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Title 3—THE PRESIDENT

Executive Order 11532

ESTABLISHING THE INTERDEPARTMENTAL COMMITTEE FOR VOLUNTARY PAYROLL SAVINGS PLAN FOR THE PURCHASE OF UNITED STATES SAVINGS BONDS

WHEREAS, our national economic welfare requires the widest possible sale of United States Savings Bonds to the people; and

WHEREAS, purchasers of United States Savings Bonds invest not only in the Nation's economic welfare, but also in their own personal security and independence, and it is, therefore, manifestly advantageous to all that the sale of such bonds be vigorously promoted; and

WHEREAS, the Federal Government is earnestly requesting business and industrial enterprises to provide for and vigorously promote, by personal solicitation, the purchase of United States Savings Bonds through regular, voluntary pay allotments on the Payroll Savings Plan; and

WHEREAS, it is desirable and proper that civilian and uniformed personnel in the Federal Government should be in the forefront of this activity:

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States, it is ordered as follows:

SECTION 1. (a) There is hereby established the Interdepartmental Committee for the Voluntary Payroll Savings Plan for the Purchase of United States Savings Bonds (hereinafter referred to as the Committee). The Committee shall consist of a Chairman and a Vice Chairman to be appointed by the President for terms of two years and the heads of the several Federal agencies. As used in this order the term "Federal agencies" means departments, establishments, and agencies of the executive branch of the Government. Each member of the Committee is responsible for the success of the payroll savings program in his agency.

(b) In the event of a vacancy in the chairmanship, or the unavailability of the Chairman, the Vice Chairman will act as Chairman.

(c) Each member of the Committee, other than the Chairman and the Vice Chairman, may designate an alternate, who shall serve as a member of the Committee whenever the regular member is unable to attend any meeting of the Committee and who may be authorized to act for the regular member in all appropriate matters relating to the Committee. In the case of an executive department, an Under Secretary, an Assistant Secretary, or an official of the executive staff of the immediate office of the Secretary may be designated as an alternate member and in the case of any other Federal agency the alternate member shall be designated from among the officials thereof of appropriate rank.

SEC. 2. The Committee shall perform the following-described functions and duties:

(a) Formulating and presenting to the several Federal agencies a plan of organization and sales promotion whereby the Voluntary Payroll Savings Plan will be made available to all uniformed and civilian personnel of the Government for the purchase of Savings Bonds, and whereby all such personnel will be urged to participate.

(b) Assisting the several Federal agencies in the installation of the said Payroll Savings Plan and in the solution of any special problems that may develop in connection therewith.

(c) Acting as a clearinghouse for the several Federal agencies in the compilation and dissemination of such statistics and information relative to the execution and sales promotion of the Plan as may be deemed advantageous.

(d) Recommending to the several Federal agencies any methods for improvements in the program adopted pursuant to the said Plan.

(e) The Committee will meet at least once each calendar year and at such other times as may be necessary to carry out its responsibilities.

SEC. 3. Each Federal agency shall institute and put into operation, as soon as practicable, the plan of organization and sales promotion recommended by the Committee, with such modifications as particular circumstances may render advisable.

SEC. 4. This order supersedes Executive Order No. 10626 of August 4, 1955, entitled "Establishment of the Interdepartmental Committee for Voluntary Payroll Savings Plan for the Purchase of United States Savings Bonds."

Richard Nixon

THE WHITE HOUSE,
June 2, 1970.

[F.R. Doc. 70-6985; Filed, June 2, 1970; 3:55 p.m.]

Letter of June 2, 1970

[DELEGATION OF RESPONSIBILITY TO CARRY OUT CERTAIN PROVISIONS OF FEDERAL WATER POLLUTION CONTROL ACT]

THE WHITE HOUSE,
Washington, June 2, 1970.

DEAR MADAM CHAIRMAN:

By virtue of the authority vested in me by the Federal Water Pollution Control Act, as amended, and section 301 of title 3 of the United States Code, and as President of the United States, I hereby delegate to the Federal Maritime Commission the responsibility (including issuance of the necessary implementing regulations) to carry out the provisions of subsection (p) of section 11 of the Federal Water Pollution Control Act, as amended, 84 Stat. 97, relating to financial responsibility to meet liability to the United States to which certain vessels could be subjected under that section.

This document shall be published in the FEDERAL REGISTER.

Sincerely,

Richard Nixon

Honorable Helen Delich Bentley,
Chairman,
Federal Maritime Commission,
Washington, D.C. 20573.

[F.R. Doc. 70-7043; Filed, June 3, 1970; 12:03 p.m.]

Rules and Regulations

Title 18—CONSERVATION OF POWER AND WATER RESOURCES

Chapter I—Federal Power Commission

SUBCHAPTER E—REGULATIONS UNDER THE NATURAL GAS ACT

[Docket No. R-369; Order 405]

PART 154—RATE SCHEDULES AND TARIFFS

Suspended Rate Changes; Interest on Refunds

MAY 27, 1970.

On October 10, 1969, the Commission issued a notice of proposed rule making in this proceeding (34 F.R. 16628, Oct. 17, 1969) proposing to amend Part 154 of the Regulations Under the Natural Gas Act[1] by adding a new § 154.67 and a new paragraph (g) to § 154.102 to provide that the amount of interest payable on amounts refunded by natural gas companies pursuant to section 4(e) of the Natural Gas Act (15 U.S.C. section 717c (e)) would be computed at the prescribed rate of interest compounded monthly. Although no specific proposal was made, we stated that we intended the proceeding to cover redetermination of the appropriate annual interest rate to be utilized in § 154.102(c). Additionally, we proposed to amend § 154.102(c) to revise the language of the section to set forth the provisions more clearly, and to eliminate the requirement that reports of monies collected subject to refund in section 4(e) proceedings be made monthly or quarterly and under oath.

Views and comments were invited from interested persons to be submitted on or before November 24, 1969. Upon request, that time was extended to December 15, 1969 (34 F.R. 19036, Nov. 29, 1969). In response to the notice, comments were received from several producer and pipeline natural gas companies, and one association which represents virtually all pipeline companies.[2] No view or comment was expressed by any state commission, municipality or natural gas distribution company.

The views and comments filed generally oppose any compounding of interest payable on amounts refunded by natural gas companies, but, where comment was made, support the clarification of § 154.102(c) and the elimination of the requirement for monthly or quarterly reports therefrom. As to our request for comment in regard to the present 7 percent level of interest set forth in § 154.102(c), many of those filing comments expressed no view, others thought that if a change in the present rate were made it should be keyed to the prime rate of interest prevailing at the time of the Commission's order, and one expressed the view that 6 percent should be the proper rate of interest.

We have reviewed the reasons which caused the Commission's issuance of order No. 362 on April 2, 1968 (39 FPC 412; 33 F.R. 5517, Apr. 19, 1968), providing for compounding of interest, which was set aside on procedural grounds on June 12, 1969, by the United States Court of Appeals for the Third Circuit in Texaco Inc. v. Federal Power Commission, 412 F. 2d 740, and the views, comments and data which have been filed in response to the notice issued in this proceeding. Upon consideration of such matters, and reconsideration of other relevant facts, we have concluded that it would not be in the public interest to impose a compound interest requirement. Consequently, we shall not amend Part 154 of the Regulations Under the Natural Gas Act by the prescription of a new § 154.67 and the addition of a new paragraph (g) to § 154.102. However, we do find it to be in the public interest to amend § 154.102(c), as proposed, to revise the language of the section to set forth the provisions more clearly, and to eliminate the requirement that reports of monies collected subject to refund in section 4(e) proceedings be made monthly or quarterly and under oath.

In the notice of October 10, 1969, the proposed amendment of § 154.102(c) set forth no annual interest rate on the refund monies but invited comments on this matter. As stated above, some of the comments did express opinions. We have considered such comments, and reconsidered those matters which led to the establishment of the 7 percent figure presently incorporated in the rules governing independent producers and have determined to make no change. Therefore, the revised § 154.102(c) shall provide for an interest rate of 7 percent per annum.

Although we specifically noted that this rulemaking proceeding would not involve any question as to the proper annual interest rate for pipelines, we did recognize that a number of recent orders in individual pipeline cases had specified that the compounding of interest on refunds was subject to the further proceedings in this docket. Since we have determined not to prescribe the proposed new § 154.67, that issue in such pipeline rate orders is now moot.

The Commission finds:

(1) The notice and opportunity to participate in this proceeding with respect to the matters presently before the Commission through the submission, in writing, of data, views, comments and suggestions in the manner as described above are consistent and in accordance with all procedural requirements therefor as prescribed in section 553, title 5 of the United States Code. Since the amendment prescribed here does not prescribe an added duty or restriction, compliance with the effective date requirements of 5 U.S.C. 553(d) is unnecessary.

(2) The amendment of paragraph (c) of § 154.102 in Part 154 of the Regulations Under the Natural Gas Act, as herein prescribed, is necessary and appropriate for the administration of the Natural Gas Act.

The Commission, acting pursuant to the provisions of the Natural Gas Act, as amended, particularly sections 4, 5, 7, and 16 thereof (52 Stat. 822, 823, 824, 825, and 830; 56 Stat. 83, 84; 61 Stat. 459; 76 Stat. 72, 15 U.S.C. 717c, 717d, 717f, and 717o) orders:

(A) Effective as of the date of issuance of this order, paragraph (c) in § 154.102, in Part 154, Subchapter E, Regulations Under the Natural Gas Act, Chapter I of Title 18 of the Code of Federal Regulations is revised to read as follows:

§ 154.102 **Suspended changes in rate schedules; motions to make effective at end of period of suspension; procedure.**

* * * * *

(c) Upon an increased rate being made effective pursuant to the provisions of this section the independent producer shall be obligated to keep accurate accounts in detail of all amounts received by reason of the increased rates or charges for each billing period, and for each purchaser; the billing determinants of natural gas sales to such purchasers and the revenues resulting therefrom, as computed under the rates in effect immediately prior to the effective date of the change, and under the rates which become effective pursuant to the motion, together with the differences in the revenues so computed; and to refund at such times and in such amounts to the persons entitled thereto, and in such manner as may be required by final order of the Commission, the portion of any increased rate found by the Commission in that proceeding not justified, together with interest thereon at the rate of seven percent per annum from the date of payment to the producer until refunded,

[1] Part 154, Title 18 of the Code of Federal Regulations.

[2] On Nov. 24, 1969, comments were filed by Shell Oil Co., Tenneco Oil Co., Texaco, Inc., Pan American Petroleum Corp., and Humble Oil & Refining Co.; on Nov. 28 by Mobil Oil Corp. and Phillips Petroleum Co.; on Dec. 12 by Sun Oil Co.; on Dec. 15 by Natural Gas Pipeline Company of America, Tennessee Gas Pipeline, a division of Tenneco Inc., Consolidated Gas Supply Corp., and Lake Shore Pipe Line Co., Independent Natural Gas Association of America and Panhandle Eastern Pipe Line Co.; and on Dec. 16 by Columbia Gas System Service Corp. Marathon Oil Co., Continental Oil Co., and Cities Service Oil Co. each filed a joinder in the comments of others.

except as provided in paragraph (f) of this section; and to bear all costs of any such refunding.

* * * * *

(B) The Secretary of the Commission shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[F.R. Doc. 70-6907; Filed, June 3, 1970; 8:48 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 18261; FCC 70-521]

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

Land Mobile Service

In the matter of amendment of Parts 2, 89, 91, and 93; geographic reallocation of UHF-TV Channels 14 through 20 to the land mobile radio services for use within the 25 largest urbanized areas of the United States. Petition filed by the Telecommunications Committee of the National Association of Manufacturers to permit use of TV Channels 14 and 15 by land mobile stations in the Los Angeles area, RM-566.

First report and order—Introduction. 1. On July 26, 1968, the Commission issued a notice of proposed rule making requesting public comments on a proposal for the geographic sharing by the land mobile radio service,[1] selectively and within the largest 25 urbanized areas of the country, of part of the spectrum space between 470 and 512 MHz now allocated exclusively to television broadcasting (UHF-TV Channels 14 through 20), FCC 68-743, 33 F.R. 10943. Because we anticipated widespread interest in this important proposal, more than usual time was allowed for filing comments and replies, and extensions were granted so that the comment period closed on April 30, 1969.[2] Also, in view of the important issues raised in the written comments and the sharp diversity of views, the Commission heard oral argument en banc (in this proceeding as well as in Docket 18262) on January 22 and 23, 1970.

2. Comments and replies were filed by more than 110 parties representing largely land mobile and broadcast interests (see Appendix A attached hereto)[2a] and more than 40 parties participated in the oral argument (see Appendix B).[2a] As we already noted, this has been a sharply controversial proceeding. Briefly, the comments filed by broadcasters, their representatives and others (hereinafter sometimes referred to as the broadcast comments) took the position that additional radio spectrum is not required to solve the congestion problems in the land mobile radio services, that our geographic sharing proposal is not feasible in that it would cause "widespread" interference to television reception and that, in any event, spectrum space now allocated to television broadcasting should not be allocated for land mobile use. On the other hand, comments filed on behalf of land mobile interests argued that only the reallocation of additional frequencies to the land mobile services would solve the severe frequency shortage problem in those services; but that since the Commission proposal in this proceeding would not provide meaningful relief to the land mobile radio services, they urged that our proposal be modified and a modified sharing plan be adopted as a first step in a program looking toward eventual reallocation of the spectrum space between 470 and 512 MHz (UHF-TV Channels 14 through 20) to the land mobile radio services on a nationwide basis.

3. In our consideration of the various issues raised, we have taken into account, in addition to the record of this proceeding, a number of studies conducted in recent years dealing with the land mobile frequency problem, including the report of the Stanford Research Institute (SRI) on a contract study it conducted for the Commission [Dayharsh and Vincent, A Study of Land Mobile Spectrum Utilization (interim and final report, hereafter referred to as the SRI report)]. It has been urged by broadcasters, both in the written comments and in oral argument, that the Commission should seek more information on various issues before reaching final decision. We disagree. The land mobile frequency problem has been studied by the Commission and outside organizations for over 13 years[3] and the problems faced in the land mobile radio services are urgent enough to require decisions without further delay.

The need for additional radio spectrum space in the land mobile radio services. 4. Inherent in our proposal in this proceeding and those in Docket 18262 was the premise that the various land mobile radio services needed additional radio frequency spectrum in order to relieve existing congestion and to provide for anticipated growth of land mobile communications. This was based on, among other factors, our consideration of this matter for well over a decade, on our day-to-day experience in administering these services; on the numerous petitions for relief filed from time to time by representatives of land mobile radio users (such as RM-251, RM-370, and RM-560); on innumerable complaints from individual radio users detailing increasing difficulties in operating their radio facilities due to congestion or their inability to find frequencies upon which to expand or improve vital public safety communications systems; as well as on studies of this problem conducted by outside parties. (See, for example, footnote 3.)

5. The broadcast comments disagreed with that premise. As we mentioned, they argued that there is no need to allocate more frequency spectrum to the land mobile radio services because they

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[1] The group of radio services usually referred to as "land mobile radio services" includes the public safety group (police, fire, highway, forestry-conservation, local government, special emergency); the industrial group (power, petroleum, forest products, motion picture, relay press, special industrial, business, manufacturers, and telephone maintenance); the land transportation group (railroad, motor carrier, taxicab, automobile emergency), the domestic public group (common carrier mobile radiotelephone and signalling service); and the broadcast auxiliary group (remote pickup). In this proceeding, however, our proposal was limited to the public safety, industrial, and land transportation radio services where well over 90 percent of the land mobile radio facilities are authorized. Thus, the discussion that follows refers mainly to those services, although some of the problems discussed hereinafter exist to a degree in the other land mobile radio services also. Indeed, the National Association of Radiotelephone Systems, the trade association of nonwireline (miscellaneous) carriers, has urged favorable action on this proposal and has argued that part of any additional spectrum space allocated to the land mobile radio services should be made available in the Domestic Public Radio Service.

[2] The notice called for comments by Dec. 2, 1968, and for replies thereto, by Jan. 31, 1969. On request, the comment period was extended to Feb. 3, 1969, and the reply period to Mar. 31, 1969, 33 F.R. 17855. On further request, the reply period was extended again to Apr. 30, 1969, 34 F.R. 5385.

[2a] Appendices A and B filed as part of the original document.

[3] Included among the various studies are: The Commission's inquiry in Docket 11977, see Allocation of Frequencies Between 25 to 890 Mc/s, report and order, 2 RR 2d 1513; the work of the Advisory Committee for the Land Mobile Radio Services (ACLMRS), see Report of the ACLMRS, Nov. 30, 1967; the report of the Joint Technical Advisory Committee of the Institute of Electrical and Electronics Engineers and the Electronic Industries Association, Spectrum Engineering, the Key to Progress 1966; the report of the President's Commisison on Law Enforcement and Administration of Justice and the report of the Task Force on Science and Technology to that Commission prepared by the Institute of Defense Analysis; the report of President's Advisory Committee on Civil Disorders (1968); the hearing record of Subcommittee 5 of the House Select Committee on Small Business, see Hearings on the Allocation of Radio Frequency and its Effect on Small Business, Before Subcommittee 5 of the Select Committee on Small Business, 90th Cong. second session, and the Subcommittee's report thereon, House Report 1973 (Dec. 23, 1968); also House Report No. 91-982 entitled, The Allocation of Radio Frequency Spectrum and Its Impact on Small Business (1970); and the report of the Telecommunications Science Panel of the Commerce Technical Advisory Board of the U.S. Department of Commerce, see Electromagnetic Spectrum Utilization—The Silent Crisis, October 1966.

claimed existing instances of "communications congestion" are not caused by shortage of frequencies, but rather by deficiencies in the management and use of the land mobile frequency spectrum. The Association of Maximum Service Telecasters, Inc. (AMST), for example, submitted voluminous material purporting to show that "artificial" frequency shortages are created by "outmoded" policies, such as the system of "block allocations" which it alleges results in "gross underutilization" of the land mobile spectrum; inadequate frequency coordination and licensing policies under which the applications are "rubber stamped," without consideration of the applicant's "relative need" and "almost without review" of technical parameters; the use of excessive power in land mobile radio systems without regard to the users coverage needs; the "proliferation of small and inefficient" public safety and private radio communications systems; inadequate information and data base, particularly with respect to "actual channel usage," which frustrates the frequency selection process and forces the Commission to accept "inflated demands" on the part of land mobile radio users, and other such causes. Broadcast interests argued further that the report of the Stanford Research Institute supported these allegations and "demonstrated" that there is no shortage of frequencies in the land mobile radio services.

6. Therefore, they claimed that there is no need to allocate additional frequency spectrum and the Commission should terminate "immediately" the proceedings in both Dockets 18261 and 18262, and should adopt a plan for "fundamental reforms," both long range and short range, in the allocation, coordination, licensing, and management of the spectrum now allocated to the land mobile radio services. The "reforms" suggested, include abolishment or modification of the block allocation system in the land mobile radio services; strengthening of the coordination process to include consideration of, among other things, "priority of need" of each applicant; a program to include monitoring in order to determine the "actual occupancy"[4] of land mobile channels and implementation of SRI's "equal channel occupancy" recommendations; consolidation of "primary radio activities" of the police in the 150–162 Mc/s band and removal of "low priority" commercial and industrial radio users to to the 450–470 and 900 Mc/s regions; consolidation of the "small and inefficient" radio systems into larger "common user" systems; and introduction of such technological innovations as "multiplexing," "trunking," nonvoice systems such as mobile teleprinters; the cellular concept of base station siting, and other techniques. These changes, the broadcast comments argued, will not only solve the existing congestion problem, but would provide enough frequencies for the future.[5]

7. Moreover, they argued, radio communication systems in the land mobile radio services will not grow as much as the Commission has assumed. AMST, for example, using a lesser data base than the Commission and applying what it called a "valid statistical methodology," concluded that there will be 2.9 million land mobile transmitters in use by 1980, not 7.3 million transmitters projected by the Commission.

8. AMST finally argues that the need for "fundamental reforms" in the land mobile radio service is "of critical relevance" to the question of whether the Commission should allocate television spectrum to these services, and that this "primary" question must be resolved before the Commission "precipitously" acts to reallocate television broadcast spectrum.

9. We have considered carefully these arguments and the responses presented by land mobile interests and we have reviewed the various studies cited by the parties in support of their positions. We observe first that the universal comment and testimony of the land mobile community alleging that the crowded condition of available frequencies seriously impairs the usefulness of existing land mobile communication systems has not been seriously questioned. Also, no serious question has been raised as to the importance of land mobile radio communications to our society. We think this is beyond question. It is well established that land mobile communications play a vital role and have become indispensable in public safety, as well as in the industrial, transportation and commercial activities of the Nation. Finally, there is little, if any, dispute that congestion and the unavailability of frequencies, whatever their causes, are seriously affecting the public interest in that vital services are being hampered because of inadequate radio communications. The issue before us is whether needed relief can reasonably be provided solely through increased utilization of the spectrum space allocated to the land mobile radio services, or whether access to additional spectrum space is necessary in order to provide for adequate land mobile communications for the immediate as well as the more distant future. We will address ourselves to this issue. Before discussing the arguments directed to it, we believe that it is important to outline a number of what we consider fundamental facts in order to place this issue in proper perspective.

10. The total amount of frequency space allocated to all of the land mobile radio services between 25 and 890 MHz is somewhat over 40 MHz. This basic frequency allocation and most of the land mobile radio services were established in the late 1940's. See Report of

[4] The Broadcast Interests have argued that a full assessment of land mobile spectrum utilization requires, not only monitoring to determine the kind of usage. Their point is that only through knowledge of message content can the purpose of the transmissions be determined and an evaluation of their importance made, priorities accorded and a basis for comparison with the requirements of other spectrum uses provided. The Commission has previously rejected the Broadcasters' proposal for an extensive program of monitoring of this kind, principally on the basis that we have enough knowledge of the purposes served in each service, sufficient knowledge of the nature of the operations to make judgments on their importance, and first-hand knowledge of message content and operating procedures obtained over many years of continuous surveillance of the spectrum. We have said that this would continue, and we would make particular note of the general character and message content of land mobile transmissions. This has been done, and we have found only confirmation of the principles that formed the basis for authorization of the various services in the first place. Further, land mobile communications and operating practices are characterized by brief, vocal exchanges between stations obviously designed and intended to provide for a maximum exchange of meaningful and needed information in the minimum of time. The experience of the Commission's Field Engineering Bureau, which has the entire land mobile radio spectrum under surveillance in connection with a program of mobile monitoring based on the sampling of land mobile use in representative areas of the country including the largest urban areas, shows that the foregoing procedures are almost universally followed in the land mobile radio services.

[5] AMST's comments on this matter were based largely on a study conducted for AMST by the Peter Kelly Scientific Corp. (Kelly) which was submitted as part of AMST's comments as Exhibits C and D. Among other things, Kelly urges establishment eventually of large "common user" radio communication systems which he claims would have the incentive, organizational structure, and resources to introduce new technological approaches which he claims will solve the congestion problem and will provide for the normal growth of land mobile communications. Among other technological innovations, Kelly advocated (a) multiplexing which he claims would save between 22 and 40 percent of spectrum; (b) trunking which could save 60 to 80 percent of the spectrum now used by "commercial and industrial users"; (c) time sharing of available channels at a saving of between 20 and 30 percent; (d) nonvoice radio systems, such as teleprinters, which would involve "as a minimum 20 to 30 percent spectrum savings"; and (e) "geographic spaced sharing" using cellular concepts and a combination of low-power transmitters, wireline interconnections, selective calling, and vehicle locator systems which, he argues, as a long-term solution, could save 95 percent of the land mobile radio spectrum. Kelly advocated large public safety systems to be used by multiple governmental agencies within single political jurisdictions as well as among different jurisdictions on a regional basis; and similar systems to be used by such "public service and land transportation" entities as power utilities and telephone companies, railroads, bus, and other regulated transportation systems. For "industrial and commercial" users, such as petroleum, manufacturers, construction companies, and the business community in general, Kelly advocated common user radio systems, operated by "commercial service companies," to replace "the proliferation of small and inefficient" private radio systems. Kelly's studies have been reviewed. In our opinion, however, the conclusions reached have not been substantiated. It is noted that others, notably the Advisory Committee for the Land Mobile Radio Services, have reached different and to a great extent opposite conclusions on many of these same issues. See paragraph 14, note 10, infra.

Allocations from 25,000 Kilocycles to 30,000,000 Kilocycles, Docket 6651, released May 25, 1949; and General Mobile Service, report and order, Docket 8658, 8965, 8972, 8973, 8974, 9001, 9018, 9046, 9047, 13 FCC 1190. These allocations have remained essentially unchanged to date.

11. Within the aproximately 40 MHz of spectrum space, the land mobile radio services have accommodated a communications growth unparalleled in any other radio service, save the Citizens Radio Service. Thus, in 1949, the 40 MHz of land mobile space was occupied by 11,600 licensees authorized to operate about 155,000 radio transmitters. Today, essentially the same amount of space sustains 293,000 licensees, authorized to operate nearly 4 million transmitters.[6] This growth has been possible through increasingly more intensive utilization of the available spectrum attained through tighter technical standards, extensive intraservice cochannel sharing and considerable interservice sharing. Thus, the separations between frequencies assignable in the land mobile radio services has been narrowed in the last 25 years from as much as 120 kHz to 20, 30 (and in some services 15 kHz)[7], and 25 kHz, respectively, in the 25–50, 150–162, and 450–470 MHz bands. The second generation of land mobile radio services we established in 1958 and new uses we have authorized since were accommodated exclusively on channels created by channel splitting.[8] Operation on narrower channels has been made possible by significant improvements in the design and performance characteristics of land mobile radio equipment. Thus, frequency stability has been improved, receiver selectivity has been improved considerably, image rejection improved from 60 dB to 100 dB, and intermodulation and IF beat rejection have been improved in the order of 40 dB to 100 dB. Similarly, transmitter noise and transmitter harmonics have been reduced, and impulse noise blanketing circuits have been developed to reduce harmful interference due to impulse noise. Continuous tone coded squelch systems have been devised to control the reception of unwanted signals. It is generally conceded that further reduction of channel width and further improvements along these lines are not practical at this stage of the art.

12. Further, land mobile communications are not uniformly distributed throughout the country, but are concentrated in and near the population centers. A 1964 study conducted by the Land Mobile Section of the Electronic Industry Association (EIA), for example, showed that 50 percent of all authorized transmitters in the Business and Special Industrial Radio Services are operated in less than 4 percent of the country's land area. Those two services account for more than one-third of all transmitters in all of the land mobile radio services. EIA also showed that slightly more than 50 percent of all land mobile transmitters are in less than 8 percent of the country's land areas. The concentration of land mobile communication systems in population centers in nearly all of the radio services limits the possibilities for more extensive sharing of frequencies either within a service or among different land mobile services.

13. Nevertheless, we recognize, as many of those who have studied the land mobile radio services have recognized, that further improvements in the manner in which frequencies are allocated and used in the land mobile radio services can be made. This, in fact, has been the Commission's policy for the past 20 years, and is our policy now. We do not consider these questions secondary, as AMST implies. Indeed, our efforts towards finding solutions to the land mobile radio problems in the past 5 years, especially, have been directed particularly to increased efficiency in the use of land mobile radio spectrum, and substantial improvements have been introduced, particularly in the 450–470 MHz band. The Advisory Committee for the Land Mobile Radio Services (ACLMRS), for example, for 3½ years and with nearly 200 engineers and communications experts, examined a broad range of possible improvements and most of its recommendations have been implemented. The contract study conducted by the Stanford Research Institute was part of this effort. We, therefore, recognize the need for and are committed to constantly revising our rules and policies to introduce developing technology and new allocation and assignment techniques into the land mobile communications to achieve spectrum efficiency and enhance the value of these services. We are well aware of the various studies to which the broadcast comments called our attention. They have been, and are under consideration by the Commission and we have adopted plans and are formulating others looking towards implementing those recommendations which seem most feasible within the present technological context and can be implemented within a reasonable time frame. But we are not persuaded, in view of the available evidence from the record of this proceeding, our own experience, and from the numerous studies of land mobile problems, that "reforms" alone will solve the problem for a number of reasons.

14. First, the degree of relief that can be gained by the introduction of the various improvements urged by the broadcasters is speculative. Indeed, land mobile spokesmen have argued that many of the various specific reforms recommended would not only be inappropriate for the land mobile radio services, but could result in less efficient use of the available spectrum. They pointed out, for example, that most of the "improvements" suggested by the broadcasters were considered at length by the ACL MRS for more than 3 years but that Committee concluded that adoption of these techniques would result in relatively minor improvements and in many cases less efficient use of the spectrum and that they did not promise sufficient relief to warrant general adoption in the land mobile radio services.[9] Complete elimination of the existing block allocation or substituting allocation of frequencies to broader categories of users, the land mobile comments argue with some validity, would be unwise and, in any event, would yield little relief in the more congested areas where most of the useful channels in almost all services are now in use. Land mobile spokesmen stated that large "common user" systems would be less efficient in terms of spectrum utilization and they may not be well adapted to the land mobile radio services because of the great dissimilarity of the communication requirements of the user community. "Trunking" as it is used in the common carrier telephone system may not be appropriate in many land mobile radio services, land mobile comments argue, and it is an "extravagant" use of the spectrum. Similarly, it was claimed that multiplexing may not be practical in these services because relatively few land mobile systems have similar coverage requirements and the high power required for multiplexing could result in the substantially less efficient use of the

[6] See paragraph 21, infra.

[7] Fifteen kHz channels are regularly assignable in most public safety and land transportation radio services in the 150–162 MHz band. In the pending rule making proceeding in Docket 17703, the Commission has proposed, at the request of a number of user organizations, to make 15 kHz channels assignable in all services, except the Business Radio Service. See notice of proposed rule making in Docket 17703, 29 F.R. 13143.

