 134462 (Sub-No. 1 TA), filed April 16, 1970. Applicant: AIM CONSOLIDATED & DISTRIBUTION, INC., 37-30 Review Avenue, Long Island City, N.Y. 11101. Applicant's representative: William D. Traub, 10 East 40th Street, New York, N.Y. 10016. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Clocks, watches and watch parts and bands; optical goods and parts; fine and costume jewelry; silver, silverplated and stainless steel flatware; music and jewelry boxes; and weather instruments*, between airports and steamship piers located in New York, N.Y., commercial zone as defined by the Commission and Newark, N.J., on the one hand, and, on the other, the warehouse of Sears, Roebuck & Co. located at Edison, N.J., for 150 days. Supporting shipper: Sears, Roebuck & Co., 360 West 31st Street, New York, N.Y. 10001. Send protests to: Anthony Chiusano, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 134473 TA, filed April 6, 1970. Applicant: RICHARD KUSTERMAN, doing business as KUSTERMAN TRUCK SERVICE, Rural Route No. 2, Highland, Ill. 62249. Applicant's representative: Robert T. Lawley, 306-308 Reisch Building, Springfield, Ill. 62701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cocoa, chocolate milk powder, fruit and fruit drink concentrates, bottled fruit drinks, flavored sirups*, in containers, in vehicles equipped with mechanical refrigeration, from Granite City, Ill., to St. Louis, Mo.; Holland, Evansville, and Jasper, Ind.; Morgantown, Madisonville, and Owensboro, Ky.; *cocoa, frozen juice concentrates, containers, frozen fruits, nuts,*

canned fruits, in containers, in vehicles equipped with mechanical refrigeration, from St. Louis, Mo., to Granite City, Ill., for the account of Consolidated Fruit & Flavor Corp.; ice cream mix, milk, cottage cheese, cream, in containers, in vehicles equipped with mechanical refrigeration, from Granite City, Ill., to points in Bollinger, Butler, Cape Girardeau, Dunklin, Iron, Jefferson, Madison, Mississippi, New Madrid, Perry, Pemiscot, St. Francois, Scott, Stoddard, St. Genevieve, and Washington Counties, Mo., for the account of Aro-Dressel Division of Prairie Farms Dairy, Inc.; fruit, flavored sirup, confections, flavors, nuts, cones, paper and plastic supplies used by drive-in and dairy stores, in containers, in vehicles equipped with mechanical refrigeration, from Granite City, Ill., to points in Bollinger, Butler, Cape Girardeau, Dunklin, Iron, Jefferson, Madison, Mississippi, New Madrid, Perry, Pemiscot, St. Francois, Scott, Stoddard, St. Genevieve, and Washington Counties, Mo., for the account of P.F.D. Supply Corp., for 180 days. Supporting shippers: Consolidated Fruit & Flavor Corp., 2165 Benton Street, Granite City, Ill. 62040; Prairie Farms Dairy, Inc., 1800 Adams, Granite City, Ill. 62040. Send protests to: Harold Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 476, 325 West Adams, Springfield, Ill. 62704.

No. MC 134476 (Sub-No. 1 TA), filed April 10, 1970. Applicant: T. T. TRANSPORT CO., 7500 Exchange Street, Cleveland, Ohio 44125. Applicant's representative: Paul F. Beery, Suite 1650, 88 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) Containers, and container ends, (a) from the warehouses and plantsites of The Van Dorn Co. at Cleveland and Conneaut, Ohio; Leetsdale, Pa.; and Elizabeth, N.J., to points in Connecticut, Illinois, Indiana, Kentucky, Maryland, Michigan, Massachusetts, Missouri, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, and West Virginia; and (b) from the warehouses and plantsites of The Van Dorn Co. at Tampa, Fla., to points in Ohio and Pennsylvania; (2) Plastic pipe and fittings, and plastic articles, from the warehouses and plantsites of The Van Dorn Co. at Cleveland, Ohio; Leetsdale, Pa.; and Tampa, Fort Pierce and Pompano Beach, Fla., to points in Connecticut, Florida, Illinois, Indiana, Kentucky, Maryland, Michigan, Massachusetts, Missouri, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, and West Virginia; (3) Materials used in the manufacture of plastic pipe and fittings, from points in Ohio to the warehouses and plantsites of The Van Dorn Co. at Leetsdale, Pa., and Tampa, Fort Pierce and Pompano Beach, Fla.; (4) Injection molding machines and infrared gas heaters, from the warehouses and plantsites of The Van Dorn Co. at Cleveland, Ohio, to points in Connecticut, Illinois, Indiana, Kentucky, Maryland, Michigan, Massa-

chusetts, Missouri, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, and West Virginia; and (5) Materials used in the manufacture of containers, container ends, and plastic articles, from points in Ohio, Pennsylvania, West Virginia, Illinois, Indiana, and Michigan to the plantsites of The Van Dorn Co. at Cleveland and Conneaut, Ohio; Leetsdale, Pa.; and Elizabeth, N.J., for 180 days. Supporting shipper: The Van Dorn Co., 2685 East 79th Street, Cleveland, Ohio. Send protests to: G. J. Baccel, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 181 Federal Office Building, 1240 East Ninth Street, Cleveland, Ohio 44199.

No. MC 134494 TA, filed April 13, 1970. Applicant: WAYNE DANIEL, doing business as WAYNE DANIEL TRUCK, Post Office Box 303, Mount Vernon, Mo. 65712. Applicant's representative: Frederick J. Coffman, Post Office Box 806, Lincoln, Nebr. 68501. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Cheese, moving in vehicles equipped with mechanical temperature control devices, from plantsite and facilities of L. D. Schreiber Cheese Co. at Carthage, Mo., to Raleigh, N.C.; Montgomery, Ala.; and points in Florida, under continuing contract with L. D. Schreiber Cheese Co., for 180 days. Supporting shipper: L. D. Schreiber Cheese Co., Post Office Box 610, Green Bay, Wis. 54305. 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 134497 TA, filed April 13, 1970. Applicant: HI QUALITY TRANSPORTATION, INC., Post Office Box 458, Sumner, Wash. 98311. Applicant's representative: George R. LaBissoniere, 1424 Washington Building, Seattle, Wash. 98101. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Dairy products when moving in vehicles equipped with mechanical refrigeration, from Sumner, Wash., to points in Utah, Arizona, Oregon, Idaho, Montana, and San Francisco, Calif., for 180 days. Supporting shipper: Sterile Food Products, Inc., Post Office Box 458, Sumner, Wash. 98311. Send protests to: E. J. Casey, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 6130 Arcade Building, Seattle, Wash. 98101.

No. MC 134504 TA, filed April 16, 1970. Applicant: RELIABLE KIRSCHBAUM TRUCKING CORP., 10 Leonard Street, New York, N.Y. 10013. Applicant's Representative: Bert Collins, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Meats, meat products, meat byproducts and articles distributed by meat packinghouses as described in sections A, B, and C of appendix 1, to the report in Descriptions of Motor Carrier Certificate 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from New York,

N.Y., to points in Bergen, Hudson, Passaic, Morris, Essex, Union, Somerville, Middlesex, and Monmouth Counties, N.J., and Nassau, Suffolk, and Westchester Counties, N.Y., under a continuing contract with The E. Kahn's Sons Co., Cincinnati, Ohio, for 180 days. Supporting shipper: The E. Kahn's Sons Co., Cincinnati, Ohio 45225. Send protests to: Paul W. Assenza, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 134505 TA, filed April 16, 1970. Applicant: COOKE CARTAGE AND STORAGE LTD., 110 Anne Street South, Barrie, Ontario, Canada. Applicant's representative: Ronald J. Mastej, 900 Guardian Building, Detroit, Mich. 48226. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (1) Motor vehicle seats, not in containers, from those ports of entry on the United States-Canada boundary line located at or near Detroit and Port Huron, Mich., to the facilities of the Flexible Co. at Millersburg, Ohio, and the Highway Products, Inc., at Kent, Ohio and (2) Passenger and operator seats, not in containers, except furniture and household goods as defined by the Commission, from those ports of entry stated in (1) above to the facilities of the Associated Marine Products, Inc. at Pasadena, Md.; Restriction: Restricted to a transportation service to be performed under a continuing contract or contracts with Heywood-Wakefield Co. of Canada, Ltd., for 180 days. NOTE: Applicant, of course, intends to joinder its authority issued by the Ontario Highway Transport Board. Supporting shipper: Heywood-Wakefield Co. of Canada Limited, Orillia, Ontario, Canada. 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 PASSENGERS

No. MC 129736 (Sub-No. 2 TA), filed April 16, 1970. Applicant: NEWTON BUS SERVICE, INC., Route 1, Box 8-D, Gloucester, Va. 23061. Applicant's representative: Alvin L. Newton (same address as above). Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Passengers and their baggage and equipment, beginning and ending at Hampton, Va., and extending to Raleigh, Durham, Winston-Salem, Burlington, Rocky Mount, and Kinston, N.C., for 150 days. Supporting shipper: Peninsula Baseball Club, Inc., Post Office Box 1305, Wythe Station, Hampton, Va. 23361. Send protests to: Robert W. Waldron, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 10-502 Federal Building, Richmond, Va. 23240.

By the Commission.

[SEAL]

H. NEIL GARSON,
Secretary.

[F.R. Doc. 70-4948; Filed, Apr. 22, 1970; 8:50 a.m.]

[Notice 525]

MOTOR CARRIER TRANSFER PROCEEDINGS

APRIL 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-71831. By Supplemental order of April 16, 1970, the Motor Carrier approved the transfer to Reed Lines, Inc., Defiance, Ohio, of certificate No. MC-119632 (Sub-No. 35), issued March 31, 1970, to Reed Lines, Inc., Defiance, Ohio, authorizing the transportation of: Glass containers and closures for glass containers, from the plantsite of Owens-Illinois, Inc., at Charlotte, Mich., to points in Kentucky, as excepted, and Cincinnati, Ohio, as restricted; from Brockport, N.Y., to points in Kentucky and the Lower Peninsula of Michigan; and from Clarion, Pa., to points in the Lower Peninsula of Michigan. John P. McMahon, 100 East Broad Street, Columbus, Ohio 43215, attorney for applicant.

No. MC-FC-72077. By order of April 15, 1970, the Motor Carrier Board approved the transfer to John P. Mahon, R.F.D. Verdel, Nebr., of certificate No. MC-66684, issued March 13, 1941, to James A. Tuch, Niobrara, Nebr. 68760, authorizing the transportation of: General Commodities with specified exceptions, and excluding authority to transport household goods, between Verdel, Nebr., and Sioux City, Iowa; livestock, and other named commodities, between Verdel, Nebr., and points within 25 miles of Verdel, on the one hand, and, on the other, Sioux City, Iowa, and livestock, between Verdel, Nebr., and points in Nebraska and South Dakota within 25 miles of Verdel, on the one hand, and, on the other, Yankton, S. Dak.

No. MC-FC-72081. By order of April 15, 1970, the Motor Carrier Board approved the transfer to Best West Tours, Inc., Billings, Mont., of licenses in Nos. MC-12828 and MC-12828 (Sub-No. 1), issued February 27, 1963 and August 5, 1964, to Kenneth D. Van Wagenen, doing business as Wyoming Charter Coach Tours, Casper, Wyo., authorizing service as a broker at Casper, Wyo., of passengers and their baggage, in charter operations, beginning and ending at points in Wyoming, Billings, Mont., and Denver, Colo., and extending to points in the United States, excluding Hawaii. James A. McLean, 314 First National Bank Building, Bozeman, Mont. 59715, attorney for applicants.

No. MC-FC-72084. By order of April 15, 1970, the Motor Carrier Board approved the transfer to Brownco, Inc., doing business as Greens Bayou Transportation, Houston, Tex., of Certificate of Registration No. MC-121356 (Sub-No. 1), issued May 13, 1964, to L. T. Bolin and Ben H. Powell, a partnership, doing business as Greens Bayou Transportation, Houston, Tex., evidencing a right to engage in transportation in interstate commerce as described in Specialized Motor Carrier's Permanent Certificate of Convenience and Necessity No. 5005, dated May 22, 1962, issued by the Railroad Commission of Texas. Austin L. Hatchell, 1102 Perry Brooks Building, Austin, Tex. 78701, attorney for applicants.

[SEAL]

H. NEIL GARSON,
Secretary.[P.R. Doc. 70-4949; Filed, Apr. 22, 1970;
8:50 a.m.]**FOURTH SECTION APPLICATION FOR RELIEF**

APRIL 20, 1970.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41940—*Grain and grain products and animal or poultry feed to eastern points.* Filed by Traffic Executive Association—Eastern Railroads, agent (E.R. No. 2975), for interested rail carriers. Rates on barley, corn, grain sorghums, and oats; also animal or poultry feed and feed ingredients, in carloads, as described in the application, from points in Illinois on the Chicago, Rock Island and Pacific Railroad Co., viz.: Midlothian through Peoria, to points in official territory east of the Illinois-Indiana State line.

Grounds for relief—Short-line distance formula and grouping.

Tariff—Supplement 8 to Traffic Executive Association—Eastern Railroads, Agent, tariff ICC C-776.

By the Commission.

[SEAL]

H. NEIL GARSON,
Secretary.[P.R. Doc. 70-4950; Filed, Apr. 22, 1970;
8:50 a.m.]

[No. 35203; 35203 (Sub-Nos. 7, 8, 9)]

INTRASTATE FREIGHT RATES AND CHARGES IN SOUTHERN STATES, 1969

Intrastate freight rates and charges in Southern States, 1969, 35203; No. 35203 (Sub-No. 7), Intrastate freight rates and charges in Southern States, 1969 (Kentucky), No. 35203 (Sub-No. 8); Intrastate freight rates and charges in Southern States, 1969 (Tennessee), No. 35203 (Sub-No. 9); Intrastate freight

rates and charges in Southern States, 1969 (Virginia).

Present: Laurence K. Walrath, Commissioner, to whom the matters which are the subject of this order have been referred for action thereon.

It appearing, that by order dated December 24, 1969, the Commission, Division 2, granted the petition filed December 12, 1969, by the common carriers by railroad operating in the South and instituted an investigation pursuant to section 13 of the Interstate Commerce Act into the matter of increasing the intrastate freight rate level within nine Southern States, including Kentucky, Tennessee, and Virginia, to the level authorized by this Commission on interstate commerce in Ex Parte No. 262, Increased Freight Rates, 1969, which became effective November 18, 1969, subject to investigation;

And it further appearing, that upon consideration of the records in the above-entitled proceedings, these matters are ones which should be referred to a hearing examiner for hearing and require the adoption of special procedure for the purpose of expediting the hearings; and for good cause shown:

It is ordered, That the above-entitled proceedings be, and they are hereby, referred to a hearing examiner (to be later designated) for hearing and for the recommendation of an appropriate order or orders thereon, accompanied by the reasons therefor.

It is further ordered, That on or before May 18, 1970, the respondents and any persons in support thereof shall file with the Commission three copies of the verified statements of their witnesses, in writing, together with any studies to be offered at the hearings with a statement where the underlying work papers to such studies will be available for inspection by parties to the proceedings and at the same time, serve a copy of such prepared material upon all persons listed in Appendices A, B, or C attached hereto¹ and any additional persons who make known their desire to actively participate in the respective proceedings on or before May 11, 1970.

It is further ordered, That on or before June 29, 1970, protestants shall file with the Commission three copies of reply verified statements of their witnesses, in writing, and at the same time, serve a copy of such prepared material upon all persons listed in Appendices A, B, or C hereto¹ and any additional persons who make known their desire to actively participate on or before May 11, 1970. Attached hereto as Appendices A, B, and C¹ are lists of all known persons who have indicated their desire to actively participate in the respective proceedings. Any additional persons who desire to actively participate and receive copies of the prepared material to be served shall notify the Commission, in writing, on or before May 11, 1970, as well as all persons listed in Appendices A, B, or C attached hereto¹. Otherwise, any inter-

¹ Not filed with the Office of the Federal Register.

ested person desiring to participate in these proceedings may make his appearance at the hearings.

It is further ordered. That parties desiring to cross-examine witnesses who have submitted verified statements shall give notice to that effect, in writing, to the affiant and his counsel, if any, on or before July 7, 1970, a copy of such notice to be filed simultaneously with the Commission together with a request for any underlying data that the witnesses will be expected to have available for immediate reference at the hearings. All verified statements and attachments as to which no cross-examination is requested will be considered as part of the record. Any witness who has been requested to appear for cross-examination but fails to do so, subjects his verified statement to a motion to strike.

It is further ordered. That a hearing will be held in proceeding No. 35203 (Sub-No. 7) commencing on July 20, 1970, 9:30 a.m., d.s.t. (or 9:30 a.m., U.S. standard time, if that time is observed), in the Auditorium—First Floor, State Office Building, High Street, Frankfort, Ky., for the purpose of hearing cross-examination of witnesses so requested; to afford opportunity to present evidence in opposition to the cross-examination; and such other pertinent evidence which the examiner deems necessary to complete the record.

It is further ordered. That a hearing will be held in proceeding No. 35203 (Sub-No. 8) commencing on July 27, 1970, 9:30 a.m., d.s.t. (or 9:30 a.m., U.S. standard time, if that time is observed), in Room 110, Floor C-1, Cordell Hull Building, Nashville, Tenn., for the purpose of hearing cross-examination of witnesses so requested; to afford opportunity to present evidence in opposition to the cross-examination; and such other pertinent evidence which the examiner deems necessary to complete the record.