[8] The Local Government Manufacturers, Telephone Maintenance, and the Business Radio Services were established in 1958. Since then, well over 100,000 licenses have been issued in the Business Radio Service alone. In the rule making proceeding in Docket 13847, additional channels were created by reducing channel spacing from 50 to 25 kHz in the 450–470 MHz band. In addition to the existing services, some of the new frequencies were made available for communications at air terminals, for paging, teleprinters, and for possible future use in connection with highway safety and to the industrial protection industry. See, Frequency Allocations in 450–470 Mc/s Band, second report and order, Docket 13847, 11 FCC 2d 648 (1968).

[9] ACLMRS studied, among other subjects, the following: Broadband, multiple-access system; trunking; multiplexing; low and variable power concepts; tighter control of signal radiation; application of computer techniques to radiofrequency assignment; expanded interservice sharing, reallocation within the land mobile bands; nonvoice systems; variable power systems; locating base stations together in groups, and others. For a summary of the subjects studied and the expected benefits of each, see 1 Report of ACLMRS pp. 43–44. The ACLMRS concluded that reduction of the channel width in the 450–470 MHz band from 50 kHz to 25 kHz, removal of fixed (point-to-point) operations from that band, and expanded interservice sharing were the only approaches promising substantial relief. ACLMRS's recommendations for reducing the channel width and removal of fixed operations from the 450–470 MHz band have been implemented. The Commission, however, felt that the criteria suggested by the Committee for expanded interservice sharing should be explored further. The contract study by the Stanford Research Institute was conducted primarily for this purpose.

spectrum. All land mobile comments, including those submitted by police spokesmen, rejected AMST's suggestion that industrial and commercial users be moved from the 150–162 MHz band in order to concentrate the primary radio needs of the police in that band because this would not fully meet the frequency requirements of the police and would be hugely expensive. EIA stated, for example, that this would cost industrial and commercial users nearly $220 milion.

15. We are not deciding whether any particular suggested techniques or allocation and assignment policies should or should not be adopted in the land mobile radio services, nor do we believe that we can decide these issues on the basis of the available information. These issues present highly complex technical and policy problems which can only be resolved in an evolutionary process through developmental operations and other methods for testing their technical and operational value. Suffice it to say that we simply can not ignore the congestion problems in the land mobile services while these concepts are debated and tested.

16. The report of the Stanford Research Institute giving the results of its 1-year study of the land mobile radio services does indicate that improvement in the utilization of spectrum by the land mobile services is possible, and we are pursuing SRI's basic recommendations, funds having been requested to begin their implementation. However, just what the degree in improvement in frequency utilization will be and exactly what can be achieved through these means to meet the frequency requirements for land mobile communications remain largely a matter of speculation. This cannot be determined with complete assurance or accuracy until the frequency management approach has been placed in operation and the experience gained evaluated. For the present there is no evidence by any one, SRI included, that such improvements as will follow from the frequency management procedures recommended by SRI will provide a breakthrough and assure adequate spectrum space for the present and projected needs of the land mobile services. And it is clear that complete implementation of the SRI recommendation is a long term proposition, even assuming that the necessary funds are made available.

17. It is clear that the SRI report does not demonstrate that there is no need to reallocate additional radiofrequencies to the land mobile radio services, as the broadcast interests have argued. Nor does it demonstrate the opposite proposition. This was not the purpose of the study and it simply did not deal with the question. See, for example, SRI Interim Report, Part B, note on p. 3; SRI Final Report, Part B, note on p. 1; Statements of W. R. Vincent during oral argument in this proceeding, Transcript pp. 462, 475. The purpose of the study was to explore the possibilities for increased utilization of the land mobile frequencies through expanded land mobile interservice sharing and through the development of new frequency allocation and assignment techniques. The data developed and the analysis of the data were used solely to illustrate that the management approach recommended in the report could result in more efficient use of the available radiofrequencies. Thus, we cannot conclude, as the broadcast comments have urged, that the data on channel occupancy "shows" that additional spectrum is unnecessary. The data supplied by SRI cannot be reasonably used to support that conclusion. The monitoring of the land mobile radio channels on which the data was based was too limited, in time, place, and scope, as well as in consideration of future growth, to be conclusive one way or another.

18. Finally, as we have indicated, to the extent to which the various concepts and techniques for improving utilization of the land mobile radio spectrum are shown to be valuable, it will be several years before they may be implemented. For example, the approach to frequency management recommended in the SRI report requires regional management centers, frequency monitoring and computer data processing, none of which are now available to us, as well as the development of concepts and standards for better distribution of channel usage among available frequencies. These can be derived only in an evolutionary process as we gain operational experience. Also, to the extent that improvements are found to be valuable, their implementation would require expenditure of large sums by the Commission. It has been estimated in the SRI report, for example, that the annual cost for the operation of one of the several regional management centers would be approximately $1.5 million. From the standpoint of the user, there are now more than 300,000 individual land mobile communications systems in existence, many of them small, as pointed out by AMST, others large, but all representing a substantial investment on the part of each licensee and more importantly, they are integrated into and are indispensible to the licensee's day-to-day operations. Thus, immediate and sweeping changes, even if possible and desirable, could not be made because, aside from the very large expenses that would be involved, there would be serious disruption of the operations of the users to the detriment of the public.

19. In sum, we recognize the need for and we are pursuing programs likely to achieve substantial improvements in the management and use of the land mobile radio services. However, the extent of the benefits to be achieved are uncertain, the costs will be substantial, and, in any event, improvement can only be gained gradually and over a relatively long period of time.

20. We now turn to the broadcasters' argument that we have relied on "inflated" statistics, both with respect to the number of land mobile radio transmitters now in use and especially with respect to the extent of future growth of land mobile communications. In adopting our proposals in this proceeding and those in Docket 18262, we had tentatively concluded that the requirements for land mobile communications in 1980 would more than double (i.e., that there would be approximately 7.3 million authorized transmitters in 1980 as contrasted to nearly three million in 1968). AMST, as we mentioned, disagreed. It argued that the growth rate in the land mobile radio services is decreasing and projected a total number of radio transmitters by 1980 of approximately 2.9 million. On the other hand, comments filed by land mobile interests argued that our own estimates were conservative and that AMST's conclusions were wrong. They pointed out that AMST used a constantly changing and larger base in order to give the appearance of a constantly decreasing growth rate and applied to it a statistical curve which is employed by statisticians to predict growth in phenomena where growth must stop at some point, such as the growth of the height of a human being; but that this is not appropriate in predicting the growth or radio usage because there is, of course, no predicable limiting factor, unless it is imposed by rule whereas the basic point of this proceeding is to avoid imposing such a limitation if it is practical and feasible to do so. The Land Moble Communications Council (LMCC), using AMST's basic statistics, concluded that there will be nearly 11 million transmitters by 1980, not 2.9 million estimated by AMST, assuming there are enough frequencies available to permit orderly growth. The Land Mobile Section of the Electronic Industries Association projected a growth similar to that predicted by LMCC.

21. There are many unpredictable variables bearing on the growth of land mobile radio communications service and a key factor in this instance is obviously the availability of spectrum space itself. It is, therefore, impossible to predict conclusively and with a high degree of accuracy the needs of land mobile communications by 1980. The one certainty, however, is the growth rate that has been sustained over the past 10 years. Add to this the known availability of a number of technological developments and known requirements for their application in the land mobile field, it is reasonable if not imperative that we plan for a demand for land mobile communications by the end of this decade at least double, and more likely more, that of today. Certainly, AMST's projections do not appear supportable. Thus, a computer count of the number of radio transmitters authorized in the private land mobile radio services as of June 30, 1969, shows nearly 3.8 million transmitters specified on the face of outstanding licenses as of that date. Even if we were to use AMST's estimates that 66 per cent of authorized transmitters are actually in use, there were in mid 1969, more than 2.5 million trans-

mitters in use" or close to the number estimated by AMST for 1980. In any event, and disregarding specific numbers, even by AMST's own estimates, land mobile communications should almost double by 1980. (AMST estimated 1.6 million in 1968 and 2.9 million by 1980.)

22. In trying to foresee the requirements for land mobile communications of the future, we have examined the basic factors responsible for the growth of land mobile communications in the past. Among these factors were: The growth of our population and our economy (land mobile communications systems have grown faster than both), the vast expansion of our urban centers, particularly those adjacent to our larger cities; the enormous growth of and corresponding reliance on motor vehicles, private, public, and commercial; the increased mobility of our society; and the well known social problems of unprecedented complexity and urgency which have placed enormous demands on public safety agencies. The increased demand for radio communications, moreover, has brought lowered costs and this, coupled with technological improvements, have put radio equipment within the financial reach of even the smallest business. As a result, many business operations have become so dependent on radio that they would be hard pressed to remain competitive without it. In short, for a variety of reasons, during the past quarter century, the use of radio has grown into one of the most effective operational tools available to the American business and industrial community and it has, of course, become indispensable in public safety functions. These factors, we believe, will continue to create an even greater need for land mobile communications in the future. The comments filed in this proceeding and a number of studies have made it abundantly clear that local governments, industry, transportation, and the general business community will rely increasingly on land mobile communications to respond more effectively to the complex problems of our society.

23. It has been made clear, of course, that to a large degree existing communications systems are not adequate in many cases to meet even current requirements, let alone those of the future. The National Advisory Committee on Civil Disorders, for example, found that "[r]elativey few police departments have adequate communications equipment or frequencies."[11] The President's Crime Commission reached substantially the same conclusion.[12] It is generally known that during the major civil disturbances in recent years, in the larger urban centers, the radio communications of the various public safety agencies proved seriously inadequate in practically all communities where such disturbances occurred.[13] This situation is by no means limited to the Public Safety Services, but it is prevasive throughout most of the land mobile radio services in the largest urban complexes as the record in this proceeding, our own experience in administering these services, and others who have studied this problem have made clear.[14] Thus, the need to "catch up" with current requirements will generate much of the growth of land mobile communications in the near future, assuming the radiofrequency resources are made available.

24. To meet current as well as future communications requirements, many of our largest cities and many states, with Federal financial assistance, are now in the process of expanding and modernizing their police and other public safety communications systems. New York City, for example, is in the process of implementing a multimillion dollar police communications system which, according to the Police Commissioner of that city, will eventually require two and a half times as many radio frequencies as are now assigned to its Police Department.[15] Public Safety officials, however, have found that the "central obstacle to needed improvements will be the very serious shortage of available radio frequencies * * *."[16]

25. In December 1969, the Associated Public-Safety Communications Officers, Inc. (APCO), released a report of the second phase of its study of police communications of a tri-State area which was conducted under a grant from the National Institute of Law Enforcement and Criminal Justice under a study contract. The technical and engineering studies were performed by the IIT Research Institute. The basic purposes of the study were to examine the present and future (to 1980) spectrum requirements for effective law enforcement communications in the Lake Michigan Metropolitan area which includes Milwaukee, Wis., Chicago, Ill., and Gary, Ind., as well as over 300 smaller communities, and to develop plans for coordinated and efficient communications network systems in that area, and thus furnish a model for other areas of the Nation. The study assumed, as one of the basic criteria, that an effective coordinated police communications system should permit an average delay in getting a message on the air during busy periods of no more than 5 seconds. It was concluded that to achieve this objective and to permit close coordination among the various police jurisdictions, the type of communications systems recommended for the area would presently require more than five times as many frequencies as are now assigned, and more than eight times as many by 1980. See, Associated Public-Safety Communications Officers (APCO), Inc., Summary, Illinois Police Communications Study, Phase Two, December 1969, p. 16. See generally, APCO Illinois Communications Study, Phase Two, vol. 2, December 1969. While we have reached no conclusions with respect to the findings and the recommendations of the study, it is nevertheless indicative of the present and future frequency requirements in the Police Radio Service, and in general supports the comments filed in this proceeding by spokesmen for the public safety radio services urging the Commission to allocate additional radio spectrum to the land mobile radio services.

26. Similarly, comments filed by spokesmen of radio users in other services indicated similar needs. For example, the Automobile Club of Southern California stated that it expects its radio usage to increase by 70 percent during the next 5 years and has adopted plans to purchase the necessary equipment to meet that need. The Utilities Telecommunications Council expects that the Nation's electric, gas, and water utilities will "triple" their channel usage by 1980 if they are to meet the expanding and more complex demands for utility services of the public. The Special Industrial Radio Services Association stated that more than 2,500 new radio users are authorized in the Special Industrial Radio Service each year and 1,500 existing licensees in that service expand their systems. The Central Committee on Communication of the American Petroleum Institute stated that the current growth rate of about 7 percent in land mobile communications is expected to continue in the petroleum industry.

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[10] The Commission's Annual Report on the number of transmitters in the land mobile services is also an estimate of the number of transmitters in actual use based on applying certain factors to a count of outstanding station licenses. The number to be shown in the Annual Report for Fiscal Year 1969 is approximately 3,142,000.

[11] See Report of the National Advisory Committee on Civil Disorders, p. 268 (Mar. 1, 1968).

[12] See Task Force Report; Science and Technology, A report to the President's Commission on Law Enforcement and the Administration of Justice, pp. 21, 114–116. See also generally, The Allocation of Radio Frequencies And Its Effect on Small Business, A report of Subcommittee 5 to the Select Committee on Small Business, House of Representatives, 90th Cong. second session, House Report No. 1978.

[13] See House Report 1975, ibid. For a general discussion of the inadequacy of existing police and other public safety communications, see generally, Task Force Report: Science and Technology, Ch. 3.

[14] See, for example, Hearings on The Allocation of Radio Frequency and Its Effect on Small Business, Before Subcommittee 5 of the Select Committee on Small Business, 90th Cong. second session, ibid.

[15] Letter of Howard R. Leary, Police Commissioner to Chairman, Federal Communications Commission, dated Dec. 8, 1967.

[16] Letter of Raymond P. Shafer, Governor of Commonwealth of Pennsylvania, on behalf of National Governors' Conference and the National Association of Attorneys General, to Chairman, Federal Communications Commission, dated Feb. 11, 1970. See also, letter of Chairman and Vice Chairman, National Advisory Commission on Civil Disorders, to Chairman, Federal Communications Commission, dated Feb. 7, 1968.

27. The American Trucking Association reported in its comments that only a relatively small fraction of the 1.5 million for hire trucks now use radio. Transit authorities until recently used radio only on supervisory and maintenance vehicles but they have now begun to equip their operational vehicles in order to increase efficiency in operation and for security and crime prevention purposes. The New York City Transit Authority, for example, has added 4,000 radio mobile units to its operation and the Chicago Transit Authority has equipped 500 buses with radio. Similarly, transit entities in Detroit and St. Louis, according to comments filed by The American Transit Association, are expanding their systems. The International Bridge, Tunnel, and Turnpike Association maintained that lack of frequencies thus far has thwarted development of communication on interstate and toll highway facilities and anticipates considerable use of radio communication for a variety of purposes for the more efficient and safer operation of our densely traveled throughways and interstate highway systems. Communications on the highways for the motoring public are still in the developmental and experimental stage.

28. In summary, we believe there is very substantial evidence of the need for greatly expanded land mobile communications both in the immediate future and in the years to come to the extent that our initial estimate of a doubling of requirements by 1980 may be conservative. There is no doubt that some additional usage could be derived from presently allocated land mobile spectrum by putting into force some of the various frequency conservation and improved assignment processes which have been discussed above. But, as we mentioned, after a number of years of consideration and study by the Commission and outside parties of the usefulness of this approach, the best that can be said is that the degree of relief which can be derived therefrom is uncertain while the cost to the users and to the public of making some or all of the suggested changes would be very high. This must be contrasted with the alternative of providing the land mobile radio services with additional radio spectrum space from the frequencies now allocated to UHF television broadcasting. In the scheme for geographical sharing by the land mobile services of some television broadcast spectrum we have adopted in this proceeding, the degree of relief, limited though it may be, as discussed, infra, is predictable and will not involve costs even remotely approaching the magnitude that would be incurred in relying exclusively on the approach urged by the broadcast comments. Further, by reallocating outright television broadcast spectrum space to the land mobile radio services as we have in Docket 18262, we have provided frequency resources for the future development of land mobile communications. By contrast, we believe the cost to the public in terms of impaired or lost broadcast service would be minimal. We emphasize, also that we are by no means losing sight of the objective of more intensive use of the radio spectrum. Indeed, in choosing among alternative courses of action, we have kept in mind our responsibility to pursue the latter goal. At a time recently described by the President of the United States as one of a "worsening spectrum shortage"[17] it is imperative that frequency allocation and assignment processes be directed to achieving more effective utilization of the radio spectrum. We have described the considerable efforts that have been and will be made in that direction with respect to spectrum space allocated to the land mobile services. The action we have decided to take today with respect to UHF TV frequency allocation will substantially increase the utilization of those frequencies.

29. Similar considerations have led, we believe, many who have addressed themselves to this problem to have recommended reallocation of part of the UHF television spectrum to the land mobile radio services. Among others, the President's Crime Commission,[18] and the Advisory Committee of the Land Mobile Radio Services,[19] have recommended this approach.

30. Weighing the relative merits of various possibilities in the light of these considerations, we conclude that the public interest will be served by making available additional radio spectrum to the land mobile radio services. In reaching our decisions in this matter, particularly with respect to the limited sharing plan we have adopted in the lower UHF channels, we took into account what we believe to be well established that the most urgent needs for additional land mobile radio services for the immediate future exist in and near our largest urban centers. Thus, the sharing plan is directed towards meeting the needs in those centers to the degree possible. Further, we have considered carefully but we have rejected, for a number of reasons, the suggestion urged by the broadcast interests that any needs for additional spectrum in the land mobile services should be accommodated exclusively within the 26 MHz of space in the 900 MHz band made available by the Federal Government. This spectrum space alone is not considered sufficient to meet the long term needs of the Nation for land mobile communications, for private as well as for common carrier communications systems. Secondly, as we have pointed out above, there is a need for relief of congestion in the land mobile radio services as soon as possible in the largest metropolitan centers. Yet, it is clear that radio systems for land mobile operations in the 900 MHz band are not currently available. Further, as we pointed out in our report and order in Docket 18262, there remain a number of serious and complex issues to be resolved before those frequencies can be made available for regular use. (See paragraphs 31 and 38 of the first report and order in Docket 18262.)

31. We believe, however, that the long-term needs of the land mobile radio services should be accommodated in the upper part of the UHF spectrum. Accordingly, we have taken actions today which will, we believe, meet to a substantial degree the immediate needs for land mobile communications in and near our larger urban centers and set the regulatory framework for the future development of both private and common carrier mobile communications systems. Thus, we have adopted a plan under which land mobile radio users will be able to share at least one, and in some cases two, of the lower seven UHF television channels (Channels 14 through 20) in and near 10 of the largest urban areas of the country as soon as possible.[20] Secondly, we have reallocated a total of 115 MHz of spectrum space between 806 and 947 MHz, 75 MHz of which is earmarked for common carrier land mobile communications systems and 40 MHz for private land mobile radio systems. See first report and order in Docket 18262. We will now proceed to a detailed discussion of the specific technical issues raised with respect to our sharing proposition in the lower UHF television spectrum (470–512 MHz).

The sharing proposition. 32. The notice in this docket proposed the shared use of UHF television Channels 14 through 20 by the land mobile radio services. This was to be achieved through reallocation of these channels to the land mobile radio services for selective use within the 25 largest urbanized areas[21] under criteria, described below, designed to provide protection from interference to UHF television stations on those channels. In New York-Northeastern New Jersey, for example, Channels 14, 15, 16, and 17 were to be shared, while in Minneapolis-St. Paul, Minn., it was to be Channels 14, 15, and 19, with similar arrangements in each of the 23 remaining urbanized areas.

33. Land mobile stations within these channels were to be permitted to use facilities with maximum effective radiated power (ERP) ranging from 400 watts, with an antenna of 200 feet above average terrain (AAT), down to 5 watts with a 6-foot antenna. Minimum mileage separations between land mobile and TV stations were established[22] so that

[17] Letter from the President to the Congress, dated Feb. 9, 1970, transmitting the President's Reorganization Plan No. 1 of 1970.

[18] Report of the President's Commission on Law Enforcement and Administration of Justice, The Challenge of Crime in a Free Society, p. 254.

[19] Report of the Advisory Committee for the Land Mobile Radio Services 59; see also, House Report 1975, supra at footnote 12.

[20] The top 10 urbanized areas are set forth at Table 23, Vol. 1, U.S. Census of Population 1960.

[21] The urbanized areas in question are those set out in Table 23, Vol. 1, U.S. Census of Population, 1960.

[22] These were: Zone I, cochannel, 127 miles, and 49 miles for adjacent channel frequencies; and for Zones II and III, 139 miles, cochannel and 61 miles for adjacent channel frequencies. The zones are those defined in § 73.609 of the Commission's rules. Zone I includes principally the densely populated centers of the northeastern quadrant of the country, Zone III encompasses the area immediately adjacent to the Gulf of Mexico, and Zone II takes in the remainder of the continental United States.

the land mobile stations, operating in accordance with the specified power and antenna height limitations, would provide protection to UHF television stations (then in operation or to be authorized in the future). The protection standard proposed was based on maintenance of at least a 50 dB ratio of desired to undesired signals,[23] on cochannel frequencies, and 0 dB ratio, desired TV to undesired land mobile signals, on adjacent channel frequencies at the Grade B contour of the UHF television stations involved.[24]

34. The criteria further provided for determination of the Grade B contour of the protected TV station based on an assumed power of 1 megawatt (ERP) and a 1,000-foot antenna (AAT) in Zone I, and an assumed 2,000-foot antenna in Zones II and III. The Grade B contour was to be computed using the F(50,50) curves in FCC Research Division Report No. R-6602 (hereinafter referred to as the R-6602 curves) rather than the F(50,50) curves now in Part 73 of our rules (referred to as the rule curves). To determine the distance to the 14 dBu and 64 dBu contour (cochannel and adjacent channel, respectively) of a land mobile station, we proposed to use the F(50,10) R-6602 curves for distances of 10 miles or greater and the F(50,50) R-6602 curves for distances of less than 10 miles.

35. Finally, other limitations (taboos) applicable to the assignment of UHF television facilities, including the Intermodulation (IM) and Intermediate Frequency (IF) beat taboos, were not considered applicable to operations between land mobile stations and television facilities, i.e., it was not necessary to take these particular "taboos" into account in specifying mileage separations between land mobile and UHF TV stations. Our basic reasons for this decision were given in the rule making notice. We will treat them further in our discussion, below.

36. As we have pointed out, the broadcasters strongly opposed the sharing principle. The land mobile findings also questioned the sharing proposition and raised a number of questions regarding the sufficiency of the proposal to meet land mobile requirements. The broadcasters' position is that sharing as proposed would result in "widespread" interference to reception of UHF-TV transmissions, and that the technical standards we proposed would not be adequate to provide protection to television reception. In brief, they argue that protection of UHF-TV stations should be based on the Part 73 rule curves, not those taken from our Research Division Report No. 6602; that an assumed power of 1 megawatt and an antenna height of 1,000 feet for Zone I, and 2,000 feet for Zones II and III are unrealistic because our rules presently allow greater power and antenna height;[25] that the protection ratio of 50 dB for cochannel and 0 dB for adjacent channel frequencies, desired to undesired signals, is inadequate; and that the UHF Intermodulation (IM) and Intermediate Frequency (IF) beat taboos should not have been disregarded.

37. On the other hand, the land mobile interests counter, saying the protection afforded the television stations is more than technical considerations warrant (far too conservative); and that the limits on power, antenna height and possible location of land mobile stations thus imposed would frustrate totally the primary objectives of this proceeding and leave the land mobile services with no real relief. As an alternative, they propose a number of modifications in our plan, which, in their opinion, could be made without increasing the potential for interference and which they insist are required, if adequate and useful communications systems are to be created.[26]

38. We have given careful consideration to the arguments advanced by the broadcasters and the land mobile parties in support of their respective positions. We find that both groups have inherent difficulties with the proposal we made for geographic sharing of the 470-512 MHz band; and that, for the reasons we broadly mentioned above, neither would have us adopt the plan as proposed. In these circumstances, we have found it appropriate to modify the plan and to balance the needs of the land mobile services for additional spectrum space with a need to assure that the development of the UHF television service will not be impaired in any material way through the imposition of significant possible interference from land mobile stations operating on the shared channels, a possibility that the broadcasters urge must be avoided.

39. Accordingly, we have decided to adopt a conservative approach to this problem, not only with respect to the technical sharing criteria, but also as to the extent to which the shared use of the lower seven UHF television channels is to be permitted at this time. Thus, we now plan to permit land mobile radio users to share in 10 of the top 25 urbanized areas, where we have stated the need for relief is most urgent, and to confine sharing to one and possibly two UHF TV channels, those we have determined can be employed with maximum protection to UHF television while allowing land mobile facilities to operate with powers and antenna heights suitable for their purposes.

40. Further, although we have been strongly urged by the land mobile interests to adopt a uniform protection standard of 40 dB, desired TV to undesired land mobile ratio, we will adhere to the 50 dB criterion, except in three instances where the application of the 50 dB standard limits significantly the scope of land mobile relief. Thus, the 40 dB ratio will be applied in connection with the use of Channel 15 in the New York City area and, subject to the conclusion of satisfactory arrangements with Canada, in connection with the use of Channel 15 and Channel 16 in the Cleveland and the Detroit areas, respectively.[27] These parameters, we believe, will permit significant land mobile relief in the top 10 major population centers, and, at the same time, afford us an opportunity to examine how sharing works in practice and what requirements can be satisfied through it. Moreover, using them, we feel assured there will be no significant adverse effect on UHF television reception.

41. At the end of 5 years, and of course during this period, we will evaluate the sharing proposition, as such, and make further judgments, both on the basis of policy considerations and the technical data that will then be available to us, as to what actions would be appropriate with regard to it. With this discussion as background, then, we turn to a consideration of particular aspects of the sharing arrangements we will allow and of our resolution of the matters placed in issue through the comments of the parties.

42. First, we have accepted the position of the land mobile interests that powers and antenna heights comparable to those now employed in the land mobile services are required if the relief afforded is to be meaningful.[28] Therefore, we have, wherever feasible, made it possible for land mobile stations to employ 1 kilowatt effective radiated power and antennas 500 feet above average terrain, as urged by the land mobile comments.

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[23] Stated another way, the field strength of the desired television signal at the Grade B contour would be more than 300 times greater than the undesired land mobile signals at that point.

[24] In terms of field strength, the land mobile signal at the Grade B (64 dBu) contour of the protected UHF TV station could not exceed 14 dBu for cochannel operation (50 dB protection ratio) and 64 dBu for adjacent channels (0 dB protection ratio).

[25] For UHF television, Channels 14-83, the rules provide for maximum visual radiated power of 37 dBk (5,000 KW.) (except 30 dBk is the limit at points within 250 miles of Canadian-United States border) and an antenna height of 2,000 feet above average terrain. Combinations of powers and antenna heights are also allowed. Section 73.614(b) and § 73.699, Figure 3.

[26] Spokesmen for land mobile interests state that the vast majority of land mobile radio users need facilities with power and antenna height much greater than even the maximum (400 watt/200 foot antennas) proposed. They state that typical land mobile communications systems capable of achieving coverage required by most users must have facilities with powers and antennas in the order of 1,000 watts effective radiated power and 500 feet above average terrain, respectively. Therefore, they argue that the proposal should be changed so as to permit land mobile stations to share the UHF-TV channels with powers and antenna heights in this range.

[27] The protection standard to be employed within areas where Canadian and Mexican use of these channels may be affected will also depend on the outcome of discussions with these countries. This matter is discussed, infra.

[28] Data relative to needed communication coverages of urban land mobile licensees, submitted in this and in a previous proceeding, indicate that the majority of them require between 15 and 30 miles base-to-mobile communications. See third report and order in Docket 13347, FCC 69-1037. Facilities in the order of 1 kW./500 feet are required for coverage out to 30 miles.

Also, we have modified the area within which frequencies will be made available for assignment. In this connection, we have abandoned the urbanized area concept and substituted an area approach which will permit land mobile assignments within 50 miles of the center of each of the 10 largest urban centers now being considered.

43. In achieving this, as we have indicated, we have modified somewhat some of the criteria and the parameters we proposed for protecting the UHF television service. Thus, we have decided, in certain instances, not to protect unused (unoccupied) television assignments located in or near the 10 urban centers, where such action is necessary in order to afford some measure of meaningful relief for the land mobile services. Our studies indicate that in the majority of cases there are either other existing unoccupied channels in the areas affected or there are substitute UHF channels available. Thus, the impact on UHF television is kept to a minimum.[29]

44. Further, certain other changes in the criteria for protection for UHF television facilities have been made. As we said, we have decided in the cases of Cleveland, Detroit, and New York, to employ (within one of the channels made available in each of these cities) a ratio of desired TV to land mobile field strengths of 40 dB instead of the 50 dB value for cochannel protection.[30] Where applicable, this means that the predicted field strength of a cochannel land mobile station may not exceed 24 dBu at the Grade B (64 dBu) contour of the UHF TV facility.[31] Additionally, in Zone I, we have amended the plan to provide protection of the Grade B (64 dBu) contour as determined on the basis of an assumed antenna height of 2,000 feet instead of the original 1,000-foot antenna height criterion. Adoption of the 2,000-foot antenna criterion brings uniformity to the protection requirements for all zones and increases the mileage separation between land mobile and UHF–TV stations situated in Zone I, and, thereby increases the degree of protection to be accorded UHF–TV stations operating in this zone.[32]

45. For adjacent channel protection, as indicated, we have decided to maintain the 0 dB ratio, desired to undesired. We believe that this ratio is conservative, absent reliable information to the contrary.

46. We have also decided to permit mobile units to be used anywhere within a 30-mile radius of the transmitter site of an associated base station. However, our tables for mobile operation take this into account and provide protection to the 50 dB standard (40 dB in the limited cases of Cleveland, Detroit, and New York) from a point 30 miles distant from the associated base station toward the protected TV station. Therefore, this feature does not alter the protection to be afforded UHF TV operations.

47. We turn now to a brief discussion of the plan itself. The channels available for land mobile use in each of the eight[33] urbanized areas where relief is being accorded, are listed in Table I, Appendix D. In addition, Table I includes the "geographic center" of each of these eight areas. This is to be used in determining whether a proposed location for a land mobile station is within the permitted 50-mile radius of a particular urbanized area where frequency relief has been provided.

48. In other tables (Appendix D) we provide the maximum powers and antenna heights which may be used at varying mileage separations. There are six of these tables: Table A (50 dB protection) and Table B (40 dB protection) give the maximum power and antenna height that may be employed by land mobile base stations operating on cochannel frequencies and the required mileage separations for such base stations from protected UHF television facilities. Table E gives parallel values for adjacent channel operation. Tables C (50 dB protection), D (40 dB protection) and F are for mobile operation, and they set out the distance in miles which must be maintained between the transmitter sites of protected UHF television stations and the land mobile base station with which the mobile units are associated. Tables C and D are for cochannel and Table F is for adjacent channel operation. Finally, we also provide a separate list of the specific UHF station or station or stations which must be protected by land mobile stations operating on frequencies in the 470–512 MHz band (Appendix F).[33a] These eight elements, that is to say, Table I, Tables A, B, C, D, E, and F, and the station list, taken together, constitute the basis for determining the frequencies available in any of the given eight urbanized areas, and ultimately in all 10;[34] the mileage separations required to afford UHF television stations protection; the particular station or stations which must be considered in determining whether a frequency can be employed and where it can be used; and the type of operation (power and antenna height combinations) that can be put in use.

49. As we said, we are adopting this plan to provide short range relief in the areas where we believe it is needed most. But with the technical limitations we are adopting for sharing, we have found we could not, without further action, satisfy critical demands for added spectrum space in Chicago and Philadelphia. In these two cities the plan affords no relief and other steps will be required. In this regard, we have determined that relief could be made available for Chicago, but for the Channel 14 assignment at Joliet, Ill.; and that similarly relief could be available in the Philadelphia area, but for Channel *19 at New Brunswick, N.J. There are outstanding construction permits on both of these assignments, but substitute channels can be made available; and, in the circumstances at hand, we are persuaded that appropriate steps should be taken. We proposed to do this in a separate action.

50. Finally, we are adopting a freeze on all unoccupied television assignments on Channels 14 through 20 that might affect the use of channels being made available in the ten urbanized areas by the land mobile radio services. Existing stations, and those for which there are outstanding construction permits, are to be permitted to use maximum powers and antenna heights now permitted under applicable sections of our rules and the only restriction will be as to changes of transmitter sites so as to avoid relocation in areas which would increase the operating limits being imposed on use of the subject channels by the land mobile services.

51. In order to maintain the integrity of the sharing arrangements for Channels 14 through 20, limitations must be applied to certain of these channels used or available for use by the broadcasting service. Such limitations, however, shall apply only to: (a) The specific UHF channels listed at Appendix C and to Channels 14 and 15 at Chicago, Ill., and Channels 19 and 20 at Philadelphia, Pa., which are within 212 miles; and (b) to channels which are adjacent to those channels and which are within 140 miles. The required mileage separations shall be determined by measurements from the centers of the respective urbanized areas set out at Table I of Appendix D. Therefore, in accordance with the foregoing limitations, effective immediately, and until further ordered, we will not accept: (1) Applications for construction permits for new television facilities on the affected channels; (2) applications for modification of existing facilities operating on the affected channels which would involve a substantial change in the location of an existing television station which would adversely affect land mobile use; and (3) requests for changes in the table of television allocations which would involve moving an assignment on an affected channel to another location within the distances specified. Finally, (4) no action will be taken on pending

[29] The UHF assignments involved are listed in Appendix E which is filed as part of the original document.

[30] The exact technical standard to be employed at Cleveland and Detroit will depend, also, on the results of our discussions for use of these channels with Canada.

[31] The adjacent channel protection ratio, 0 dB, will remain the same, so that the predicted signal strength of a land mobile station at the TV Grade B contour may not exceed 64 dBu.

[32] Over 40 percent of all authorized UHF facilities are situated in Zone I, while the zone itself represents only about 10 percent of the total land area of the contiguous United States.

[33] Chicago and Philadelphia must await action by the Commission to clear needed channels. This aspect of the proceeding will be discussed, infra.

[33a] Appendix F filed as part of the original document.

[34] As set out in the following paragraph in the text, relief in Chicago and Philadelphia must await further action to provide suitable channels for use by the land mobile services.

applications proposing any of the foregoing types of action. With respect to subparagraph (1) above, the matter of television translators will be dealt with in a separate proceeding.

52. In sum, we have tried, wherever possible, to permit, in and near the top 10 urban centers, land mobile radio users to share those UHF television channels on which they can operate with adequate power and antenna heights to meet their stated needs. Consequently, we selected those channels for shared use where operation with close to maximum facilities (i.e., 1 kW. ERP/500-ft. antennas) will be possible over most and, in many cases, in all of the 50-mile area from the center of the city involved. However, this need of land mobile radio users for adequate power and antenna height has limited severely the possibilities for sharing many of the seven channels under consideration, and in none of the top 10 urban complexes could land mobile stations share more than two television channels, except with minimal facilities, under either the 50 dB or the 40 dB cochannel protection criterion. In these circumstances, we have concluded that it would not be wise to permit sharing of more than two television channels, because the facilities would appear to be of marginal value to land mobile radio users while increasing considerably the risks of interference to UHF TV stations. In short, the plan we have outlined, above, is the most practical one that we could evolve under the facts and data now available to us.

Disposition of objections and arguments of the parties to the sharing proposition. 53. The parties have advanced a number of objections to the proposed sharing plan, some of which we have mentioned in the foregoing discussion. The broadcast interests have argued that we erred in basing our protection standard on a hypothetical television station operating in Zone I, with an assumed power of 1 megawatt and a 1,000-foot antenna; and, for Zones II and III, with an assumed antenna of 2,000 feet.[35] They point out that there are several television stations operating with combinations of power and antenna height which exceed those of our assumptions, and accordingly complain that we do not afford protection to such stations through the technical standards we have indicated we planned to use. First, while we did assume, for Zone I, a 1,000-foot antenna, we have now modified that to protect stations with an assumed 2,000-foot antenna. Assuming, for the purposes of argument, then, that the broadcast parties were correct on this point, the adoption of the new standard would go far in meeting their objection. In this connection, our studies show that there is possibly only one UHF facility of those involved here using equivalent power and antenna height greater than that we have assumed.[36] As a matter of fact, the vast majority of the television stations now authorized on Channels 14 through 20 operate with substantially less power than the equivalent of the 1 MW/1,000-foot criteria we had proposed. This gives assurance, as a practical matter, that a greater degree of protection will be afforded the actual Grade B service contour of nearly all UHF stations. Besides, the service contours of television stations are not protected contours, as such, instead, protection in television is achieved by reason of the minimum permissible separations between stations[37] established in prior Commission proceedings[38] and predicated on a number of factors in addition to the desired to undesired signal ratios necessary to maintain a given quality of service.[39] For UHF television, minimum permissible cochannel separations are 155 miles in Zone I, 175 miles in Zone II, and 205 miles in Zone III, and for adjacent channels, 55 miles in all zones. Our plan is intended to provide a greater degree of protection than UHF television stations receive from other UHF television stations under existing separation criteria.

54. Also, certain broadcast parties have contended that the plan will have a greater impact on UHF operations which employ relatively high power and antenna height than would be the case with stations using lower powers and antenna heights, and that we afford no protection to viewers outside the Grade B of existing stations. From the above discussion, we think it clear that the protection to be afforded in each case by the land mobile stations exceeds that of one television station to another as derived from the tables of minimum separations. This fact in itself seems to add sufficient insurance against any signficant interference even under the most unfavorable circumstances.

55. A further argument is that we have established the Grade B contour at a distance of 55 miles from the transmitter site of a protected UHF station by using the F(50,50) R–6602 curves. The broadcasters say that we should have employed the Part 73 rule curves for this purpose. None of the parties seriously contend that the F(50,50) rule curves accurately reflect coverage of stations operating on Channels 14 through 83; and, as we pointed out in our discussion in the rule making notice, our decision to rely on the R–6602 curves was premised on the consideration that they reflected the latest available data and, thus, provided a better (more reliable) predicate for establishing the UHF field strengths at varying distances from the transmitter. Further, the rules, themselves,[40] carry the caveat that the F(50,50) curves there set out are not based on measured data at distances beyond 30 miles and are not accurate for predicting coverage of the UHF–TV channels. The rules also recognize that field intensities in the UHF range decrease more rapidly with distances beyond the horizon than those for VHF Channels 2 through 6, and that additionally, because of interference between stations, the actual extent of service on UHF channels will be less than that derived from the F(50,50) curves. The conclusion reached at § 73.683 is that the field intensity contours give no assurance of UHF–TV service to any specific percentage of receiver locations within the distances indicated. In light of these considerations, we are rejecting the arguments of the broadcast parties on this point.

56. The broadcasters also contend we must take into consideration the UHF Intermodulation (IM) and Intermediate Frequency (IF) beat taboos in determining which channels could be made available for land mobile use in each urbanized area. In this regard, we pointed out in our notice in this proceeding [41] that the current UHF television allocation plan is based, in part, on certain engineering assignment standards which are referred to as the UHF "taboos." These standards provide the basis for the cochannel and adjacent channel mileage separation requirements, as well as other mileage separations between stations on certain UHF channel combinations which can result in interference between stations under some conditions. [The interference effects we are concerned with here are generally referred to as Intermediate Frequency (IF) beats and Intermodulation (IM).] [42] We stated in our rule making notice that the separations which have been considered mandatory for television stations might also be made applicable to the land mobile assignment standards in the 470–512 MHz band, but that, in view of the substantially lower power output levels and the much narrower bandwith authorized for land mobile facilities, minimal interference of this type is to be expected from such stations. We concluded, at that time, that Intermodulation (IM) and the Intermediate Frequency (IF) beat taboos could be disregarded, because of these considerations.[43]

57. We have carefully examined all arguments advanced by the broadcasters on this proposition, and also reviewed the technical bases on which the taboos, themselves, were established, and we have concluded that our tentative determination, announced in our notice, is basically sound. The intermodulation problem we are concerned with (IM and

[35] Reference to power is in terms of "effective radiated power—ERP" and antenna height is height "above average terrain—AAT."

[36] The station in question is WJJY–TV at Jacksonville, Ill.

[37] Section 73.612 of the rules.

[38] In this connection, reference is made to two basic documents; first, Third Notice of Further Proposed Rule Making, Dockets Nos. 8736, 8975, 8976, and 9175, 16 F.R. 3072; and second, Sixth Report and Order, Dockets Nos. 8736, 8975, 8976, and 9175 (FCC 52–294), Pike & Fischer RR, Vol. 1, Part 3, Reports 91: 601.

[39] Mileage separation requirements vary considerably, but in no case are the minimums as great as would be required to meet the desired to undesired signal ratios applicable to a Grade B service under conditions of maximum power.

[40] Section 73.683 of the rules.

[41] Notice of Proposed Rule Making (FCC 68–743) at paragraph 8 et seq.

[42] We need not consider the local oscillator, sound, and picture image taboos. They are peculiar to television, only.

[43] Notice of Proposed Rule Making (FPC 68–743), supra, at paragraph 10.

IF)[44] occurs in television receivers only where the field strength of two television signals are: First, above a certain cutoff magnitude which is quite high; and, second, relatively equal one to the other at the receiver location. This condition will not exist under our proposal, except in the most exceptional circumstances, because, simply stated, the power levels and antenna heights authorized for land mobile use are not sufficient to bring it about.

58. In this connection, we observe that none of the UHF taboos were taken into account when we allocated the 450–470 MHz band to the land mobile radio services. This band is immediately below the television allocations now under consideration (470–512 MHz). Thus, if the taboos had been a serious problem, land mobile operations in this band would have affected television stations on Channels 14 through 21 since they bear the same relationship to those channels that land mobile operations in the band 470 to 512 MHz bear to a number of channels between 16 through 28. On this point, there are, or have been, UHF stations operating on Channel 14 in the Boston, Mass., area, in San Mateo, Calif., and Washington, D.C. Channel 15 is used in San Diego, Calif.; Channel 17 in Philadelphia, Pa.; Miami, Fla; and Buffalo, N.Y.; and Channel 20 is occupied in Chicago, Ill.; Washington, D.C.; San Francisco, Calif.; and Waterbury, Conn. Channel 21 is in use in the New York City area. In the vicinity of each of the cities mentioned, there are a number of land mobile installations in operation, using frequencies in the band 450–470 MHz which, theoretically, would cause the referenced IM and IF beat problems. Yet, we have had no reports of interference of this nature. In short, then, no persuasive reasons have been brought to our attention which indicate that we should depart from our prior determination with respect to these taboos. Nonetheless, we are adding a further measure as a safeguard against any possible interference from IM and IF beat. Thus, we are adopting a rule which will require a minimum separation of 1 mile between land mobile base stations and UHF television transmitters operating on channels involving either of these two taboos. This will serve to eliminate the possibility of strong land mobile signals at locations within the area of very strong television signals.

59. The broadcasters have also argued that the linear height-gain function we assumed in our original proposal in converting the R–6602 propagation curves for antenna heights less than 100 feet above average terrain is invalid; that our assumption that mobile units would operate from 6 feet above average terrain was in error; and that we did not give adequate consideration to the cumulative interference effect of transmissions from a great number of transmitters operating within a single television channel. We have considered these and other such subsidiary arguments and we have concluded that none require our rejection of the basic sharing proposal.

60. First, we agree that the assumed linear height-gain function for antenna heights from 30 to 100 feet was not well founded and it has been abandoned and the necessary correction has been incorporated in the pertinent tables. Also, as we stated previously, we no longer assume mobile operations at 6 feet above average terrain, but we have built into the appropriate tables an assumption that mobile units would always operate at 100 feet above average terrain. This, together with the other safeguard features we have incorporated into the entire sharing plan, should prevent any significant interference to television reception.

61. Further, we believe that the broadcasters have not substantiated their views that the interference potential from multiple land mobile transmitters would be much greater than we anticipated. They offered no data to substantiate their position on this subject. Moreover, the cochannel protection ratio we have adopted (50 dB) is, itself, a conservative one and when a 10 to 15 dB factor is added, due to the use of directional antennas with front-to-back ratios of this order, the effective protection will be from 60 to 65 dB at the assumed Grade B contour of the protected UHF television facility. This, in our opinion, is an ultraconservative protection ratio and is sufficient to guard against the multiple signal problem. In those areas where we anticipate use of 40 dB as the criterion, that is, in New York City, Cleveland and Detroit, other conditions obtain that lend assurance there will be no interference. Thus, in the regions adjacent to New York and Cleveland, in the direction of the cochannel protected TV stations, terrain features are present which will provide further protection to the reception of the signals of the television stations involved.[45] With respect to Detroit, terrain will not add protection in any significant degree. However, WNDU–TV, South Bend, Ind., the cochannel facility to be protected, now produces a Grade B signal, with present authorized power and antenna height, at 44 miles from its transmitter, based on the R–6602 F(50,50) curves. Since our computations are based on a 55-mile contour, there is a margin of safety here. Also, in arriving at values given in the 40 dB tables, we used a conservative approach in setting up permissible powers and antenna heights, listing less than the applicable curves and other data indicated could be employed; and with regard to mobile operations we have included mileage separations greater than our calculations showed could have been permitted. These features, we think will give reasonable assurance that there will not be a problem due to multiple signal transmissions of the land mobile stations. Accordingly, we are rejecting the arguments advanced by the broadcasters on this point.

62. We have also rejected the arguments of the broadcasters that the sharing plan should be tested in the field before it is adopted. We do not believe field tests are necessary because, as we have said, the sharing criteria we have adopted are ultraconservative and, therefore, it is not expected that there will be significant interference to television reception.

63. Finally, the broadcasters argued that land mobile radio users cannot be expected to perform the required quality of engineering in establishing their systems so as to avoid interference; and that the Commission will not be capable of handling the "many" interference complaints the broadcasters expect to result from the sharing proposition. We considered these arguments also but, in view of our conclusions on the basic issues involved in the sharing plan we have adopted, we do not believe they warrant detailed discussion and these arguments are rejected.

64. In our consideration of this matter we have taken into account the need to coordinate with the Governments of Canada and Mexico any final implementation of the action we have taken today. We believe that, through discussions, we will be able to work out arrangements to permit the use of the UHF spectrum involved for both broadcast and land mobile purposes which would be mutually satisfactory. The necessary steps to accomplish this will be initiated without delay; and, of course, our plan will not be implemented in the urbanized areas affected[46] pending the outcome of discussions.

Allocation for the Domestic Public Radio Services. 65. The National Association of Radiotelephone Systems (NARS) has argued that radio common carriers should be included in those services eligible for frequencies we here propose to allocate. We have considered the points raised by NARS in support of their position and are persuaded to grant, in some measure, the relief it seeks. Accordingly, we will extend eligibility to include the Domestic Public Radio Services. The degree to which available channels can be allocated for use by the miscellaneous common carriers will depend on our evaluation of their relative needs in terms of those of the Public Safety, Industrial and Land Transportation Radio Services. The division of available spectrum decided upon will be reflected in the actions we take in making the suballocations to the several services.

The proposal for outright reallocation. 66. As we mentioned earlier, land mobile

[44] Both Intermodulation (IM) and Intermediate Frequency (IF) beat are "intermodulation" problems.

[45] The cochannel stations are: For New York, WLYH–TV, Channel 15, Lancaster, Pa.; and, for Cleveland, WTAP–TV, Channel 15, Parkersburg, W. Va.

[46] These urbanized areas are: Detroit, Cleveland, and Los Angeles.

interests have proposed that we adopt in this proceeding a plan looking towards the eventual outright reallocation of the lower seven UHF television channels (470–512 MHz) to the land mobile radio services and have presented detailed plans as well as justifications for carrying them out. Virtually all land mobile written comments and all spokesmen for the land mobile interests during oral argument urged the further step of outright reallocation. Spokesmen for broadcasters as well as licensees of television stations operating on the channels in question also addressed themselves extensively to this issue in their reply comments and to a lesser extent in oral argument. Briefly, they opposed this proposal vigorously and advanced a number of technical, economic, and policy arguments in support of their position. We have considered this proposal and have concluded that outright reallocation of the lower UHF television channels is impractical. This proposition was not, of course, part of our proposal and in that sense it is beyond the scope of this proceeding. In any event, although this proposal was debated extensively in the comments, and in a number of forums outside the Commission, we do not believe sufficient information has been developed or presented to us upon which to base a decision. As has been suggested, the Commission has under consideration instructions to its staff to conduct an in-house investigation of the geographic separation standards for UHF television stations (the so-called UHF–TV taboos) and, as we have said, we plan to review the sharing plan we have adopted within 5 years and to make further judgments with respect thereto. By then, we will also know more about the development of land mobile communications systems and equipment for operation in the 806–947 MHz region and we will be in a better position to determine the needs of the services concerned.

67. In sum, we believe the public interest would be served by permitting the land mobile radio services to share some of the lower UHF television channels in the manner and to the extent we have described. The rules necessary to effectuate the sharing plan we have adopted are in Appendices C and D. Appendix C contains the necessary amendments to Part 2 of the Commission's rules; Appendix D contains the general rules to govern the shared use of the frequency band 470–512 MHz by stations in the land mobile radio services. The latter rules, or rules of the same substance, will be incorporated into Parts 21, 89, 91, and 93 of the Commission's rules at a later date. Also, at a later date, we will propose specific rules prescribing the precise assignable frequencies and the standards to govern their authorization and use within the various land mobile radio services. In the meantime, no applications for these frequencies will be accepted.

68. In view of the foregoing: *It is ordered*, Pursuant to sections 4(i) and 303 of the Communications Act of 1934, as amended, that effective July 10, 1970, the rules contained in Appendices C and D [47] are adopted. Formal codification of rules contained in Appendix D will be accomplished at a later date.

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

Adopted: May 20, 1970.

[47] Appendix D filed as part of original document at the Office of the Federal Register. Copies are available at the Federal Communications Commission, 1919 M Street NW., Washington, D.C. 20554.

Released: May 21, 1970.

FEDERAL COMMUNICATIONS COMMISSION [48]

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

[48] Commissioners Robert E. Lee and H. Rex Lee dissenting and Commissioner Nicholas Johnson concurring. Statements of Commissioners Robert E. Lee and Johnson are filed as part of the original document, and statement of Commissioner H. Rex Lee to be released at a later date.

APPENDIX C

Part 2 of the Commission's rules is amended as follows:

In § 2.106, the Table of Frequency Allocations, the frequency band 470–512 MHz, is amended in Columns 7–11, as set forth below, and a new footnote, NG66, is added.

Federal Communications Commission

Band (MHz)	Service	Class of station	Frequency	Nature of services—of stations
7	8	9	10	11
• • •	• • •	• • •	• • •	• • •
470–512	BROADCASTING LAND MOBILE. (NG 66)	Television broadcasting. Land Mobile.		BROADCAST PUBLIC SAFETY. INDUSTRIAL. LAND TRANSPORTATION. DOMESTIC PUBLIC.
• • •	• • •	• • •	• • •	• • •

NG66 The frequency band 470–512 MHz is allocated for use in the Broadcasting and Land Mobile Radio Services. In the Land Mobile Services it is available for assignment in the Domestic Public, Public Safety, Industrial, and Land Transportation Radio Services at, or in the vicinity of, the 10 largest urbanized areas of the United States, as defined in the U.S. Census of Population, 1960, Vol. 1, Table 23 in accordance with the allocations set out in the following table and subject to the standards and conditions set forth in Parts 21, 89, 91, and 93 of this chapter.

Urbanized area	*TV channel*
New York-Northeastern New Jersey	14, 15
Los Angeles	14, 20
Chicago-Northwestern Indiana	(1)
Philadelphia, Pa.-New Jersey	(1)
Detroit, Mich	15, 16
San Francisco-Oakland, Calif	16, 17
Boston, Mass	14, 16
Washington, D.C.-Maryland-Virginia	17, 18
Pittsburgh, Pa	14, 18
Cleveland, Ohio	14, 15

[1] The specific channel availability will be designated following the conclusion of a separate proceeding.

[F.R. Doc. 70-6683; Filed, June 3, 1970; 8:45 a.m.]

[Docket No. 18262; FCC 70-519]

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

PART 18—INDUSTRIAL, SCIENTIFIC, AND MEDICAL EQUIPMENT

Land Mobile Service

In the matter of an inquiry relative to the future use of the frequency band 806–960 MHz; and amendment of Parts 2, 18, 21, 73, 74, 89, 91, and 93 of the rules relative to operations in the Land Mobile Service between 806 and 960 MHz.

First report and order and second notice of inquiry. 1. In a notice of inquiry and notice of proposed rule making adopted on July 17, 1968 (33 F.R. 10807), the Commission invited comments on the above-captioned matter, setting December 2, 1968, and January 31, 1969, as the dates by which comments and reply comments, respectively, were to be filed. Subsequently, on November 20, 1968, in response to formal requests therefor, the Commission ordered those dates extended to February 3, and March 31, 1969. The last date for reply comments was subsequently extended to April 30, 1969.

2. Also on July 17, 1968, the Commission initiated a proceeding in Docket No. 18261 looking toward sharing of the lower seven UHF–TV channels (14–20) by the land mobile service on a selected geographical basis. The dates for comments and reply comments, as well as the subsequent extension of those dates, coincided with the dates specified for this proceeding (Docket No. 18262). As a consequence, comments considered herein are in four categories: (1) Comments filed in response to Docket No. 18262 alone; (2) comments filed in response jointly to Dockets Nos. 18261 and 18262; (3) reply comments in Docket No. 18262 alone; and (4) reply comments filed jointly in Dockets Nos. 18261 and 18262. Additionally, on January 22 and 23, 1970, interested parties made oral presentations before the Commission en banc. A list of all those who filed statements and/or made an oral presentation relative to this docket is contained in Appendix

A.[1] A summary of comments and reply comments will be found in Appendix B.[1]

3. After weighing the many comments and reply comments filed in this proceedings, and taking into account other relevant information, the Commission is persuaded that it would be in the public interest to press forward with the basic concepts set out in its initial notice, while at the same time recognizing that it is desirable to modify certain of the related details. These basic concepts include a reduction in the frequency limits applicable to industrial, scientific and medical (ISM) equipment at 915 MHz, reduction by half of the 942–952 MHz band allocated for aural broadcast studio transmitter links (STL),[2] an allocation of 40 additional megahertz of spectrum space for "private" land mobile systems, and an allocation of an additional 75 MHz or common carrier domestic public high-capacity mobile systems.

4. Among other things, it was proposed in the notice to reallocate UHF–TV channels 70–83 (806–890 MHz) to the private and common carrier land mobile services for use in the 25 largest urban areas on a coequal basis with translators in the broadcasting service. This proposal was generally opposed by broadcasting-oriented interests but supported by land mobile user associations, common carriers, land mobile equipment manufacturers and the Small Business Administration.

5. The broadcasting industry, represented principally by the comments of the Association of Maximum Service Telecasters (AMST), takes the position that the growth rate of land mobile radio will tend to decline in future years and that the reallocation of television spectrum for this purpose is not justified. The broadcasters contend that isolated situations of land mobile congestion are caused by wasteful management practices resulting in an inequitable distribution of users on presently available channels. The solution, they argue, lies not in the allocation of additional spectrum, which would serve only to perpetuate present inefficiencies, but in the implementation of a policy of equal-channel occupancy through the use of regional management offices. In this regard it should be noted that the Commission has initiated a program looking toward the establishment of a regional management center. However, being a new, untried appproach there can be no assurance of early relief to congestion in the land mobile service. As an additional measure, AMST recommended that the more urgent needs of police and other emergency services be met by designating the 150 MHz land mobile band exclusively for such services and requiring lower priority business and industrial users in this band to convert to the 450 MHz band. They also suggest that the needs of lower priority users be met by use of an expanded common carrier dispatch system which could be developed within the 26 MHz released by the Government in the vicinity of 900 MHz.

6. We are not persuaded by the broadcasters' arguments that the land mobile service does not require the spectrum relief proposed in this proceeding. We have on many occasions expressed a growing concern that the land mobile service is faced with a severe shortage of frequencies in large urban areas. We are persuaded, in view of the entire record before us, that substantial additional spectrum space must be made available to the land mobile services to meet existing, and more importantly, future needs.

7. If additional spectrum space cannot be made available to the land mobile service, the Commission would appear to be faced with a limited number of alternatives—each of which is undesirable. It could continue licensing new users on existing channels, leading to a chaotic situation in many areas. It could limit eligibility and reduce licensing of new users to equal the user dropout rate. It could cease the licensing of new users in congested areas awaiting the implementation of sophisticated higher capacity communication systems not yet on the market. The first two alternatives are clearly not in the public interest in light of the continually growing public demand for more and improved land mobile service. With respect to the third alternative, we will encourage and expect the design of new and highly efficient communication systems in the exploitation of spectrum space newly allocated herein to the land mobile service. However, the enforced implementation of such systems in bands now allocated to the land mobile service would entail huge expense and inconvenience to the land mobile community and to the public and, even then, the degree of relief possible would be, at best, uncertain.

8. With regard to AMST's recommendation that "high priority" users be concentrated in the 150 MHz band, the costs alone of converting thousands of public safety and other radio systems to different frequency bands precludes any serious consideration of such a move. It would mean, in many cases, complete abandonment of existing systems in one band and the purchase of new equipment in the band to which operations were shifted. Moreover, the action would do little or nothing to relieve the overall congestion in the service and would ignore the peculiar advantages that each range of frequencies offers in meeting different coverage requirements.

9. It is, of course, impossible to predict precisely how much additional spectrum space will be required by 1980 to meet the needs of the land mobile service. However, we continue to hold the view that communications requirements now being met in the private land mobile service can reasonably be expected to at least double within that time frame, regardless of the exact number of transmitters in use today or to be in use in 1980. The additional spectrum space made available in this proceeding and in Docket 18261 should meet substantially the long-term needs of the land mobile radio services, especially if new developments and advanced techniques are employed in the use of the space allocated herein for private land mobile systems and, of course, in the development of the high-capacity common carrier land mobile system provided for. In our view, it is essential in the public interest that every encouragement be given to the development of new techniques in the efficient use of bands allocated for "private" land mobile systems and to the development of a high-capacity common carrier mobile system. We believe, therefore, that the originally proposed allocation of 40 MHz to "private" systems and 75 MHz to common carrier systems represents a reasonable accommodation for the two sectors of the land mobile service in the frequency range 806–960 MHz.

10. Land mobile interests filing comments in this proceeding generally supported the Commission's proposals but expressed concern over the probability that the development of the land mobile service in the band 806–890 MHz (Channels 70–83) would be inhibited if the land mobile service were required to protect translators or were confined to large urban areas. In lieu of the Commission's proposal, therefore, they recommended a nationwide reallocation of this band to the land mobile service on a primary basis and to translators on a secondary basis.

11. The Commission's original proposal was based on the assumption that translators inherently provide a rural service while land mobile is basically urban. It was proposed, therefore, that translators have exclusive rights to Channels 70–83 outside the top 25 urban areas, with land mobile and translators sharing on a coequal basis within these areas. The claims of the land mobile users, both private and common carrier, that their needs extend well beyond urban boundaries, together with the fact that several translators are already operating in urban areas, questions the validity of our basic assumption.

12. The protection of translators involves consideration of the same sources of interference that affect a full-fledged television station, e.g., cochannel, adjacent channel and "taboo" channel interference. A January 1968 study by Working Group 3 of the Commission's Land Mobile Frequency Relief Committee found that six different TV channels between 70 and 83 were assigned to translators located between 50 and 100 miles of the center of New York City. It was recommended by that Working Group that translators be relegated to secondary status. Lacking a detailed engineering study we can only estimate what the effect of protecting these translators would be on the future use of this band for land mobile operation in the New York City area. However, even cochannel protection could reduce the spectrum available for land mobile use in the area by as much as 36 MHz. If adjacent channels are protected also, land mobile use would be further inhibited. Consideration of other taboo separations plus

[1] Appendices A and B filed as part of original document.