It is further ordered. That a hearing will be held in proceeding No. 35203 (Sub-No. 9) commencing on August 3, 1970, 9:30 a.m., d.s.t. (or 9:30 a.m., U.S. standard time, if that time is observed), in the State Corporation Commission Hearing Room, Blanton Building, Governor and Bank Streets, Richmond, Va., for the purpose of hearing cross-examination of witnesses so requested; to afford opportunity to present evidence in opposition to the cross-examination; and such other pertinent evidence which the examiner deems necessary to complete the record.

And it is further ordered. That a copy of this order be served upon the respondents and protestants; that the States of Kentucky, Tennessee, and Virginia be notified by sending a copy of this order by certified mail to the Governors of Kentucky, Frankfort, Ky.; Tennessee,

Nashville, Tenn.; and Virginia, Richmond, Va.; and that further notice be given to the public by depositing a copy of this order in the Office of the Secretary of this Commission, Washington, D.C., and by filing a copy with the Director, Office of the Federal Register, Washington, D.C., for publication in the FEDERAL REGISTER.

Dated at Washington, D.C., this 16th day of April 1970.

By the Commission, Commissioner Walrath.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 70-4952; Filed, Apr. 22, 1970;
8:50 a.m.]

[No. MC-C-6786]

MORRIS, MILTON K., INC.

Petition for Declaratory Order; Change of Contract Requirements

APRIL 20, 1970.

At the request of an interested person the time for filing representations in the above-entitled proceeding has been extended to June 1, 1970.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 70-4951; Filed, Apr. 22, 1970;
8:50 a.m.]

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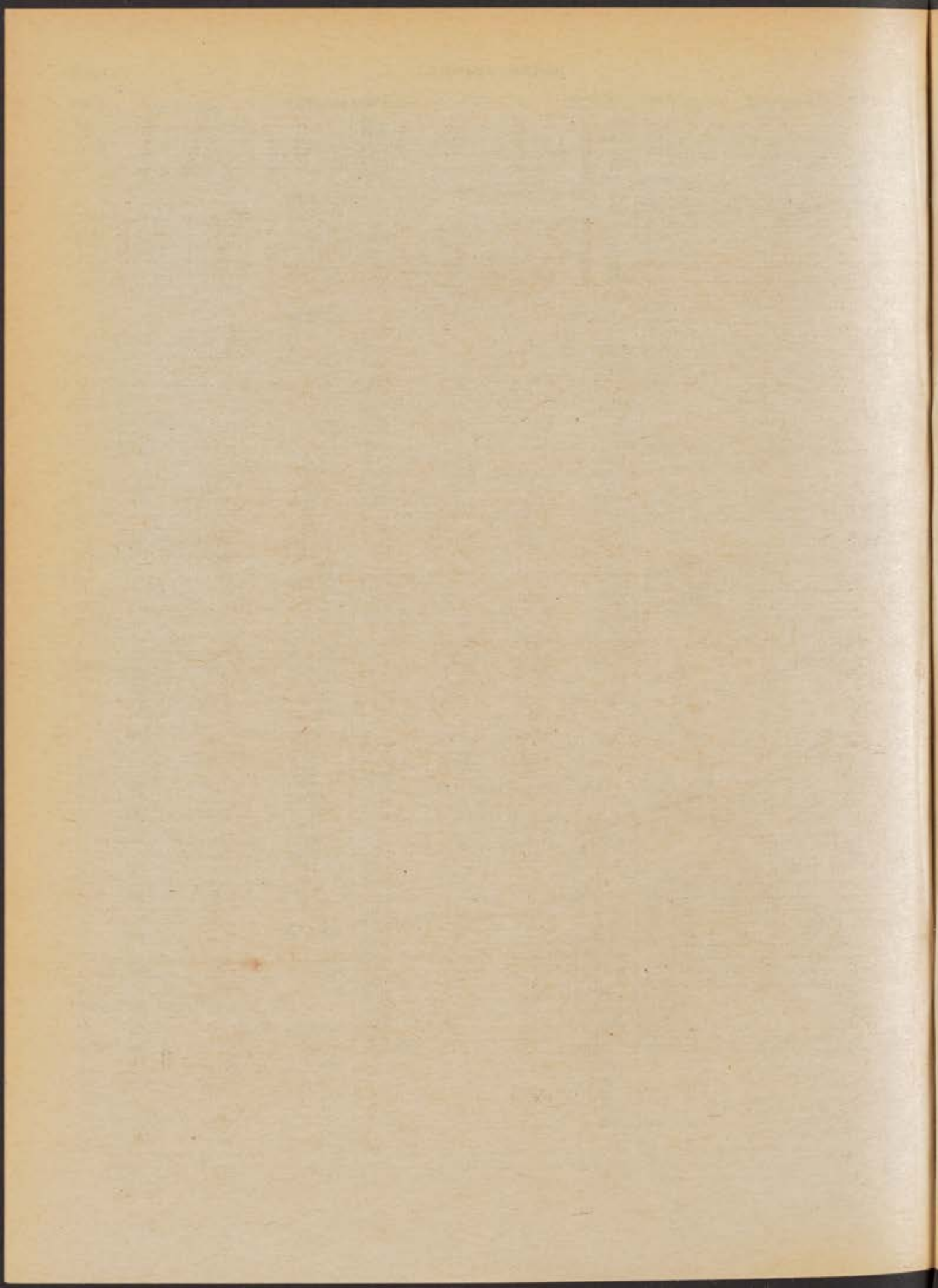
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PART II

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

•
Advisory Circular Checklist
and
Status of
Federal Aviation Regulations



DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[AC 00-2P—Effective February 28, 1970]

ADVISORY CIRCULAR CHECKLIST AND STATUS OF FEDERAL AVIATION REGULATIONS

1. *Purpose.* This notice contains the revised checklist of current FAA advisory circulars and the status of Federal Aviation Regulations as of February 28, 1970.

2. *Explanation.* The FAA issues advisory circulars to inform the aviation public in a systematic way of nonregulatory material of interest. Unless incorporated into a regulation by reference, the contents of an advisory circular are not binding on the public. Advisory circulars are issued in a numbered-subject system corresponding to the subject areas in the recodified Federal Aviation Regulations (14 CFR Ch. I). This checklist is issued triannually listing all current circulars and now includes information concerning the status of the Federal Aviation Regulations.

3. The Circular Numbering System.

a. *General.* The advisory circular numbers relate to the subchapter titles and correspond to the Parts, and when appropriate, the specific sections of the Federal Aviation Regulations. Circulars of a general nature bear a number corresponding to the number of the general subject (subchapter) in the FAR's.

b. *Subject numbers.* The general subject matter areas and related numbers are as follows:

Subject Number and Subject Matter

00	General.
10	Procedural.
20	Aircraft.
60	Airmen.
70	Airspace.
90	Air Traffic Control and General Operations.
120	Air Carrier and Commercial Operators and Helicopters.
140	Schools and Other Certified Agencies.
150	Airports.
170	Air Navigational Facilities.
180	Administrative.
210	Flight Information.

c. *Breakdown of subject numbers.* When the volume of circulars in a general series warrants a subsubject breakdown, the general number is followed by a slash and a subsubject number. Material in the 150, Airports, series is issued under the following subsubjects:

Number and Subject

150/1900	Defense Readiness Program.
150/4000	Resource Management.
150/5000	Airport Planning.
150/5100	Federal-aid Airport Program.
150/5150	Surplus Airport Property Conveyance Programs.
150/5190	Airport Compliance Program.
150/5200	Airport Safety—General.
150/5210	Airport Safety Operations (Recommended Training, Standards, Manning).
150/5220	Airport Safety Equipment and Facilities.

150/5230	Airport Ground Safety System.
150/5240	Civil Airports Emergency Preparedness.
150/5300	Design, Construction, and Maintenance—General.
150/5320	Airport Design.
150/5325	Influence of Aircraft Performance on Aircraft Design.
150/5335	Runway, Taxiway, and Apron Characteristics.
150/5340	Airport Visual Aids.
150/5345	Airport Lighting Equipment.
150/5360	Airport Buildings.
150/5370	Airport Construction.
150/5380	Airport Maintenance.
150/5390	Heliports.

d. *Individual circular identification numbers.* Each circular has a subject number followed by a dash and a sequential number identifying the individual circular. This sequential number is not used again in the same subject series. Revised circulars have a letter A, B, C, etc., after the sequential number to show complete revisions. Changes to circulars have CH 1, CH 2, CH 3, etc., after the identification number on pages that have been changed. The date on a revised page is changed to the effective date of the change.

4. The Advisory Circular Checklist.

a. *General.* Each circular issued is listed numerically within its subject-number breakdown. The identification number (AC 120-1), the change number of the latest change, if any, to the right of the identification number, the title, and the effective date for each circular are shown. A brief explanation of the contents is given for each listing.

b. *Omitted numbers.* In some series sequential numbers omitted are missing numbers, e.g., 00-8 through 00-11 have not been used although 00-7 and 00-12 have been used. These numbers are assigned to advisory circulars still in preparation which will be issued later or were assigned to advisory circulars that have been canceled.

c. *Free and sales circulars.* This checklist contains advisory circulars that are for sale as well as those distributed free of charge by the Federal Aviation Administration. Please use care when ordering circulars to ensure that they are ordered from the proper source.

d. *Internal directives for sale.* A list of certain internal directives sold by the Superintendent of Documents is shown at the end of the checklist. These documents are not identified by advisory circular numbers, but have their own directive numbers.

5. How to get circulars.

a. When a price is listed after the description of a circular, it means that this circular is for sale by the Superintendent of Documents. When (Sub.) is included with the price, the advisory circular is available on a subscription basis only. After your subscription has been entered by the Superintendent of Documents, supplements or changes to the basic document will be provided automatically at no additional charge until the subscription expires. When no price is given, the circular is distributed free of charge by FAA. Paragraph 5 tells how to get copies of circulars from these two sources.

b. Request free advisory circulars shown without an indicated price from:

Department of Transportation, Federal Aviation Administration, Distribution Unit, TAD 484.3, Washington, D.C. 20590.

NOTE: Persons who want to be placed on FAA's mailing list for future circulars should write to the above address. Be sure to identify the subject matter desired by the subject numbers and titles shown in paragraph 3b because separate mailing lists are maintained for each advisory circular subject series. Checklists and circulars issued in the general series will be distributed to every addressee on each of the subject series lists. Persons requesting more than one subject classification may receive more than one copy of related circulars and this checklist because they will be included on more than one mailing list. Persons already on the distribution list for AC's and changes to FAR's will automatically receive related circulars.

c. Order advisory circulars and internal directives with purchase price given from:

Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

Send check or money order with your order to the Superintendent of Documents. Make the check or money order payable to the Superintendent of Documents in the amounts indicated in the list. Orders for mailing to foreign countries should include an additional amount of 25 percent of the price to cover postage. No c.o.d. orders are accepted.

6. *Reproduction of Advisory Circulars.* Advisory circulars may be reproduced in their entirety or in part without permission from the Federal Aviation Administration.

7. *Cancellations.* The following advisory circulars are canceled:

AC 00-2N	Advisory Circular Checklist, 10-31-69. Canceled by AC 00-2P, Advisory Circular Checklist, 2-28-70.
AC 00-23A	Near Midair Collision Reporting, 12-18-68. Canceled by AC 00-23B, Near Midair Collision Reporting, 12-4-69.
AC 21-2A	Export Airworthiness Approval Procedures, 2-16-67. Canceled by AC 21-2B, Export Airworthiness Approval Procedures, 10-2-69.
AC 25.1457-1	Cockpit Voice Recorder Installations, 4-7-65. Canceled by AC 25-1457-1A, Cockpit Voice Recorder Installations, 11-3-69.
AC 39-3	Distribution of Airworthiness Directives, 3-29-67. Canceled by AC 39-6, Distribution of Airworthiness Directives, 7-18-69.
AC 39-5	Distribution of Airworthiness Directives, 10-3-67. Canceled by AC 39-6, Distribution of Airworthiness Directives, 7-18-69.
AC 39-6	Distribution of Airworthiness Directives, 7-18-69. Canceled by AC 39-6A, Distribution of Airworthiness Directives, 8-8-69.
AC 61-8A	Instrument Pilot Examination Guide, 1-12-66. Canceled by AC 61-8B, Instrument Rating (Airplane) Written Test Guide, 4-24-69.
AC 65-8	1969 Aviation Maintenance Symposium—Advances in Aviation Maintenance Technology, 5-14-69. Canceled.
AC 90-22A	Automatic Terminal Information Service (ATIS), 10-9-68. Canceled by AC 90-22B, Automatic Terminal Information Service, 1-30-70.

- AC 120-16 Continuous Airworthiness Program, 10-19-64. Canceled by AC 120-16A, Continuous Airworthiness Program, 9-11-69.
- AC 121-3H Maintenance Review Board Reports, 2-7-68. Canceled by AC 121-3J, Maintenance Review Board Reports, 12-3-69.
- AC 121-10 Doppler Radar Navigational Aids, 3-23-67. Canceled by AC 121-13, Self-contained Navigation Systems (Long Range), 10-14-69.
- AC 121-11 Approval of Inertial Navigation Systems (INS), 3-23-67. Canceled by AC 121-13, Self-contained Navigation Systems (Long Range), 10-14-69.
- AC 135-1 Air Taxi Aircraft Weight and Balance Control, 9-17-68. Canceled by AC 135-1A, Air Taxi Aircraft Weight and Balance Control, 9-26-69.
- AC 140-3A Approval of Pilot Training Courses Under Subpart D of Part 141 of the FAR, 6-12-68. Canceled by AC 140-3B, Approval of Pilot Training Courses Under Subpart D of Part 141 of the FAR, 1-8-70.
- AC 150/5200-2 Bird Strike/Incident Report Form, 11-27-65. Canceled by AC 150/5200-2A, Bird Strike/Incident Report Form, 1-9-70.
- AC 150/5210-6 Aircraft Fire and Rescue Facilities and Extinguishing Agents, 9-7-66. Canceled by AC 150/5210-6A, Aircraft Fire and Rescue Facilities and Extinguishing Agents, 1-14-70.
- AC 150/5230-2 Guide Specification for Fire Extinguishing System (Foam) for Heliports, 4-14-65. Canceled by AC 150/5390-1A, Heliport Design Guide, 11-5-69.
- AC 150/5300-2 Airport Design Requirements for Terminal Navigational Aids, 3-30-64. Canceled by AC 150/5300-2A, Airport Design Standards—Site Requirements for Terminal Navigational Facilities, 10-8-69.
- AC 150/5345-9B Specification for L-819 Fixed Focus Bidirectional High Intensity Runway Light, 6-27-67. Canceled by AC 150/5345-9C, Specification for L-819 Fixed Focus Bidirectional High Intensity Runway Light, 12-23-69.
- AC 150/5390-1 Heliport Design Guide, 11-3-64. Canceled by AC 150/5390-1A, Heliport Design Guide, 11-5-69.
- AC 170-1 Operation and Use of Approved Lights (ALS) and Sequenced Flashing Lights (SFL) Systems, 1-14-63. Canceled.
- AC 183.29-1D Designated Engineering Representatives, 2-28-69. Canceled by AC 183.29-1E, Designated Engineering Representatives, 1-5-70.
- AC 211-3 Aviation Fuel Code Used in Flight Information Publications, 5-19-67. Canceled.

8. Additions. The following advisory circulars are added to the list:

- AC 00-2P Advisory Circular Checklist (2-28-70).
- AC 00-23B Near Midair Collision Reporting (12-4-69).
- AC 00-28 Communications Interference Caused by Sticking Microphone Buttons (8-6-69).
- AC 20-7F Supplement 3, General Aviation Inspection Aids (November 1969).
- AC 20-7F Supplement 4, General Aviation Inspection Aids (December 1969).
- AC 20-7F Supplement 5, General Aviation Inspection Aids (January 1970).
- AC 20-7F Supplement 6, General Aviation Inspection Aids (February 1970).
- AC 20-61 Nondestructive Testing for Aircraft (May 1969).
- AC 21-2B Export Airworthiness Approval Procedures (10-2-69).
- AC 25.1457-1A Cockpit Voice Recorder Installations (11-3-69).

- AC 47-1 Aircraft Registration Eligibility, Identification and Activity Report (2-25-70).
- AC 61-8B Instrument Rating (Airplane) Written Test Guide (4-24-69).
- AC 90-22B Automatic Terminal Information Service (ATIS) (1-30-70).
- AC 91-26 Maintenance and Handling Air-Driven Gyroscopic Instruments (10-29-69).
- AC 91-27 Systemsworthiness Analysis Program—General Aviation (10-30-69).
- AC 91-28 Unexpected Opening of Cabin Doors (12-23-69).
- AC 120-16A Continuous Airworthiness Program (9-11-69).
- AC 120-28 Concepts of Airborne Systems for Category IIIA Operations (9-5-69).
- AC 121-1 Ch 19 Standard Maintenance Specifications Handbook (12-19-69).
- AC 121-3J Maintenance Review Board Reports (12-3-69).
- AC 121-13 Self-contained Navigation Systems (Long Range) (10-14-69).
- AC 121-14 Aircraft Simulator Evaluation and Approval (12-19-69).
- AC 135-1A Air Taxi Aircraft Weight and Balance Control (9-26-69).
- AC 135-2 Air Taxi Operators of Large Aircraft (10-14-69).
- AC 140-3B Approval of Pilot Training Courses Under Subpart D of Part 141 of the FAR (1-8-70).
- AC 150/5100-3A Ch 1 Federal-Aid Airport Program Procedures Guide for Sponsors (11-28-69).
- AC 150/5200-2A Bird Strike/Incident Report Form (1-9-70).
- AC 150/5200-12 Fire Department Responsibility in Protecting Evidence at the Scene of an Aircraft Accident (8-7-69).
- AC 150/5210-6A Aircraft Fire and Rescue Facilities and Extinguishing Agents (1-14-70).
- AS 150/5300-2A Airport Design Standards—Site Requirements for Terminal Navigational Facilities (10-8-69).
- AC 150/5345-9C Specification for L-819 Fixed Focus Bidirectional High Intensity Runway Light (12-23-69).
- AC 150/5370-5 Offshore Airports (12-15-69).
- AC 150/5390-1A Heliport Design Guide (11-5-69).
- AC 170-10 FAA Recommendations to FCC on Licensing of Nonfederal Radio Navigation Aids (10-17-69).
- AC 183.29-1E Designated Engineering Representatives (1-5-70).