[2] Additional spectrum space for aural broadcast studio transmitter links in the band 2150–2160 MHz to be the subject of a separate rule making proceeding.

other translators licensed since the 1968 study could very well preclude any meaningful relief for the land mobile service in this important area. On the other side of the coin, under the coequal sharing proposal by the Commission, once new land mobile systems developed on such channels as might be available, additional translators in the area could be precluded. Since the translator situation existing near New York City is not unlike that of most major cities, there is little reason to believe now that the original coequal sharing proposal holds much potential for aiding the land mobile service in those areas where relief is becoming increasingly necessary.

13. Since we are not inclined to dismiss our primary objective in this proceeding, it is necessary to seek other arrangements for the accommodation of the land mobile service. In light of the above discussed sharing problems, either the land mobile service or translators must be accommodated elsewhere. Further studies indicate that the most reasonable solution, and the one adopted herein, is to shift translators from Channels 70–83 to Channels 69 and below so as to permit the use of Channels 70–83 by the land mobile systems expected to be developed. As set forth in Appendix C, and footnote NG63 in particular, provisions are made for the continued use of Channels 70–83 by translators under the conditions specified. As a practical matter, because of the several years expected to be required for the development of 900 MHz land mobile equipment and because operational systems are expected to evolve first in major urban areas, it is reasonable to expect that, for years, there will be no impact at all on the vast majority of translators on Channels 70–83 located in rural areas. Also, since it is improbable that there will be extensive land mobile use of the band 806–890 MHz for the next several years in the major urban areas, present licensees of translators now using Channels 70–83 in or near such areas can be assured of a reasonable period during which plans can be made to shift to a lower channel. The necessary amendments to Part 2 of the rules are adopted herein (Appendix C) and, concurrently, a notice of proposed rule making is adopted proposing amendments to Part 74, Subpart G, of the rules so as to provide for TV translator use of TV channels 14–69 and, under certain conditions, require the shifting of translators from TV Channels 70–83. It should be noted that no action will be taken regarding the UHF–TV assignments in Puerto Rico on Channels 70 and above, pending further consideration by the Commission. (See footnote NG63, Appendix C.)

14. The concept of using translators on Channels 69 and below is not new, as it was proposed in a 1966 filing by AMST in Docket No. 14229. The AMST filing contains an engineering statement by Howard T. Head of A. D. Ring Associates which shows that a substantial potential exists for assigning translators on such channels with no ill effect on the primary use of the channels for TV broadcasting. As a further measure of this potential it should be noted that there are over 1,600 translators presently operating on the 12 VHF–TV Channels 2–13. This figure is more than double the number now operating on the 14 UHF–TV Channels 70–83.

15. The National Association of Educational Broadcasters (NAEB) and other educational interests argued that the Commission should provide substantial additional reservations for educational broadcasting. However, there were no arguments presented which were different from those considered in detail and rejected by the Commission in its fourth report and order in Docket No. 14229. In that proceeding, it was decided that an equitable number of channels had been reserved for educational use in the present assignment table employing both VHF Channels and UHF Channels 14–69. Although one should refer to that fourth report and order for full details, the rationale for the Commission's decision can be summarized as follows:

(a) Nonreserved channels may be assigned to educational as well as commercial entities;

(b) Commercial stations are under an obligation to present a reasonable number of cultural and educational programs;

(c) Local educational entities can and should cooperate in the use of channels reserved for educational purposes, rather than attempting to limit their use to special interest groups or institutions;

(d) Thirty-one Instructional Television Fixed Service (ITFS) channels between 2500 and 2690 MHz have been designed for in-school instructional use, including multichannel program needs of formal educational systems; and

(e) Expanding use of cable TV systems (recently given authority to originate programs) holds the potential for meeting a substantial portion of the public need for a wide variety of cultural and educational programming, both in the home and the school.

16. In rejecting the claims of educators for additional reservations in Docket No. 14229, the Commission proposed setting aside Channels 70–83 for low-power commercial or educational stations in smaller communities not requiring or able to support full power facilities. In a later notice, it was proposed that in some situations these channels might be used for additional high-power educational stations in some of the largest cities where there may conceivably be a need for more educational stations than the present table allows. No actions have been taken on either of the proposals. However, in the light of our earlier decision in Docket No. 14229 with respect to additional educational reservations, our decision to reallocate the 806–890 MHz band to land mobile service, and the decision announced in paragraph 13 above, looking to the shifting of translators from Channels 70–83, we intend to issue a separate order in Docket No. 14229 withdrawing further consideration of any proposals relating to Channels 70–83 therein. Nevertheless, in terminating Docket No. 14229, we recognize that the public interest considerations for low power educational and community television stations have not been entirely resolved. Such uses are presently the subject of a Government-wide study seeking ways in which communications may be applied to education in the relief of urban problems. This effort is one in which the Commission is vitally interested and intimately involved. Consequently, the combination of community educational and instructional needs of the Nation should not be prejudiced by the result of this proceeding. Thus, we believe that the cooperative educational arrangements which we discussed and encouraged in Docket No. 14229 can and should be preserved as a regulatory and planning objective. Even though our action in this proceeding forecloses the possibility of additional educational reservations in the 70–83 UHF band, we are convinced that at least some of the Nation's critical needs for instructional and educational media facilities can be met in the 2500–2690 MHz frequency band. We reiterate our belief that ITFS is a valuable and important supplement to educational broadcasting service. In view of our decision here, these instructional services deserve maximum encouragement. Accordingly, we shall promptly issue a separate further notice of proposed rulemaking in Docket No. 14744 taking positive action to that end.

17. In the notice we asked the question: "To what degree would UHF–TV receiver manufacturers need to change the image rejection capabilities of their product to cope with image problems arising from heavy land mobile usage in the range 806–947 MHz?" As pointed out in the engineering statement by A. D. Ring Associates submitted as part of the AMST filing herein, image interference from land mobile operations on Channels 70–83 could affect TV reception on Channels 55 through 60. Set manufacturers did not address themselves to this issue. However, we shall encourage manufacturers to improve the image frequency rejection performance of their television receivers. Information available today indicates the image rejection capability of recent-vintage UHF–TV receivers to range between about 35 and 40 dB. We believe that available technology can be used to provide at least 60 dB of image rejection throughout the UHF–TV band and we shall plan accordingly.

18. It was proposed initially to position the 26 MHz allocated to the Government between 890 and 942 MHz so as to provide some harmonic overlap with the Government radiolocation band at 420–450 MHz to accommodate certain devices and techniques which rely upon harmonic relationship to function properly, and to provide a means of minimizing interference to non-Government systems from harmonic radiation of high-powered radars in the frequency band 420–450 MHz. The proposed allocation of the band 893–919 MHz carried with it a consequential proposal to reduce the ISM limits from 915±25 MHz to 915±4 MHz, a proposal which was opposed strongly by ISM interests, generally on the grounds that such a reduction would necessitate a prohibitive increase in the

cost of their product and negate several years of developmental work in the wider bandwidth. The Commission and the Office of Telecommunications Management (OTM) concluded that the benefits of harmonic relationship were outweighed by the difficulties that would be imposed upon ISM and that the earlier proposal with respect to the 26 MHz of spectrum space to be retained for the Government radiolocation service within the band 890–942 MHz should be modified. Accordingly, the Government allocation in this range will now be 902–928 MHz, centered on the existing ISM frequency at 915 MHz and will coincide with the new limits for ISM, i.e., 915±13 MHz. Manufacturers of microwave heating devices strongly opposed any reduction in ISM limits although Electronic Industries Association (EIA) and others agreed to cooperate with the Commission in studying possible future ISM spectrum reductions. Voss Tinga Associates offered a compromise bandwidth of ±10 MHz in lieu of the ±4 MHz proposed, but later rescinded that offer in view of adverse comments by G.E. and others. At present, the principal use of 915 MHz by ISM devices is in microwave ovens and our records indicate that G.E. is the only U.S. manufacturer using the frequency for that purpose. A number of other manufacturers use the ISM frequency at 2450 MHz for their ovens.

19. In support of its position against a reduction in the ISM frequency limits at 915 MHz, G.E. submitted the results of tests involving two types of magnetrons commonly used in its ovens. The combined, overall excursion of emissions from all tubes tested was 37 MHz centered at 917 MHz. This spread consisted of frequency pulling due to load variations in the ovens, production tolerances, frequency changes as the magnetrons aged and measurement error. G.E. expressed the view that additional "guardband" should be provided to take account of unforeseen frequency changes and concluded that the frequency limits of 915 ±25 MHz should be retained to avoid a major setback in their program to reduce costs to the consumer on their 915 MHz devices. Further, they expressed concern over the possibility of serious interference from "tens of thousands" of domestic microwave ovens now in use if the Commission went forward with its ±4 MHz proposal for ISM. Similar views were expressed by manufacturers of industrial equipment, although a much smaller number of existing devices is involved. According to Voss Tinga Associates, some 20 large industrial microwave generators are now in use in the United States and Canada, but there are plans for considerable expansion of 915 MHz industrial operations in Canada.

20. The Commission's records indicate that G.E. is the only manufacturer having type-approved ovens operating at 915 MHz. Measurement for type approval at the Commission's laboratory on a small number of G.E. ovens, which includes the effect of normal load variation, showed that all emissions in excess of the legal out-of-band limit (i.e., 25 $\sqrt{\text{RP power}}$/500 uv/m @ 1,000') fall within the band 909–922 MHz. However, our present plan to require that ISM devices comply with the new limits 915±13 MHz has been discussed informally with G.E. representatives. Statistics developed by them, taking into account the effects of magnetron aging, frequency drift, wide variations in loading and a much wider sampling than was possible at our laboratory, raise questions as to the degree to which certain of their devices can, in fact, comply with the new limits. They argue that it would be prohibitively expensive to require them to comply any time within the near future. Nonetheless, we can no longer afford the luxury of what appears to be excessive bandwidths for noncommunication devices in this valuable portion of the radio spectrum and must continue to press for ±13 MHz as our goal. Fortunately, at least in the case of the G.E. ovens, there appears to be a good chance for coexistence between land mobile systems that are expected to develop within adjacent frequency bands and individual ovens whose radiation might exceed the frequency limits some small percentage of the time. We wish to continue to examine this matter and solicit comments, under the Inquiry aspects of this proceeding, with respect to: (1) The impact of ±13 MHz limits on ISM devices generally; and (2) how and if coexistence might be achieved in the case of devices not capable of complying.

21. In paragraph 9 above it was stated that 40 MHz would be set aside for private land mobile systems and 75 MHz would be earmarked for common carrier systems. In reaching that decision the Commission found the need for such allocations more compelling than the arguments of: (1) ARINC/ATA for the allocation of 22 MHz of the band between 806 and 947 MHz to the aeronautical mobile (R) service; and (2) the proponents for the retention of the frequency band 942–947 MHz by the broadcasting auxiliary service.

22. In comments filed jointly by Aeronautical Radio, Inc., and Air Transport Association (ARINC/ATA), they estimated that by 1985, a total of 428 channels will be required by the aeronautical mobile (R) service and that 22 MHz of spectrum space (approximately 50 kHz per channel) will be needed to meet that stated requirement. In arriving at that total, ARINC/ATA estimate that 139 channels will be required for operational control purposes by air transport carriers (as compared to today's 64 channels); that 209 channels will be required for new "inflight passenger services" (such as business and personal messages); that 24 channels will be required for "ground handling services"; and that 56 channels, representing approximately 40 percent as much as for air carriers, will be required for operational control purposes by general aviation. However, the total of 428 channels upon which the request for 22 MHz of additional spectrum space is based fails to make mention of the existing 64 operational control frequencies for air carriers in the frequency band 117.975–136 MHz, or the frequencies available today in the same band for general aviation. Frequencies in the band 117.975–136 MHz are used today for 6A3 voice communications with 50 kHz between assignable frequencies. In practice, however, frequencies are generally assigned on the basis of 100 kHz separation between adjacent users. The state-of-the-art would permit at least a twofold, and possibly a fourfold increase over present assignment practices in this band, which would more than meet the stated need for operational control frequencies.

23. Additionally, it should be noted that the preliminary views of the U.S.A. relative to the World Administrative Radio Conference scheduled for 1971, contemplate the use of space techniques within the frequency band 1535–1660 MHz to meet many of the future needs of the aeronautical mobile (R) service. The "inflight passenger services" requiring 209 channels by ARINC/ATA estimates have no place in the aeronautical mobile (R) service since such operations are prohibited by the International Radio Regulations in frequency bands allocated to the aeronautical mobile (R) service. Such operations would be more appropriate to the air-ground portion of the high-capacity common carrier public correspondence system envisaged in this proceeding. The "ground handling services" and their stated requirement for 24 channels also have no place in the aeronautical mobile (R) service since, in fact, they are no more than a land mobile service of the type now accommodated in the air terminal segment of the industrial radio service. In summary, we find the ARINC/ATA proposal lacking in merit and do not propose to make provision for it herein.

24. Many broadcasters voiced opposition to the reallocation of the lower half of the 942–952 MHz STL band to the land mobile service. The main objection stated was that the reduced spectrum could not accommodate the expected future increase in demand for STL service, especially within the larger cities. Los Angeles was singled out in several comments as an example of present congestion in the band. It was contended that all or most of the 19 available channels were already assigned in Los Angeles and that, because of nearly coincident transmission paths, multiple use of the individual channels was impossible. Although not proposed by the Commission in its initial notice, channel splitting was declared by some to be technically infeasible because of the wide bandwidth and low noise requirements of stereo and SCA broadcast transmission.

25. Comments submitted by A. Earl Cullum, Jr., and Associates include a table showing the number of present and potential STL assignments in 42 cities, large and small. Information on present assignments was derived from the Commission's 1968 Broadcast Auxiliary assignment list. "Potential" users included all allotted FM and TV channels, regardless of whether or not there were station assignments on the channels, plus existing and applied for AM assignments. From this study it was concluded that the band 942–952 MHz "will be inadequate to provide for the needs of the broadcast licensees, especially in the

larger cities." Cullum listed Los Angeles as having 26 STL assignments and, since there are only 19 channels in the 942–952 MHz band, concluded that zero channels are available for future STL operation. According to Cullum, that city has 72 potential STL users.

26. However, there appears to be no real basis for Cullum's conclusion that the larger cities are especially in need of STL channels. His data show that in eight of the top 10 cities (New York and Chicago were not included in the study), four have no STL assignments, two have but one assignment, one has seven assignments, and one (Los Angeles) has 26. A review of all the cities studied indicates that the need for STL service does not depend upon population, but appears to be more a function of terrain, the individual broadcaster's preference and possibly the availability of local wireline facilities. Further, in computing the number of assignments, Cullum appears to have misunderstood our recording procedures. Current records within the Commission account for only 16 STL channels assigned in Los Angeles ,in contrast to Cullum's figure of 26. This difference is no doubt due to the manner in which STL frequency assignments are recorded in the list from which Cullum obtained his data. Dual signal STL transmissions—such as required for FM/FM, AM/FM, or FM/SCA—are listed as two separate frequency assignments equally spaced within a single 500 kHz channel. Apparently each of these was counted as a full channel assignment. The following is a comparison of the Cullum figures with the current number of assignments in eight major cities, according to our records and method of approach:

City	Number of channels assigned	
	Cullum	FCC
Los Angeles	26	16
Detroit	0	0
San Francisco	7	5
Boston	2	1
Pittsburgh	0	0
Cleveland	1	1
St. Louis	0	0
Baltimore	0	0

27. Clearly one could not conclude that present usage of this band is such as to preclude the proposed reduction in the STL band. Further, there is little reason to assume that the demand will ever approach the number of potentials suggested by Cullum since most of those potential users appear to be operating satisfactorily without the use of STLs. Los Angeles does appear to present a problem, however. If the lower half of the band is to be cleared of STL stations, seven Los Angeles stations now assigned frequencies in the lower half will require reaccommodation in the upper half. In the upper half, only one channel is not already in use in Los Angeles, so that there would be some doubling-up necessary if all are to be accommodated. Whether such doubling-up is feasible is dependent to some degree upon the validity of the earlier argument that because of nearly coincident transmission paths, channel reuse in the area is impossible. There is an alternative, however. If the remaining STL channels in the upper half are reduced in width, or if specific channelling is done away with entirely, the long-term situation in Los Angeles might be improved considerably. This matter, as well as a means of providing relief in local areas where congestion might arise among STL users, will be examined closely in the proceeding referred to in footnote 1, page 2.

28. In the initial notice we asked certain specific questions directed to the further suballocation of the new land mobile bands and the ultimate design of mobile systems in this part of the spectrum. Comments from private land mobile interests generally favored making no suballocation either between or within the private and common carrier services. In most instances they expressed the belief that common carrier high-capacity mobile telephone or dispatch service would be unresponsive to the majority of land mobile needs, and that larger portions of the overall land mobile allocation should eventually be designated for private systems. Common carriers generally agreed with the proposed division, although the NARS urged that approximately one-half of the common carrier allocations be designated for use by non-telephone company common carriers for the provision of mobile dispatch service. According to NARS and Motorola, A.T. & T. and other telephone companies should not be allowed to provide dispatch communications. In their view such an offering would be an encroachment on the basic competitive services furnished by the miscellaneous or radio common carriers, and could constitute a violation of the 1956 Consent Decree. A.T. & T., however, claims that there are no legal or competitive reasons why the telephone companies should not provide mobile dispatch service and, in fact, that such service is already being provided on a limited basis in some cities. A.T. & T. also states that its contemplated high-capacity system would be capable of providing dispatch service, although further studies are required to clearly define the potential market and system configuration and to determine how dispatch service would fit into the overall mobile system. A.T. & T. urged that any further suballocation of the common carrier bands be deferred until the Commission has had an opportunity to examine the results of its (A.T. & T.'s) proposed 18-month Phase I systems design and market study which would address itself in more detail to the questions raised in the notice.

29. Based on preliminary studies, A.T. & T. contemplates an ultimate high-capacity mobile system capable of accommodating land vehicles, aircraft and, to a limited extent, maritime vessels. It envisions a land mobile system operating on a cellular basis, so that a city or other coverage area would be divided into many cells, each of which would employ a portion of the total available channels. However, again it emphasizes that additional systems studies are required under its Phase I program. Private users indicated many potential uses of frequencies in this part of the spectrum including short range vehicular or portable communications, car locators, mobile data transmission, etc. Some of the suggested uses fall into the category of fixed operations, and several comments suggested that certain fixed operation be specifically permitted in the band.

30. On the technical side, our suggestion that single sideband or multiplexing techniques may provide considerable advantage in common carrier and private common-user systems was generally rejected in the comments from land mobile equipment manufacturers and the EIA. A.T. & T. did not rule it out entirely for a common carrier system. The telephone company did say, however, that FM appears to offer substantial advantages over other forms of modulation because of the ability to repeat assignments at shorter separations as a result of FM capture. Possible channel width figures ranged anywhere from about 25 to 50 kHz.

31. It is obvious from the comments that much additional study and development are needed before answers can be found to all the technical and operational questions relevant to the optimum use of this spectrum space by the land mobile service. Nonetheless, in the interest of providing guidance as to the direction in which the development of this band is to proceed, some initial decisions are necessary. Therefore, despite the originally proposed distribution of the overall band between private and common carrier users, we are allocating herewith the frequency band 806–881 MHz to the common carrier mobile service and the bands 881–902 and 928–947 MHz to the private land mobile service. Further, as noted earlier, we intend to shift translator stations from Channels 70–83 and to reaccommodate them on Channels 69 and below. In addition to the translator stations, there are two educational television assignments within the upper 14 UHF channels. These are Glen Ridge, N.J. (Channel 77) and Bowling Green, Ohio (Channel 70). The disposition of these assignments continues under study but in the meantime, we shall make note of the problem by a footnote to the Table of Frequency Allocations (see NG65). The necessary changes to Part 2 of the rules are set forth below, which includes interim arrangements for translators in footnote NG63. This decision is based largely on judgment factors rather than on hard-and-fast conclusive evidence. Contributing to this decision are the following considerations:

(a) There is uncertainty with respect to the ability of some ISM devices now in production to confine their radiation within the new ISM limits, i.e., 915±13 MHz;

(b) From the record in this proceeding, one could reasonably assume that common carrier systems will develop in this band prior to private systems, however, subsequent discussions indicate the converse might be true;

(c) A.T. & T. has indicated tentative plans to develop a low-powered system

which—for a given level of ISM radiation—presumably would be more susceptible to interference than would a system based on higher powers;

(d) Traditionally, common carrier system users have required a grade of service which is more interference-free than is considered necessary for satisfactory communications by regular users of private land mobile systems;

(e) A high-capacity, common carrier system under the control of a single operating entity in a given area can be expected to use its total available spectrum space in a relatively uniform fashion throughout the peak portion of its business day; whereas

(f) Regardless of whether common carrier or private systems develop first in this band; the peak hours of use and the requirements for immediacy of access to a frequency among the several private users are quite diverse;

(g) The peak hours of private land mobile systems—other than perhaps police, fire, and taxicab—coincide with the local business day, e.g., 8 a.m., to 5 p.m. according to our monitoring records, whereas common carrier use is not so directly related;

(h) The peak hours of use of the microwave ovens (ISM devices) referred to in (a) above tend to occur between about 5 and 7 p.m., and each such device is in operation for a relatively short period; and

(i) Low-priority private systems, whose peak requirements occur prior to 5 p.m. local time, could be accommodated in spectrum space immediately adjacent to 902–928 MHz where ISM radiations, no matter how slight, would be most likely to constitute a source of potential harmful interference to the land mobile service.

On the above bases, we have concluded that the common carrier allocation should be removed as far as possible from 915 MHz and have allocated the band 806–881 MHz to meet that point.

32. In this connection, to insure that newly developed ISM devices comply with the new limits, Parts 2 and 18 are amended as set forth in appendices hereto, specifying the new limits for all such devices for which type approval or original certification is sought, after a relatively early date yet to be determined. Under the inquiry portion of this proceeding we will explore also the need for a cutoff date by which time all ISM devices must comply with the new limits and what that date might be.

33. We do not agree with NARS and Motorola that it would be inappropriate for wireline carriers to provide a dispatch service and while we are not specifying in the rules at this time what types of systems should be developed, we will expect proposed systems to comply with the general guidelines outlined in the notice. Common carrier systems should be developed for both public and dispatch requirements and private mobile systems, voice or data, including common-user systems, should be of the most efficient design practicable. Development of the common carrier band will be limited to wireline telephone companies, inasmuch as radio common carriers will be given accommodation in the frequency bands being treated in Docket No. 18261. Fixed operations in the bands in question will be discouraged where they would otherwise detract from the potential use of the bands for mobile services.

34. A number of comments, pro and con, were directed to the matter of allocating portions of the bands under discussion to the broadcasting-satellite service for television broadcasting. This proceeding, however, is not an appropriate forum for a decision with respect to such an allocation. The Commission's inquiry in Docket No. 18294 (in preparation for a 1971 Space Conference) tentatively proposed the addition of a footnote to the international Table of Frequency Allocations as follows:

324B The broadcasting-satellite service also may be authorized in the band 614–890 MHz for television broadcasting, subject to agreement among Administrations concerned.

That, too, evoked mixed reactions from those responding in Docket No. 18294. If the Commission continues to espouse that tentative proposal and the Space Conference subsequently adopts that proposal, the modification of the international table would not enter into force until perhaps January 1, 1973. Any subsequent decision with respect to amending the national table to reflect that international change would be the subject of separate rule making and a public interest determination.

35. In summary, actions taken herein, or in separate dockets initiated as a result of this proceeding, include the following:

(a) The band 806–947 is reallocated as shown in Appendix C;

(b) Part 18 is modified to reflect the new frequency limits for ISM as shown in Appendix D;

(c) Our inquiry in this proceeding is continued with respect to the types of systems to be developed for private and common carrier use of their newly allocated bands;

(d) Our inquiry in this proceeding is continued also with respect to certain unresolved issues involving ISM;

(e) Rule-making has been initiated this date in a new proceeding (Docket No. 18861) to amend Part 74 looking toward the shifting of translators from channels 70–83 and the reaccommodation of those and future translators on Channels 69 and below;

(f) As a consequence of the basic reallocation action in (a) above, various footnotes in the Table of Frequency Allocations, relating to the band in question are modified herewith. This, in turn, will require consequential changes in various parts of the rules; and

(g) For purposes of clearing the record, an order will be issued in Docket No. 14229 in the near future with drawing further consideration of UHF–TV television broadcasting proposals for Channels 70–83, therein.

36. Authority for the actions taken herein is contained in sections 4(i) and 303 of the Communications Act of 1934, as amended. *Accordingly, it is ordered*, That effective July 10, 1970, Parts 2 and 18 of the Commission's rules are amended as set forth in Appendices C and D below.

37. The Commission is hopeful that A.T. & T., as well as others, will undertake a comprehensive study of market potentials, optimum system configurations and equipment design looking toward the development and implementation of an effective, high-capacity common carrier service in the band 806–881 MHz. Parties intending to undertake such studies are requested to so indicate to the Commission within 180 days of the release of this action, including therein their estimates as to when such studies will be completed.

38. Interested parties are encouraged also to submit proposals within 180 days, with respect to the manner in which the frequency bands 881–902 and 928–947 MHz can be most effectively used in meeting the needs of the private land mobile users. We are looking particularly for innovative techniques applicable to bands thus far uncluttered by land mobile systems.

39. It must be recognized that implementation of the land mobile program in the border areas will require appropriate coordination and agreement with neighboring countries, in light of our obligations under the International Radio Regulations and our bilateral agreements with respect to the UHF television band.

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

Adopted: May 20, 1970.

Released: May 21, 1970.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE,
Secretary.

[1] Dissenting statement of Commissioner Robert E. Lee and concurring statement of Commissioner Nicholas Johnson filed as part of original documents; dissenting statement of Commissioner H. Rex Lee to be released at a later date.

APPENDIX C

§ 2.106 [Amended]

In § 2.106, the frequency band 806–960 MHz in columns 5–11 is revised to read as follows:

Band (MHz)	Allocation	Band (MHz)	Service	Class of Station	Frequency (MHz)	Nature of stations / OF SERVICES
5	6	7	8	9	10	11
* * *	* * *	* * *	* * *	* * *	* * *	* * *
806–902	NG.	806–881 (NG63) (NG65)	LAND MOBILE.	Base. Land mobile.		DOMESTIC PUBLIC.
		881–902 (NG63)	LAND MOBILE.	Base. Land mobile.		LAND MOBILE. (Noncommon carrier.)
902–928	G. (US36) (US115)				915	Industrial, scientific, and medical equipment.
928–960	NG.	928–947 (NG64)	LAND MOBILE.	Base. Land mobile.		LAND MOBILE. (Noncommon carrier.)
		947–952 (NG9) (NG40) (NG58)	FIXED.	(As previously shown for the frequency band 942–952 MHz.)		
* * *	* * *	* * *	* * *	* * *		

Amend footnotes NG9, NG40, and NG58, respectively, to read as follows:

NG9 Aural broadcast intercity relay stations may be authorized to use the band 947–952 MHz on the condition that harmful interference will not be caused to other classes of stations operating in accordance with the Table of Frequency Allocations.

NG40 Non-Government fixed stations which were authorized on April 16, 1958, to use frequencies in the band 890–942 MHz may, upon the showing that interference is being caused by or to their assignments, be authorized to use frequencies in the band 947–952 MHz provided the bandwidth of emission does not exceed 1100 kHz and provided that an engineering study by the Commission indicates that the proposed frequency assignment for such stations in the band 947–952 MHz is likely to result in the elimination of the interference occurring in the band 890–942 MHz, and will not cause interference to existing operations in the band 947–952 MHz.

NG58 Low-power broadcast auxiliary stations licensed pursuant to the provisions of § 74.437 of this chapter may be authorized to operate in the band 947–952 MHz subject to the condition that no harmful interference is caused to stations operating in accordance with the Table of Frequency Allocations.

Add new footnotes NG63, NG64, and NG65, respectively, to read as follows:

NG63 Rule-making proceedings in Docket No. 18861 contemplate the accommodation of UHF–TV translator stations on Channels 69 and below. However, pending a decision in that docket, applications will be accepted for new, modified, or renewed licenses for such stations in the band 806–890 MHz (Channels 70–83). If the proposal is adopted, translator stations holding a valid license to operate within the band 806–890 MHz as of the effective date of the decision in the above docket will be afforded protection from the land mobile service for the balance of their license terms. Subsequent license renewals, however, will be contingent upon the condition that each such translator station shall accept secondary status with respect to the land mobile service. However, the band 806–890 MHz will continue to be available for UHF–TV assignments in Puerto Rico.

NG64 Broadcast auxiliary stations licensed as of July 10, 1970, to operate in the frequency band 942–947 MHz may continue to so operate pending a decision as to their disposition through a future rule making proceeding.

NG65 No accommodation was made in the Commission's first report and order in Docket No. 18262 for ETV assignments at Bowling Green, Ohio (Channel 70, 806–812 MHz), or Glen Ridge, N.J. (Channel 77, 848–854 MHz). These will be treated in a separate rule making proceeding.

Amend footnote US36 to read as follows:

US36 Non-Government stations in the fixed service, authorized to operate in the band 890–942 MHz and holding a valid authorization to so operate as of April 16, 1958, have since been granted renewal authorizations contingent upon the condition that each such station (1) accept any harmful interference that may be experienced from the operation of ISM equipment on 915 MHz or from the radiolocation service and (2) shall not cause harmful interference to the radiolocation service. Renewals of such authorizations after July 10, 1970, shall be contingent upon the additional condition that they be on a secondary basis with respect to the land mobile service.

Add a new footnote, US115 to read as follows:

US115 The frequency 915 MHz is designated for industrial, scientific and medical purposes. Emissions must be confined within the limits of ±13 MHz of that frequency. Radiocommunication services operating within those limits must accept any harmful interference that may be experienced from the operation of industrial, scientific, and medical equipment.

APPENDIX D

1. Section 18.13 is amended to read as follows:

§ 18.13 ISM frequencies and frequency tolerances.

The following frequencies are allocated for use by ISM equipment with the tolerance limits specified:

ISM frequency:	Frequency tolerance
13,560 kHz	±6.78 kHz.
27,120 kHz	±160.0 kHz.
40,680 kHz	±20.0 kHz.
915 MHz [1] [2]	±13 MHz.
2,450 MHz [1]	±50.0 MHz.
5,800 MHz [1]	±75.0 MHz.
22,125 MHz [1]	±125.0 MHz.