ADVISORY CIRCULAR CHECKLIST NOTICE

Superintendent of Documents catalogue numbers have been included to aid Superintendent of Documents personnel in processing orders. Please use them when ordering—along with the title and FAA number. To avoid unnecessary delays, do not order single-sales material and subscription-sales material on the same order form, as orders are separated for processing by different departments when they arrive at Superintendent of Documents.

General

SUBJECT NO. 00

- 00-1 The Advisory Circular System (12-4-62).
Describes the FAA Advisory Circular System.
- 00-2P Advisory Circular Checklist (2-28-70).
Transmits the revised checklist of current FAA advisory circulars and the

status of the Federal Aviation Regulations as of 2-28-70.

00-6 Aviation Weather (5-20-65).

Provides an up-to-date and expanded text for pilots and other flight operations personnel whose interest in meteorology is primarily in its application to flying. Reprinted 1969. (\$4 GPO.) FAA 5.8/2: W 37.

00-7 State and Regional Defense Airlift Planning (4-30-64).

Provides guidance for the development of plans by the FAA and other Federal and State agencies for the use of non-air-carrier aircraft during an emergency.

00-7 CH 1 Provision of Appendix 4 and addition of New Appendix 9 to State and Regional Defense Airlift Planning (1-5-65).

The title is self-explanatory.

00-7 CH 2 State and Regional Defense Airlift Planning (2-20-67).

Change 2 to basic document.

00-14 Flights by U.S. Pilots Into and Within Canada (4-16-65).

Provides information concerning flights into and within Canada.

00-15 Potential Hazard Associated With Passengers Carrying "Anti-Mugger" Spray Devices (8-20-65).

Advises aircraft operators, crewmembers, and others who are responsible for flight safety, of a possible hazard to flight should a passenger inadvertently or otherwise discharge a device commonly known as an "anti-mugger" spray device in the cabin of an aircraft.

00-17 Turbulence in Clear Air (12-16-65).

Provides information on atmospheric turbulence and wind shear, emphasizing important points pertaining to the common causes of turbulence, the hazards associated with it, and the conditions under which it is most likely to be encountered.

00-19 System Description for a Modernized Weather Teletypewriter Communications System (7-8-66).

Transmits a technical report of the system improvements which the Federal Aviation Agency plans to make in the operation of the Services A, C, and O weather teletypewriter communications network.

00-20 Cancellation of Flight Standards Service Releases (9-7-66).

Cancels all outstanding Flight Standards Service Releases.

00-21 Shoulder Harness (10-5-66).

Provides information concerning the installation and use of shoulder harnesses by pilots in general aviation aircraft.

00-23B Near Midair Collision Reporting (12-4-69).

Advises that the FAA will continue through December 31, 1971, to handle

reports of near midair collisions in accordance with the policy established January 1, 1968.

00-24 Thunderstorms (6-12-68).

Contains information concerning flights in or near thunderstorms.

00-25 Forming and Operating a Flying Club (3-24-69).

Provides preliminary information that will assist anyone or any group of people interested in forming and operating a flying club. (\$0.35 GPO). TD 4.8:F 67.

00-26 Definition of "U.S. National Aviation Standards" (1-22-69).

Informs the aviation community of the approval by the FAA Administrator of a definition of U.S. National Aviation Standards, the need for such standards, and their relationship to the Federal Aviation Regulations.

00-27 U.S. National Standard for the IFF Mark X (SIF) Air Traffic Control Radar Beacon System Characteristics (ATCRBS) (1-24-69).

Informs the aviation community of the approval by the FAA Administrator of the U.S. National Aviation Standard for the ATCRBS.

00-28 Communications Interference Caused by Sticking Microphone Buttons (8-6-69).

Alerts the industry of communications interference from undesired radio frequency transmissions.

Procedural

SUBJECT No. 10

11-1 Airspace Rule-Making Proposals and Changes to Air Traffic Control Procedures (10-28-64).

Emphasizes the need for the early submission of proposals involving airspace rule-making activity or changes to existing procedures for the control of air traffic.

Aircraft

SUBJECT No. 20

20-3B Status and Availability of Military Handbooks and ANC Bulletins for Aircraft (5-12-69).

Announces the status and availability of Military Handbooks and ANC Bulletins prepared jointly with FAA.

20-5A Plane Sense (4-4-67).

Provides general aviation information for the private aircraft owner.

20-6L U.S. Civil Aircraft Register Vol. I and II (7-1-69).

Lists all active U.S. civil aircraft by registration number. Published in 1969. (\$13.25 GPO.) TD 4.18/2:969.

20-7F General Aviation Inspection Aids, Summary (August 1969).

Provides the aviation community with a uniform means for interchanging service experience that may improve the durability and safety of aeronautical products. Of value to mechanics, operators of repair stations, and others engaged in the inspection, maintenance,

and operation of aircraft in general. (\$3, \$3.75 foreign—Sub. GPO.) TD 4.409:968.

20-7F Supplement 1 (September 1969).

20-7F Supplement 2 (October 1969).

20-7F Supplement 3 (November 1969).

20-7F Supplement 4 (December 1969).

20-7F Supplement 5 (January 1970).

20-7F Supplement 6 (February 1970).

20-9 Personal Aircraft Inspection Handbook (12-2-64).

Provides a general guide, in simple, nontechnical language, for the inspection of aircraft. Reprinted 1967. (\$1 GPO.) FAA 5.8/2:AI 7/2.

20-10 Approved Airplane Flight Manuals for Transport Category Airplanes (7-30-63).

Calls attention to the regulatory requirements relating to FAA Approved Airplane Flight Manuals.

20-13A Surface-Effect Vehicles (8-28-64).

States FAA policy on surface-effect vehicles (vehicles supported by a cushion of compressed air).

20-15A Qualification of Type Certified Engines and Propellers for Aircraft Installations (3-24-66).

Calls attention to the relationship between both Federal Aviation Regulations, Parts 33 (Aircraft Engine Airworthiness) and 35 (Propeller Airworthiness), and various aircraft airworthiness parts.

20-17 Surplus Military Aircraft (1-6-64).

Informs how to obtain copies of regulations required for certification of surplus military aircraft.

20-18A Qualification Testing of Turbojet Engine Thrust Reversers (3-16-66).

Discusses the requirements for the qualification of thrust reversers and sets forth an acceptable means of compliance with the tests prescribed in Federal Aviation Regulations, Part 3, when run under nonstandard ambient air conditions.

20-20A Flammability of Jet Fuels (4-9-65).

Gives information on the possibility of combustion of fuel in aircraft fuel tanks.

20-23C Interchange of Service Experience—Mechanical Difficulties (5-9-69).

Explains the advantages of a voluntary exchange of service experience data.

20-24A Qualification of Fuels, Lubricants, and Additives (4-1-67).

Establishes procedures for the approval of the use of subject materials in certificated aircraft.

20-25A Identification of Technical Standard Order (TSO) Safety Belts (3-14-69).

Describes the markings which indicate that a safety belt has been manufactured under the FAA TSO system and approved for use in certificated aircraft.

20-27A Certification and Operation of Amateur-Built Aircraft (8-12-68).

Provides information and guidance material for amateur aircraft builders.

20-28 Nationally Advertised Aircraft Construction Kits (8-7-64).

Explains that using certain kits could render the aircraft ineligible for the issuance of an experimental certificate as an amateur-built aircraft.

20-29A Use of Anti-Icing Additive PFA-55MB (6-19-67).

Provides information on the use of anti-icing additive for jet fuels to assure compliance with FAR's that require assurance of continuous fuel flow under icing conditions.

20-30A Airplane Position Lights and Supplementary Lights (4-18-68).

Provides an acceptable means for complying with the position light requirements for airplane airworthiness and acceptable criteria for the installation of supplementary lights on airplanes.

20-32A Carbon Monoxide (CO) Contamination in Aircraft—Detection and Prevention (9-13-68).

Informs aircraft owners, operators, maintenance personnel, and pilots of the potential dangers of carbon monoxide contamination and discusses means of detection and procedures to follow when contamination is suspected.

20-33 Technical Information Regarding Civil Aeronautics Manuals 1, 3, 4a, 4b, 5, 6, 7, 8, 9, 10, 13, and 14 (2-8-65).

Advises the public that policy information contained in the subject Civil Aeronautics Manuals may be used in conjunction with specific sections of the Federal Aviation Regulations.

20-34A Prevention of Retractable Landing Gear Failures (4-21-69).

Provides information and suggested procedures to minimize landing accidents involving aircraft having retractable landing gear.

20-35A Tie-Down Sense (10-29-68).

Provides information of general use on aircraft tie-down techniques and procedures.

20-36A Index of Materials, Parts, and Appliances Certified Under the Technical Standard Order System—March 1, 1966 (4-8-66).

Lists the materials, parts, and appliances for which the Administrator has received statements of conformance under the Technical Standard Order system as of March 1, 1966. Such products are deemed to have met the requirements for FAA approval as provided in Part 37 of the Federal Aviation Regulations.

20-37A Aircraft Metal Propeller Blade Failure (4-4-69).

Provides information and suggested procedures to increase service life and to minimize blade failures of metal propellers.

20-38A Measurement of Cabin Interior Emergency Illumination in Transport Airplanes (2-8-66).

Outlines acceptable methods, but not the only methods, for measuring the cabin interior emergency illumination on transport airplanes, and provides information as to suitable measuring instruments.

20-39 Installation Approval of Entertainment Type Television Equipment in Aircraft (7-15-65).

Presents an acceptable method (but not the only method) by which compliance may be shown with Federal Aviation Regulations 23.1431, FAR 25.1309(b), FAR 27.1309(b), or FAR 29.1309(b), as applicable.

20-40 Placards for Battery-Excited Alternators Installed in Light Aircraft (8-11-65).

Sets forth an acceptable means of complying with placarding rules in Federal Aviation Regulations 23 and 27 with respect to battery-excited alternator installations.

20-41 Replacement TSO Radio Equipment in Transport Aircraft (8-30-65).

Sets forth an acceptable means for complying with rules governing transport category aircraft installations in cases involving the substitution of technical standard order radio equipment for functionally similar radio equipment.

20-42 Hand Fire Extinguishers in Transport Category Airplanes and Rotorcraft (9-1-65).

Sets forth acceptable means (but not the sole means) of compliance with certain hand fire extinguisher regulations in FAR 25 and FAR 29, and provides related general information.

20-43 Aircraft Fuel Contamination (9-3-65).

Informs the aviation community of the potential hazards of fuel contamination, its control, and recommended fuel servicing procedures.

20-44 Glass Fiber Fabric for Aircraft Covering (9-3-65).

Provides a means, but not the sole means, for acceptance of glass fiber fabric for external covering of aircraft structure.

20-45 Safetizing of Turnbuckles on Civil Aircraft (9-17-65).

Provides information on turnbuckle safetizing methods that have been found acceptable by the Agency during past aircraft type certification programs.

20-46 Suggested Equipment for Gliders Operating Under IFR (9-23-65).

Provides guidance to glider operators on how to equip their gliders for operation under instrument flight rules (IFR), including flight through clouds.

20-47 Exterior Colored Band Around Exits on Transport Airplanes (2-8-66).

Sets forth an acceptable means, but not the only means, of complying with

the requirement for a 2-inch colored band outlining exits required to be operable from the outside on transport airplanes.

20-48 Practice Guide for Decontaminating Aircraft (5-5-66).

The title is self-explanatory.

20-49 Analysis of Bird Strike Reports on Transport Category Airplanes (7-27-66).

Provides the results of a statistical study on the frequency of collisions of birds with transport aircraft and the resulting damages.

20-50 Ultrasonic Nondestructive Testing (11-9-66).

Provides FAA personnel and the general aviation public with some of the theory and processes of ultrasonic testing which will assist them in the more advanced uses of this system for the inspection of aircraft and aircraft components during manufacture or maintenance. (\$0.45 GPO). TD 4.8 : U18.

20-51 Procedures for Obtaining FAA Approval of Major Alterations to Type Certificated Products (4-12-67).

Provides assistance to persons who desire to obtain FAA approval of major alterations to type certificated products.

20-52 Maintenance Inspection Notes for Douglas DC-6/7 Series Aircraft (8-24-67).

Describes maintenance inspection notes which can be used for the maintenance support of certain structural parts of DC-6/7 series aircraft.

20-53 Protection of Aircraft Fuel System Against Lightning (10-6-67).

Sets forth acceptable means, not the sole means, by which compliance may be shown with fuel system lightning protection airworthiness regulations.

20-54 Hazards of Radium-Activated Luminous Compounds Used on Aircraft Instruments (10-24-67).

Provides information concerning health hazards associated with the repair and maintenance of instruments containing luminous markings activated with radium-226 or radium-228 (mesothorium).

20-55 Turbine Engine Overhaul Standard Practices Manual—Maintenance of Fluorescent Penetrant Inspection Equipment (1-22-68).

Advises operators of the necessity for periodic checking of black light lamps and filters used during fluorescent penetrant inspection of engine parts.

20-56 Marking of TSO-C72a Individual Flotation Devices (1-19-68).

Outlines acceptable methods for marking individual flotation devices which also serve as seat cushions.

20-57 Automatic Landing Systems (1-29-68).

Sets forth an acceptable means of compliance, but not the only means, for the

installation approval of automatic landing systems in transport category aircraft which may be used initially in Category II operations.

20-58A Acceptable Means of Testing Automatic Altitude Reporting Equipment for Compliance With FAR 91.36(b) (4-28-69).

Title is self-explanatory.

20-59 Maintenance Inspection Notes for Convair 240, 340/440, 240T, and 340T Series Aircraft (2-19-68).

Describes maintenance inspection notes which can be used for the maintenance support of certain structural parts of Convair 240, 340/440, 240T, and 340T series aircraft.

20-60 Accessibility to Excess Emergency Exits (7-18-68).

Sets forth acceptable means of compliance with the "readily accessible" provisions in the Federal Aviation Regulations dealing with excess emergency exits.

20-61 Nondestructive Testing for Aircraft (May 1969).

Reviews the basic principles underlying nondestructive testing.

20-62 Eligibility, Quality, and Identification of Approved Aeronautical Replacement Parts (4-30-69).

Provides information relative to the determination of the eligibility of aeronautical parts and materials for installation on certificated aircraft.

20-63 Airborne Automatic Direction Finder Installations (Low and Medium Frequency) (7-7-69).

Sets forth one means, but not the only means, of demonstrating compliance with the airworthiness rules governing the functioning of airborne automatic direction finders. It does not pertain to installations previously approved.

20-64 Maintenance Inspection Notes for Lockheed L-188 Series Aircraft (8-1-69).

Describes maintenance inspection notes which can be used for the maintenance support of certain structural parts of Lockheed L-188 series aircraft.

20-65 U.S. Airworthiness Certificates and Authorizations for Operation of Domestic and Foreign Aircraft (8-11-69).

Provides general information and guidance concerning issuance of airworthiness certificates for U.S. registered aircraft, and issuance of special flight authorizations for operation in the United States of foreign aircraft not having standard airworthiness certificates issued by the country of registry.

21-1 Production Certificates (6-15-65).

Provides information concerning Subpart G of Federal Aviation Regulations (FAR) Part 21, and sets forth acceptable means of compliance with its requirements.

21-2B Export Airworthiness Approval Procedures (10-2-69).

Announces the adoption of new regulations and provides guidance to the public regarding the issuance of export airworthiness approvals for aeronautical products to be exported from the United States.

21-3 Basic Glider Criteria Handbook (1962).

Provides individual glider designers, the glider industry, and glider operating organizations with guidance material that augments the glider airworthiness certification requirements of the Federal Aviation Regulations. Reprinted 1969. (\$1 GPO.) FAA 5.8/2 : G 49/962.

21-4B Special Flight Permits for Operation of Overweight Aircraft (7-30-69).

Furnishes guidance concerning special flight permits necessary to operate an aircraft in excess of its usual maximum certificated takeoff weight.

21-5 Summary of Supplemental Type Certificates (2-24-66).

Announces the availability to the public of a new Summary of Supplemental Type Certificates (STC's), Part 21 of the Federal Aviation Regulations.

21-6 Production Under Type Certificate Only (5-29-67).

Provides information concerning Subpart F of FAR Part 21, and sets forth examples, when necessary, of acceptable means of compliance with its requirements.

21-7 Certification and Approval of Import Products (6-13-67).

Provides guidance and information relative to U.S. certification and approval of import aircraft, aircraft engines, propellers manufactured in a foreign country with which the United States has an acceptance agreement of those products for export and import.

21-8 Aircraft Airworthiness; Restricted Category: Certification of Aircraft With Uncertificated or Altered Engines or Propellers (5-21-69).

Sets forth acceptable means of substantiating that uncertificated or altered engines and propellers have no unsafe features for type certification of aircraft in the restricted category.

21.25-1 Use of Restricted Category Airplanes for Glider Towing (4-20-65).

Announces that glider towing is now considered to be a special purpose for type and airworthiness certification in the restricted category.

21.303-1 Replacement and Modification Parts (3-2-66).

Provides information concerning section 21.303 of Federal Aviation Regulations, Part 21, and sets forth examples of acceptable means of compliance with its requirements.

23-1 Type Certification Spin Test Procedures (4-1-64).

Sets forth an acceptable means by which compliance may be shown with the one-turn spinning requirement in Part 3 of the CAR's.

23.1329-1 Automatic Pilot Systems Approval (Non-Transport) (12-23-65).

Sets forth an acceptable means by which compliance with the automatic pilot installation requirements of FAR 23.1329 may be shown.

25-1 Airplane Flight Manual Procedures Associated with Performance Limitations (9-4-63).

Provides acceptable means for compliance with Special Regulation SR-422B, section 4T.743(c).

25-2 Extrapolation of Takeoff and Landing Distance Data Over a Range of Altitude for Turbine-Powered Transport Aircraft (7-9-64).

Sets forth acceptable means by which compliance may be shown with the requirements in CAR 4b and SR-422B.

25-4 Inertial Navigation Systems (INS) (2-18-66).

Sets forth an acceptable means for complying with rules governing the installation of inertial navigation systems in transport category aircraft.

25.253-1 High-Speed Characteristics (11-24-65).

Sets forth an acceptable means by which compliance may be shown with FAR 25.253 during certification flight tests.

25.253-1 CH 1 (1-10-66).

Provides amended information for the basic advisory circular.

25.1329-1A Automatic Pilot System Approval (7-8-68).

Sets forth an acceptable means by which compliance with the automatic pilot installation requirements of FAR 25.1329 may be shown.

25.1457-1A Cockpit Voice Recorder Installations (11-3-69).

Sets forth one acceptable means of compliance with provisions of FAR 25.1457 (b), (e), and (f) pertaining to area microphones, cockpit voice recorder location, and erasure features.

27.1581-1 Sea Rotorcraft Autorotative Landing on Land (8-3-65).

Sets forth acceptable means, not the sole means, with which to provide suitable warning information to crews of float-equipped rotorcraft (pneumatic bag type) when a safe autorotative landing on land may not be possible.

29-1 Approval Basis for Automatic Stabilization Equipment (ASE) Installations in Rotorcraft (12-26-63).

Gives means for compliance with flight requirements in various CAR's.

29-1 CH 1 (3-26-64).

Transmits revised information about the time delay of automatic stabilization equipment.

29.773-1 Pilot Compartment View (1-19-66).

Sets forth acceptable means, not the sole means, by which compliance with FAR 29.773(a) (1), may be shown.

33-1A Turbine-Engine Foreign Object Ingestion and Rotor Blade Containment Type Certification Procedures (6-19-68).

Provides guidance and acceptable means, not the sole means, by which compliance may be shown with the design and construction requirements of Part 33 of the Federal Aviation Regulations.

33-2 Aircraft Engine Type Certification Handbook (3-30-66).

Contains guidance relating to type certification of aircraft engines which will constitute acceptable means, although not the sole means, of compliance with the Federal Aviation Regulations.

33-2 CH 1 (9-13-67).

Transmits revised material to the basic advisory circular.

33-3 Turbine and Compressor Rotors Type Certification Substantiation Procedures (9-9-68).

Sets forth guidance and acceptable means, not the sole means, by which compliance may be shown with the turbine and compressor rotor substantiation requirements in FAR Part 33.

37-2 Test Procedures for Maximum Allowable Airspeed Indicators (12-9-68).

Provides guidance concerning test procedures which may be used in showing compliance with the standards in FAR 37.145 (TSO-C46a).

37-3 Radio Technical Commission for Aeronautics Document DO-138 (1-10-69).

This circular announces RTCA Document DO-138 and discusses how it may be used in connection with technical standard order authorizations.

39-1 Jig Fixtures; Replacement of Wing Attach Angles and Doublers on Douglas Model DC-3 Series Aircraft (8-1-63).

Describes methods of determining that jig fixtures meet the requirements of Airworthiness Directive 63-4-1.

39-6A Distribution of Airworthiness Directives (8-3-69).

Announces an improved distribution service for airworthiness directives, amended to show a change in price.

43-1 Matching VHF Navigation Receiver Outputs With Display Indicators (8-2-65).

Alerts industry to the possibility of mismatching outputs, both guidance and

flag alarm, of certain VHF navigation receivers when used with some types of display indicators causing the receiver to fall without providing a flag alarm.

43-2 Minimum Barometry for Calibration and Test of Atmospheric Pressure Instruments (9-10-65).

Sets forth guidance material which may be used to determine the adequacy of barometers used in the calibration of aircraft static instruments and presents information concerning the general operation, calibration, and maintenance of such barometers.

43.9-1B Instruction for Completion of FAA Form 337 (6-27-66).

Provides instructions for completing revised FAA Form 337, Major Repair and Alteration (Airframe, Powerplant, Propeller or Appliance).

43.11-1B Aircraft Use and Inspection Report (8-29-68).

Provides instructions for the completion of FAA Form 8320-3 (11-67), Aircraft Use and Inspection Report formerly FAA 2350.

43.13-1 Acceptable Methods, Techniques and Practices—Aircraft Inspection and Repair (5-16-66).

Contains methods, techniques, and practices acceptable to the Administrator for inspection and repair to civil aircraft. Published in 1965. (\$3—Sub. GPO.) FAA 5.15 : 965.

Subscription now includes: Ch. 1 (5-1-67); Ch. 2 (8-9-67); Ch. 3 (1-24-68); Ch. 4 (1-29-68); Ch. 5 (9-20-68); Ch. 6 (5-1-69).

43.13-2 Acceptable Methods, Techniques, and Practices—Aircraft Alterations (4-19-66).

Contains methods, techniques, and practices acceptable to the Administrator in altering civil aircraft. Published in 1965. (\$2—Sub. GPO.) FAA 5.16 : 965.

Subscription now includes: Ch. 1 (1-12-67); Ch. 2 (5-26-67); Ch. 3 (6-26-67); Ch. 4 (9-12-67); Ch. 5 (11-9-67); Ch. 6 (4-12-68); Ch. 7 (5-12-69).

43-202 Maintenance of Weather Radar Radomes (6-11-65).

Provides guidance material useful to repair facilities in the maintenance of weather radar radomes.

43-203A Altimeter and Static System Tests and Inspections (6-6-67).

Specifies acceptable methods for testing altimeter and static system. Also, provides general information on test equipment used and precautions to be taken.

47-1 Aircraft Registration Eligibility, Identification and Activity Report (2-25-70).

Advises owners and operators of U.S. civil aircraft of recent regulatory changes that require the annual submission of current information related to aircraft registration eligibility, and requests similar submission of information related to identification and activity of aircraft; and to call attention to the availability

of the reporting form to be used in complying with this regulatory change.

Airmen

SUBJECT No. 60

60-1 Know Your Aircraft (6-12-63).

Describes potential hazards associated with operation of unfamiliar aircraft and recommends good operating practices.

60-2F Annual Aviation Mechanic Safety Awards Program (6-16-69).

Provides details of the annual Aviation Mechanic Safety Awards Program which is a joint effort of FAA, the Flight Safety Foundation, and the aviation community.

60-4 Pilot's Spatial Disorientation (2-9-65).

Acquaints pilots flying under visual flight rules with the hazards of disorientation caused by the loss of reference with the natural horizon.

60-5 Advisory Information on Written Test Questions Missed (4-24-67).

Announces a new automated method of reporting written test results to airmen applicants. The applicant will be provided information concerning the subject matter areas in which one or more questions were answered incorrectly on the test.

60-6 FAA Approved Airplane Flight Manuals, Placards, Listings, Instrument Markings—Small Airplanes (12-13-68).

Alerts pilots to the regulatory requirements relating to the subject and provides information to aid pilots to comply with the provisions of FAR section 91.31.

61-1B Aircraft Type Ratings (12-14-67).

Lists the aircraft type ratings issued to pilots and advises the public of the designations used for the aircraft on which type ratings are issued.

61-2A Private Pilot (Airplane) Flight Training Guide (9-1-64).

Contains a complete private pilot flight training syllabus which consists of 30 lessons. Published in 1964. (\$1 GPO.) FAA 5.8/2 : P 64/4/964.

61-3B Flight Test Guide—Private Pilot—Airplane—Single Engine (4-2-68).

Assists the private pilot applicant in preparing for his certification flight test. Published in 1968. (\$0.20 GPO.) TD 4.408 : P 64/2.

61-4B Flight Test Guide—Multiengine Airplane Class or Type Rating (4-1-68).

Assists the private pilot applicant in preparing for certification or rating flight tests. Reprinted in 1969. (\$0.25 GPO.) TD 4.408 : M 91.

61-5A Helicopter Pilot Written Test Guide—Private—Commercial (8-14-67).

Gives guidance to applicants preparing for the aeronautical knowledge re-

quirements for a private or commercial pilot certificate with a helicopter rating.

61-8B Instrument Rating (Airplane) Written Test Guide (4-24-69).

Outlines the scope of the written test and directs applicants to appropriate study materials. Details subject areas covered in the test and indicates areas of aviation knowledge in which instrument pilots must be well informed. (\$0.70 GPO.) TD 4.8:In 7/4.

61-9 Pilot Transition Courses for Complex Single-Engine and Light Twin-Engine Airplanes (6-16-64).

Provides training syllabuses and check-out standards for pilots who seek to qualify on additional types of airplanes. Published in 1964. (\$0.15 GPO.) FAA 5.8/2: P 64/7.

61-10 Private and Commercial Pilots Refresher Courses (9-1-64).

Provides a syllabus of ground instruction periods and training lessons. Reprinted in 1969. (\$0.25 GPO.) FAA 5.8/2: P 64/9.

61-11A Airplane Flight Instructor Written Test Guide (9-5-67).

Provides information to prospective airplane flight instructors about certification requirements, application procedures, and reference study materials; a sample examination is presented with explanations of the correct answers. Reprinted in 1969. (\$0.70 GPO.) TD 4.408:In 7.

61-12C Student Pilot Guide (10-3-68).

Serves as a guide for prospective student pilots and presents general procedures for obtaining student and private pilot certificates. Published in 1969. (\$0.20 GPO.) TD 4.8:P 64/968.

61-13 Basic Helicopter Handbook (1-20-66).

Provides detailed information to applicants preparing for private, commercial, and flight instructor pilot certificates with a helicopter rating about helicopter aerodynamics, performance, and flight maneuvers. It will also be useful to certificated helicopter flight instructors as an aid in training students. Published in 1965. (\$0.75 GPO.) FAA 5.8/2:H 36.

61-14 Flight Instructor Practical Test Guide (1-19-65).

Provides assistance to the certificated pilot in preparing for the practical demonstration required for the issuance of the flight instructor certificate. Reprinted in 1969. (\$0.15 GPO.) FAA 5.8/2: F 64/8.

61.15-1 Helicopter or Gyroplane Class Rating Requirement for Rotorcraft Pilots (1-15-63).

Calls the attention of certificated rotorcraft pilots to the fact that helicopter or gyroplane class ratings are required for the operation of rotorcraft after 2-1-63.

61-16 Flight Instructor's Handbook (1-19-65).

Contains study and reference material on the principles of teaching and flight training procedures. Reprinted 1969. (\$1.25 GPO.) FAA 5.8/2 : P 64/7.

61-17A Flight Test Guide—Instrument Pilot Airplane (6-6-67).

Provides assistance for the instrument pilot applicant in preparing for his instrument rating flight test. Published in 1967. (\$0.10 GPO.) TD 4.408 : In 7/2.

61-18B Airline Transport Pilot (Airplane) Written Test Guide (7-1-68).

Describes the type and scope of aeronautical knowledge covered by the written examination, lists appropriate references for study, and presents sample examination questions. Published in 1968. (\$0.55 GPO.) TD 4.408 : P 64/3.

61-19 Safety Hazard Associated With Simulated Instrument Flights (12-4-64).

Emphasizes the need for care in the use of any device restricting visibility while conducting simulated instrument flights that may also restrict the view of the safety pilot.

61-21 Flight Training Handbook (1-11-66).

Provides information and direction in the introduction and performance of training maneuvers for student pilots, pilots requalifying or preparing for additional ratings, and flight instructors. Reprinted in 1969. (\$1.25 GPO.) FAA 1.8 : P 64/4.

61-22A Pilot Flight Tests in Small Airplanes With Stability/Control Augmentation (3-16-66).

Rescinds the limitation published in AC 61-22 for pilot certificates issued on the basis of flight training and tests in airplane equipped with gyroscopic stability/control augmentation systems.

61-23 Private Pilot's Handbook of Aeronautical Knowledge (5-27-66).

Contains essential, authoritative information used in training and guiding applicants for private pilot certification, flight instructors, and flying school staffs. Reprinted in 1969. (\$2.75 GPO.) FAA 5.8/2 : P 64/5/965.

61-25 Flight Test Guide—Helicopter, Private and Commercial Pilot (12-7-65).

Assists the helicopter pilot applicant in preparing for the certification flight tests; provides information concerning applicable procedures and standards. Published in 1965. (\$0.10 GPO.) FAA 1.8 : H 36/2.

61-27A Instrument Flying Handbook (4-30-68).

Provides the pilot with basic information needed to acquire an FAA instrument rating. It is designed for the reader who holds at least a private pilot certificate and is knowledgeable in all areas covered in the "Private Pilot's Handbook of Aeronautical Knowledge." Published in 1969. (\$2.50 GPO.) TD 4.408:In 7/3.

61-28 Commercial Pilot Examination Guide (5-17-66).

Guides prospective applicants toward a clear understanding of the requirements, the reference materials, the form of the examination, and the examining procedures. Published in 1966. (\$0.75 GPO.) FAA 5.8/2:P 64/3/966.

61-29 Instrument Flight Instructor Written Examination Guide (9-28-66).

Designed to aid those preparing for the Instrument Flight Instructor Written Examination, this guide outlines basic knowledge necessary to an instrument flight instructor, indicates sources helpful in acquiring this knowledge, and provides sample questions and answers for practice. Reprinted 1969. (\$1.00 GPO.) FAA 1.8:In 7.

61-30 Flight Test Guide—Gyroplane, Commercial Pilot (2-8-66).

Assists commercial pilot operator in preparing for certification test. Revised in 1966. (\$0.15 GPO.) FAA 5.8/2:G 99/2/966.

61-31 Gyroplane Pilot Examination Guide, Private and Commercial (2-9-66).

Outlines information basic to a gyroplane pilot, lists sources useful in acquiring this knowledge, and presents sample examination questions.

61-32 Private Pilot Written Examination Guide (8-15-67).

A combination workbook, written test guide. Includes 71 exercises covering every section of the Private Pilot's Handbook of Aeronautical Knowledge plus a sample written test presented in a fashion similar to the current Private Pilot Written Examination. Reprinted in 1969. (\$1.75 GPO.) TD 4.408:P 64.

61-33 Gyroplane Flight Instructor Examination Guide (3-25-66).

Assists applicants who are preparing for the Flight Instructor Rotorcraft Gyroplane Written Examination. Revised in 1966.

61-34 Federal Aviation Regulations Written Examination Guide for Private, Commercial, and Military Pilots (11-17-67).

Outlines the scope of the basic knowledge required of civilian pilots who are studying regulations as they pertain to certification of private and commercial pilots. Additionally, it accomplishes the same for military pilots or qualified former military pilots who are applying for FAA private or commercial pilot certificates on the basis of military competency. Reprinted 1969. (\$0.50 GPO.) TD 4.8:P 64.

61-36 Use of Other Than U.S. Coast and Geodetic Survey Charts on Pilot Flight Tests (2-6-67).

Clarifies the requirement governing the use on pilot flight tests of en route and instrument approach charts prepared by other than the U.S. Coast and Geodetic Survey.

61-37 Correction to Koch Chart in AC 61-11 and AC 61-28 (2-14-67).

Notifies holders of AC 61-11, Airplane Flight Instructor Examination Guide (1965), and AC 61-28, Commercial Pilot Written Examination Guide (1966), of inaccuracies in the Koch Charts for Altitude and Temperature Effects which appear in these publications.

61-38 Rotorcraft Helicopter Written Test Guide (8-16-67).

Gives guidance to applicants preparing for the aeronautical knowledge requirement for a flight instructor certificate with a helicopter rating.

61-39 Flight Test Guide, Private and Commercial Pilot—Glider (8-28-67).

Assists applicants for private and commercial pilot flight tests in gliders.

61-41 Glider Flight Instructor Written Test Guide (11-7-67).

Outlines the scope of the basic aeronautical knowledge requirements for a glider flight instructor; acquaints the applicant with source material that may be used to acquire this basic knowledge; and presents a sample test with correct answers and explanations.