[1] The use of this frequency is subject to the conditions in § 18.14.

[2] Equipment designed to operate on 915 MHz for which original type approval or certification is sought on or after an early but presently unspecified date must comply with the frequency tolerance of ±13 MHz; such equipment approved or certified prior to this date must be resubmitted for type approval to show compliance with the ±13 MHz frequency tolerance 5 years following the above date. The possible need for a date by which all ISM devices must comply with the new ±13 MHz limits is under study in Docket No. 18262. It is expected that the above dates can be designated upon the completion of proceedings in that docket.

2. In § 18.141, the ISM frequency list in paragraph (a) is amended to read as follows:

§ 18.141 Operation on assigned frequencies.

* * * * *

(a) * * *

ISM frequency:	Frequency tolerance
13,560 kHz	±6.78 kHz.
27,120 kHz	±160.0 kHz.
40,680 kHz	±20.0 kHz.
915 MHz [1] [2]	±13.0 MHz.
2,450 MHz [1]	±50.0 MHz.
5,800 MHz [1]	±75.0 MHz.
22,125 MHz [1]	±125.0 MHz.

[1] The use of this frequency is subject to the conditions in § 18.14.

[2] Equipment designed to operate on 915 MHz for which original type approval or certification is sought on or after an early but presently unspecified date must comply with the frequency tolerance of ±13 MHz; such equipment approved or certified prior to this date must be resubmitted for type approval to show compliance with the ±13 MHz frequency tolerance 5 years following the above date. The possible need for a date by which all ISM devices must comply with the new ±13 MHz limits is under study in Docket No. 18262. It is expected that the above dates can be designated upon the completion of proceedings in that docket.

* * * * *

[F.R. Doc. 70–6682; Filed, June 3, 1970; 8:45 a.m.]

[FCC 70–523]

PART 73—RADIO BROADCAST SERVICES

Table of Assignments, Television Broadcast Stations; Chico, Calif., etc.

Memorandum opinion and order. 1. The Commission has today reached decisions in Dockets 18261 and 18262, con-

cerning withdrawal of portions of the UHF band from television use in favor of usage by the land mobile services.[1] In the former, it was decided to "freeze", and withdraw from the television service, for the near future, certain channel assignments on the lower seven UHF channels, 14 through 20, in places near the top 10 urban areas of the United States, where television use in the near future would impair the potential for adequate short-term land mobile relief in these areas. These 17 assignments—none of which are occupied by operating stations—are located in California, Illinois, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Rhode Island, and West Virginia, at the cities listed in the caption above (except Elgin and Asbury Park, discussed below) and in the ordering clause hereinbelow.

2. Two of the assignments thus being "frozen" for the present are occupied by authorized stations not yet constructed and with applications for modification of CP pending (Joliet, Ill., and New Brunswick, N.J. (ETV)). An application for Channel *20 at Santa Barbara, Calif., was recently dismissed. In these three cases, it appears highly desirable to add another UHF channel to the community as a replacement for the near future, so that interested parties may proceed with prompt activation and rendition of television service. Therefore, we are assigning in the Table of Assignments additional channels to these cities, reserved for educational use where the channel being "frozen" is so reserved. In the case of Santa Barbara, the assignment of Channel *32 for ETV requires no other change in the table. In the case of Joliet and New Brunswick, the additional assignments in these places require deletion of the same channel now assigned but unoccupied and unapplied for in a nearby community, Elgin, Ill., and Asbury Park, N.J., respectively.[2]

3. Accordingly, the amendment of § 73.606(b) adopted hereinbelow take the following actions: (1) No channels are removed from the Table of Assignments; (2) in the case of the 17 assignments referred to above as "frozen", a footnote (1) following the listing will indicate that the channel is not available for television use following the Docket 18261 decision, until further Commission action; and (3) in the case of the present Elgin and Asbury Park assignments, other footnotes (2 and 3) will indicate that the channels are not available for use in these communities unless and until it is determined that they will not be needed for use by stations at Joliet and New Brunswick (the latter ETV).

4. Authority for this action is found in sections 4(i), 303 (g) and (r), and 307 (b) of the Communications Act of 1934, as amended, and the Administrative Procedure Act, 5 U.S.C. Section 553(3)(B). We are making these changes without prior rule making specifically directed toward this subject, because we find that such a proceeding is unnecessary and would not serve the public interest.[3] Briefly, our reasons for this determination are as follows: (1) As we have concluded in Docket 18261, there is pressing need for immediate land mobile relief in the top 10 urban areas of the country, and (since a substantial period will be necessary before the frequencies around 900 MHz can be extensively used for these services) such immediate relief must come in the band immediately above 470 MHz; (2) the need to avoid deletion of assignments with operating stations, with consequent disruption of existing service; (3) the fact that use for television of the 17 assignments mentioned precludes an adequate measure of immediate relief in these areas, both because of interference to land mobile from such television operations and the protection requirements they would impose as limitations on land mobile use;[4] and (4) the fact that, in general, it appears that either other assignments on UHF Channels 21–69 are already assigned and available in these cities, or additional assignments could be made through rule-making, as they will be if requested by interested parties.[5] With respect to the replacement assignments at Joliet and New Brunswick, the reassignment of these unoccupied channels from Elgin and Asbury Park is clearly desirable to replace the Joliet and New Brunswick assignments thus being withdrawn, and permit prompt activation and rendition of service. As mentioned, the actions taken herein do not affect any operating stations; our authority to modify outstanding construction permits through rule-making is well established. American Airlines, Inc. v. CAB, 359 F. 2d 624 (C.A.D.C. 1966); California Citizens Band Association v. U.S., 375 F. 2d 43 (C.A. 9, 1967).

5. In view of the foregoing: *It is ordered*, That, effective July 10, 1970, § 73.606(b), Table of Assignments, Television Broadcast Stations, is amended, to read as follows with respect to the cities listed:

City	Channel No.
California:	
Chico	12—, [1] *18
Fort Bragg	[1] *17
Indio	[1] *19
Redding	7, *9+, [1] 16
Santa Barbara	3—, [1] 14, [1] *20, *32
Santa Cruz	[1] *16
Illinois:	
Elgin	[2] 66
Joliet	[1] 14, 66
Massachusetts:	
Worcester	[1] 14, 27, *48, 66
Michigan:	
Bad Axe	[1] *15
New Hampshire:	
Portsmouth	[1] 17
New Jersey:	
Asbury Park	[3] 58
Atlantic City	[1] *18, 53
New Brunswick	[1] *19, 47, *58
New York:	
Oneonta	[1] 15, *42
Ohio:	
Ashtabula	[1] 15
Rhode Island:	
Providence	10+, 12+, [1] 16, *36, 64
West Virginia:	
Wheeling	7, [1] 14, 41

[1] Following the decision in Docket No. 18261, channels so indicated will not be available for television use until further action by the Commission.

[2] This channel is not available for use at Elgin unless and until it is determined by the Commission that it is not needed for use at Joliet, Ill.

[3] This channel is not available for use at Asbury Park unless and until it is determined by the Commission that it is not needed for educational use at New Brunswick, N.J.

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

Adopted: May 20, 1970.

Released: May 21, 1970.

FEDERAL COMMUNICATIONS COMMISSION,[6]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 70-6684; Filed, June 3, 1970; 8:45 a.m.]

[1] Actions concerning regular TV assignments necessary to implement the decision in Docket 18262, the permanent reallocation of the 806–890 MHz band (Channels 70–83) to land mobile use, are proposed in a notice of proposed rule making also adopted today.

[2] In a separate order, the permittees at Joliet and New Brunswick are being ordered to show cause why their permits should not be modified, and their pending modification applications amended, to specify Channels 66 at Joliet and *58 at New Brunswick.

[3] This general subject was raised and discussed extensively in the comments and reply comments, as well as in oral argument, in Dockets Nos. 18261 and 18262.

[4] See the report and order in Docket 18261, adopted today. As stated therein, the "freezing" of low-UHF television assignments has been held to a minimum necessary to insure adequate immediate relief in these areas.

[5] In the case of Providence, Wheeling, and Worcester, there are other UHF assignments in the table and available. In all other cities where channels are "frozen", it appears that additional assignments could be made (with restrictions on site location in some cases) except Atlantic City Channel *18. It does not appear that replacement is possible, under present separation rules, for the latter assignment. But in view of the high importance of land mobile relief in Philadelphia and Washington, and the very small extent to which it could otherwise be afforded as long as this assignment remains, the public interest is served by its withdrawal for the present. It likewise appears that no replacement is possible for the Elgin and Asbury Park assignments being withdrawn from those communities for substitution purposes. Here again, the withdrawal of the Joliet and New Brunswick assignments is necessary if relief in the Chicago and Philadelphia areas is to be afforded, and their replacement by these channels is obviously desirable to permit prompt rendition of service. It is possible that if relaxation of the "taboo" requirements, which will be explored, is adopted, channels can be found for these places.

[6] Commissioners Robert E. Lee and H. Rex Lee dissenting; Commissioner Johnson concurring in the result.

Title 7—AGRICULTURE

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

PART 51—FRESH FRUITS, VEGETABLES AND OTHER PRODUCTS (INSPECTION, CERTIFICATION AND STANDARDS)

Subpart—Regulations [1]

BASIS FOR CHARGES

The Agricultural Marketing Act of 1946 authorizes official inspection and certification of fresh fruits and vegetables and other products.[2] Such inspection and certification is voluntary and is made available only upon request of financially interested parties and upon payment of a fee. The Act requires such fees to be reasonable and, as nearly as possible, to cover the cost of rendering the service.

Statement of considerations leading to amendment of regulations. The rising costs of maintaining the inspection service in destination markets have made it necessary to increase inspection fees charged for most categories of inspections. The current fees for small lots (such as for export to Canada or delivery to institutions) and the base fee for shelled peanuts, pecans, or other nuts will remain unchanged.

In order to more nearly recover costs of rendering the service the following adjustments have been made in the inspection schedule of fees and charges applicable in destination markets:

1. For quality and condition inspections: Fees are raised from $17 to $18 when more than a half-carlot equivalent is involved, from $14 to $15 for a half-carlot equivalent or less, and the maximum fee per carlot equivalent, when more than one kind of product is involved, is raised from $34 to $36.

2. For condition only inspections: Fees are raised from $14 to $15 when more than a half-carlot equivalent is involved, from $12 to $13 for a half-carlot equivalent or less, and the maximum fee per carlot equivalent, when more than one kind of product is involved, is raised from $28 to $30.

3. The fee for inspection of Farmers' stock peanuts (unshelled) is increased from $1.65 to $1.80 per ton.

4. The hourly rate, where applicable, is increased from $7.60 to $8.

5. The additional hourly charge for inspections made outside the inspector's regularly scheduled workweek is raised from $3 to $4.

Pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq., as amended; 7 U.S.C. 1621 et seq.), § 51.38 *Basis for charges* of the Subpart—Regulations governing inspection, certification and standards for fresh fruits, vegetables, and other products, is hereby amended to read as follows:

§ 51.38 Basis for charges.[3]

(a) The fee for each lot of products inspected by an inspector acting exclusively for the Department, except for peanuts, pecans, and other nuts, shall be on the following basis:

(1) Quality and condition inspections:

(i) $18 for each over one-half carlot equivalent of an individual product up to a full carlot.

(ii) $15 for each half-carlot equivalent or less of an individual product.

(iii) $36 maximum for inspection of each carlot equivalent when more than one kind of product is involved.

(2) Condition inspection only:

(i) $15 for each over one-half carlot equivalent of an individual product up to a full carlot.

(ii) $13 for each half-carlot equivalent or less of an individual product.

(iii) $30 maximum for inspection of each carlot equivalent when more than one kind of product is involved.

(3) When any lot involved is in excess of a carlot equivalent, the quantity shall be calculated in terms of carlot and fractions thereof of the customary carlot quantity for such carlots and carlot inspection fee rates: *Provided*, That such fractions shall be calculated in terms of fourths, or next higher fourths.

(b) The base fee for peanuts (shelled), pecans or other nuts shall be 90 cents per ton: *Provided*, That the minimum fee shall be $12 per lot, the different grades and varieties of peanuts shall be considered separate lots, and the fee for Farmers' stock peanuts (unshelled) shall be $1.80 per ton.

(c) When inspections are made and the products inspected cannot readily be calculated in terms of carlots, or when the services rendered are such that a charge on the carlot or other unit basis would be inadequate or inequitable, charges for inspection may be based on the time consumed by the inspector in connection with such inspections, computed at the rate of $8 per hour.

(d) Not withstanding the fee rates prescribed in the preceding paragraphs, fees and charges for the inspection of small lots where detailed reports of inspection are not normally required,[4] the following rates may be applied:

1 to 25 packages inclusive	$3.25
26 to 50 packages inclusive	4.25
51 to 150 packages inclusive	6.00
151 to ½ customary carlot equivalent	9.00

(e) Whenever inspections are performed at the request of the applicant on Saturdays, Sundays, holidays, or at any other periods which are outside the inspector's regular scheduled workweek, the charge for inspection service shall be $4 per hour or portion thereof per inspector in addition to the regular commercial lot or hourly fees specified in this subpart.

Notice of proposed rulemaking, public procedure thereon, and the postponement of the effective time of this action later than June 28, 1970 (5 U.S.C. 553), are impracticable, unnecessary, and contrary to the public interest in that (1) the Agricultural Marketing Act of 1946 provides that the fees charged shall be reasonable and, as nearly as possible, cover the cost of the service rendered; (2) the increases in fee rates set forth herein are necessary to more nearly cover such cost including, but not limited to, Federal employee salary adjustments; (3) it is imperative that these increases in fee rates become effective in time to cover such increased costs; and (4) additional time is not required by users of the inspection service to comply with this amendment.

(Secs. 203, 205, 60 Stat. 1087, as amended, 1090, as amended; 7 U.S.C. 1622, 1624)

Dated May 28, 1970, to become effective at 12:01 a.m., June 28, 1970.

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

[F.R. Doc. 70-6897; Filed, June 3, 1970; 8:48 a.m.]

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

[Valencia Orange Reg. 316]

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

Limitation of Handling

§ 908.616 Valencia Orange Regulation 316.

(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

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[1] None of the requirements in the regulations of this subpart shall excuse failure to comply with any Federal, State, county, or municipal laws applicable to products covered in the regulations in this subpart.

[2] Among such other products are the following: Raw nuts, Christmas trees and evergreens; flowers and flower bulbs; and onion sets.

[3] Carlot equivalent shall be based on the customary quantity of a product loaded in common carrier rail cars.

[4] For example, the inspection of small lots for export to Canada or delivery to private and public institutions.

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 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 June 2, 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 June 5, 1970, through June 11, 1970, are hereby fixed as follows:

(i) District 1: 210,000 cartons;

(ii) District 2: 252,000 cartons;

(iii) District 3: 138,000 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: June 3, 1970.

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

[F.R. Doc. 70-7035; Filed, June 3, 1970; 11:31 a.m.]

[Lemon Reg. 428, Amdt. 1]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, 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 Lemon 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 lemons, 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 amendment 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 amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of lemons grown in California and Arizona.

Order, as amended. The provisions in paragraph (b)(1)(ii) of § 910.728 (Lemon Reg. 428, 35 F.R. 7961) are hereby amended to read as follows:

§ 910.728 Lemon Regulation 428.

* * * * *

(b) *Order.* (1) * * *

(ii) District 2: 318,990 cartons.

* * * * *

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

Dated: May 28, 1970.

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

[F.R. Doc. 70-6896; Filed, June 3, 1970; 8:47 a.m.]

PART 958—ONIONS GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO, AND MALHEUR COUNTY, OREG.

Limitation of Shipments; Termination

Findings. (a) Pursuant to Marketing Agreement No. 130 and Order No. 958, both as amended (7 CFR Part 958), regulating the handling of onions grown in the production area defined therein, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and upon the basis of information available, it is hereby found that continuation after May 31, 1970, of the 1969-70 season limitation of shipments issued as § 958.314 (34 F.R. 12779), would no longer tend to effectuate the declared policy of the act and should therefore, be terminated.

(b) It is hereby found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, and engage in public rule making procedure, and that good cause exists for not postponing the effective date of this termination order until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) commercial shipments of 1969-70 crop onions grown in the production area are completed, and (2) this termination order relieves restrictions on handlers of onions grown in the production area.

Termination order. The provisions of § 958.314 (34 F.R. 12779) are hereby terminated as of May 31, 1970.

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

Dated: May 28, 1970, to become effective May 31, 1970.

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

[F.R. Doc. 70-6895; Filed, June 3, 1970; 8:47 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Areas Quarantined

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

In § 76.2, in paragraph (e)(16) relating to the State of Virginia, a new subdivision (xix) relating to Nansemond County is added to read:

(16) *Virginia.* * * *

(xix) That portion of Nansemond County bounded by a line beginning at the junction of Primary Highway 32 and the Virginia-North Carolina State line; thence, following Primary Highway 32 in a northwesterly direction to Secondary Highway 647; thence, following Secondary Highway 647 in a northwesterly direction to U.S. Highway 13; thence, following U.S. Highway 13 in a southwesterly direction to Secondary Highway 668; thence, following Secondary 668 in a southwesterly direction to Secondary Highway 616; thence, following Secondary Highway 616 in a southeasterly direction to Secondary Highway 677; thence, following Secondary Highway 677 in a southerly direction to the Virginia-North Carolina State line; thence, following the Virginia-North Carolina State line in an easterly direction to its junction with Primary Highway 32.

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

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

The amendment quarantines a portion of Nansemond County, Va., 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 effectve less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 28th day of May 1970.

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

[F.R. Doc. 70-6934; Filed, June 3, 1970; 8:51 a.m.]

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. D]

PART 204—RESERVES OF MEMBER BANKS

Prepayment of Interest on Deposits; Correction

In the FEDERAL REGISTER of March 26, 1970, the Board of Governors published § 217.149, an interpretation under Part 217 (Regulation Q, Interest on Deposits). The same interpretation was also cross-referenced as § 204.113 under Part 204 (Regulation D, Reserves of Member Banks). The interpretation under Part 204 is hereby renumbered § 204.114. The interpretation published February 17, 1970 (35 F.R. 3801), as § 204.113 is still in effect.

Board of Governors, May 28, 1970.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[F.R. Doc. 70-6909; Filed, June 3, 1970; 8:48 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 70-SO-39]

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

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Monroeville, Ala., transition area.

The Monroeville transition area is described in § 71.181 (35 F.R. 2134). In the description, extensions are predicated on the Monroeville VOR 039° and 201° radials and have designated widths of 6 miles and lengths of 8.5 miles.

U.S. Standards for Terminal Instrument Procedures (TERPs), issued after extensive consideration and discussion with government agencies concerned and affected industry groups, are now being applied to update the criteria for instrument approach procedures. The criteria for the designation of controlled airspace protection for these procedures was revised to conform to TERPs and achieve increased and efficient utilization of airspace.

Because of this revised criteria and a change in the type of NAVAID, it is necessary to alter the description by increasing the width of the extensions from 6 to 9 miles, the length from 8.5 to 9.5 miles, and changing the type of NAVAID from VOR to VORTAC.

In consideration of the foregoing, notice and public procedure hereon are unnecessary and Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., July 23, 1970, as hereinafter set forth.

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

MONROEVILLE, ALA.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Monroeville County Airport (lat. 31°27'25" N., long. 87°20'50" W.); within 4.5 miles each side of Monroeville VORTAC 039° and 201° radials, extending from the VORTAC to 9.5 miles northeast and south of the VORTAC.

(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 May 21, 1970.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 70-6887; Filed, June 3, 1970; 8:47 a.m.]

[Airspace Docket No. 70-SO-28]

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

Alteration of Control Zone

On April 17, 1970, a notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 6280), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Elizabeth City, N.C., control zone.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. All comments received were favorable except those objecting to the proviso to exclude the portion within a 1-mile radius of Elizabeth City Municipal Airport, which were as follows:

1. City Manager, City of Elizabeth City, N.C., objected on the basis that it would be detrimental to the growth of aviation because it would not permit the installation of the proposed instrument landing system and it would encroach upon the protected airspace that would be required for the proposed ILS procedure.

2. Commanding Officer, USCG Air Station, Elizabeth City, N.C., objected on the basis that it would directly interfere with IFR en route and descent on VOR Federal Airway 310 and the VOR instrument approach procedure to Runway 1. Also, more severe interference would result upon the commissioning of the ILS.

3. Commander, Coast Guard Air Base, Elizabeth City, N.C., objected on the basis that it would not be in the best interest of any category of aviation and that it seems safer control provisions would exist where cooperative procedures can be used, rather than permit private aircraft to operate near IFR traffic.

4. Commander, Fifth Coast Guard District, objected on the basis that it would materially interfere with present IFR traffic operating to and from the major runway at the Coast Guard Air Base; would effectively block the development and use of the pending ILS on Runway 10; and would appear to create an unnecessary hazard to present flight safety.

A review of the proposal, in the light of comments received, disclosed that the objections do not warrant refusal to exclude Elizabeth City Municipal Airport from the control zone because the exclusion proviso would not:

1. Prevent the installation of the proposed instrument landing system. If the exclusion encroached upon the controlled airspace requirements for the ILS procedure, the proviso would be revoked.

2. Interfere with the VOR instrument approach procedure to Runway 1 since the Elizabeth City Municipal Airport is well outside the Terminal Instrument Procedures (TERPs) primary obstruction clearance area.

3. Interfere with IFR en route and descent on VOR Federal Airway 310 since the floor is coincident with the 700-foot transition area, and VFR operations which are governed by regulations do not permit operations at or above 700 feet above the surface unless visibility is at least 3 miles.

4. Materially interfere with IFR traffic operating to and from the major runway at the CGAS since the Elizabeth City Municipal Airport is approximately 4,200 feet south of the extended center-

line of Runway 10/28 and approximately 4.5 statute miles west of the Airport Reference Point of CGAS. There are no instrument approach procedures to Runway 10 at the present time.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., July 23, 1970, as hereinafter set forth.

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

ELIZABETH CITY, N.C.

Within a 5-mile radius of CGAS Elizabeth City (lat. 36°15'35" N., long. 76°10'20" W.); within 3 miles each side of Elizabeth City VOR 195° radial, extending from the 5-mile radius zone to 8.5 miles south of the VOR; within 2.5 miles each side of Elizabeth City VOR 357° radial, extending from the 5-mile radius zone to 8.5 miles north of the VOR; excluding the portion within a 1-mile radius of Elizabeth City Municipal Airport (lat. 36°14'45" N., long. 76°15'35" W.). This control zone is effective from 0700 to 2200 hours, local time, daily.

(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 May 21, 1970.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 70-6888; Filed, June 3, 1970; 8:47 a.m.]

[Airspace Docket No. 69-CE-13]

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

Alteration of Control Zone and Transition Area

On pages 6794 and 6795 of the FEDERAL REGISTER dated April 23, 1969, the Federal Aviation Administration published a notice of proposed rule making which would amend §§ 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the control zone and transition area at Mankato, Minn.

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

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

These amendments shall be effective 0901 G.m.t., July 23, 1970.

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

Issued in Kansas City, Mo., on May 18, 1970.

DANIEL E. BARROW,
Acting Director, Central Region.

(1) In § 71.171 (34 F.R. 4557), the following control zone is amended to read:

MANKATO, MINN.

Within a 5-mile radius of Mankato Municipal Airport (latitude 44°13'15" N., longitude 93°55'00" W.); and within 2 miles each side of the 167° bearing from Mankato Municipal Airport, extending from the 5-mile radius zone to 8 miles south of the airport. This control zone is effective during the specific dates and times established in advance by a notice to airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

(2) In § 71.181 (34 F.R. 4637), the following transition area is amended to read:

MANKATO, MINN.

That airspace extending upward from 700 feet above the surface within an 8-mile radius of Mankato Municipal Airport (latitude 44°13'15" N., longitude 93°55'00" W.); and that airspace extending upward from 1,200 feet above the surface within 5 miles east and 8 miles west of the 167° bearing from Mankato Municipal Airport, extending from the airport to 13 miles south of the airport; and within 5 miles each side of the 347° bearing from Mankato Municipal Airport, extending from the airport to 12 miles north of the airport.

[F.R. Doc. 70-6889; Filed, June 3, 1970; 8:47 a.m.]

[Airspace Docket No. 69-CE-120]

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

Alteration of Transition Area

On pages 2791 and 2792 of the FEDERAL REGISTER dated February 10, 1970, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition area at Auburn, Ind.

Interested persons were given 45 days to submit written comments, suggestions or objections concerning the proposed amendment. Five comments were received. The Air Transport Association offered no objection to the proposed amendment. The remaining four commentors objected to that portion of the notice which would require a 700-foot floor transition area extension to overlie Shenk Airport, De Kalb County, Ind., for the protection of aircraft executing an ILS instrument approach procedure to Auburn-De Kalb Airport, Auburn, Ind., in that aircraft making this approach would have a final approach altitude that conflicts with the traffic pattern altitude at Shenk Airport.

The FAA has reviewed the proposal and determined that the objections are valid. Consequently, the agency has modified the ILS instrument approach procedure for Auburn-De Kalb Airport to assure that aircraft executing the procedure will be at an altitude of 2,500 feet MSL when crossing over Shenk Airport. This modification, which raises the approach altitude, will guarantee an 800-foot separation between the instrument approach procedure for Auburn-De Kalb Airport and the traffic pattern altitude at Shenk Airport. In addition, by raising the instrument approach procedure altitude the 700-foot floor transition area extension which overlies Shenk Airport can be eliminated and the 700-foot floor transition area designation has been so modified in the final rule.

Since this change to the 700-foot floor transition area reduces the amount of airspace as proposed in the notice, it imposes no additional burden on any person, with the result that notice and public procedure hereon are unnecessary and the change may be accomplished by final rule action.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective 0901 G.m.t., July 23, 1970, as hereinafter set forth:

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

AUBURN, IND.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Auburn-De Kalb Airport (latitude 41°18'-25" N., longitude 85°04'00" W.); and within 2½ miles each side of the Fort Wayne, Ind., VORTAC 016° radial, extending from the 5-mile radius area to the arc of a 17-mile radius circle centered on Bear Field (latitude 40°58'50" N., longitude 85°11'25" W.).

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

Issued in Kansas City, Mo., on May 18, 1970.

DANIEL E. BARROW,
Director, Central Region.

[F.R. Doc. 70-6890; Filed, June 3, 1970; 8:47 a.m.]

[Airspace Docket No. 70-CE-41]

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

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Colby, Kans., transition area.

The public use instrument approach procedure for Colby, Kans., Municipal Airport has been altered by moving the approach radial by 12°. Therefore, it is necessary to alter the Colby transition area to reflect this radial change and action is taken herein to reflect this change. This alteration does not involve the designation of any additional airspace.

Since this change is minor in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the change may be accomplished by final rule action.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., July 23, 1970, as hereinafter set forth:

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

COLBY, KANS.

That airspace extending upward from 700 feet above the surface within a 5½-mile radius of Colby Municipal Airport (latitude 39°25'30" N., longitude 101°02'40" W.); and within 3 miles each side of the 017° bearing from Colby Municipal Airport, extending from the 5½-mile radius area to 8 miles north of the airport and that airspace extending upward from 1,200 feet above the

surface within 4½ miles east and 9½ miles west of the 017° and 197° bearings from Colby Municipal Airport extending from 5 miles south to 18½ miles north of the airport.

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

Issued in Kansas City, Mo., on May 18, 1970.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 70-6891; Filed, June 3, 1970; 8:47 a.m.]

[Airspace Docket No. 70-CE-48]

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

Alteration of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the St. Charles, Ill., control zone.

Since the designation of a part-time control zone at Du Page County Airport, St. Charles, Ill., all requirements for a full-time control zone at this airport have been met. Consequently, it is necessary to alter the St. Charles, Ill., control zone to make it a full-time control zone. Action is taken herein to affect this change. The Chicago Air Route Traffic Control Center controls IFR air traffic at this location.

Since this alteration will not change the geographical boundries designating the present St. Charles control zone, it imposes no additional burden on any person and consequently notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective 0901 G.m.t., July 23, 1970, as hereinafter set forth:

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

ST. CHARLES, ILL.

Within a 3-mile radius of Du Page County Airport, St. Charles, Ill. (latitude 41°54'45" N., longitude 88°14'35" W.); and within 2 miles either side of the Du Page VOR 069° radial, extending from the 3-mile radius zone to 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 Kansas City, Mo., on May 18, 1970.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 70-6892; Filed, June 3, 1970; 8:47 a.m.]

[Airspace Docket No. 70-WA-19]

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

Alteration of Control Area; Correction

On December 19, 1968, Airspace Docket No. 68-AL-8 was published in the FEDERAL REGISTER (33 F.R. 18928) and altered Control 1485 to include the airspace extending upward from FL 230 and bounded by a line beginning at lat. 68°00'00" N., long. 169°00'00" W.; to lat. 72°00'00" N., long. 158°00'00" W.; to lat. 72°00'00" N., long. 141°00'00" W.; to lat. 68°00'00" N., long. 141°00'00" W.; to point of beginning.

It has been determined that long. 169°00'00" W. exceeds to the west the line of long. 168°58'23" W. agreed to in the United States/Russia Convention of 1867 (the value of 23" is adjusted). Corrective action is taken herein.

Since this amendment is editorial in nature and no substantive change in the regulation is effected, notice and public procedure hereon are unnecessary, and good cause exists for making this amendment effective on less than 30 days notice.

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

Section 71.163 (35 F.R. 2046) is amended as follows:

In Control 1485 "Long. 169°00'00" W.;" is deleted and "Long. 168°58'23" W.;" is substituted therefor.

(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 Washington, D.C., on May 27, 1970.

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

[F.R. Doc. 70-6893; Filed, June 3, 1970; 8:47 a.m.]

[Docket No. 10343; Amdt. 705]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

This amendment to Part 97 of the Federal Aviation Regulations incorporates by reference therein changes and additions to the Standard Instrument Approach Procedures (SIAPs) that were recently adopted by the Administrator to promote safety at the airports concerned.

The complete SIAPs for the changes and additions covered by this amendment are described in FAA Forms 3139, 8260-3, 8260-4, or 8260-5 and made a part of the public rule making dockets of the FAA in accordance with the procedures set forth in Amendment No. 97-696 (35 F.R. 5610).

SIAPs are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20590. Copies of SIAPs adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAPs may be purchased from the FAA Public Document Inspection Facility, HQ-405, 800 Independence Avenue SW., Washington, D.C. 20590, or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft or postal money order payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of $125 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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

In consideration of the foregoing, Part 97 of the Federal Aviation Regulations is amended as follows, effective on the dates specified:

Section 97.17 is amended by establishing, revising, or canceling the following ILS SIAPs, effective July 2, 1970.

South Bend, Ind.—St. Joseph Airport; LOC (BC) Runway 9, Amdt. 5; Revised.

Section 97.21 is amended by establishing, revising, or canceling the following L/MF SIAPs, effective July 2, 1970.

Sitka, Alaska—Sitka Airport; LFR-A, Amdt. 4; Revised.

Section 97.23 is amended by establishing, revising, or canceling the following VOR-VOR/DME SIAPs, effective July 2, 1970.

Ardmore, Okla.—Ardmore Municipal Airport; VOR Runway 4, Amdt. 10; Revised.
Deming, N. Mex.—Deming Municipal Airport; VOR Runway 26, Amdt. 4; Revised.
Fairhope, Ala.—Municipal Airport; VOR-1, Orig.; Canceled.
Jaffrey, N.H.—Jaffrey Municipal Airport; VOR-1, Amdt. 1; Revised.
McAllen, Tex.—Miller International Airport; VOR-1, Amdt. 5; Revised.
McAllen, Tex.—Miller International Airport; VOR Runway 13, Amdt. 6; Revised.
Santa Rosa, Calif.—Sonoma County Airport; VOR Runway 32, Amdt. 3; Revised.
Sitka, Alaska—Sitka Airport; VOR-A, Amdt. 5; Revised.
Syracuse, N.Y.—Clarence E. Hancock Airport; VOR Runway 14, Amdt. 13; Revised.
Worland, Wyo.—Worland Municipal Airport; VOR Runway 16, Amdt. 1; Revised.
Fairhope, Ala.—Municipal Airport; VOR/DME-1, Orig.; Established.

Section 97.25 is amended by establishing, revising or canceling the following LOC-LDA SIAPs, effective July 2, 1970.

Sitka, Alaska—Sitka Airport; LOC Runway 11, Amdt. 2; Revised.
Syracuse, N.Y.—Clarence E. Hancock Airport; LOC (BC) Runway 10, Amdt. 14; Revised.

Section 97.27 is amended by establishing, revising or canceling the following NDB/ADF SIAPs, effective July 2, 1970.

Ardmore, Okla.—Ardmore Municipal Airport; NDB (ADF) Runway 8, Amdt. 9; Revised.
St. George, Utah—St. George Municipal Airport; NDB (ADF)-A, Amdt. 1; Revised.
Syracuse, N.Y.—Clarence E. Hancock Airport; NDB (ADF) Runway 10, Amdt. 5; Revised.
Syracuse, N.Y.—Clarence E. Hancock Airport; NDB (ADF) Runway 28, Amdt. 21; Revised.

Section 97.29 is amended by establishing, revising, or canceling the following ILS SIAPs, effective July 2, 1970.

Santa Ana, Calif.—El Toro MCAS; ILS Runway 34R, Amdt. 2; Revised.
Syracuse, N.Y.—Clarence E. Hancock Airport; ILS Runway 28, Amdt. 22; Revised.
Tulsa, Okla.—Tulsa International Airport; ILS Runway 35R, Amdt. 18; Revised.

Section 97.31 is amended by establishing, revising, or canceling the following Radar SIAPs, effective July 2, 1970.

Syracuse, N.Y.—Clarence E. Hancock Airport; Radar-1, Amdt. 1; Revised.
Tulsa, Okla.—Tulsa International Airport; ASR-1, Amdt. 8; Revised.

(Secs. 307, 313, 601, 1110, Federal Aviation Act of 1958; 49 U.S.C. 1438, 1354, 1421, 1510; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c), 5 U.S.C. 552(a)(1))

Issued in Washington, D.C., on May 26, 1970.

WILLIAM G. SHREVE, JR.,
Acting Director,
Flight Standards Service.

NOTE: Incorporation by reference provisions in §§ 97.10 and 97.20 approved by the Director of the Federal Register on May 12, 1969 (35 F.R. 5610).

[F.R. Doc. 70-6894; Filed, June 3, 1970; 8:47 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. C-1734]

PART 13—PROHIBITED TRADE PRACTICES

Lester Rouse Baird, Jr., and R. Baird & Co.

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

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 67 Stat. 111, as amended; 15 U.S.C. 45, 1191) [Cease and desist order, Lester Rouse Baird, Jr. et al., Honolulu, Hawaii, Docket C-1734, May 4, 1970]

In the Matter of Lester Rouse Baird, Jr., Individually and Doing Business as R. Baird & Co.

Consent order requiring a Honolulu, Hawaii, importer and wholesaler of novelties and gift items including scarves and T-shirts to cease marketing dangerously flammable products.

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

It is ordered, That respondent Lester Rouse Baird, Jr., individually and doing business as R. Baird & Co., or under any other trade name and respondent's representatives, agents, and employees, directly or through any corporate or other device, do forthwith cease and desist from manufacturing for sale, selling, offering for sale, in commerce, or importing into the United States, or introducing, delivering for introduction, transporting or causing to be transported in commerce, or selling or delivering after sale or shipment in commerce, any fabric, product or related material as "commerce", "fabric", "product" and "related material" are defined in the Flammable Fabrics Act as amended, which fails to conform to an applicable standard or regulation continued in effect, issued or amended under the provisions of the aforesaid Act.

It is further ordered, That the respondent herein shall, within ten (10) days after service upon him of this order, file with the Commission an interim special report in writing setting forth the respondent's intention as to compliance with this order. This interim special report shall also advise the Commission fully and specifically concerning the identity of the fabric, product or related material which gave rise to the complaint, (1) the amount of such fabric, product or related material in inventory, (2) any action taken to notify customers of the flammability of such fabric, product or related material and the results thereof, and (3) any disposition of such fabric, product or related material since June 3, 1969. Such report shall further inform the Commission whether respondent has in inventory any fabric, product or related material having a plain surface and made of silk, rayon and acetate, nylon and acetate, rayon or cotton or combinations thereof in a weight of 2 ounces or less per square yard or made of cotton or rayon or combinations thereof with a raised fiber surface. Respondent will submit samples of any fabric, product, or related material with this report.

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 of his compliance with this order.

Issued: May 4, 1970.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 70-6912; Filed, June 3, 1970; 8:49 a.m.]

[Docket No. C-1733]

PART 13—PROHIBITED TRADE PRACTICES

Billie Lebow, Inc., and Billie Lebow

Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185-30 Fur Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212-30 Fur products Labeling Act. 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, Billie Lebow, Inc. et al., New York, N.Y., Docket C-1733, May 4, 1970]

In the Matter of Billie Lebow, Inc., a Corporation, and Billie Lebow, Individually and as an Officer of Said Corporation

Consent order requiring a New York City manufacturing furrier to cease misbranding its fur products.

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

It is ordered, That respondents Billie Lebow, Inc., a corporation, and its officers, and Billie Lebow, 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 sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product; or in connection with the manufacture for sale, sale, advertising, offering for sale, transportation or distribution of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as the terms "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from misbranding any fur product by:

1. Representing, directly or by implication on a label that the fur contained in such fur product is natural when such fur is pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

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

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: May 4, 1970.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 70-6911; Filed, June 3, 1970; 8:49 a.m.]

[Docket No. C-1736]

PART 13—PROHIBITED TRADE PRACTICES

Derman-Helfand, Inc. et al.

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, Derman-Helfand, Inc. et al., New York, N.Y., Docket C–1736, May 4, 1970]

In the Matter of Derman-Helfand, Inc., a Corporation, and Leon Derman and Nat Helfand, Individually and as Officers of Said Corporation

Consent order requiring a New York City manufacturing furrier to cease falsely invoicing its fur products by misrepresenting artificially colored furs as natural.

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

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

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

2. Representing directly or by implication on an invoice that the fur contained in such fur product is natural when such fur is pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

3. 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 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: May 4, 1970.

By the Commission.

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

[F.R. Doc. 70-6914; Filed, June 3, 1970; 8:49 a.m.]

[Docket No. C-1735]

PART 13—PROHIBITED TRADE PRACTICES

Max Eisenberg

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, Max Eisenberg, New York, N.Y., Docket C–1735, May 4, 1970]

In the Matter of Max Eisenberg, an Individual Trading as Max Eisenberg

Consent order requiring a New York City wholesaler of fur skins to cease falsely invoicing his fur products by misrepresenting artificially colored furs as natural.

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

It is ordered, That respondent Max Eisenberg, an individual trading under Max Eisenberg or any other name, and respondent's representatives, agents, and employees, directly or through any corporation 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 product; or in connection with the sale, advertising, offering for sale, transportation or distribution of any fur product which is made in whole or in part of fur which has been shipped and received in commerce; or 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", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from falsely or deceptively invoicing furs or fur products 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. Representing, directly or by implication, on invoices that the fur contained in furs or fur products is natural when such fur is pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

It is further ordered, That respondent 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 he has complied with this order.

Issued: May 4, 1970.

By the Commission.

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

[F.R. Doc. 70-6913; Filed, June 3, 1970; 8:49 a.m.]

[Docket No. C-1732]

PART 13—PROHIBITED TRADE PRACTICES

Stephen J. Shaffer and Shaffer Sportswear Manufacturing Co.

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. 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, 72 Stat. 1717; 15 U.S.C. 45, 68, 70) [Cease and desist order, Stephen J. Shaffer et al., Chicago, Ill., Docket C–1732, May 4, 1970]

In the Matter of Stephen J. Shaffer, Individually and Doing Business as Shaffer Sportswear Manufacturing Co.

Consent order requiring a Chicago, Ill., manufacturer of men's athletic clothing to cease misbranding its woolens and falsely advertising its textile fiber products.

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

It is ordered, That respondent Stephen J. Shaffer, individually, and doing business as Shaffer Sportswear Manufacturing Co., or under any other name, and respondent's representatives, agents, and employees, directly or through any corporate or other device, in connection with the manufacture for introduction,

the introduction into commerce, or the offering for sale, sale, transportation, distribution, delivery for shipment or shipment, in commerce, of wool products as "commerce" and "wool product" are defined in the Wool Products Labeling Act of 1939 do forthwith cease and desist from misbranding such products by:

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

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

It is further ordered, That respondent Stephen J. Shaffer, individually and doing business as Shaffer Sportswear Manufacturing Co., or under any other name, and respondent's representatives, agents, and employees, directly or through any corporate or other device, in connection with the manufacture for introduction, the introduction, delivery 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 falsely and deceptively advertising textile fiber products by making any representations, by disclosure or implication, as to the fiber content of any textile fiber product in any written advertisement which is used to aid, promote or assist, directly or indirectly, in the sale or offering for sale of such textile fiber product, unless the same information required to be shown on the stamp, tag, or label or other means of identification under section 4(b)(1) and (2) of the Textile Fiber Products Identification Act is contained in the said advertisement, except that the percentages of the fibers present in the textile fiber product need not be stated.

It is further ordered, That Stephen J. Shaffer, individually, and doing business as Shaffer Sportswear Manufacturing Co., or under any other name and respondent's representatives, agents, and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale, or distribution of jackets or other products in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from misrepresenting the character or amount of the constituent fibers contained in such products on price lists or other advertising material, or in any other manner.

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 of his compliance with this order.

Issued: May 4, 1970.

By the Commission.

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

[F.R. Doc. 70-6910; Filed, June 3, 1970; 8:49 a.m.]

Title 22—FOREIGN RELATIONS

Chapter I—Department of State

[Departmental Reg. 108.620]

PART 41—VISAS: DOCUMENTATION OF NONIMMIGRANTS UNDER THE IMMIGRATION AND NATIONALITY ACT, AS AMENDED

Issuance of Nonimmigrant Visas

Correction

In F.R. Doc. 70-6515 appearing at page 8275 in the issue for Wednesday, May 27, 1970, the initial "N" in the fifth line of § 41.120(b)(2) should read "H".

Title 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

SUBCHAPTER W—AIR FORCE PROCUREMENT

PART 1001—GENERAL PROVISIONS

Subpart C—General Policy

Part 1001 of Subchapter W of Title 32 of the Code of Federal Regulations is amended by adding Subpart C to read as follows:

§ 1001.320 Industrial security.

NOTIFICATION OF GOVERNMENT SECURITY ACTIVITY OVERSEAS (APRIL 1970)

Within 10 days after award of this contract or 30 days prior to the date of (5) below the contractor shall notify the Director, Security Police shown in the distribution block of the DD Form 254, Contract Security Classification Specification, as to:

(1) The name, address, and telephone number of this contract company's representative in the overseas area,

(2) The contract number,

(3) The highest classification category of defense information to which contractor employees overseas will have access,

(4) The APO number(s) where the contract work will be performed,

(5) The date contractor operations will begin in the overseas area, and,

(6) The estimated completion date of operations in the overseas area,

(7) Any changes to information previously provided under this clause.

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

By order of the Secretary of the Air Force.

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

[F.R. Doc. 70-6871; Filed, June 3, 1970; 8:46 a.m.]

Title 46—SHIPPING

Chapter II—Maritime Administration, Department of Commerce

SUBCHAPTER G—EMERGENCY OPERATIONS

[General Order 82, 22d Rev.]

PART 309—VALUES FOR WAR RISK INSURANCE

List of Vessels; Correction

In F.R. Doc. 70-4690 appearing in the FEDERAL REGISTER issue of April 18, 1970 (35 F.R. 6316), the following corrections are made in the alphabetic list of vessels:

* * *	* * *	* * *	* * *	
1920	San Juan	242653	3,750	
* * *	* * *	* * *	* * *	
906	Santa Malta	245459	260	
211	Santa Maria	263781	1,090	
* * *	* * *	* * *	* * *	

Dated: June 1, 1970.

L. C. HOFFMANN, *Chairman, Ship Valuation Committee.*

[F.R. Doc. 70-6944; Filed, June 3, 1970; 8:51 a.m.]

Title 49—TRANSPORTATION

Chapter III—Federal Highway Administration, Department of Transportation

SUBCHAPTER A—GENERAL REGULATIONS

PART 310—BRIDGE TOLL PROCEDURAL RULES

This amendment to Chapter III of Title 49, CFR changes the title of Subchapter A to "General Regulations".[1] It also adds a new Part 310 which prescribes procedures for the conduct of proceedings before the Federal Highway Administrator involving the justness and reasonableness of the rates of toll charged for transit over certain bridges.

In a number of statutes the Congress has provided that if tolls are charged for transit over certain bridges (generally bridges which span navigable waters of the United States or bridges which are located in more than one State), the tolls must be reasonable and just. Those statutes authorize the Secretary of the Army to determine whether the tolls are reasonable and just and to prescribe the reasonable rates of toll to be charged for

[1] On Mar. 23, 1970, the Motor Vehicle Safety Regulations, formerly found in Subchapter A, were transferred to Chapter V of Title 49, CFR (35 F.R. 5118).

transit over the bridges. The rates prescribed by the Secretary are the legal rates and are the rates to be charged for crossing the bridges. In section 6(g)(4) of the Department of Transportation Act, 49 U.S.C. 1655(g)(4), the power of the Secretary of the Army with respect to bridge tolls was transferred to the Secretary of Transportation. The Secretary of Transportation has delegated his authority to the Federal Highway Administrator (49 CFR 1.48(l); 35 F.R. 4960).

A number of proceedings under the toll-regulation authority have been concluded, and others are now pending. In cases where he has been called upon to prescribe reasonable and just rates of toll, the Administrator has acted pursuant to ad hoc procedures adapted from the practices of other Federal agencies. The absence of preexisting general procedural rules has produced some confusion in the minds of parties to these proceedings and this, coupled with the apparent increase in the number of requests for exercise of the Administrator's jurisdiction over toll rates, has indicated that the establishment of general procedural rules to govern the conduct of bridge toll proceedings is desirable.

Two features of the new rules merit special mention. First, the procedures call for an initial determination by the Administrator of whether the pleadings and other available material provide sufficient grounds for formal adjudication after a hearing. If no such grounds are found to exist, the proceeding is dismissed at that point. The purpose of this step is to avoid lengthy and expensive adjudicative proceedings when there is no real need for them. Each of the statutes which authorizes Federal regulation of bridge tolls clearly provides that determination of the reasonableness and justness of a toll rate that has been challenged is discretionary rather than mandatory. Therefore, the Administrator may properly require that sufficient grounds exist for formal adjudication before he directs that a full hearing be held.

The second aspect of the rules that requires comment is the bridge toll investigation, which the Administrator may order at his discretion upon receipt of a complaint and a response. It is conducted by staff employees of the Administration. Under the rules, the employees collect information bearing on the issues, make recommendations for initial action to the Administrator, and thereafter may participate as a party in formal adjudicative proceedings. Experience has shown that, in many cases, disinterested and expert analysis of the issues is prerequisite to an informed and just decision. The issues in bridge toll cases frequently involve extremely complex questions of accounting, traffic engineering, and municipal finance. The ordinary citizen who complains about an increased toll often lacks the wherewithal and the expertise to acquire and analyse the relevant information bearing on the reasonableness and justness of the toll. The team's report, which becomes a part of the record before the Administrator, can supply data and analysis that might otherwise be missing from the record. At the same time, the results of the bridge toll investigation may demonstrate that allegations of unreasonableness and unjustness of a toll rate, apparently sound, are in reality without merit, thereby sparing the party responsible for setting the rate of toll the necessity of establishing, in an adjudicative proceeding, that the rate is reasonable and just.

Since this amendment does not affect any substantive right or duty and relates to procedure and practice before the Federal Highway Administration, notice and public procedure thereon are unnecessary and it is effective on the date of publication in the FEDERAL REGISTER. However, this amendment does not apply to any proceeding in which a hearing has been ordered prior to its issuance.

In consideration of the foregoing, Subchapter A in Chapter III of Title 49 CFR is amended to read as set forth below.

Issued on May 26, 1970.

F. C. TURNER,
Federal Highway Administrator.

Sec.

AUTHORITY: The provisions of this Part 310 issued under sec. 4 of the Bridge Act of 1906, as amended (33 U.S.C. 494), sec. 503 of the General Bridge Act of 1946, as amended (33 U.S.C. 526), sec. 6 of the Department of Transportation Act (80 Stat. 937; 49 U.S.C. 1655), and the delegation of authority contained in Part 1 of the regulations of the Office of the Secretary.

§ 310.1 Scope of rules in this part.

The rules in this part govern procedure in proceedings before the Federal Highway Administrator authorized by section 4 of the Bridge Act of 1906, as amended (33 U.S.C. 494), and section 503 of the General Bridge Act of 1946, as amended (33 U.S.C. 526). Those statutes require that tolls charged for transit over certain bridges must be reasonable and just. They confer authority, now vested in the Federal Highway Administrator, to determine whether such tolls are reasonable and just and to prescribe the reasonable rates of toll to be charged. In proceedings under this part the Administrator determines (a) whether there are sufficient grounds to initiate formal adjudication concerning the reasonableness and justness of a toll schedule; (b) whether a rate or rates of toll are reasonable and just; and (c) the reasonable rate or rates of toll to be prescribed in a case in which the existing rate or rates are found to be unreasonable, unjust, or both.

§ 310.2 Definitions.

(a) "Administrator" means the Federal Highway Administrator.

(b) "Complainant" means a person who has filed a complaint under § 310.3.

(c) "Respondent" means the person or agency, including an agency of a State or a political subdivision of a State, which has responsibility for establishing or collecting a toll, the rate of which is alleged to be unreasonable, unjust, or both.

§ 310.3 Commencement of proceedings.

(a) Proceedings under this part are commenced by filing a written complaint with the Administrator or by the Administrator on his own initiative. Any person may file a complaint.

(b) Each complaint should contain:

(1) The name and address of the person filing it, and a brief statement of the nature of his interest in the reasonableness and justness of the toll schedule;

(2) The name and location of the bridge;

(3) The name and address of the person or agency responsible for establishing and collecting the tolls;

(4) The rates of toll alleged to be unreasonable or unjust;

(5) The reasons the complainant believes that the rates of toll, or any portion of them are unreasonable, unjust, or both;

(6) A statement of any prior action which the complainant has taken to obtain a change in the rates of toll alleged to be unreasonable or unjust and the results of such action; and

(7) A prayer for relief, which may include the rates of toll which the complainant seeks to have prescribed for transit over the bridge.

§ 310.4 Response to the complaint.

(a) Upon receipt of a complaint, the Administrator sends a copy of it to the respondent. The respondent must file a written response to the complaint with the Administrator within 30 days after it has received the complaint.

(b) The response to the complaint should contain:

(1) A denial, admission, or explanation of each material allegation of the complaint;

(2) The current rates of toll for transit over the bridge;

(3) A statement of any changes in the rates of toll which the respondent has instituted or proposed during the preceding 24 months and the reasons for each actual or proposed change;

(4) Reference to the provisions of Federal and State law which authorize the operation of the bridge and the imposition of tolls for transit over it;

(5) A statement showing the net amount of toll revenues from the bridge during the preceding 60 months;

(6) A statement showing the disposition of the net amount of toll revenues from the bridge during the preceding 60 months;

(7) A statement showing the anticipated future toll revenues from the bridge and the intended disposition of such revenues;

(8) The date upon which it is anticipated that the bridge will be free of tolls; and

(9) Any other matter which, in the opinion of the respondent, tends to show that the rates of toll are reasonable and just.

§ 310.5 Bridge toll investigation.

After he receives a complaint and a response, or upon his own initiative, the Administrator may conduct a bridge toll investigation. The investigation is conducted by representatives of such staff offices of the Administration as the Administrator deems appropriate. The representatives investigate the issues raised by the complaint and the response. In performing such an investigation, the representatives may seek and obtain information in the files of the Administration, other Federal agencies, or any agency of a State. They may also seek and obtain information from the complainant, the respondent, or any other interested person. At the conclusion of their investigation, the representatives make a report to the Administrator, which includes their recommendations for further action by him. A copy of the report is furnished to the respondent and any complainant. The report becomes a part of the record in the proceedings. If the Administrator directs that formal adjudicatory proceedings be held, the representatives may participate in such proceedings as a party representing the public interest.

§ 310.6 Informal conferences.

After such investigation as he deems appropriate is completed, the Administrator or his delegate may hold informal conferences with the complainant, the respondent, or both, for the purpose of simplifying the issues or resolving the issues without the necessity of further proceedings. If the discussions result in an agreement for terminating the proceedings, the Administrator may require that the agreement be embodied in a consent order containing such terms as he deems appropriate. Informal conferences are transcribed, and the transcript becomes a part of the record in the proceedings.

§ 310.7 Initial determination.

After such investigation under § 310.5 and such conferences under § 310.6 as he deems appropriate, the Administrator determines whether there are sufficient grounds for initiating formal adjudication. If he determines that no such grounds exist, he dismisses the proceeding. If he determines that grounds for formal adjudication exist, he issues an order appointing a hearing examiner and directing that a public hearing be held. The order is served on the parties.

§ 310.8 Prehearing procedure.

(a) As soon as practicable after his appointment, the hearing examiner issues an order setting the date, time, and place for the hearing. The order is served on the parties and becomes a part of the record of the proceedings.

(b) At any time before the hearing begins, the hearing examiner, on his own motion or on motion by a party, may direct the parties or their counsel to participate with him in a prehearing conference to consider the following:

(1) Simplification and clarification of the issues;

(2) Necessity or desirability of amending pleadings;

(3) Stipulations as to the facts and the contents and authenticity of documents;

(4) Disclosure of the names and addresses of witnesses and the exchange of documents intended to be offered in evidence; and

(5) Any other matter that will tend to simplify the issues or expedite the proceedings.

Unless the prehearing conference is stenographically reported, the hearing examiner issues an order which recites the matters discussed, the agreements reached, and the rulings made at the prehearing conference. The order is served on the parties and is a part of the record of the proceedings.

§ 310.9 Intervention.

At any time before the date set for the hearing to begin, or within such time as the examiner may prescribe in his initial order under § 310.8, whichever first occurs, any person may petition the hearing examiner for leave to intervene. The petition must be in writing, must set forth the reasons the petitioner alleges he is entitled to intervene, and must specify the nature of and the approximate amount of time requested for making the petitioner's presentation. The hearing examiner may deny the petition or may permit intervention to such extent and upon such terms as he deems just. Unless the hearing examiner orders otherwise, a person who has been granted leave to intervene is a party for the purpose of all subsequent proceedings.

§ 310.10 Hearings; powers of hearing examiner.

(a) The hearing examiner presides over the hearing. The hearing examiner has power to make all needful rules and regulations to govern the conduct of the proceedings, to insure a fair and impartial hearing, and to avoid delay in the disposition of the proceedings. His powers include the following:

(1) To administer oaths and affirmations;

(2) To rule on offers of proof and receive evidence;

(3) To regulate the course of the hearing and the conduct of participants in it;

(4) To consider and rule on all procedural motions;

(5) To hold conferences for settlement, simplification of issues, or any other proper purpose;

(6) To make and file recommended decisions; and

(7) To take any other action authorized by these rules and permitted by law.

(b) Hearings are open to the public unless the hearing examiner, for good cause, orders otherwise. Any party may be represented by an attorney at law.

(c) The hearing is stenographically transcribed and reported. The transcript, exhibits, and other documents filed in the proceedings constitute the official record of the proceedings. The record is in the custody of the hearing examiner until he certifies it to the Administrator. A copy of the transcript and exhibits are available to any party upon payment of prescribed costs.

§ 310.11 Proposed findings of fact, conclusions of law, and briefs.

(a) Within 30 days after the hearing examiner notifies the parties that he has received the transcript, or within such longer time as the hearing examiner may prescribe, each party may file with the hearing examiner proposed findings of fact, conclusions of law, and a supporting brief stating the reasons for each proposal. Each proposed finding of fact must include a citation to the specific portion of the record relied upon to support it.

(b) A party that does not timely file proposed findings of fact, conclusions of law, or a brief may not file exceptions to the hearing examiner's recommended decision or a petition for reconsideration of the Administrator's decision.

§ 310.12 Recommended decision.

(a) As soon as practicable after he receives the transcript and the time allowed for filing proposed findings of fact, conclusions of law and briefs has expired, the hearing examiner issues a recommended decision and certifies the record in the proceedings to the Administrator. The recommended decision contains the hearing examiner's findings of fact, his conclusions of law (and the reasons or bases therefor), and a recommended order disposing of the proceedings. The recommended decision is served on the parties.

(b) Within 30 days after a recommended decision is issued, any party may file with the Administrator exceptions to the hearing examiner's findings of fact, conclusions of law, or recommended order, together with a supporting brief.

§ 310.13 Administrator's decision.

Upon review of the hearing examiner's recommended decision, the Administrator may adopt his recommended findings of fact, conclusions of law, and order in whole or in part. He may also remand proceedings to the hearing examiner with instructions for such further proceedings as he deems appropriate. The Administrator issues a final order disposing of the proceedings.

§ 310.14 Reconsideration.

Within 20 days after the Administrator's final order is issued, any party may petition him for reconsideration of his order. The filing of a petition for reconsideration does not stay the effectiveness of the final order unless the Administrator so orders.

[F.R. Doc. 70-6878; Filed, June 3, 1970; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

[42 CFR Part 52a]

GRANTS FOR GENERAL SUPPORT OF RESEARCH AND RESEARCH TRAINING

Notice of Proposed Rule Making

Notice is hereby given that the Director, National Institutes of Health, with the approval of the Secretary, Department of Health, Education, and Welfare, proposes to amend Subchapter D of the Public Health Service regulations by adding a new Part 52a prescribing rules applicable to grants made for the general support of health related research and research training programs (other than Health Sciences Advancement Awards) awarded under section 301(d) of the Public Health Service Act, as amended (42 U.S.C. 241(d)).

The proposed amendment relates solely to grants and is therefore exempt from requirements of the Administrative Procedure Act (5 U.S.C. 553) pertaining to public participation in rule making. However, since a large number of universities and institutions, as well as members of the public, have a direct interest in these grants, public participation in the formulation of these regulations is deemed appropriate.

Accordingly, inquiries may be addressed, and data, views, and arguments relating to these proposed regulations may be presented in writing, in triplicate, to the Director, National Institutes of Health, 9000 Rockville Pike, Bethesda, Md. 20014. All relevant material received not later than 30 days after publication of this notice in the FEDERAL REGISTER will be considered.

Notice is also given that it is proposed to make any amendments that are adopted effective upon publication in the FEDERAL REGISTER.

It is therefore proposed to amend Subchapter D of Chapter I of Title 42 of the Public Health Service regulations by adding immediately after Part 52 the following new Part 52a:

PART 52a—GRANTS FOR GENERAL SUPPORT OF RESEARCH AND RESEARCH TRAINING

Sec.

AUTHORITY: The provisions of this Part 52a issued under sec. 215, 58 Stat. 690, as amended, sec. 301(d), 74 Stat. 1053; 42 U.S.C. 216, 241(d).

§ 52a.1 Applicability.

The regulations in this part apply to grants for the general support of health-related research and research training programs (other than Health Sciences Advancement Awards) awarded under section 301(d) of the Public Health Service Act, as amended (42 U.S.C. 241(d)). They do not apply to research project grants (see Part 52 of this chapter) or grants for the construction of research facilities (see Part 57 of this chapter).

§ 52a.2 Definitions.

As used in this part:

(a) "Act" means the Public Health Service Act, as amended.

(b) "Secretary" means the Secretary of Health, Education, and Welfare and any other officer or employee of that Department to whom the authority involved may be delegated.

(c) "Fiscal year" means the 12-month period from July 1 to June 30 inclusively.