61-42 Airline Transport Pilot (Helicopter) Written Test Guide (11-7-67).

Provides guidance to applicants preparing for the Airline Transport Pilot Rotorcraft/Helicopter (VFR and/or IFR) Written Tests. Describes the type and scope of required aeronautical knowledge covered by the written test. (\$0.35 GPO.) TD 4.408 : H 36.

61-43 Glider Pilot Written Test Guide—Private and Commercial (11-30-67).

Outlines the scope of the basic aeronautical knowledge requirements for a glider pilot; acquaints the applicant with source material that may be used to acquire this basic knowledge; and presents a sample test with correct answers and explanations.

61-45 Instrument Rating (Helicopter) Written Test Guide (1-24-68).

Assists applicants who are preparing for the helicopter instrument rating. Presents a study outline, study materials and a sample test with answers.

61-46 Flight Instructor Procedures (6-4-69).

Notifies flight instructors of the procedures involved in the renewal or reinstatement of Flight Instructor Certificates, qualification for "Gold Seal" certificates, and endorsing student pilot logbooks for various operations.

61.117-1C Flight Test Guide—Commercial Pilot, Airplane (2-7-69).

Assists the commercial applicant in preparing for his certification flight test. (\$0.20 GPO.) TD 4.8: P 64/3.

63-1A Flight Engineer Written Test Guide (5-10-68).

Contains information about certification requirements and describes the type

and scope of the examination. It also lists appropriate study and reference material and presents sample examinations with test items similar to those found in the official examinations. Published in 1968. (\$0.50 GPO.) TD 4.08 : En 3.

63-2A Flight Navigator Written Test Guide (4-4-69).

Defines the scope and narrows the field of study to the basic knowledge required for the Flight Navigator Certificate. Published in 1969. (\$0.40 GPO.) TD 4.8 : F 64/2.

65-2A Airframe and Powerplant Mechanics Certification Guide (10-12-67).

Provides information to prospective airframe and powerplant mechanics and other persons interested in FAA certification of aviation mechanics. Reprinted in 1969. (\$0.65 GPO.) TD 4.8 : A1 7/6.

65-1A Aircraft Dispatcher Written Test Guide (8-16-68).

Describes the type and scope of aeronautical knowledge covered by the aircraft dispatcher written examination, lists reference materials, and presents sample questions. Published in 1969. (\$0.50 GPO.) TD 4.8 : A1 7/12.

65-5 Parachute Rigger Certification Guide (6-19-67).

Provides information on how to apply for a parachute rigger certificate or rating and assists the applicant in preparing for the written, oral, and practical tests. Published in 1968. (\$0.15 GPO.) TD 4.8 : P 21.

65-6A Change in Airframe and Powerplant Mechanic Tests (12-3-67).

Provides a new effective date for the changeover to a new format for the Airframe and Powerplant mechanic written, oral, and practical tests announced by the earlier circular.

65.33-1 List of Study References for the ATC Tower Operator Examination (5-25-66).

The title is self-explanatory.

65.95-2A Handbook and Study Guide for Aviation Mechanics' Inspection Authorization (4-15-69).

Gives guidance to persons conducting annual and progressive inspection and approving major repairs or alterations of aircraft. While the handbook is primarily intended for mechanics holding or preparing for an Inspection Authorization, it may be useful to aircraft manufacturers and certificated repair stations who have these privileges.

Airspace

SUBJECT NO. 70

70/7460-1 Obstruction Marking and Lighting (2-29-68). (Consolidated reprint includes change 1, 1969.)

Describes the agency standards on obstruction marking and lighting and establishes the methods, procedures, and equipment types as official FAA policy. (\$0.60 GPO.) TD 4.8 : Ob 7/968.

70/7460-2A Proposed Construction or Alterations of Objects That May Affect the Navigable Airspace (7-2-69).

Alerts those persons proposing to erect or alter an object that may affect the navigable airspace of the requirement to submit a notice to the Administrator of the FAA.

70/7460-3 Petitioning the Administrator for Discretionary Review; Section 77.37, FAR (8-3-68).

Revises and updates information concerning the submission of petitions to the Administrator for review, extension, or revision of determinations issued by regional directors or their designees.

73-1 Establishment of Alert Areas (3-11-68).

Announces the establishment of alert areas and sets forth the procedures which FAA will follow in establishing such areas.

77-1 Objects Affecting Navigable Airspace (7-2-65).

Announces the availability of the revised Part 77 of the Federal Aviation Regulations (FAR), dated May 1, 1965. This revised Part 77 supersedes the edition dated December 12, 1962.

Air Traffic Control and General Operations

SUBJECT NO. 90

90-1A Civil Use of U.S. Government Produced Instrument Approach Charts (4-10-68).

Clarifies landing minimum requirements and revises instrument approach charts.

90-5 Coordination of Air Traffic Control Procedures and Criteria (6-13-63).

States Air Traffic Service policy respecting coordination of air traffic procedures and criteria with outside agencies and/or organizations.

90-8 Radio Identification of Student Pilots (8-15-63).

Encourages student pilots to identify themselves when communicating with FAA facilities.

90-11A Air Traffic Control Radio Frequency Assignment Plan (6-7-68).

Describes the civil air traffic control very high frequency assignment plan and the allocation of frequencies in the 118-136 MHz band.

90-12 Severe Weather Avoidance (4-15-64).

Provides information regarding air traffic control assistance in avoiding severe weather conditions.

90-14A Altitude—Temperature Effect on Aircraft Performance (1-26-68).

Introduces the Denalt Performance Computer and reemphasizes the hazardous effects density altitude can have on aircraft.

90-19 Use of Radar for the Provision of Air Traffic Control Services (10-29-64).

Advises the aviation community of FAA practice in the use of radar information to provide air traffic control services.

90-20 Weather Radar Radomes (11-12-64).

Highlights some important points to consider in the selection and maintenance of weather radar radomes.

90-22B Automatic Terminal Information Service (ATIS) (1-30-70).

Provides updated information concerning the operation of Automatic Terminal Information Service (ATIS).

90-23A Wake Turbulence (12-21-65).

Provides information on the subject of wake turbulence and suggests techniques that may help pilots avoid the hazards associated with wing tip vortex turbulence.

90-31 Retention of Flight Service Station (FSS) Civil Flight Plans and Related Records (7-1-67).

Establishes new retention periods for flight plans, preflight briefing logs, visual flight rule flight progress strips, and related records with FSSs.

90-32 Radar Capabilities and Limitations (8-15-67).

Advises the aviation community of the inherent capabilities and limitations of radar systems and the effect of these factors on the service provided by air traffic control (ATC) facilities.

90-33 VFR Communications for General Aviation (11-20-67).

Describes VHF (118-136 MHz band) air/ground communications channel utilization for general aviation aircraft in the VFR environment and includes information on the use of channels in the private aircraft (122-123 MHz) band recently made available by the Federal Communications Commission (Docket 17177).

90-34 Accidents Resulting from Wheelbarrowing in Tricycle Gear Equipped Aircraft (2-27-68).

Explains "wheelbarrowing", the circumstances under which it is likely to occur, and recommended corrective action.

90-35 Frequency Discipline (5-17-68).

Reemphasizes the need for pilots to be constantly aware of the importance of practicing frequency discipline in normal conduct of operations.

90-36 The Use of Chaff as an In-Flight Emergency Signal (5-22-68).

Advises of the value and proper usage of chaff to alert radar controllers to the presence of an aircraft in distress which has a two-way radio failure.

90-37 Flight Operations Near Airports (6-19-68).

Emphasizes to pilots the necessity of adhering to good operating practices and

procedures, particularly when operating at or near airports.

90-38 Use of Preferred IFR Routes (8-4-68).

Outlines the background, intent, and requested actions pertaining to the use of preferred IFR routes.

90-39 Identification of Civil Aircraft in Radio Communications (8-5-68).

Outlines an important change in the Federal Communications Commission (FCC) rules for the aviation services concerning the methods of identifying aircraft in radio transmissions.

90-40 Intersection Takeoffs (9-5-68).

Apprises pilots concerning procedures governing intersection takeoffs.

90-41 Standard Terminal Arrival Routes (9-6-68).

Describes a program for establishment and use of standard terminal arrival (STARS).

90-42 Traffic Advisory Practices at Nontower Airports (12-9-68).

This circular establishes, as good operating practices, procedures for pilots to exchange traffic information when operating to or from nontower airports.

90-43 Operations Reservations for High-Density Traffic Airports (3-25-69).

Advises the aviation community of the means for all aircraft operators, except scheduled and supplemental air carriers and scheduled air taxis, to obtain a reservation to operate to and/or from designated high-density traffic airports.

90-44 Airport Ground Operations During Low Visibility Conditions (4-25-69).

Alerts the aviation community to potential problem areas which may exist on airport movement areas during periods of extremely low visibility.

90-45 Approval of Area Navigation Systems for Use in the U.S. National Airspace System (8-18-69).

Provides guidelines for implementation of area navigation (RNAV) within the National Airspace System (NAS).

90-46 Depiction of Holding Patterns (8-19-69).

Provides information concerning the Federal Aviation Administration's plan to chart holding patterns and the course of action to be followed when holding is required.

91-3 Acrobatic Flight (9-30-63).

Sets safe operating practices for the conduct of acrobatic flight operations.

91-5A Waivers of Subpart B, Part 91 of the Federal Aviation Regulations (FARs) (5-6-69).

Provides updated information concerning the submission of applications for and the issuance of waivers of Subpart B, FAR 91.

91-6 Water, Slush, and Snow on the Runway (1-21-65).

Provides background and guidelines concerning the operation of turbojet aircraft with water, slush, and/or snow on the runway.

91-7 Hazards Associated With In-Flight Use of "Visible-Fluid" Type Cigarette Lighters (3-16-65).

Discusses the potential hazards associated with in-flight use of "visible-fluid" type cigarette lighters.

91-8 Use of Oxygen by General Aviation Pilots/Passengers (5-16-65).

Provides general aviation personnel with information concerning the use of oxygen.

91-9 Potential Hazards Associated With Turbojet Ground Operations (6-19-65).

Alerts turbojet operators and flight crews to potential hazards involving turbojet operations at airports.

91-10A Suggestions for Use of ILS Minima by General Aviation Operators of Turbojet Airplanes (10-8-65).

Provides general aviation operators of turbojet airplanes with information on practices and procedures to be considered before utilizing the lowest published IFR minima prescribed by FAR Part 97 and provides information on pilot-in-command experience, initial and recurrent pilot proficiency, and airborne airplane equipment.

91-11 Periodic Inspection Reminder (8-10-65).

Provides the aviation community with a uniform visual reminder of the date a periodic inspection becomes due.

91.11-1 Guide to Drug Hazards in Aviation Medicine (7-19-63).

Lists all commonly used drugs by pharmacological effect on airmen with side effects and recommendations. Reprinted 1970. (\$0.50 GPO.) FAA 7.9 : D 84.

91-12 Required Inspection for Air Carrier Aircraft Reverting to General Operation Under FAR 91 (5-24-66).

Describes acceptable methods for complying with the required inspections established by FAR Part 91.

91-13 Cold Weather Operation of Aircraft (11-16-66).

Emphasizes factors to be considered for the effective preparation, maintenance, and operation of aircraft in cold weather.

91-14 Altimeter Setting Sources (2-15-67).

Provides the aviation public, industry, and FAA field personnel with guidelines for setting up reliable altimeter setting sources.

91-15 Terrain Flying (2-2-67).

A pocket-size booklet designed as a tool for the average private pilot. Con-

tains a composite picture of the observations, opinions, warnings, and advice from veteran pilots who have flown this vast land of ours that can help to make flying more pleasant and safer. Tips on flying into Mexico, Canada, and Alaska. (\$0.55 GPO.) TD 4.2:T 27.

91-16 Category II Operations—General Aviation Airplanes (8-7-67).

Sets forth acceptable means by which Category II operations may be approved in accordance with FAR Parts 23, 25, 61, 91, 97, and 135.

91-17 The Use of View Limiting Devices on Aircraft (2-20-68).

Alerts pilots to the continuing need to make judicious and cautious use of all view limiting devices on aircraft.

91-18 Course Needle Oscillations on VHF Omnidirectional Range (VOR) Receivers (12-6-68).

Advises all operators of aircraft equipped with VHF omnidirectional range (VOR) receivers regarding course needle oscillations.

91-19 Emergency Locator Beacons—Crash, Survival, Personnel (3-17-69).

Provides information concerning recent activities relating to emergency locator radio beacons. Describes for users the means by which such signals will be monitored or heard.

91-20 Inspection Schedule—for Beech Model B-99 (3-14-69).

Provides information for use by persons planning to develop an inspection schedule for Beech Model B-99.

91-21 Inspection Schedule—for Handley-Page Model HP-137 (4-24-69).

Provides information for use by persons planning to develop an inspection schedule for the Handley-Page Model HP-137 aircraft.

91-22 Altitude Alerting Devices/Systems (7-7-69).

Provides guidelines for installing and evaluating altitude alerting systems.

91-24 Aircraft Hydroplaning or Aquaplaning on Wet Runways (9-4-69).

Provides information to the problem of aircraft tires hydroplaning on wet runways.

91-25 Loss of Visual Cues During Low Visibility Landings (9-22-69).

Provides information regarding the importance to the pilot of maintaining unbroken visual cues during the final stages of an instrument approach when reaching the DH or MDA and continuing further descent.

91-26 Maintenance and Handling of Air-Driven Gyroscopic Instruments (10-29-69).

Advises operators of general aviation aircraft of the need for proper maintenance of air-driven gyroscopic instruments and associated air filters.

91-27 Systemworthiness Analysis Program (10-30-69).

Provides information on the adaptation of the Systemworthiness Analysis Program to certain activities in general aviation.

91-28 Unexpected Opening of Cabin Doors (12-23-69).

Outlines the importance of assuring that cabin doors are properly closed prior to takeoff.

91.29-1 Special Structural Inspections (1-8-68).

Discusses occurrences which may cause structural damage affecting the airworthiness of aircraft.

91.83-1 Canceling or Closing Flight Plans (3-12-64).

Outlines the need for canceling or closing flight plans promptly to avoid costly search and rescue operations.

91.83-2 IFR Flight Plan Route Information (2-16-66).

Clarifies the air traffic control needs for the filing of route information in an IFR (Instrument Flight Rules) flight plan.

95-1 Airway and Route Obstruction Clearance (6-17-65).

Advises all interested persons of the airspace areas within which obstruction clearance is considered in the establishment of Minimum En Route Instrument Altitudes (MEAs) for publication in FAR Part 95.

99.11-1 Flight Plan Requirements: Coastal or Domestic ADIZ (11-15-63).

Provides recommended flight plan filing procedures for operation within or into an Air Defense Identification Zone (ADIZ).

99.27-1 Flight Plan Tolerances for Air Defense Identification Zones (9-30-63).

Provides recommended flight plan tolerances for operations within or into the ADIZ.

101-1 Waivers of Part 101, Federal Aviation Regulations (1-13-64).

Provides information on submission of applications and issuances of waivers to FAR Part 101.

103-1 Hazard Associated With Sublimation of Solid Carbon Dioxide (Dry Ice) Aboard Aircraft (12-16-63).

Discusses potential hazards of dry ice and gives precautionary measures.

105-2 Sport Parachute Jumping (9-6-68).

Provides suggestions to improve sport parachuting safety; information to assist parachutists in complying with FAR Part 105; and a list of aircraft which may be operated with one cabin door removed, including the procedures for obtaining FAA authorization for door removal.

Air Carrier and Commercial Operators and Helicopters

SUBJECT NO. 120

120-1A Reporting Requirements of Air Carriers, Commercial Operators, and Travel Clubs (4-24-69).

Advises of the mechanical reliability reporting requirements contained in FAR Parts 121 and 127 and the accident and incident reporting requirements of NTSB Part 430, Safety Investigation Regulations.

120-2A Precautionary Propeller Feathering To Prevent Runaway Propellers (8-20-63).

Emphasizes the need for prompt feathering when there is an indication of internal engine failure.

120-4B Criteria for Turbojet Landing Weather Minima—Air Carriers and Commercial Operators of Large Aircraft (6-14-68).

Sets forth the criteria for approval of landing weather minima for turbojet aircraft below 3/4-mile visibility or RVR 4,000 but above Category II minima.

120-5 High Altitude Operations in Areas of Turbulence (8-26-63).

Recommends procedures for use by jet pilots when penetrating areas of severe turbulence.

120-7 Minimum Altitudes for Conducting Certain Emergency Flight Training Maneuvers and Procedures (9-4-63).

Recommends minimum altitudes for conducting simulated emergency flight training maneuvers be established.

120-12 Private Carriage Versus Common Carriage by Commercial Operators Using Large Aircraft (6-24-64).

Provides guidelines for determining whether current or proposed transportation operations by air constitute private or common carriage.

120-13 Jet Transport Aircraft Attitude Instrument Systems (6-26-64).

Provides information about the characteristics of some attitude instrument systems presently installed in some jet transport aircraft.

120-14 Air Taxi Operators and Commercial Operators of Small Aircraft (7-6-64).

Clarifies the requirements of Part 135 of the FAR's and provides additional information not readily available.

120-16A Continuous Airworthiness Program (9-11-69).

Provides air carriers and commercial operators with guidance and information pertinent to certain provisions of Federal Aviation Regulations Parts 121 and 127.