(d) "Allowable PHS grants" are, except as otherwise provided in this subsection, those research project grants made by the National Institutes of Health and the National Institute of Mental Health under section 301(d) or 303(a) of the Public Health Service Act. The term "allowable PHS grants" does not, however, include institutional grants, hospital improvement project grants, grants for construction, training, fellowships, research career awards, or grants for demonstrations, staffing, conferences or medical library resource grants.

(e) "Budget period" means the 12-month period specified in the grant award statement.

(f) "State" means one of the 50 States of the United States or the District of Columbia, Puerto Rico, or the Virgin Islands.

§ 52a.3 Purpose.

The purpose of the program under this part is to provide eligible institutions with a flexible source of funds to complement their work in connection with health-related research and research training projects and programs so as to enable such institutions within their discretion to meet emerging opportunities in research, to explore new ideas, to permit early support of promising scientists, and to improve and foster present and long-range institutional scientific excellence.

§ 52a.4 Eligibility.

(a) To be eligible for a grant under this part, an applicant must be:

(1) A university, hospital, laboratory, or other institution,

(2) A public or other nonprofit institution,

(3) Engaged in health-related research or research training,

(4) Located in a State, and

(5) Except as provided in paragraph (b) of this section, must have been awarded no less than $100,000 in allowable PHS grants in the fiscal year immediately preceding the fiscal year in which the application is made: *Provided however*, In the case of institutions of higher education other than health professional schools, such institutions must have been awarded no less than $200,000 in allowable PHS grants in the fiscal year immediately preceding the fiscal year in which the application is made.

(b) An applicant for a grant under this part which was the recipient of such a grant in the preceding fiscal year and is otherwise eligible, but whose allowable PHS grants in that fiscal year fell below the minimum set forth in paragraph (a)(5) of this section, shall be eligible for such a grant for the additional year immediately succeeding the year for which the previous grant was made, in accordance with § 52a.6(b)(2).

§ 52a.5 Application.

(a) Each institution desiring a grant under this part shall submit an application in such form and on or before such dates as the Secretary may require. Such application shall be executed by an individual authorized to act for the applicant and to assume on behalf of the applicant the obligations imposed by the terms and conditions of any award, including the regulations of this part.

(b) Each application shall contain an assurance that the applicant will maintain administrative and scientific control over and responsibility for the performance of the activities for which the grant is requested.

§ 52a.6 Grant awards.

(a) *General.* Within the limits of funds available, and upon such recommendation as may be required by law, the Secretary shall award a grant to those applicants whose approved programs will in his judgment best promote the purposes of the program. All grant awards shall be in writing, shall set forth the amount of funds granted, the budget period, and shall constitute for such amounts the encumbrance of Federal funds available for such purpose on the date of the award. Neither the approval of any application nor a grant award shall commit or obligate the United States in any way to make any additional, supplemental, continuation, or other award with respect to any approved application.

(b) *Amount.* (1) Within the limits of funds available, the Secretary shall determine the amount of any award, which will be in proportion to the applicant's

total allowable PHS grants for the fiscal year preceding the fiscal year in which the application is made, in accordance with a formula established by him, subject to reduction on the basis of unexpended balances from prior awards under this part.

(2) In the case of institutions eligible under § 52a.4(b), the amount of any award to such institutions shall be that amount that the Secretary estimates to be the minimum needed to terminate support to such institutions under this part in a manner that will be the least disruptive to the institution's research and research training program.

(c) *Payment.* The Secretary shall from time to time make payments to a grantee of all or a portion of any grant award, either in advance or by way of reimbursement for expenses incurred or to be incurred in accordance with its approved application.

§ 52a.7 Termination.

(a) *Termination by the grantee.* A grantee may at any time terminate or cancel its conduct of grant activities by notifying the Secretary in writing setting forth the reasons for termination.

(b) *Termination by the Secretary.* Any grant award may be terminated by the Secretary in whole or in part whenever he finds that in his judgment the grantee has failed in a material respect to comply with the regulations of this part or such other terms and conditions as the Secretary has established as a condition of grant award. The grantee shall be promptly notified of such finding and given the reason therefor in writing.

(c) *Accounting.* Upon termination, the grantee shall render an accounting pursuant to §§ 52a.9 and 52a.10: *Provided, however,* That to the extent the termination is due in the judgment of the Secretary to no fault of the grantee, credit shall be allowed for the amount required to settle at minimum costs any noncancellable obligations properly incurred by the grantee prior to receipt of notice of termination.

§ 52a.8 Expenditure of grant funds.

(a) *Obligation by grantee.* Grant funds may be obligated by the grantee for the purposes for which the funds have been granted at any time before the end of the 12-month period following the end of the budget period: *Provided, however,* The Secretary may, upon finding the existence of unusual and extenuating circumstances and upon finding that the best interests of the program will thus be served, extend the period for obligation an additional 12 months. Any funds not obligated within those periods must be refunded to the United States.

(b) *Allowable charges.* The following kinds of expenditures may be charged against grants under this part:

(1) Direct health-related research and research training expenses. In general, and unless otherwise expressly provided, expenditures may be charged on the same basis as under research and research training project grants (see Parts 52 and 64 of this chapter).

(2) Support of central resources, such as animal facilities, instrument and machine shops, and other auxiliary facilities or services may be charged but only to the extent of and in proportion to the actual usage for health-related research and research training activities.

(3) Stipends, tuition, dependency allowances and travel payments to individuals appointed as postbaccalaureate research fellows or trainees. Stipends may not exceed those authorized under NIH and NIMH policies for training awards, grants and fellowships, and grant funds may not be used to supplement stipends provided by any Federal training awards and grants.

(4) Alterations and renovations of buildings needed for research and research training may be charged to the grant provided that during any grant year such charges do not exceed 10 percent of the grant received for that year or $25,000 whichever is smaller. In addition, expenditures for any single renovation or alteration may not exceed $10,000.

(5) Costs of books and periodicals directly required for specific health-related research or research training activities.

(c) *Nonallowable charges.* The following kinds of expenditures may not be charged against grants under this part:

(1) Indirect costs.

(2) Construction other than alterations or renovations as indicated in paragraph (b) of this section.

(3) Library support, including costs of binding.

(4) Payments to Federal employees.

(5) Travel other than that solely connected with health-related research and research training activities. Multiple purpose travel may not be charged even though research or research training is one of the purposes of the travel.

(6) Salary for program directors for grants under this part, deans, associate deans, assistant deans, research coordinators, supervisors of research, or project review officers or persons with similar administrative duties.

§ 52a.9 Grantee accountability.

(a) *Records and reports.* (1) All payments and expenditures of grant funds shall be recorded by the grantee in accounting records separate from all other fund accounts, including funds derived from other grant awards. In addition, each grantee shall make available to the Secretary such evidence of expenditures, including vouchers, as the Secretary may from time to time require.

(2) In addition, the grantee shall maintain such progress and other fiscal records, and file with the Secretary such progress and fiscal reports relating to the use of grant funds, as the Secretary may find necessary to carry out the purpose of the Act and the regulations in this part. Such records shall be retained in accordance with the following:

(i) Records may be destroyed 3 years after the end of the budget period if an audit by or on behalf of the Department has occurred by that time.

(ii) If an audit by or on behalf of the Department has not occurred by that time, the records must be retained until such an audit or until 5 years following the end of the budget period, whichever is earlier.

(iii) In any event records shall be retained until resolution of any audit questions relating to individual grants.

(b) *Inspection and audit.* Any application for a grant award under this part shall constitute the consent of the grantee to inspections at reasonable times by persons designated by the Secretary of the facilities, equipment and other resources of the applicant and to interviews with the principal staff members to the extent that such resources and personnel will be, or are, involved in the grant activities. In addition, the acceptance of any grant award under this part shall constitute the consent of the grantee to inspections and fiscal audit by such persons of the supported activity and of progress and fiscal records relating to the use of grant funds.

(c) *Accountability for equipment and supplies.* Any equipment or supplies purchased in whole or in part with funds granted under this part and on hand at the termination of such support to a grantee institution shall be accounted for, or accountability waived, by one or a combination of the following methods:

(1) *Waiver of equipment accountability.* Where the grantee is an institution within the terms of the Act of September 6, 1958 (42 U.S.C. 1891–1893), the obligation to account for the value of any equipment may be waived by the Secretary as provided by such Act.

(2) *Retention for continued use for health-related research activities.* The equipment or supplies may be used, without adjustment of accounts, for continued use for health-related research or research training activities and no other accounting for such material shall be required: *Provided, however,* That (i) during such period of use no charge for depreciation, amortization, or for other use of the equipment or supplies shall be made against any existing or future Federal grant or contract, and (ii) if within the period of their useful life the equipment or supplies are transferred by sale or otherwise for use for other than health-related research or research training activities, the fair market value at the time of transfer shall be payable to the United States.

(3) *Sale or other disposition.* The equipment or supplies may be sold by the grantee and the net proceeds of sale credited to the grant account for program use, or they may be used or disposed of in any manner by the grantee by crediting to the grant account their fair market value on the termination date. To the extent equipment or supplies purchased from grant funds have been used for credit or "trade-in" on the purchase of new equipment or supplies, the accounting obligation shall apply to the same extent to such new equipment or supplies.

(4) *Transfer to the United States.* To the extent that the Secretary so requires or approves, title to such equipment or supplies will be transferred to the United States for such authorized use or disposition as he may direct.

§ 52a.10 Other conditions.

The Secretary may impose additional conditions prior to or at the time of any award when in his judgment such conditions are necessary to assure or protect advancement of program purposes, the interests of the public health, or the conservation of grant funds.

§ 52a.11 Final settlement.

There shall be payable to the United States as final settlement with respect to each grant awarded, the total sum of (a) any amount not accounted for pursuant to § 52a.9(a), (b) any credits for equipment or supplies on hand as provided in § 52a.9(c), (c) any credits for earned interest other than such interest excluded by law, and (d) such other credits as may be required by the terms and conditions of the grant award. Such total sum shall constitute a debt owed by the grantee to the United States and shall be recovered from the grantee or its successors or assignees by set off or other action as provided by law.

Dated: April 9, 1970.

ROBERT Q. MARSTON,
Director,
National Institutes of Health.

Approved: May 28, 1970.

ROBERT H. FINCH,
Secretary.

[F.R. Doc. 70-6943; Filed, June 3, 1970; 8:51 a.m.]

Social and Rehabilitation Service

[45 CFR Part 251]

INTERRELATIONS OF MEDICAL ASSISTANCE PROGRAMS WITH OTHER PROGRAMS OR AGENCIES

Notice of Proposed Rule Making

Notice is hereby given that the regulations set forth in tentative form below are proposed by the Administrator, Social and Rehabilitation Service, with the approval of the Secretary of Health, Education, and Welfare. The proposed regulations relate to medical assistance State plan requirements concerning interrelations between the State agency administering the program under title XIX of the Social Security Act and the State health agency, State vocational rehabilitation agencies, and title V grantees.

Prior to the adoption of the proposed regulations, consideration will be given to any comments, suggestions, or objections thereto which are submitted in writing to the Administrator, Social and Rehabilitation Service, Department of Health, Education, and Welfare, 330 Independence Avenue SW., Washington, D.C. 20201, within a period of 30 days from date of publication of this notice in the FEDERAL REGISTER.

(Sec. 1102, 49 Stat. 647, 42 U.S.C. 1302)

Dated: April 28, 1970.

JOHN D. TWINAME,
Administrator, Social and Rehabilitation Service.

Approved: May 28, 1970.

JOHN G. VENEMAN,
Acting Secretary.

Chapter II of Title 45 of the Code of Federal Regulations is amended by adding a new Part 251 as set forth below:

PART 251—INTERRELATIONS OF MEDICAL ASSISTANCE PROGRAMS WITH OTHER PROGRAMS OR AGENCIES

§ 251.10 Interrelations with State health and State vocational rehabilitation agencies, and with title V grantees.

(a) *State plan requirements.* A State plan for medical assistance under title XIX of the Social Security Act must:

(1) Provide for and describe cooperative arrangements with the State health and State vocational rehabilitation agencies (including agencies which administer or supervise health or vocational rehabilitation services) which are directed toward maximum utilization of such services by the title XIX agency in the provision of medical assistance.

(2) Provide for cooperative arrangements with title V grantees for provision of services to recipients of medical assistance which shall:

(i) Provide that the title XIX agency will utilize title V grantees in furnishing the care and services which are available under title V plans or projects and are included in the State plan for medical assistance; and

(ii) Include, where requested by the title V grantee, provision for reimbursement of the cost of care and services furnished by or through the title V grantee to an individual eligible therefor under the State plan for medical assistance. The cooperative arrangement, where such reimbursement is provided for, shall be in writing, and the title XIX agency may pay the providers directly or may reimburse the title V grantee.

(3) Provide that the arrangements referred to in subparagraphs (1) and (2)(ii) of this paragraph will include a description, as appropriate, of:

(i) The mutual objectives and respective responsibilities of the parties to the agreement,

(ii) Arrangements for early identification of individuals under 21 years of age in need of medical or remedial care and services,

(iii) The services each offers and in what circumstances,

(iv) The cooperative and collaborative relationships at the State level,

(v) The kinds of services to be provided by local agencies,

(vi) Arrangements for reciprocal referrals,

(vii) Arrangements for payment or reimbursement,

(viii) Arrangements for exchange of reports of services provided to recipients of medical assistance under title XIX,

(ix) Methods to coordinate plans relating to the recipients of medical assistance,

(x) Plans for joint evaluation of policies that affect the cooperative work of the parties,

(xi) Arrangements for periodic review of the agreements and joint planning for changes in the agreements, and

(xii) Arrangements for continuous liaison and designation of staff responsible for liaison activities at State and local levels.

(b) *Definition.* As used in this section, the "title V grantee" is the agency, institution, or organization receiving Federal grants for any service program or project under title V of the Social Security Act, including those relating to Maternal and Child Health services, Crippled Children's services, Maternity and Infant Care projects, Children and Youth projects, and projects for Dental Health of children.

(c) *Federal financial participation.* Federal financial participation will be available in expenditures, for medical or remedial care and services to individuals eligible therefor under the State plan for medical assistance, made in accordance with the agreements between the title XIX agency and the title V grantees, pursuant to this section.

[F.R. Doc. 70-6941; Filed, June 3, 1970; 8:51 a.m.]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Part 117]

[CGFR 70-77]

PATAPSCO RIVER, BALTIMORE, MD.

Drawbridge Operation

1. The Commandant, U.S. Coast Guard is considering a request by the Western Maryland Railway Co. to issue special operation regulations for its drawbridge across the Middle Branch of the Patapsco River (Spring Garden Channel), Baltimore, Md. Present regulations require the draw to be opened on signal. The proposed regulations would require the draw to be opened on signal between the hours of 7 a.m. and 12 noon, and 1 p.m. and 4 p.m. Monday through Friday. At all other times at least 6 hours' advance notice required. Authority for this action is set forth in section 5, 28 Stat. 362, as amended (33 U.S.C. 499), section 6(g)(2) of the Department of Transportation Act (49 U.S.C. 1655 (g)(2)) and 49 CFR 1.46(c)(5).

2. Accordingly, it is proposed to amend 33 CFR 117.245(f) by adding (5-b) which shall read as follows:

§ 117.245 Navigable waters discharging into the Atlantic Ocean south of and including Chesapeake Bay and into the Gulf of Mexico, except the Mississippi River and its tributaries and outlets; bridges where constant attendance of drawtenders is not required.

* * * * *

(f) * * *

(5–b) *Middle Branch, Patapsco River (Spring Garden Channel) Baltimore, Md.*, Western Maryland Railway Bridge. The draw shall be opened promptly on signal between the hours of 7 a.m. to 12 noon and 1 p.m. to 4 p.m. Monday through Friday. At all other times 6 hours' advance notice required.

* * * * *

3. Interested persons may participate in this proposed rule making by submitting written data, views, arguments, or comments as they may desire on or before July 3, 1970. All submissions should be made in writing to the Commander, Fifth Coast Guard District, 610 Federal Building, Portsmouth, Va. 23705.

4. It is requested that each submission state the subject to which it is directed, the specific wording recommended, the reason for any recommended change, and the name, address and firm or organization, if any, of the person making the submission.

5. Each communication received within the time specified will be fully considered and evaluated before final action is taken on the proposal in this document. This proposal may be changed in light of the comments received. Copies of all written communications received will be available for examination by interested persons at the office of the Commander, Fifth Coast Guard District.

6. After the time set for the submission of comments by the interested parties, the Commander, Fifth Coast Guard District will forward the record, including all written submissions and his recommendations with respect to the proposals and the submissions, to the Commandant, U.S. Coast Guard, Washington, D.C. The Commandant will thereafter make a final determination with respect to these proposals.

Dated: May 26, 1970.

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

[F.R. Doc. 70-6900; Filed, June 3, 1970; 8:48 a.m.]

Federal Aviation Administration

[14 CFR Parts 23, 25, 27, 29, 91]

[Docket No. 10129; Notice 70-21]

ANTICOLLISION LIGHT STANDARDS

Notice of Proposed Rule Making

The Federal Aviation Administration is considering amending Parts 23, 25, 27, 29, and 91 of the Federal Aviation Regulations: (1) To permit the use of either aviation red or aviation white anticollision lights; (2) to expand the chromaticity-coordinate range for aviation white; (3) to increase the minimum effective intensities for anticollision lights installed on all aircraft to be type certificated in the future; and (4) to require that all aircraft, after a specified period of time, have an approved anticollision light system for night flight.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. All communications received on or before September 2, 1970, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

On February 11, 1970, an advance notice of proposed rule making (Notice 70–7, 35 F.R. 3175) was issued inviting the views of interested persons on certain issues concerning anticollision light standards. At that time, the FAA advised that if the comments received in response to Notice 70–7 indicated the need for further rulemaking action, the advance notice would be followed by a notice of proposed rule making. The views of all persons who filed comments in response to Notice 70–7, and all other available data, have now been evaluated and it has been determined that the following amendments to the Federal Aviation Regulations should be proposed:

(1) It is proposed to amend § 23.1401 (and the corresponding sections of Parts 25, 27, and 29) to permit the use of either aviation red or aviation white anticollision lights. The regulations now require that each anticollision light must be aviation red. However, neither the research conducted in the past by the FAA, and by others, nor the arguments submitted in response to Notice 70–7 by proponents of each color have conclusively established that one color is superior to the other at comparable intensities. Current FAA/NASA research may shed new light on this question.

It is clear, however, that if the red color for anticollision lights were changed to white, the anticollision light intensity could be increased by a factor of 3 to 5 (without increasing the electric power consumption) by merely removing the red filter needed to meet current standards, or by replacing it with a white light (condenser discharge or other type) that uses about the same amount of power. Alternatively, if the regulation permitted aviation white anticollision lights, the currently prescribed intensities could be produced with one-fifth to one-third of the electric power now being used by the red anticollision lights. Although it is true that the use of aviation white could introduce a backscatter problem on some aircraft, we believe that this problem can be solved by the relocation of lights, by appropriate masking, or by other methods, as has already been done with respect to the white "supplementary" high-intensity lights installed on many aircraft now in service.

Some of the comments suggested that safety might be compromised by permitting aircraft using differently colored anticollision lights to operate in the same airspace. The FAA does not agree. Many aircraft currently operating in the United States do not now display red anticollision lights exclusively, since the current regulations permit the display of high-intensity flashing white lights (and even red and green lights) as "supplementary" lights. Frequently, the "supplementary" white lights are seen first as the aircraft is approached. The use of such "supplementary" lights has been permitted for more than 10 years and there has been no adverse effect on safety. Therefore, there is no reason to believe that the optional use of either red or white anticollision lights in the future would compromise safety in any way.

On the other hand, since the standards of the International Civil Aviation Organization (ICAO) now specify red as the color for anticollision lights, the adoption of this proposal would make it necessary to file a formal notice of difference with ICAO.

(2) It is proposed to expand the chromaticity-coordinate range for the color aviation white in order to provide for the use of white condenser-discharge anticollision lights, including Xenon types, in the implementation of proposal 1.

(3) It is proposed to increase the minimum effective intensities for anticollision lights and to make that increase applicable to both red and white lights on aircraft type certificate in the future. A majority of the persons responding to Notice 70–7 indicated that the currently prescribed intensity level for anticollision lights should be raised. In view of the fact that this increase would apply only to anticollision lights installed on aircraft for which an application for type certificate is made after the effective date of any final amendment containing this proposal, and in view of the current state-of-the-art in anticollision lights, the FAA considers that the application of the proposal to all aircraft is feasible.

On the question of what increase in anticollision light intensity should be made, those who responded to Notice 70–7 offered suggestions that varied widely; but most recommended a fourfold increase over current levels. This corresponds roughly to the increase in intensity that would be attained by removing the red filter from existing anticollision lights, and is within the performance capability of state-of-the-art condenser-discharge lights. The FAA believes this intensity recommendations has merit, and it is proposed to increase currently prescribed anticollision light intensities by a factor of four.

Contrary to the suggestion contained in various comments on Notice 70–7, the FAA believes that an intensity level standard that includes a specified infrared signal content for use with Pilot Warning Indicators (PWI) would be premature. The FAA considers that mandatory action on infrared signal content should await completion of current evaluations of the PWI system concept on civil aircraft. However, the proposed

standard would not prevent any manufacturer from providing an infrared signal in his anticollision lights.

There were also suggestions that the current anticollision light intensity should be retained for ground operation. However, the FAA does not consider that this is necessary since, under current rules, the anticollision lights may be dimmed or even turned off during ground operations.

(4) Finally, it is proposed to require that 1 year after the effective date of a final amendment all aircraft must have an approved anticollision light system installed for night flight. This proposal is in accord with the majority of the comments received concerning this issue.

While Notice 70–7 requested views as to whether all aircraft should be fitted with anticollision lights, the FAA recognizes that a proposal of this nature would be too broad. As numerous comments pointed out, many small aircraft are not operated at night and they do not have electrical systems. For this reason the proposal is limited to powered-aircraft that are operated at night and thus, already have an electrical system.

Under the current requirement of § 91.33 (c) and (d), an approved anticollision light system is required for flight at night on all large aircraft, and on small aircraft when required by the aircraft's airworthiness certificate. Thus, small aircraft certificated under airworthiness rules in effect before 1957, need not be equipped with an approved anticollision light system for night flights. While exemption of certain small aircraft from the requirement for an anticollision light system was justifiable at the time the anticollision light requirements in § 91.33 were adopted, there is more air traffic today, and it moves faster. All aircraft that are operated at night should be fitted with an approved anticollision light system. The proposed change to § 91.33 would require a considerable number of operators of small aircraft that do not presently have an anticollision light system, to have such a system installed if they wish to operate at night. Since it is recognized that many of these aircraft do not now have an electrical system that is capable of supplying the extra power needed for the approved anticollision light, the FAA considers that a 1-year period should be allowed in order to provide operators with enough time to make the required modifications to their aircraft. It should be clear that this proposal is not intended to affect the approved status of any anticollision light that has been voluntarily installed in the past.

In addition to the foregoing, Notice 70–7 also requested the views of interested persons as to whether the FAA should require that anticollision lights be displayed during daylight hours. The comments received in response to this question were in general agreement that anticollision lights meeting the current standards are not useful during the daytime. It appears that even for white anticollision lights, the prescribed minimum intensity would have to be increased by a factor of 1^ to 25 in order to make the lights useful. The FAA is aware that such a requirement would impose an unreasonable burden on most operators, particularly those operating small aircraft. If the prescribed minimum intensity cannot be increased to the extent necessary to achieve full daytime effectiveness, the daytime display of anticollision lights would be useful only when the aircraft is observed against a contrasting background (cloudy skies or dark areas on the ground) or when visibility conditions are reduced for any reason. Therefore, the determination as to whether the circumstances warrant the display of anticollision lights must rest with the pilot during daytime operations. For this reason, while the FAA encourages the daytime display of anticollision lights, a requirement for daytime operation of the anticollision lights is not justified at this time.

This issue will be reexamined when anticollision lights having PWI signal-source capability come into general use.

Finally, Notice 70–7 requested the views of interested persons concerning any other issues relating to anticollision light standards that warrant the attention of the FAA. Numerous suggestions were received in response to this question. However, certain of the suggestions were related to the FAA/NASA research that is still in process and others will require further examination and study. The FAA is, therefore, not in a position at this time to take action on these suggestions. However, all suggestions received, and the final results of FAA/NASA research, will be fully evaluated with a view toward possible further rulemaking action.

In consideration of the foregoing, it is proposed to amend Parts 23, 25, 27, 29, and 91 of the Federal Aviation Regulations as follows:

1. By amending paragraph (c) of §§ 23.1397, 25.1397, 27.1397, and 29.1397 to read as follows:

§ ____.1397 Color specifications.

* * * * *

(c) *Aviation white.*

"x" is not less than 0.300 and not greater than 0.540;
"y" is not less than "x−0.040" or "y_o−0.010", whichever is the smaller; and
"y" is not greater than "x+0.020" nor "0.636−0.400x";

Where "y_o" is the "y" coordinate of the Planckian radiator for the value of "x" considered.

2. By amending paragraph (d) of §§ 23.1401, 25.1401, 27.1401, and 29.1401 to read as follows:

§ ____.1401 Anticollision light system.

* * * * *

(d) *Color.* Each anticollision light must be either aviation red or aviation white and must meet the applicable requirements of § 23.1397 (25.1397, 27.1397, and 29.1397).

* * * * *

3. By amending paragraph (e) of §§ 23.1401, 25.1401, 27.1401, and 29.1401 by adding the parenthetical phrase "(if used)" after the word "filter".

4. By amending paragraph (f) of §§ 23.1401, 25.1401, 27.1401, and 29.1401 to read as follows:

§ ____.1401 Anticollision light system.

* * * * *

(f) *Minimum effective intensities for anticollision lights.* Each anticollision light effective intensity must equal or exceed the applicable values in the following table.

Angle above or below the horizontal plane:	*Effective intensity (candles)*
0° to 5°	400
5° to 10°	240
10° to 20°	80
20° to 30°	40

5. By amending subparagraph (3) of paragraph (c) of § 91.33 to read as follows:

§ 91.33 Powered civil aircraft with standard category U.S. airworthiness certificates; instrument and equipment requirements.

* * * * *

(c) *Visual flight rules (night).* * * *

(3) On large aircraft, or when required by the aircraft's airworthiness certificate, and on all other aircraft after (1) year after the effective date of this amendment), an approved aviation red or aviation white anticollision light system. In the event of failure of any light of the anticollision light system, operations with the aircraft may be continued to a stop where repairs or replacement can be made.

These amendments are proposed under the authority of sections 313(a), 601, 603, and 604 (49 U.S.C. 1354, 1421, 1423, and 1424), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on May 28, 1970.

JAMES F. RUDOLPH,
Director,
Flight Standards Service.

[F.R. Doc. 70–6884; Filed, June 3, 1970; 8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 70–CE–43]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

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

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the

proposed amendments. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposals contained in this notice may be changed in the light of comments received.

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

A new NDB (ADF) Runway 30 procedure has been developed for the Wausau, Wis., Municipal Airport. In addition, the criteria for the designation of control zones and transition areas have changed. Accordingly, it is necessary to alter the Wausau, Wis., control zone and transition area to provide controlled airspace for the protection of aircraft executing the new approach procedure and to comply with the new airspace criteria.

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

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

WAUSAU, WIS.

Within a 5-mile radius of the Wausau Municipal Airport (latitude 44°55'35" N., longitude 89°37'35" W.); and within 2½ miles each side of the 142° bearing from the Wausau Municipal Airport extending from the 5-mile radius zone to 6 miles southeast.

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

WAUSAU, WIS.

That airspace extending upward from 700 feet above the surface within a 9-mile radius of the Wausau Municipal Airport (latitude 44°55'35" N., longitude 89°37'35" W.); and that airspace extending upward from 1,200 feet above the surface bounded on the north by a line 6 miles north of and parallel to the Wausau VORTAC 273° radial, the arc of a 15-mile radius circle centered on the Wausau Municipal Airport and a line 9 miles north of and parallel to the Wausau VORTAC 106° radial, on the east, by an arc of a 35-mile radius circle centered on the Wausau VORTAC on the south by a line 5 miles south of and parallel to the Stevens Point, Wis., 089° radial, the arc of a 15-mile radius circle centered on the Stevens Point VORTAC, the Stevens Point VORTAC 230° radial, the Camp Douglas, Wis., transition area, and V-345, on the west by longitude 90°40'00" W.

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

Issued in Kansas City, Mo., on May 19, 1970.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 70-6885; Filed, June 3, 1970; 8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 70-WE-42]

CONTROL ZONE

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Phoenix, Ariz. (Luke AFB) control zone.

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

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

The Department of the Air Force has advised that the Luke AFB radio beacon will be decommissioned on May 27, 1970. This will cancel the published NDB (ADF)-1 approach procedure and delete the requirement for the associated control zone extension. In addition, the control zone extension for the TACAN 1 Runway 21 L and R approach procedure may be reduced 3 statute miles and a 1.5 statute mile control zone extension is required for the TACAN 3 Runway 3R approach procedure.

In consideration of the foregoing, the Federal Aviation Administration proposes the following airspace action.

In § 71.171 (35 F.R. 2054) the description of the Phoenix, Ariz. (Luke Air Force Base) control zone is amended to read as follows:

PHOENIX, ARIZ. (LUKE AFB)

Within a 5-mile radius of Luke AFB (latitude 33°32'05" N., longitude 112°22'55" W.) within 2 miles each side of the Luke TACAN 058° radial, extending from the 5-mile radius zone to 6 miles northeast of the TACAN, and within 2 miles each side of the Luke TACAN 209° radial, extending from the 5-mile radius zone to 6.5 miles southwest of the Luke TACAN.

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

Issued in Los Angeles, Calif., on May 22, 1970.

ARVIN O. BASNIGHT,
Director, Western Region.

[F.R. Doc. 70-6886; Filed, June 3, 1970; 8:47 a.m.]