120-17 Handbook for Maintenance Control by Reliability Methods (12-31-64).

Provides information and guidance material which may be used to design or

develop maintenance reliability programs which include a standard for determining time limitations.

120-17 CH 1 (6-24-66).

120-17 CH 2 (5-6-68).

120-18 Preservation of Maintenance Records (5-10-65).

Provides information and guidance relative to the microfilming of maintenance records.

120-20 Criteria for Approval of Category II Landing Weather Minima (6-6-66).

Sets forth criteria, guidelines, and procedures which provide an acceptable basis for the approval of Category II ILS minima and the installation approval of the associated airborne systems.

120-20 CH 1 (1-12-68).

Transmits a revised Appendix 3 of the Advisory Circular.

120-20 CH 2 (5-21-68).

Clarifies use of minimum glide slope threshold crossing height in Par. 11, Appendix 3.

120-21 Aircraft Maintenance Time Limitations (6-24-66).

Provides methods and procedures for the initial establishment and revision of time limitations on inspections, checks, maintenance or overhaul.

120-24A Establishment and Revision of Aircraft Engine Overhaul and Inspection Periods (2-25-69).

Describes methods and procedures used by the FAA in the establishment and revision of aircraft engine overhaul periods.

120-26 Civil Aircraft Operator Designators (1-25-68).

States the criteria and the procedures for the assignment of a designator and a corresponding air/ground call sign to civil aircraft operators engaged in domestic services on a repetitive basis.

120-27 Aircraft Weight and Balance Control (10-15-68).

Provides a method and procedures for weight and balance control.

120-28 Concepts of Airborne Systems for Category IIIA Operations (9-5-69).

Assist the aviation industry with initial preparations for Category IIIA operations.

121-1 Standard Maintenance Specifications Handbook (12-15-62).

Consolidated reprint 5-15-69, includes Changes 1 through 18.

Provides procedures acceptable to FAA which may be used by operators when establishing inspection intervals and overhaul times.

121-1 CH 19 (12-19-69).

Revises existing material in the subject handbook.

121-3J Maintenance Review Board Reports (12-3-69).

Revises the list of Maintenance Review Board Reports that are currently in effect by adding Boeing 737, Revision No. 1.

121-6 Portable Battery-Powered Megaphones (1-5-66).

Sets forth an acceptable means for complying with rules (applicable to various persons operating under Part 121 of the Federal Aviation Regulations) that prescribe the installation of approved megaphones.

121-7 Use of Seat Belts by Passengers and Flight Attendants To Prevent Injuries (7-14-66).

Concerned with the prevention of injury due to air turbulence.

121-8 Additional Airport Aids—Runway Marking and Lighting—Air Carrier Turbojet Operations (9-19-66).

Emphasizes the importance of runway markings and approach slope guidance in assisting turbojet airplane pilots to touchdown at the proper runway point.

121-9 Maintenance of Evacuation Slides (9-22-66).

Provides information and guidance to air carriers and commercial operators in the maintenance of emergency evacuation slides.

121-12 Wet or Slippery Runways (8-17-67).

Provides uniform guidelines in the application of the "wet runway" rule by certificate holders operating under FAR 121.

121-13 Self-contained Navigation Systems (Long Range) (10-14-69).

States an acceptable means, not the only means, of compliance with the referenced Sections of the FAR as they apply to persons operating under Parts 121 or 123 who desire approval of Doppler RADAR navigation systems or Inertial Navigation Systems (INS) for use in their operations.

121-14 Aircraft Simulator Evaluation and Approval (12-19-69).

Sets forth one means that would be acceptable to the Administrator for approval of aircraft simulators or other training devices requiring approval under 121.407.

121.195(d)-1 Alternate Operational Landing Distances for Wet Runways; Turbojet Powered Transport Category Airplanes (11-19-65).

Sets forth an acceptable means, but not the only means, by which the alternate provision of section 121.195(d) may be met.

123-1 Air Travel Clubs (10-17-68).

Sets forth guidelines and procedures to assist air travel clubs using large aircraft in meeting safety requirements of FAR Part 123.

135.155-1 Alternate Static Source for Altimeters and Airspeed and Vertical Speed Indicators (2-19-65).

Sets forth an acceptable means of compliance with provisions in FAR Part

135 and Part 23 dealing with alternate static sources.

135-1A Air Taxi Aircraft Weight and Balance Control (9-26-69).

Provides a method and procedures for developing a weight and balance control system for small aircraft operating in the air taxi fleet under FAR Part 135.

135-2 Air Taxi Operators of Large Aircraft (10-14-69).

Provides guidelines and procedures for use by air taxi operators or applicants for Air Taxi Operator certificates who desire to obtain FAA authorization to operate large aircraft (more than 12,500 pounds maximum certificated takeoff weight) in air taxi operations.

137-1 Agricultural Aircraft Operations (11-29-65).

Explains and clarifies the requirements of FAR Part 137 and provides additional information, not regulatory in nature, which will assist interested persons in understanding the operating privileges and limitations of this part.

Schools and Other Certificated Agencies**SUBJECT NO. 140****140-1D Consolidated Listing of FAA Certificated Repair Stations (7-1-68).**

Gives the name, address, certificate number, and ratings of repair stations.

140-2E List of Certificated Pilot Flight and Ground Schools (1-1-69).

Lists FAA certificated pilot schools as of January 1969.

140-3B Approval of Pilot Training Courses Under Subpart D of Part 141 of the FAR (1-8-70).

The title is self-explanatory.

140-4 Use of Audio-Visual Courses in Approved Pilot Ground Schools Certificated Under Part 141 (8-7-68).

Informs operators of certificated pilot schools on the use of audio-visual training aids for instruction in approved ground school courses conducted under the FARs.

143-1B Ground Instructor Examination Guide—Basic—Advanced (4-18-67).

Designed to assist applicants preparing for the Basic or Advanced Ground Instructor Written Examination by outlining the required knowledge and by providing sample questions for practice. Revised in 1967. (\$1 GPO.) TD 4.408 : G 91.

143-2A Ground Instructor—Instrument—Written Test Guide (9-29-67).

Provides information to applicants for the instrument ground instructor rating about the subject areas covered in the examination and illustrated by a study outline, a list of study materials, and a sample examination with answers. Reprinted in 1969. (\$0.70 GPO.) TD 4.8 : G 91.

145.101-1A Application for Air Agency Certificate—Manufacturer's Maintenance Facility (3-10-69).

Explains how to obtain a repair station certificate.

147-2F Federal Aviation Administration Certificated Mechanic School Directory (7-15-69).

Provides a revised listing of all FAA certificated mechanic schools as of July 15, 1969.

149-2D Listing of Federal Aviation Administration Certificated Parachute Lofts (8-1-68).

Provides a revised list of all FAA certificated parachute lofts.

Airports**SUBJECT NO. 150****DEFENSE READINESS PROGRAM****150/1930-1 Radiological Decontamination of Civil Airports (8-19-66).**

Offers guidance in preattack preparations, emergency action and decontamination methods.

AIRPORT PLANNING**150/5040-1A Announcement of Report—Aviation Demand and Airport Facility Requirement Forecasts for Large Air Transportation Hubs Through 1980 (3-27-69).**

Announces the availability of the new report and where to obtain it.

150/5040-2 Announcement of Report—Aviation Demand and Airport Facility Requirement Forecasts for Medium Air Transportation Hubs Through 1980 (5-22-69).

Announces the availability to the public, Federal Aviation Administration personnel, airport and local government planning officials, the aviation industry, and the interested public with forecasts of aviation demand and selected airport facility requirements for medium hubs through 1980.

150/5040-3 Announcement of Report—A Suggested Action Program for the Relief of Airfield Congestion at Selected Airports (6-19-69).

Announces the availability of the report to the public which identifies and analyzes the possible improvements leading to reduced aircraft delays at 18 of the Nation's highest density airports.

150/5050-2 Compatible Land Use Planning in the Vicinity of Airports (4-13-67).

Advises Federal Aviation Administration personnel, local government officials and the public of the availability of the following two reports prepared under the auspices of the FAA by the firm of Transportation Consultants, Inc. *Compatible Land Use Planning On and Around Airports, and Aids Available for Compatible Land Use Planning Around Airports.*

150/5050-3 Announcement of a Report Entitled "Planning the State Airport System" (1-31-69).

Advises of the availability of the report and how to obtain it.

150/5060-1A Airport Capacity Criteria Used in Preparing the National Airport Plan (7-8-68).

Presents the method used by the Federal Aviation Administration for determining when additional runways, taxiways, and aprons should be recommended in the National Airport Plan. The material is also useful to sponsors and engineers in developing Airport Layout Plans and for determining when additional airport pavement facilities should be provided to increase aircraft accommodation capacity at airports.

150/5060-2 Airport Site Selection (7-19-67).

Recommends procedures and provides guidance for analyzing potential airport sites.

150/5060-3 Airport Capacity Criteria used in Long-Range Planning (4-7-69).

Makes available to the public the method used by the Federal Aviation Administration for determining the approximate practical hourly and practical annual capacities of various airport runway configurations.

150/5070-1 Rapid Transit Service for Metropolitan Airports (8-26-65).

Informs airport officials of a Federal assistance program for rapid transit.

150/5070-2 Planning the Metropolitan Airport (9-17-65). (Consolidated reprint 6-30-66 includes change 1.)

Provides guidance and methodology for planning the metropolitan airport system as a part of the comprehensive metropolitan planning program.

150/5070-3 Planning the Airport Industrial Park (9-30-65).

Provides guidance to communities, airport boards, and industrial developers for the planning and development of Airport Industrial Parks.

150/5070-4 Planning for Rapid Urbanization Around Major Metropolitan Airports (3-31-66).

Alerts planning agencies to the need for developing appropriate planning programs to guide rapid urbanization in the vicinity of major metropolitan airports and suggests procedures for such planning programs.

150/5090-1 Regional Air Carrier Airport Planning (2-2-67).

This circular: (1) Informs local and State governments, airport operators, and area planners of a Federal policy concerning the development of a single airport to serve two or more cities and their environs; and (2) provides such planners with guidance for evaluating the feasibility of establishing such regional airports.

FEDERAL-AID AIRPORT PROGRAMS

150/5100-3A Federal-aid Airport Program-Procedures Guide for Sponsors (9-20-68).

Provides guidance to public agencies that sponsor or propose to sponsor projects under the Federal-aid Airport

Program (FAAP) authorized by the Federal Airport Act.

150/1500-3A CH 1 (11-28-69).

Transmits revised pages to subject advisory circular.

150/5100-4 Airport Advance Planning (1-12-68).

Provides an explanation of the FAA advance planning program.

150/5100-5 Land Acquisition in the Federal-aid Airport Program (1-30-69).

Provides general information to sponsors of airport development projects under the Federal-aid Airport Program on the eligibility of land acquisition and extent of Federal participation in land acquisition costs.

150/5100-6 Labor Requirements in Federal-Aid Airport Program Contracts (6-6-69).

Covers the basic labor requirements applicable to the Federal-aid Airport Program (FAAP). Intended primarily for the guidance of those public agencies sponsoring projects under the program and the contractors and subcontractors engaged in work under a project.

SURPLUS AIRPORT PROPERTY CONVEYANCE PROGRAMS

150/5150-2 Federal Surplus Personal Property for Public Airport Purposes (6-27-68).

Outlines policies and procedures for State and local agencies applying for and acquiring surplus Federal personal property for public airport purposes.

150/5150-2 CH 1 (4-22-69).

Revises the flow of copies of the SF 123 to provide for more accurate review of donated property.

AIRPORT COMPLIANCE PROGRAM

150/5190-1 Minimum Standards for Commercial Aeronautical Activities on Public Airports (8-18-66).

Gives to owners of public airports information helpful in the development and application of minimum standards for commercial aeronautical activities.

150/5190-2 Exclusive Rights at Airports (9-2-66).

Provides basic information and guidance on FAA policy concerning exclusive rights at public airports on which Federal funds, administered by the FAA, have been expended.

150/5190-3 Model Airport Zoning Ordinance (1-16-67).

Provides a guide to be used in preparing airport zoning ordinances. This model will require modification and revision to suit circumstances and fulfill State and local law.

AIRPORT SAFETY—GENERAL

150/5200-1 Bird Hazards to Aviation (3-1-65).

Discusses certain steps that can be taken toward reducing or solving the bird strike problem on and near airports.

150/5200-2A Bird Strike/Incident Report Form (1-9-70).

Informs military and civil aviation organizations that FAA Form 3830, "Bird Strike/Incident Report Form," (BOB: 04-R136) is available for use in reporting bird hazards and accidents/incidents to aircraft resulting from bird strikes.

150/5200-3 Bird Hazards to Aircraft (10-7-66).

Transmits the latest published information concerning the reduction of bird strikes on aircraft.

150/5200-4 Foaming of Runways (12-21-66).

Discusses runway foaming and suggests procedures for providing this service.

150/5200-5 Considerations for the Improvement of Airport Safety (2-2-67).

Emphasizes that, in the interest of accident/incident prevention, airport management should conduct self-evaluations and operational safety inspections. An exchange of information and suggestions for the improvement of airport safety is also suggested.

150/5200-6A Security of Aircraft at Airports (6-28-68).

Directs attention to the problem of pilferage from aircraft on airports and suggests action to reduce pilferage and the hazards that may result therefrom.

150/5200-7 Safety on Airport During Maintenance of Runway Lighting (1-24-68).

Points the possibility of an accident occurring to airport employees caused by electrocution.

150/5200-8 Use of Chemical Controls to Repel Flocks of Birds at Airports (5-2-68).

Acquaints airport operators with new recommendations on the use of chemical methods for dispersing flocks of birds.

150/5200-9 Bird Reactions and Scaring Devices (6-26-68).

Transmits a report on bird species and their responses and reactions to scaring devices.

150/5200-10 Airport Emergency Operations Planning (7-26-68).

Provides guidance to airport management and disaster control personnel in the preparation of plans for emergency actions at civil airports.

150/5200-11 Airport Terminals and the Physically Handicapped (11-27-68).

Discusses the problems of the physically handicapped air traveler and suggests features that can be incorporated in modification or new construction of airport terminal buildings.

150/5200-12 Fire Department Responsibility in Protecting Evidence at the Scene of an Aircraft Accident (8-7-69).

Furnishes general guidance for employees of airport management and other personnel responsible for fire fighting

and rescue operations, at the scene of an aircraft accident, on the proper preservation of evidence.

150/5210-2 Airport Emergency Medical Facilities and Services (9-3-64).

Provides information and advice so that airports may take specific voluntary preplanning actions to assure at least minimum first-aid and medical readiness appropriate to the size of the airport in terms of permanent and transient personnel.

150/5210-4 FAA Aircraft Fire and Rescue Training Film, "Blanket for Survival" (10-27-65).

Provides information on the purpose, content, and availability of the subject training film.

150/5210-5 Painting, Marking, and Lighting of Vehicles Used on an Airport (8-31-66).

Makes recommendations concerning safety, efficiency, and uniformity in the interest of vehicles used on the aircraft operational area of an airport.

150/5210-6A Aircraft Fire and Rescue Facilities and Extinguishing Agents (1-14-70).

Furnishes general guidance for estimating the aircraft fire and rescue facilities needed at civil airports.

150/5210-7 Aircraft Fire and Rescue Communications (10-28-66).

Provides airport management with information helpful in the establishment of communication and alarm facilities. Such facilities alert and guide those personnel who must deal with aircraft ground emergencies.

150/5210-8 Aircraft Firefighting and Rescue Personnel and Personnel Clothing (1-13-67).

Provides guidance concerning the manning of aircraft fire and rescue trucks, the physical qualifications that personnel assigned to these trucks should meet, and the protective clothing with which they should be equipped.

150/5210-9 Airport Fire Department Operating Procedures During Periods of Low Visibility (10-27-67).

Suggests training criteria which airport management may use in developing minimum response times for aircraft fire and rescue trucks during periods of low visibility.

150/5210-10 Airport Fire and Rescue Equipment Building Guide (12-7-67).

This title is self-explanatory.

150/5210-11 Response to Aircraft Emergencies (4-15-69).

Informs airport operators and others of an existing need for reducing aircraft firefighting response time, and outlines a uniform response time goal of 2 minutes within aircraft operational areas on airports.

150/5220-1 Guide Specification for a Light-Weight Airport Fire and Rescue Truck (7-24-64).

Describes a vehicle with performance capabilities considered as minimum for an acceptable light rescue truck.

150/5220-2 Guide Specification for 1,800-Gallon Aircraft Fire and Rescue Truck (7-24-64).

Describes a vehicle possessing the minimum performance capabilities recommended for an acceptable aircraft fire and rescue truck.

150/5220-3 Guide Specification for 1,000-Gallon Aircraft Fire and Rescue Truck (3-9-67).

The title is self-explanatory.

150/5220-4 Water Supply Systems for Aircraft Fire and Rescue Protection (12-7-67).

The title is self-explanatory.

150/5220-5 Guide Specification for a Combination Foam and Dry Chemical Aircraft Fire and Rescue Truck (12-29-67).

Specification requirements developed by FAA to assist airport management in developing local procurement specifications for fire and rescue trucks.

150/5220-6 Guide Specification for 1,000-Gallon Tank Truck (4-10-68).

Assists airport management in the development of local procurement specifications.

150/5220-7 Guide Specification for 2,500-Gallon Aircraft Fire and Rescue Truck (8-30-68).

Guide Specification developed to assist airport management in the development of local procurement specifications.

150/5220-8 Guide Specification for 2,000-Gallon Tank Truck (6-13-69).

Assists airport management in the development of local procurement specifications for 2,000-gallon tank truck.

150/5230-1 Suggestions for Airport Safety Self-Inspection (3-30-64).

Summarizes the functional statements, procedures, forms, and schedules on safety self-inspection now in use at many U.S. civil airports.

150/5230-3 Fire Prevention During Aircraft Fueling Operations (4-8-69).

This advisory circular provides information on fire preventative measures which aircraft servicing personnel should observe during fueling operations.

CIVIL AIRPORTS EMERGENCY PREPAREDNESS

150/5240-1A Airport Disaster Control Guide (10-31-67).

Acts as a guide to reducing or avoiding problems imposed by enemy nuclear attack.

DESIGN, CONSTRUCTION, AND MAINTENANCE—GENERAL

150/5300-2A Airport Design Standards—Site Requirements for Terminal Navigational Facilities (10-3-69).

Provides information regarding the location, function, and siting requirements of terminal air navigational facilities to enable sound airport design and development, as well as facilitating their proper and economical establishment.

150/5300-3 Adaptation of TSO-N18 Criterion to Clearways and Stopways (10-18-64).

Sets forth standards recommended by the FAA for guidance of the public for the adaptation of TSO-N18 criterion to clearways and stopways.

150/5300-4A Utility Airports—Air Access to National Transportation (5-6-69).

Presents recommendations of the Federal Aviation Administration for the design of utility airports. These airports are developed for general aviation operations and this guide has been prepared to encourage and guide persons interested in their development. (\$1.75 GPO.) TD 4.8 : A1 7/968.

150/5300-5 Airport Reference Point (9-26-68).

Defines and presents the method for calculating an airport reference point.

150/5300-6 Airport Design Standards, General Aviation Airports, Basic and General Transport (7-14-69).

Provides recommended design criteria for the development of larger than general utility airports.

150/5310-2 Airport Planning and Airport Layout Plans (9-19-68).

Contains guidance material for airport planning and preparation of airport layout plans. It applies to any airport. It is also used as a basis for determining the acceptability of airport layout plans prepared or revised with Federal cost participation under the Federal-aid Airport Program.

150/5310-3 FAA Order 5310.2, Relocating Thresholds Due to Obstructions at Existing Runways (5-27-68).

Announces the issuance of instructions to FAA field personnel on the displacement or relocation of thresholds.

150/5320-5A Airport Drainage (1-20-66).

Provides guidance for airport managers, engineers, and the public in the design and maintenance of airport drainage systems. Published in 1965. (\$0.45 GPO.) FAA 8.8 : D 78.

150/5320-6A Airport Paving (5-9-67).

Provides data for the design and construction of pavements at civil airports.

150/5320-6A CH 1 (6-11-68).

Transmits page changes and adds new chapter 6 to basic AC.

150/5325-2A Airport Surface Areas Gradient Standards (5-12-66).

Sets forth standards recommended by FAA for guidance of the public in establishing the gradient of airport surface areas used for landing, takeoff, and other aircraft ground movement.

150/5325-3 Background Information on the Aircraft Performance Curves for Large Airplanes (1-26-65).

Provides airport designers with information on aircraft performance curves for design which will assist them in an objective interpretation of the data used for runway length determination.

150/5325-3 CH 1 (5-12-66).

Transmits a revision to the effective runway gradient standards.

150/5325-4 Runway Length Requirements for Airport Design (4-5-65).

Presents aircraft performance curves and sets forth standards for the determination of runway lengths to be provided at airports. The use of these standards is required for project activity under the Federal-aid Airport Program when a specific critical aircraft is considered as the basis for the design of a runway.

150/5325-4 CH 1 (8-5-65).

Provides amended information for the basic advisory circular and includes aircraft performance curves for the BAC 1-11.

150/5325-4 CH 2 (9-21-65).

Transmits aircraft performance curves for the Boeing 707-300C and the Fairchild F-27 and F-27B.

150/5325-4 CH 3 (4-25-66).

Transmits aircraft performance curves for the Douglas DC-8-55, DC-8F-55, and DC-9-10 Series, the Fairchild F-27J, and the Nord 262.

150/5325-4 CH 4 (5-12-66).

Transmits a revision to the effective runway gradient standards.

150/5325-4 CH 5 (7-13-66).

Transmits aircraft performance curves for the Douglas DC-9-10 Series equipped with Pratt & Whitney JT8D-1 Engines.

150/5325-4 CH 6 (12-8-66).

It is recommended that turbojet powered aircraft use more runway length when landing under wet or slippery, rather than under dry conditions. This change furnishes a basis for estimating the additional recommended length.

150/5325-4 CH 7 (2-7-67).

Presents design curves for landing and takeoff requirements of airplanes in common use in the civil fleet. Also presented are instructions on the use of these design curves and a discussion of the factors considered in their development.

150/5325-4 CH 8 (11-8-67).

Transmits aircraft performance curves for the Boeing 747, Convair 640 (340D or 440D), and Douglas DC-9-30 Series.

150/5325-5A Aircraft Data (1-12-68).

Presents a listing of principal dimensions of aircraft affecting airport design for guidance in aircraft development.

150/5325-6 Effects of Jet Blast (4-15-65).

Presents the criteria for treatment of jet blast effects which are acceptable in accomplishing a project meeting the eligibility requirements of the Federal-aid Airport Program.

150/5325-7 Is Your Airport Ready for the Boeing 747 (1-23-68).

Presents a preliminary condensed survey of today's airport design criteria and their suitability to the presently known characteristics of the Boeing 747 airplane.

150/5325-8 Compass Calibration Pad (5-8-69).

Provides guidelines for the design, location on the airport, and construction of a compass calibration pad, and basic information concerning its use in determining the deviation error in an aircraft magnetic compass.

150/5330-2A Runway/Taxiway Widths and Clearances for Airline Airports (7-26-68).

Presents the Federal Aviation Administration recommendations for landing strip, runway, and taxiway widths and clearances at airports served by certificated air carriers.

150/5330-3 Wind Effect on Runway Orientation (5-5-66).

Provides guidance for evaluating wind conditions and determining their effect on the orientation of runways.

150/5335-1 Airport Taxiways (1-28-65).

Provides the criteria for airport taxiways which are acceptable in accomplishing a project meeting the eligibility requirements of the Federal-aid Airport Program.

150/5335-1 CH 1 (11-15-66).

Taxiways designed for two- and three-engine jet powered air carrier airplanes may have a minimum width of 60 feet. This change provides guidance for the design of such taxiway design widths.

150/5335-2 Airport Aprons (1-27-65).

Provides the criteria for airport aprons which are acceptable in accomplishing a project meeting the eligibility requirements of the Federal-aid Airport Program.

150/5340-1B Marking of Serviceable Runways and Taxiways (4-2-69).

Sets forth standards and practices for the guidance of the public in marking and remarking serviceable runways and taxiways. Required for FAAP.

150/5340-4B Installation Details for Runway Centerline and Touchdown Zone Lighting Systems (5-6-69).

Describes standards for the design and installation of runway centerline and touchdown zone lighting systems.

150/5340-5 Segmented Circle Airport Marker System (8-1-63).

Recommends an airport marking system of pilot aids and traffic control devices. Required for PAAP project activity.

150/5340-7A Marking and Lighting of Deceptive, Closed, and Hazardous Areas on Airports (1-10-68).

Describes standards for marking deceptive, closed, and hazardous areas on airports.

150/5340-8 Airport 51-foot Tubular Beacon Tower (6-11-64).

Provides design and installation details on the subject tower.

150/5340-9 Prefabricated Metal Housing for Electrical Equipment (8-18-64).

Provides design and installation details on the subject metal housing.

150/5340-13A High Intensity Runway Lighting System (4-14-67).

Provides corrected curves for estimating loads in high intensity series circuits.

150/5340-14A Economy Approach Lighting Aids (3-7-67).

Describes standards for the design, installation, and maintenance of economy approach lighting aids.

150/5340-15A Taxiway Edge Lighting System (11-1-67).

Describes standards for the design, installation, and maintenance of a taxiway edge lighting system.

150/5340-15A CH 1 (4-2-68).

Transmits change to basic AC.

150/5340-16A Medium Intensity Runway Lighting System (12-19-67).

Describes standards for the design, installation, and maintenance of a medium intensity runway lighting system.

150/5340-17 Standby Power for Non-FAA Airport Lighting Systems (1-25-68).

Describes standards acceptable for the design, installation, and maintenance of standby power for nonagency owned airport visual aids associated with the National Airspace System.

150/5340-18 Taxiway Guidance System (9-27-68).

Describes the recommended standards for design, installation, and maintenance of a taxiway guidance sign system.

150/5340-19 Taxiway Centerline Lighting System (11-14-68).

Describes the recommended standards for design, installation, and maintenance of a taxiway centerline lighting system.

150/5340-20 Installation Details and Maintenance Standards for Reflective Markers for Airport Runway and Taxiway Centerlines (2-17-69).

Describes standards for the installation and maintenance of reflective markers for airport runway and taxiway centerlines.

150/5345-1B Approved Airport Lighting Equipment (10-30-68).

Contains lists of approved airport lighting equipment and manufacturers qualified to supply such equipment.

150/5345-2 Specification for L-810 Obstruction Light (11-4-63).

Required for FAAP project activity.

150/5345-2 CH 1 (10-28-66).

Transmits page changes to the subject advisory circular. This change provides for a new Alloy 360 in the die casting process.

150/5345-3A Specification for L-821 Airport Lighting Panel for Remote Control of Airport Lighting (10-20-67).

Required for FAAP project activity.

150/5345-3A CH 1 (6-11-68).

Corrects case dimensions for the size 4 panel and other page changes.

150/5345-3A CH-2 (9-17-69).

Provides corrected drawings for the size 4 panel layout dimensions and the case dimensions.

150/5345-4 Specification for L-289 Internally Lighted Airport Taxi Guidance Sign (10-15-63).

Required for FAAP project activity.

150/5345-4 CH 1 (10-28-66).

Transmits page changes to the subject advisory circular. This change provides for a new Alloy 360 in the die casting process.

150/5345-5 Specification for L-847 Circuit Selector Switch, 5000 Volt 20 Ampere (9-3-63).

Required for FAAP project activity.

150/5345-6 Specification for L-809 Airport Light Base and Transformer Housing (9-3-63).

Required for FAAP project activity.

150/5345-7 Specification for L-824 Underground Electrical Cables for Airport Lighting Circuits (11-4-63).

Required for FAAP project activity.

150/5345-9C Specification for L-819 Fixed Focus Bidirectional High Intensity Runway Lights (12-23-69).

Describes the subject specification requirements and is published by the Federal Aviation Administration for the guidance of the public.

150/5345-10B Specification for L-828 Constant Current Regulator With Stepless Brightness Control (4-8-68).

Required for FAAP project activity.

150/5345-11 Specification for L-812 Static Indoor Type Constant Current Regulator Assembly, 4 Kw and 7½ Kw, With Brightness Control for Remote Operations (3-2-64).

Required for FAAP project activity.

150/5345-12A Specification for L-801 Beacon (5-12-67).

Describes the subject specification requirements.

150/5345-13 Specification for L-841 Auxiliary Relay Cabinet Assembly for Pilot Control of Airport Lighting Circuits (1-6-64).

Required for FAAP project activity.

150/5345-15 Specification for L-842 Airport Centerline Light (1-6-64).

Required for FAAP project activity.

150/5345-16 Specification for L-843 Airport In-Runway Touchdown Zone Light (1-20-64).

Required for FAAP project activity.

150/5345-17 Specification for L-845 Semiflush Inset Prismatic Airport Light (3-3-64).

Describes the subject specification requirements.

150/5345-18 Specification for L-811 Static Indoor Type Constant Current Regulator Assembly, 4 Kw; With Brightness Control and Runway Selection for Direct Operation (3-3-64).

Required for FAAP project activity.

150/5345-18 CH 1 (5-28-64).

Advises that a detail requirement is not applicable to the circular.

150/5345-19 Specification for L-838 Semiflush Prismatic Airport Light (5-11-64).

Describes the subject specification requirements.

150/5345-20 Specification for L-802 Runway and Strip Light (6-24-64).

Describes the subject specification requirements.

150/5345-20 CH 1 (8-31-64).

Provides amended information for the basic advisory circular.

150/5345-20 CH 2 (1-14-66).

Provides new dimensions for the thickness of the metal stake and an organizational change.

150/5345-20 CH 3 (10-28-66).

Transmits page changes to the subject advisory circular. This change provides for a new Alloy 360 in the die casting process.

150/5345-20 CH 4 (8-5-69).

Describes the subject specification requirements for a runway and strip light.

150/5345-21 Specification for L-813 Static Indoor Type Constant Current Regulator Assembly; 4 Kw and 7½ Kw; for Remote Operation of Taxiway Lights (7-28-64).

Describes the subject specification requirements.

150/5345-22 Specification for L-834 Individual Lamp Series-to-Series Type Insulating Transformer for 5,000 Volt Series Circuit (10-8-64).

Describes the subject specification requirements.

150/5345-23 Specification for L-822 Taxiway Edge Light (10-13-64).

Describes the subject specification requirements.

150/5345-23 CH 1 (1-14-66).

Provides new dimensions for the thickness of the metal stake and an organizational change.

150/5345-23 CH 2 (10-28-66).

Transmits page changes to the subject advisory circular. This change provides for a new Alloy 360 in the die casting process.

150/5345-23 CH 3 (8-5-69).

Describes the subject specification requirements for a taxiway edge light.

150/5345-24 Specification for L-849 Condenser Discharge Type Flashing Light (6-30-65).

Describes the subject specification requirements for a condenser discharge type flashing light.

150/5345-24 CH 1 (6-14-66).

Deletes a detail requirement.

150/5345-25 Specification for L-848 Medium Intensity Approach Light Bar Assembly (6-30-65).

Describes the subject specification requirements for a medium intensity approach light bar assembly.

150/5345-26 Specification for L-823 Plug and Receptacle, Cable Connectors (10-5-64).

Describes the subject specification requirements.

150/5345-27A Specification for L-807 Eight-foot and Twelve-foot Unlighted or Externally Lighted Wind Cone Assemblies (6-16-69).

Describes the subject specification requirements for a hinged steel pole support, an anodized tapered aluminum hinged base pole support, and an "A" frame fixed support with a pivoted center pipe support.

150/5345-28 Specification for L-851 Abbreviated Visual Approach Slope Indicator System (10-28-66).

Describes the subject specification requirements for abbreviated visual approach slope indicator system (AVASI) equipment.

150/5345-29 FAA Specification L-852, Light Assembly, Airport Taxiway Centerline (3-18-68).

Describes, for public guidance, FAA Specification L-852 which establishes the performance requirements and pertinent construction details for bidirectional semiflush inset light assemblies for lighting airport taxiway centerlines.

150/5345-30A Specification for L-846 Electrical Wire for Lighting Circuits To Be Installed in Airport Pavements (2-3-67).

Describes, for the guidance of the public, subject specification requirements for electrical wire.

150/5345-31 Specification for L-833 Individual Lamp Series-to-Series Type Insulating Transformer for 600 Volt or 3,000 Volt Series Circuits (12-3-64).

Describes the subject specification requirements.

150/5345-32 Specification for L-837 Large-Size Light Base and Transformer Housing (1-13-65).

Describes the subject specification requirements.

150/5345-33 Specification for L-244 Individual Lamp Series-to-Series Type Insulating Transformer for 5000 Volt Series Circuit 20/6.6 Amperes 200 Watt (1-13-65).

Describes the subject specification requirements.

150/5345-34 Specification for L-839 Individual Lamp Series-to-Series Type Insulating Transformer for 5000 Volt Series Circuit 6.6/20 Amperes 300 Watt (1-13-65).

Describes the subject specification requirements.

150/5345-35 Specification for L-816 Circuit Selector Cabinet Assembly for 600 Volt Series Circuits (1-28-65).

Describes the subject specification requirements.

150/5345-36 Specification for L-808 Lighted Wind Tee (2-3-65).

Describes the subject specification requirements.

150/5345-37B FAA Specification L-850, Light Assembly Airport Runway Centerline and Touchdown Zone (1-8-68).

Revises subject light assembly.

150/5345-38 Changes to Airport Lighting Equipment (3-23-67).

The title is self-explanatory.

150/5345-39 FAA Specification L-853, Runway and Taxiway Centerline Reflective Markers (1-10-69).

Describes specification requirements for L-853 Runway and Taxiway reflective markers for guidance of the public.

150/5345-40 Specification for L-854 Radio Controls (3-21-69).

Describes specification requirements for guidance of the public.

150/5355-1 Diagrammatic Maps and Location Signs at Airports (3-21-69).

Informs airport authorities of the desirability to provide diagrammatic maps of facilities within terminal buildings and of the need for clearly marked locations signs at airports, especially at those used by international travelers.

150/5355-2 Fallout Shelters in Terminal Buildings (4-1-69).

Furnishes guidance for the planning and design of fallout shelters in airport terminal buildings.

150/5360-1 Airport Service Equipment Buildings (4-6-64).

Provides guidance on design of buildings for housing equipment used in maintaining and repairing operational areas.

150/5360-2 Airport Cargo Facilities (4-6-64).

Provides guidance material on air cargo facilities.

150/5360-3 Federal Inspection Service Facilities at International Airports (4-1-66).

Describes and illustrates recommended facilities for inspection of passengers, baggage, and cargo entering the United States through international airport terminals. The material is for the guidance of architect-engineers and others interested in the planning and design of these airport facilities.

150/5370-1A Standard Specifications for Construction of Airports (5-28-68).

Contains specification items for construction of airports and other related information. Acceptable for FAAP project activity. Published in 1968. (\$3.50 GPO.) TD 4.24 : 968

150/5370-2 Safety on Airports During Construction Activity (4-22-64).

Provides guidelines concerning safety at airports during periods of construction activity.

150/5370-4 Procedures Guide for Using the Standard Specifications for Construction of Airports (5-29-69).

Provides guidance to the public in the use and application of the Standard Specifications for Construction of Airports.

150/5370-5 Offshore Airports (12-15-69).

Announces to the public the availability of a two-volume report on offshore airport planning and construction methods.

150/5380-1 Airport Maintenance (4-14-63).

Provides a basic checklist and suggestions for an effective airport maintenance program.

150/5380-2A Snow Removal Techniques Where In-Pavement Lighting Systems Are Installed (12-24-64).

Provides information on damage to in-pavement lighting fixtures by snow removal equipment and recommends procedures to avoid such damage.

150/5380-3 Cleaning of Runway Contamination (6-28-68).

Provides information to the aviation industry relative to cleaning rubber deposits, oil, grease, and jet aircraft exhaust deposits from runway surfaces.

150/5380-4 Ramp Operations During Periods of Snow and Ice Accumulation (9-11-68).

Directs attention to an increased accident potential when snow or ice accumulates on the surfaces of ramps and aircraft parking and holding areas and suggests some measures to reduce this potential.

150/5390-1A Heliport Design Guide (11-5-69).

Contains design guidance material for the development of heliports, both surface and elevated. (\$0.75 GPO.) TD 4.108: H36.

Air Navigational Facilities

SUBJECT No. 170

170-2 Implementation of ILS Channels 11 Through 20 (10-16-63).

Advertises that ILS Channels 11 through 20 are now being used in the United States and encourages owners to equip their aircraft with 20-channel capability.

170-3B Distance Measuring Equipment (DME) (11-8-65).

Presents information on DME and some of its uses to pilots unfamiliar with this navigational aid.

170-6A Use of Radio Navigation Test Generators (3-30-66).

Gives information received from the Federal Communications Commission as to the frequencies on which the FCC will license test generators (used to radiate a radio navigation signal) within the scope of its regulations and gives additional information to assist the user when checking aircraft navigation receivers.

170/6850-1 Aeronautical Beacons and True Lights (8-28-68).

Describes FAA standards for the installation and operation of aeronautical beacons serving as true lights.

170-7 Decommissioning of ILS Middle Compass Locators (10-29-65).

Disseminates information regarding the FAA program for decommissioning of compass locators associated with ILS middle markers.

170-8 Use of Common Frequencies for Instrument Landing Systems Located on Opposite Ends of the Same Runway (11-7-66).

In the future, common frequencies may be assigned to like components of two instrument landing systems serving opposite ends of the same runway. This will include the localizers, glide slopes, and associated outer and middle marker compass locators (LOM and LMM).

170-9 Criteria for Acceptance of Ownership and Servicing of Civil Aviation Interest(s) Navigational and Air Traffic Control Systems and Equipment (11-26-68).

Contains a revised FAA policy under which the FAA accepts conditional ownership of equipment and systems from civil aviation interests, without the use

of Federal funds, and operates, maintains, and provides the logistic support of such equipment.

170-10 FAA Recommendations to FCC on Licensing of Non-Federal Radio Navigation Aids (10-17-69).

Gives background information and describes the basis for recommendations to be made by the FAA to the Federal Communications Commission (FCC) regarding licensing of radio navigation aids.

171-1 Estimating Packing and Shipping Costs for Export Shipments for ATC and Navaid Equipments (2-18-66).

Assists personnel engaged in preparing packing and shipping estimates of air navigation and traffic control equipments for overseas shipment.

Administrative

SUBJECT NO. 180

183.29-1E Designated Engineering Representatives (1-5-70).

Lists in Appendix 1 the Designated Engineering Representatives who are available for consulting work.

Flight Information

SUBJECT NO. 210

210-1 National Notice to Airmen System (2-8-64).

Announces FAA policy for the preparation and issuance of essential flight information to pilots and other aviation interests.

210-2A Established Schedule for Flight Information Effective Dates (9-19-69).

Emphasizes the importance of adherence to the established schedule of effective dates for flight information, and provides a copy of the schedule through June 1971.

211-1 Content Criteria for Airman's Information Manual (3-15-66).

Announces the FAA policy for inclusion of aeronautical data in the Airman's Information Manual (AIM).

211-2 Recommended Standards for IFR Aeronautical Charts (3-20-67).

Sets forth standards recommended by the Federal Aviation Administration for the guidance of the public in the issuance of IFR aeronautical charts for use in the National Airspace System (NAS).

Internal Directives

Contractions Handbook, 7340.1B (9-16-69).

Gives approved word and phrase contractions used by personnel connected with air traffic control, communications, weather, charting, and associated services. (\$3.75 Sub.—GPO.) TD 4.308; C 76/969.

Location Identifiers, 7350.1L.

Incorporates all authorized 3-letter location identifiers for special use in United States, worldwide, and Canadian assignments. Dated 5-15-69. (\$6 Sub.—GPO.) TD 4.310 ;.

Flight Services, 7110.10 (4-1-69).

This handbook consists of two parts. Part I, the basic, prescribes procedures and phraseology for use by personnel providing flight assistance and communications services. Part II, the teletypewriter portion, includes Services A and B teletypewriter operating procedures, pertinent International Teletypewriter Procedures, and the conterminous U.S. Service A Weather Schedules. Supersedes Aeronautical Communications and Pilot Services, dated 3-3-66. (\$9 Sub.—GPO.) TD 4.308 ; F 64.

International Flight Information Manual, Vol. 18 (April 1970).

This Manual is primarily designed as a preflight and planning guide for use by U.S. nonscheduled operators, business and private aviators contemplating flights outside of the United States.

The Manual, which is complemented by the International Notams publication, contains foreign entry requirements, a directory of aerodromes of entry including operational data, and pertinent regulations, and restrictions. It also contains passport, visa, and health requirements for each country. Published annually with quarterly amendments. (\$3.50 (\$4.50 foreign)—Annual Sub. GPO.) TD 4.309 ; 16.

International Notams, Vol. 22 (April 1969).

Covers notices on navigational facilities and information on associated aeronautical data generally classified as "Special Notices". Acts as a notice-to-airmen service only. Published weekly. (\$5—Annual Sub. GPO.) TD 4.11 ;.

Airman's Information Manual:

Part 1—Basic Flight Manual and ATC Procedures.

This part is issued quarterly and contains basic fundamentals required to fly in the National Airspace System; adverse factors affecting Safety of Flight; Health and Medical Facts of interest to pilots; ATC information affecting rules, regulations and procedures; a Glossary of Aeronautical Terms; U.S. Entry and Departure Procedures, including Airports of Entry and Landing Rights Airports; Air Defense Identification Zones (ADIZ); Designated Mountainous Areas; Seatana, and Emergency Procedures. (Annual Sub. \$4, Foreign mailing—\$1 additional. GPO.) TD 4.12 ; pt. 1/.

Part 2—Airport Directory.

This part is issued semiannually and contains a Directory of all Airports, Seaplane Bases, and Heliports in the conterminous United States, Puerto Rico, and the Virgin Islands which are available for transient civil use. It includes all of their facilities and services, except communications, in codified form. Those airports with communications are also listed in Part 3 which reflects their radio facilities. A list of new and permanently closed airports which updates this part is contained in Part 3.

Included, also, is a list of selected Commercial Broadcast Stations of 100 watts or more of power and Flight Service

Stations and Weather Bureau telephone numbers. (Annual Sub. \$4, Foreign mailing—\$1 additional. GPO.) TD 4.12 ; pt. 2/.

Parts 3 and 3A—Operational Data and Notices to Airmen.

Part 3 is issued every 28 days and contains an Airport/Facility Directory containing a list of all major airports with communications; a tabulation of Air Navigation Radio Aids and their assigned frequencies; Preferred Routes; Standard Instrument Departures (SIDs); Substitute Route Structures; a Sectional Chart Bulletin, which updates Sectional charts cumulatively; Special General and Area Notices; a tabulation of New and Permanently Closed Airports, which updates Part 2; and Area Navigation Routes.

Part 3A is issued every 14 days and contains Notices to Airmen considered essential to the safety of flight as well as supplemental data to Part 3 and Part 4. (Annual Sub. \$20, Foreign mailing—\$5 additional. GPO.) TD 4.12; pt. 3/.

Part 4—Graphic Notices—Supplemental Data.

Part 4 is issued semiannually and contains abbreviations used in all parts of AIM; Parachute Jump Areas; VOR Receiver Check Points; Special Notice Area Graphics; and Heavy Wagon and Oil Burner Routes.

Future editions will be expanded to include Special Terminal Area Charts and data not subject to frequent change. (Annual Sub. \$1.50, Foreign mailing—\$0.50 additional. GPO.) TD 4.12; pt. 4/.

Aircraft Type Certificate Data Sheets and Specifications.

Contains all current aircraft specifications and type certificate data sheets issued by the FAA. Monthly supplements provided. (\$30—Sub., Foreign mailing—\$7.50 additional. GPO.) TD 4.15; 967.

Aircraft Engine and Propeller Type Certificate Data Sheets.

Contains all current aircraft engine and propeller type certificate data sheets and specifications issued by FAA. Monthly supplements provided. (\$16—Sub., Foreign mailing—\$4 additional. GPO.) TD 4.15/2; 968.

Summary of Supplemental Type Certificates.

Contains all supplemental type certificates issued by FAA regarding design changes in aircraft, engines, or propellers. List includes description of change, the model and type certificate number, the supplemental type certificate number, and the holder of the change. Quarterly supplements provided. (\$9—Sub., Foreign mailing—\$3.50 additional. GPO.) FAA 5.12; 965.

STATUS OF THE FEDERAL AVIATION REGULATIONS

As of February 28, 1970

IMPORTANT NOTICE

The Federal Aviation Administration is reissuing the Federal Aviation Regulations (FAR) in a volume system to be

sold on a subscription basis by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The purchase of a FAR volume will establish your subscription service with the Superintendent of Documents for automatic receipt of changes to the volume as issued by FAA.

The volume structure is:

Volume	FAR Part
I	1
II	11, 13, 15, 21, 37, 39, 45, 47, 49, 183, 185, 187, 189
III	23, 25, 30
IV	27, 29, 31, 33, 35
V	43, 145, 149
VI	91, 93, 99, 101, 103, 105
VII	121, 123, 127, 129
VIII	133, 135, 137
IX	61, 63, 65, 67, 141, 143, 147
X	151, 153, 155, 159, 165, 167
XI	71, 73, 75, 77, 95, 97, 157, 169, 171

As each volume is issued, an availability notification providing price and an order form will be issued and distributed by the Superintendent of Documents. If you are now on an FAA mailing list to receive changes to any FAR Part, you will receive this notice.

However, until a Part is grouped into its respective Volume and the Volume is for sale, the present system of obtaining the Part and Changes thereto will remain in effect.

At the time of publishing this checklist, orders are being accepted by the Superintendent of Documents for the following Volumes:

Volume	Published	Price	Transmittals
I	May 1969	\$1.50 (Foreign mailing—50 cents additional.)	
II	July 1969	\$8 (Foreign mailing—\$2 additional.)	1
III	December 1969	\$5.50 (Foreign mailing—\$1.50 additional.)	
V	July 1969	\$3 (Foreign mailing—75 cents additional.)	1
VI	August 1969	\$5.50 (Foreign mailing—\$1.25 additional.)	1
X	September 1969	\$4.50 (Foreign mailing—\$1.25 additional.)	
XI	October 1969	\$2.75 (Foreign mailing—75 cents additional.)	

Individual FAR Parts not as yet issued in the Volume system are still sold by the Superintendent of Documents at the prices shown in the following list. Parts with a (†) preceding the number are available in the Volumes as indicated above. Changes to Parts not in Volumes will be provided by FAA. An order form for this service is included in the front of the FAR Part for your convenience.

Instructions for ordering. Orders for the FARs should include remittance by check or money order made payable to the Superintendent of Documents, and should be addressed to:

Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

Orders from foreign countries, except Canada and Mexico, should include an

additional amount of one-fourth the purchase price to cover foreign mailing. Remittance should be by International Money Order or by a draft on a U.S. bank.

FAR part No.	Title	Effective date	Price	Changes
41	Definitions and Abbreviations	5-15-62		
111	General Rule-Making Procedures	11-10-62		
113	Enforcement Procedures	11-10-62		
115	Nontermination in Federally Assisted Programs of the Federal Aviation Agency	1-30-65		
121	Certification Procedures for Products and Parts	2-1-65		
123	Airworthiness Standards: Normal, Utility, and Aerobatic Category Airplanes	2-1-65		
125	Airworthiness Standards: Transport Category Airplanes	2-1-65		
127	Airworthiness Standards: Normal Category Rotorcraft	2-1-65	.70	3
129	Airworthiness Standards: Transport Category Rotorcraft	2-1-65	2.00	4
31	Airworthiness Standards: Manned Free Balloons	7-1-64	.30	2
33	Airworthiness Standards: Aircraft Engines	2-1-65	.40	3
35	Airworthiness Standards: Propellers	2-1-65	.30	2
136	Noise Standards: Aircraft Type Certification	12-1-69		
137	Technical Standard Order Authorizations	1-4-65		
139	Airworthiness Directives	11-20-64		
143	Maintenance, Preventive Maintenance, Rebuilding, and Alteration	7-6-64		
145	Identification and Registration Marking	4-20-64		
147	Aircraft Registration	5-1-66		
149	Recording of Aircraft Titles and Security Documents	8-18-64		
61	Certification: Pilots and Flight Instructors	11-1-62	1.25	30
63	Certification: Flight Crewmembers Other Than Pilots	11-1-62	.55	11
65	Certification: Airmen Other Than Flight Crewmembers	11-1-62	.45	12
67	Medical Standards and Certification	11-1-62	.25	7
*71	Designation of Federal Airways, Controlled Airspace, and Reporting Points	12-12-62		
**73	Special Use Airspace	12-12-62		
**75	Establishment of Jet Routes	12-12-62		
177	Objects Affecting Navigable Airspace	5-1-66		
191	General Operating and Flight Rules	9-30-63		
193	Special Air Traffic Rules and Airport Traffic Patterns	9-30-63		
**95	IFR Altitudes	9-30-63		
**97	Standard Instrument Approach Procedures	9-30-63		
199	Security Control of Air Traffic	9-30-63		
101	Moored Balloons, Kites, Unmanned Rockets and Unmanned Free Balloons	9-30-63		
103	Transportation of Dangerous Articles and Magnetized Materials	9-30-63		
105	Parachute Jumping	2-26-63		
121	Certification and Operations: Air Carriers and Commercial Operators of Large Aircraft	4-1-65	2.00	35
123	Certification and Operations: Air Travel Clubs Using Large Airplanes	10-14-68	.25	2
127	Certification and Operations of Scheduled Air Carriers with Helicopters	11-2-64	.35	11
129	Operations of Foreign Air Carriers	4-1-64	.20	4
133	Rotorcraft External-Load Operations	5-17-64	.20	3
135	Air Taxi Operators and Commercial Operators of Small Aircraft	4-7-64	.30	6
	and			
		9-7-64		
137	Agricultural Aircraft Operations	1-1-66	.25	3
141	Pilot Schools	9-17-62	.35	8
143	Ground Instructors	9-17-62	.25	3
145	Repair Stations	9-17-62		
147	Mechanic Schools	9-17-62	.20	1
149	Parachute Lofts	9-17-62		
151	Federal Aid to Airports	2-11-63		
153	Acquisition of U.S. Land for Public Airports	2-11-63		
155	Release of Airport Property from Surplus Property Disposal Restrictions	2-11-63		
157	Notice of Construction, Alteration, Activation, and Deactivation of Airports	3-2-60		
159	National Capital Airports	10-1-62		
161	(Deleted effective 6-1-66)			
163	(Deleted effective 7-1-65)			
166	Wake Island Code	9-4-62		
167	Annette Island, Alaska, Airport	8-21-66		
169	Expenditure of Federal Funds for Nonmilitary Airports or Air Navigation Facilities Thereon	4-25-69		
171	Non-Federal Navigation Facilities	10-1-64		
181	(Rescinded 4-1-67)			
183	Representatives of the Administrator			Reissued March 1968
185	Testimony by Employees and Production of Records in Legal Proceedings			
187	Fees			
189	Use of Federal Aviation Administration Communications System			

*Changes to individual airspace designations and airways descriptions, individual restricted areas, and individual jet route descriptions are not included in the basic Parts 71, 73, and 75 respectively because of their length and complexity. Such changes are published in the FEDERAL REGISTER and are included on appropriate aeronautical charts.

**Due to the complexity, length, and frequency of issuance, en route IFR altitudes and instrument approach procedures are published in the FEDERAL REGISTER, the Airman's Information Manual, and are depicted on the aeronautical charts. Therefore, they are not included in the basic Parts 95 and 97.

MARY E. HEALY,

Manager, Headquarters Operations.

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