National Highway Safety Bureau

[49 CFR Part 575]

[Docket No. 28-5; Notice 4]

CONSUMER INFORMATION

Field of View of the Driver

On December 6, 1968, a notice of a proposed consumer information regulation on Field of View of the Driver was issued (33 F.R. 18382). Comments received on that proposal and other information that has become available have indicated that modification of the proposal is advisable. This is a second notice of proposed rule making on the subject with a proposed effective date of January 1, 1971.

The first notice used a projected polar plot method of presentation that was sensitive to slight changes in the vehicle's attitude and the position of the eye reference point. This proposal uses a combination of top views and side views for angular fields, and tabular presentation of distance data, to make the information easier for laymen to understand and for manufacturers to produce.

A new table of eye reference point locations, based on the seating reference point and modifications of the SAE eyellipse data from Recommended Practice J941b, has been included, with separate points for short and tall drivers.

To simulate the characteristics of binocular vision, which permits a person to see around objects smaller than his eye separation distance, a 1.6-inch allowance is made for visual obstructions in the horizontal field of view. A 12-inch allowance is provided for the driver's head restraint, to allow for the turn of the driver's head when viewing to the rear.

Specific accuracy tolerances are specified, so that the information provided will be substantially correct for the vehicle to which it applies. This is a departure from the practice in previously issued consumer information regulations, which required the manufacturer to provide only figures that can be met or exceeded by the vehicles to which the figures apply.

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 September 1, 1970, will be considered, and will be available for examination in the docket both before and after the closing date.

Proposed effective date: January 1, 1971.

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

DOUGLAS W. TOMS,
Director,
National Highway Safety Bureau.

MAY 27, 1970.

§ 575.105 Field of view of the driver.

(a) *Purpose and scope.* This section requires manufacturers of motor vehicles to provide information on direct fields of view available to the driver, indirect fields of view available to him by use of the vehicle's mirrors, and blind spots where the driver's view is obstructed.

(b) *Application.* (1) Except as provided in subparagraph (2) of this paragraph, this section applies to passenger cars, multipurpose passenger vehicles, trucks, and buses.

(2) The rules in this section do not apply to—

(i) Vehicles designed and constructed only for a standing driver; or

(ii) Vehicles having a gross vehicle weight rating of more than 10,000 pounds.

(c) *Required information.* Each manufacturer shall furnish the information specified in subpargaraphs (1) through (7) of this paragraph. The information shall be in the form illustrated in figures 1, 2, and 3 of this section, drawn to a scale of 1 inch to 8 feet. It shall include the captions and textual notations shown in those figures, altered as appropriate for the vehicles to which the information applies. The information applicable to a group of vehicles shall be correct, under the conditions specified in paragraph (d) of this section, for each vehicle in the group to within the following tolerances:

Angular values, both as graphically presented and as numerically stated: ±1°.
Distances: expressed in whole feet, and correct to ±5 percent or the nearest whole foot, whichever tolerance is greater.
Percentage: ±3 percent.

(1) *Vehicle description.* The group of vehicles for which the information is furnished, identified in the terms by which the manufacturer describes them to the public.

(2) *Direct field of view, top view.* A top view diagram of the vehicle depicting and stating numerically the horizontal angular size of the fields of view that are unobstructed and those that are obstructed by the vehicle. The vehicle obstructions shall be identified in the manner shown in Figure 1. The obstructed fields of view shall be depicted as shaded or darkly colored areas in contrast with the unobstructed fields of view. The percentage of the total horizontal view that is obstructed shall also be provided.

(3) *Direct field of view, side view.* A side view diagram of the vehicle depicting and stating numerically the vertical angles, upward and downward, of the unobstructed fields of view directly to the front and to the rear for an average driver, and the upward vertical angle for a tall driver.

(4) *Nearest visible points on ground surface, direct field of view.* A table showing the horizontal distances from an average and from a short driver to the nearest visible points on the ground directly to the front, rear, left, and right.

(5) *Indirect field of view, top view.* A top view diagram of the vehicle, depicting and stating numerically the horizontal angular size of the unobstructed rearward fields of view provided by the plane (unit magnification) mirrors that form the vehicle's rearview system.

(6) *Indirect field of view, side views.* For each plane (unit magnification) mirror that is part of the vehicle's rearview system, a side view diagram of the vehicle, depicting and stating numerically the vertical angles, upward and downward, of the unobstructed field of view directly to the rear that the mirror provides.

(7) *Nearest visible points on ground surface, indirect field of view.* A table showing the horizontal distances from the driver to the nearest points on the ground to the rear that are visible through each of the plane (unit magnification) mirrors that are part of the vehicle's rearview system.

(d) *Conditions.* The information specified in paragraph (c) of this section is obtained under the following conditions:

(1) The vehicle contains maximum capacity of fuel and other operating fluids, and is otherwise unloaded except for 150 pounds in the driver's designated seating position.

(2) The vehicle's tires are inflated to the manufacturer's recommended cold inflation pressure for maximum loaded vehicle weight, required to be provided by S4.3(c) of Motor Vehicle Safety Standard No. 110.

(3) All vehicle aperture covers (such as doors, tailgates, windows, hoods, and convertible tops) are closed.

(4) Each adjustable head restraint in the vehicle is adjusted so that the top of the head restraint is at the design adjustment point nearest to, but not lower than, 1 inch above a horizontal plane passing through the eye reference point or, when taking measurements for a short driver, 1 inch above a horizontal plane passing through a point 2⅜ inches below the eye reference point.

(5) The ground surface on which the vehicle stands has a zero percent grade.

(6) All mirrors are adjusted to provide a field of view from the eye reference point that includes a view of the horizon. All mirrors are in the same positions for both direct and indirect field of view measurements. If a portion of the mirror falls within the same horizontal plane as the eye reference point it is treated in the same manner as other obstructions. The outside mirrors are adjusted—

(i) Vertically so that the horizon and the transverse reference line described in S3.2.1.1 of Standard No. 111 are vertically symmetrical with respect to the center of the mirror; and

(ii) Horizontally so that in the mirror's field of view the outermost visible point on the vehicle barely appears at the inside edge of the mirror.

(7) The information specified in paragraph (c) of this section is obtained by the procedures specified in paragraphs (e) and (f) of this section.

(e) *Procedures for obtaining information on direct fields of view.* (1) Locate the eye reference point for an average driver within the vehicle according to table I. In a vehicle with an adjustable driver's seat back angle, adjust the seat so that the torso line back angle is as close as possible to 25°.

TABLE I—LOCATION OF THE EYE REFERENCE POINT

Torso line back angle [1] (in degrees)		Height above the seating reference point (in inches)	Longitudinal distance fore or aft (in inches)	Transverse distance towards vehicle centerline (in inches)
At least—	But less than—			
0	11	25 11/16	6 45/64 forward	1 1/4
11	16	25 7/16	4 5/16 forward	1 1/4
16	22	25 3/16	2 7/32 forward	1 1/4
22	28	24 15/16	7/64 forward	1 1/4
28	45	23 11/16	2 1/4 rearward	1 1/4

[1] Measured between a vertical line through the seating reference point and the torso line of the two-dimensional manikin, as described in SAE Standard J826, November 1962, and Figure 2 of SAE Recommended Practice J941b, February 1969.

(2) The eye reference points for a short driver and a tall driver are 2⅜ inches below and above, respectively, the eye reference point for an average driver. If the driver's seat can be adjusted in the vertical direction throughout the range of its fore and aft travel, however, the 2⅜ inches is reduced by one-half of the smallest vertical range of adjustment at any fore and aft position. If the vertical adjustment range is such that one-half of this vertical distance equals or exceeds 2⅜ inches, omit the information covering the short and tall drivers described in subparagraphs (5) and (6) of this paragraph and include instead the following statement in figure 2: "The adjustable driver's seat in this vehicle provides the short or tall driver with fields of view equivalent to those for a driver of average size."

(3) In the horizontal plane passing through the average driver's eye reference point, measure the horizontal angles of obstructions to the direct field of view using the straight-ahead view from the eye reference point as the initial reference line for angular measurement. Allow 1.6 inches for obstructions, as follows:

(i) Form an angle in the top view by drawing lines from the eye reference point to the two points of tangency, one on each side of the obstruction.

(ii) Draw a line bisecting the angle.

(iii) Measure the distance from each of the two points of tangency to the line bisecting the angle.

(iv) Except for the driver's head restraint, represent the obstruction only to the extent that the sum of the two distances measured in accordance with subdivision (iii) of this subparagraph exceeds 1.6 inches. Represent the obstruction caused by the driver's head restraint only to the extent that the sum of the

two distances exceeds 12 inches. Represent, in the form illustrated in figure 1, half of the remaining obstruction on each side of the line drawn in subdivision (ii) of this subparagraph. If the driver's head restraint obstruction exceeds 12 inches, include the following statement in figure 1: "The driver's head restraint blocks direct rearward visibility even when the driver uses normal head movement."

(4) Calculate the percentage of obstructed visibility by dividing the sum of the obstructed angles by 360 and multiplying by 100. Insert this percentage in the following statement: "_____ percent of the total horizontal view is obstructed by the vehicle."

(5) From the eye reference point, measure the vertical angles, above and below the horizontal, of the direct fields of view directly to the front and to the rear that are unobstructed by the vehicle (except for glazing surfaces). Represent the angles in the form illustrated in figure 2. If the head restraint on the driver's seat completely or partially obstructs the vertical view to the rear, make the angular measurement at the point within 6 inches on either side of the geometric center of the restraint that provides the largest vertical field of view. If the rearward field of view is blocked at every point within 6 inches to either side of the center of the head restraint, include the following statement in figure 2 in lieu of the two angles: "The driver's head restraint blocks direct rearward visibility even when the driver uses normal head movement."

(6) From the tall driver's eye reference point, measure the vertical angle above the horizontal of the field of view directly to the front, and represent the angle in the form illustrated in figure 2.

(7) Measure the horizontal distances from the average driver's and the short driver's eye reference points to the nearest points on the ground directly to the front, rear, left, and right that are visible from that point. Represent the distances, to the nearest whole foot, in the form illustrated in figure 2.

(f) *Procedures for obtaining information on indirect fields of view.* (1) Locate the eye reference point for an average driver within the vehicle according to paragraph (e)(1) of this section.

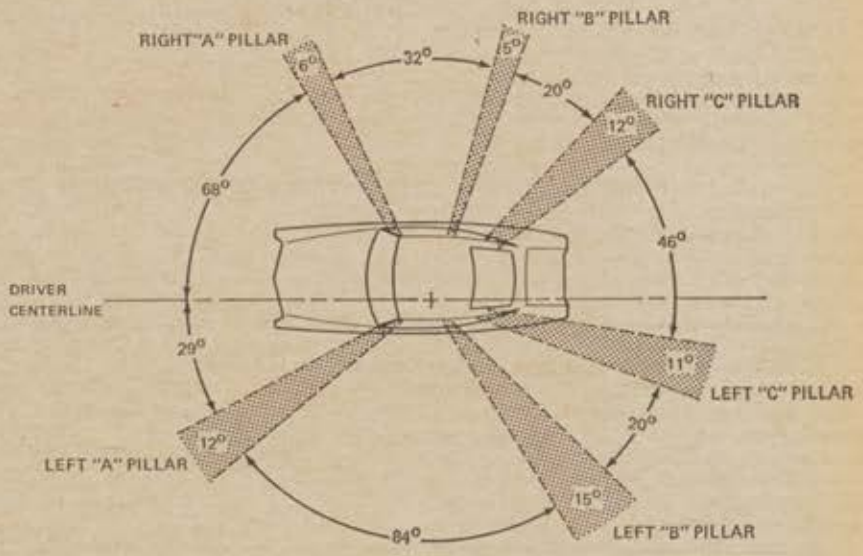
(2) For each plane (unit magnification) mirror that is part of the vehicle's rearview system, measure the widest horizontal angles of the unobstructed fields of view at or below the horizon as viewed in the mirror from the eye reference point. Represent these angles in the form illustrated in figure 3.

(3) For each plane (unit magnification) mirror that is part of the vehicle's rearview system, measure the vertical angles above and below the horizontal of the unobstructed field of view directly to the rear, as viewed in the mirror from the eye reference point. Represent these angles in the form illustrated in figure 3.

(4) Form a lane bounded by the intersection with the ground of two vertical planes parallel to the vehicle's longitudinal centerline, 8-foot outboard of the widest point on each side of the vehicle. Measure the horizontal distance from the eye reference point to the nearest point on the ground within this lane that is visible in each plane (unit magnification) mirror that is part of the vehicle's rearview system. Represent these distances, to the nearest whole foot, in the form illustrated in figure 3.

FIGURE 1
DIRECT HORIZONTAL FIELDS OF VIEW

SHADED AREAS SHOW ANGLES OF VISUAL OBSTRUCTION



DESCRIPTION OF VEHICLES TO WHICH THESE FIGURES APPLY:

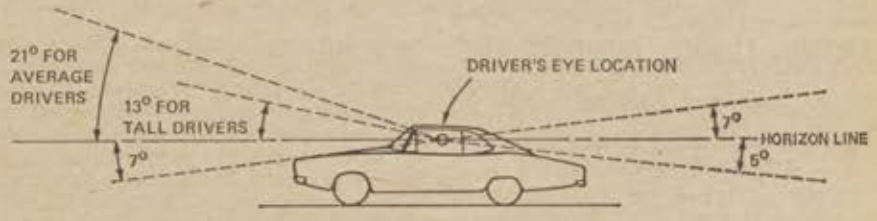
_____

_____

_____

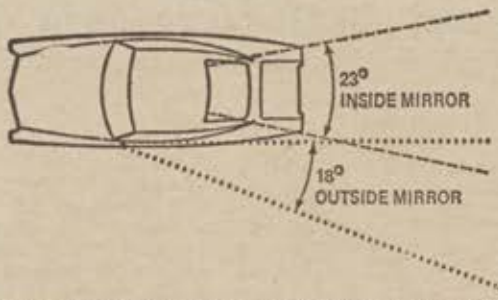
17 PERCENT OF THE TOTAL HORIZONTAL VIEW IS OBSTRUCTED BY THE VEHICLE.

FIGURE 2
DIRECT VERTICAL FIELDS OF VIEW

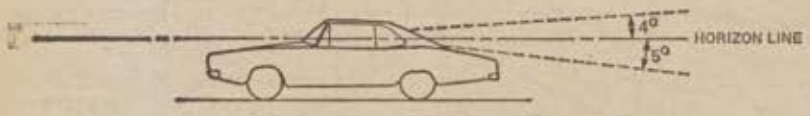


DISTANCES IN FEET FROM THE DRIVER TO THE CLOSEST VISIBLE POINTS ON THE GROUND.		
	AVERAGE DRIVER	SHORT DRIVER
FORWARD	24	31
LEFT	6	8
RIGHT	21	28
REARWARD	54	64

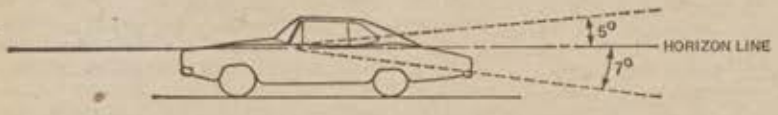
FIGURE 3
MIRROR FIELDS OF VIEW



HORIZONTAL FIELDS OF VIEW, DRIVER'S INSIDE AND OUTSIDE MIRRORS



VERTICAL FIELD OF VIEW, INSIDE MIRROR



VERTICAL FIELD OF VIEW, DRIVER'S OUTSIDE MIRROR

DISTANCES IN FEET FROM THE DRIVER TO THE CLOSEST VISIBLE POINTS ON THE GROUND VISIBLE IN THE MIRROR.	
INSIDE MIRROR	52
OUTSIDE MIRROR	14

[F.R. Doc. 70-6815; Filed, June 3, 1970; 8:45 a.m.]

ATOMIC ENERGY COMMISSION

[10 CFR Part 20]

STANDARDS FOR PROTECTION AGAINST RADIATION

Reports of Overexposures

Paragraph (c) of § 20.405 of the Atomic Energy Commission's regulation "Standards for Protection Againt Radiation," 10 CFR Part 20, requires that reports of over exposures filed pursuant to § 20.405 be prepared so that names of individuals who have received exposure to radiation will be stated in a separate part of the report. In many instances it is necessary to correspond with the licensee and obtain additional information, such as the social security number and birthdate of overexposed individuals, in order to identify such individuals more definitely. In many cases additional information must be obtained to determine the estimated exposure of each individual exposed to radiation.

The Commission is considering an amendment of § 20.405 which would redesignate paragraph (c) as paragraph (b) and amend the redesignated paragraph to require the licensee to include in a separate part of the report for each individual exposed the name, social security number, and date of birth, and an estimate of the individual's exposure. The present paragraph (b) would be redesignated as paragraph (c).

Pursuant to the Atomic Energy Act of 1954, as amended, and section 553 of title 5 of the United States Code, notice is hereby given that adoption of the following amendment to 10 CFR Part 20 is contemplated. All interested persons who desire to submit written comments or suggestions for consideration in connection with the proposed amendment should send them to the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Branch within 30 days after publication of this notice in the FEDERAL REGISTER. Comments received after that period will be considered if it is practicable to do so, but assurance of consideration cannot be given except as to comments filed within the period specified. Copies of comments on the proposed rule may be examined at the Commission's Public Document Room at 1717 H Street NW., Washington, D.C.

1. Paragraph (c) of § 20.405 is redesignated as paragraph (b) and is revised to read as follows:

§ 20.405 Reports of overexposures and excessive levels and concentrations.

* * * * *

(b) Any report filed with the Commission pursuant to this section shall include for each individual exposed the name, social security number, and date of birth, and an estimate of the individual's exposure. The report shall be prepared so that this information is stated in a separate part of the report.

* * * * * *

2. The present paragraph (b) of § 20.405 is redesignated as paragraph (c).

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

Dated at Washington, D.C., this 20th day of May 1970.

For the Atomic Energy Commission.

W. B. McCOOL,
Secretary.

[F.R. Doc. 70-6904; Filed, June 3, 1970; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 18862; FCC 70-524]

TELEVISION BROADCAST STATIONS

Table of Assignments; Glen Ridge, N.J., etc.

1. Notice of rule making is hereby given concerning changing television channel assignments at the cities listed above, as indicated hereinbelow.

2. In its action in Docket 18262 adopted today, the Commission has decided that in general, the portion of the frequency spectrum occupied by the upper 14 UHF channels (Channels 70–83, 806–890 MHz) should be withdrawn from television and permanently reallocated for use by the land mobile services.[1] It was recognized that two regular ETV assignments on these channels, at Bowling Green, Ohio (Channel *70), and Glen Ridge, N.J. (Channel *77), require additional consideration, and, also, that it would be some time before land mobile services are ready to operate in this band, particularly the lower part of it (up to 881 MHz) which is to be reallocated to land mobile common carrier usage. The purpose of this notice is to institute consideration of the two regu-

lar assignments mentioned and possible replacements for at least one of them, on lower UHF channels.

3. *Bowling Green.* In this case it appears that the regular ETV assignment at Bowling Green could be replaced by Channel 40, consistent with the present cochannel, adjacent-channel, and "taboo" separation requirements in the rules, with one exception: It would be very short-spaced to Channel 54 at Toledo, a distance of only about 20 miles compared to the standard 60-mile separation specified in §§ 73.610(d) and 73.698 for stations 14 channels apart. This channel is now unoccupied and unapplied for at Toledo, which has five other channels assigned in the table (two commercial VHF, two commercial UHF and one ETV UHF). As indicated in Dockets 18261 and 18262, we hope shortly to explore the UHF television "taboo" separations and the necessity for them under present-day conditions. Pending such exploration, and in view of the great shortage in spacing involved, we propose to delete Channel 54 at Toledo in order to make possible the assignment of Channel 40 at Bowling Green.

4. The Bowling Green assignment is used by ETV Station WBGU–TV, a licensed facility which has been operating since 1964. In other allocation actions where an existing facility has been required to change frequency, e.g., actions changing the Table of FM Channel Assignments contained in § 73.202 of the rules, all or part of the cost to the authorized station of changing frequency has been contributed by the parties benefitting from the change. This appears appropriate in the present situation also. Comments on this point are invited, including how such arrangements might be worked out since the identity of the benefitting parties is not now known.

5. The license of Station WBGU–TV expires October 1, 1970. If this proceeding is pending when the time for renewal of license occurs, the license will be renewed on Channel 70, but on condition that upon further order of the Commission, without further proceedings, the licensee may be required to shift to a different UHF channel. However, it is contemplated that this station will in any event be given a reasonable time to change its channel, and will be protected from land mobile interference until its channel of operation is changed.

6. *Glen Ridge, N.J.* No station is now authorized on this ETV assignment, Channel *77, a construction permit having been relinquished in 1969. The New Jersey Public Broadcasting Authority filed an application for the channel on February 18, 1970 (BPET–373), for use at Montclair. In view of the need for extensive land mobile relief in the New York-Northeastern New Jersey area, deletion of this assignment appears to be required. Under present rules, no replacement appears possible, since the UHF assignment picture in the Northeast generally is very crowded. It may be that a possible relaxation of the "taboo" requirements, after a study which will be begun shortly, will make another channel available. Comments on possible replacements are invited. But in any event, we believe that the public interest requires deletion of this assignment.

7. Accordingly, we propose the following changes in § 73.606(b) of the rules, Table of Assignments, Television Broadcast Stations:

City	Channel No.	
	Present	Proposed
Bowling Green, Ohio	*70	*40
Toledo, Ohio	11—, 13, 24, *30, 54, 60	11—, 13, 24, *30, 60
Glen Ridge, N.J.	*77	

8. Authority for the actions taken herein is contained in sections 4(i), 303 (g) and (r), and 307(b) of the Communications Act, as amended.

9. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules, interested persons may file comments or or before July 27, 1970, and reply comments on or before August 17, 1970. All submissions by parties to this proceeding or persons acting in behalf of such parties must be made in written comments, reply comments or other appropriate pleadings.

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

Adopted: May 20, 1970.

Released: May 21, 1970.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 70-6685; Filed, June 3, 1970; 8:45 a.m.]

[47 CFR Part 74]

[Docket No. 18861; FCC 70-520]

TELEVISION BROADCAST TRANSLATOR STATIONS

Notice of Proposed Rule Making

In the matter of amendment of Part 74, Subpart G, rules and regulations (Television Broadcast Translator Stations) to permit translator operation on Channels 14–69, in lieu of Channels 70–83.

1. Notice is hereby given in the above-captioned matter to permit translator operation on UHF–TV Channels 14–69, in lieu of Channels 70–83; and also operation by high-power translators (1 kilowatt transmitter output power) on unused and "idle" UHF channel assignments contained in § 73.606 of our rules.[2]

2. The Commission's rules and regulations presently permit the operation of translators on both VHF and UHF channels. In the latter respect, however, the rules generally restrict operation to Channels 70–83 (806–890 MHz) where 874 translators are in operation as of January 12, 1970. There are 22 translators operating on lower UHF channels. It has become evident that the UHF translator service is a very useful one. In many instances translators are used to provide service within the Grade B contour of a station where a satisfactory signal is otherwise difficult or impossible to obtain. Translators are used also to provide television broadcast service to areas where the population is sparse and a regular television station could not operate profitably.

3. This proceeding, proposing changes in the assignment rules governing UHF translators, is being undertaken at this time for three basic reasons. First, it appears that translator operation on the lower UHF channels, occupied by regular TV stations and assignments, may well be feasible. There are, for example, over 1,600 translators now operating on the 12 VHF–TV Channels 2–13. Second, other demands for spectrum space, particularly by the land mobile radio service require that the upper UHF channels be diverted from broadcasting use. Third, it appears that regular provision can be made for 1 kW. translators, which now operate under waivers of the translator power rules, and increased service thus provided.

4. Accordingly, we invite comments on the following proposed changes in the translator assignment rules:

(a) Authorization of translators with 100 watts power on Channels 14–69 (470–806 MHz), in lieu of Channels 70–83 (806–890 MHz), on the same basis they have been authorized on the upper UHF channels. (See §§ 74.702 (c), (d), and (e) and 74.703(a).)[3]

(b) Any unused channel assignment[3] in the Table of Assignments (§ 73.606(b) of the rules) could be used by a high-power translator of 1 kW. transmitter output power.

(c) Translators with 1 kW. transmitter output power would be authorized also on "idle" UHF channel assignments,[3] those for which construction permits are outstanding but where a considerable time has elapsed since they were issued and where there appears to be little probability that operation will commence (or be resumed, if it has been suspended) in the near future. While we have not yet formulated, even tentatively, all of the details of this aspect of the proposal, the following presently appear to be reasonable provisions: Translator applications specifying such "idle" channel assignments will be tentatively accepted for filing if 2 years has elapsed since the last permit or modification (other than extensions of time) was issued or (if the

[1] Commissioners Robert E. Lee and H. Rex Lee dissenting; Commissioner Johnson concurring in the result.

[2] Part of this proposal was advanced in a supplement to further notice of proposed rule making in Docket 14229 (FCC 66–253), issued Mar. 14, 1966. It was one of a number of matters set forth therein, and did not receive extensive exploration. We will soon terminate that proceeding, and further consideration of this subject separately is appropriate.

[3] Excluded will be those channels found necessary to meet land mobile service requirements in certain urbanized areas in keeping with the Commission's decision of May 20, 1970, in Docket No. 18261.

station has been operating) since operation was terminated. The CP holder will be notified of the filing, and given a reasonable period such as 30 to 60 days to submit a showing as to the likelihood of commencing or resuming regular operation within the next 18 months. If the Commission, on examining such material, believes that substantial probability of commencement within that period is established, it will notify the translator applicant that his application is being dismissed; however, if the translator applicant wishes, his application will be retained and held without action until the expiration of this period, to see if the regular station actually does commence operation. If the CP holder does not submit a showing in this respect, or if in the Commission's judgment it does not establish the reasonable probability mentioned, the translator will be authorized, subject to the condition that if and when the regular station is ready to begin operation the translator shall cease operation or shift to another frequency if one is available. Neither authorization of such a translator over objection by the CP holder, nor denial on the basis of the showing mentioned, will be deemed to require a hearing or oral argument.

(d) During the pendency of this proceeding, we will continue to accept translator applications for Channels 70–83 for new stations as well as for modifications and renewals of existing licenses. As of the effective date of the decision in this proceeding, however, no applications for new translators on Channels 70–83 will be accepted. Translators operating on those channels and holding a valid license as of that date will be afforded protection from the land mobile service for the balance of their license term—after which renewals will be granted only on a secondary basis. In other words, they will be permitted to remain, subject to their receiving no protection from the land mobile service. They will be required to protect the land mobile service from harmful interference and will not be permitted, by their continued presence, to inhibit or impede the orderly development of the land mobile service. Among other things, the Commission's first report and second notice of inquiry in Docket 18262 also adopted this date, amended Part 2, section 2.106, the Table of Frequency Allocations looking toward the shifting of UHF TV translators from Channels 70–83 (806–890 MHz) to Channels 69 and below. In that document it was pointed out in paragraph 13 that "* * * As a practical matter, because of the several years expected to be required for the development of 900 MHz land mobile equipment and because operational systems are expected to evolve first in major urban areas, it is reasonable to expect that, for years, there will be no impact at all on the vast majority of translators on channels 70–83 located in rural areas. Also, since it is improbable that there will be extensive land mobile use of the band 806–890 MHz for the next several years in the major urban areas, present licensees of translators now using Channels 70–83 in or near such areas can be assured of a reasonable period during which plans can be made to shift to a lower channel * * *."

5. Action herein is being taken pursuant to authority contained in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended.

6. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules, interested parties may file comments on or before July 10, 1970, and reply comments on or before July 24, 1970. All relevant and timely comments and reply comments will be considered before final action is taken in this proceeding. The Commission, additionally, in reaching a decision in this proceeding, may also take into account other relevant information before it.

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

Adopted: May 20, 1970.

Released: May 21, 1970.

FEDERAL COMMUNICATIONS COMMISSION,[2]

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

[F.R. Doc. 70-6686; Filed, June 3, 1970; 8:45 a.m.]

SMALL BUSINESS ADMINISTRATION

[13 CFR Part 107]

SMALL BUSINESS INVESTMENT COMPANIES

Notice of Proposed Rule Making

Notice is hereby given that pursuant to authority contained in section 308 of the Small Business Investment Act of 1958, Public Law 85–699, 72 Stat. 694, as amended, it is proposed to amend, as set forth below, Part 107 of Subchapter B, Chapter I, of Title 13 of the Code of Federal Regulations, as revised in 33 F.R. 326, and amended in 33 F.R. 11147, 20035, 34 F.R. 1234, 5796, and 35 F.R. 4596, by amending §§ 107.3 and 107.702 and by adding a new § 107.812. Prior to final adoption of such amendments, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in triplicate, to the Associate Administrator for Investment, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416, within a period of thirty (30) days of the date of publication of this notice in the FEDERAL REGISTER.

Information. The proposed amendment of § 107.702 would modify its provisions by the addition of a proviso exempting minority enterprise small business investment companies (MESBICs) from the prohibition against any person serving as an officer or director and/or holding 10 or more percent of the stock of more than one Licensee. "MESBIC" refers to Licensee companies established for the sole purpose of assisting small concerns, which will contribute to a well-balanced national economy by facilitating ownership by individuals whose participation in the free enterprise system is hampered by social or economic disadvantages. The proviso also stipulates that when any MESBIC(s) are affiliated with a regular Licensee through a common holder of 20 or more percent of their stock, the aggregate amount of debentures purchased and/or guaranteed by SBA based on the capitalization of such MESBIC(s) and the regular Licensee, which is attributable to such common stockholder(s), may not exceed the applicable dollar limits prescribed by section 303(b) of the Act.

Proposed new § 107.812, in order to facilitate SBIC financing of disadvantaged persons, in keeping with national objectives expressed in Title IV of the Economic Opportunity Act, would enable Licensee companies to assist disadvantaged concerns through the medium of a wholly or commonly owned MESBIC. Sections 304(d) and 305(b) of the Act authorize Licensees to cooperate with each other and/or lenders and investors, incorporated or unincorporated, in financing small business concerns through participation agreements. To implement and apply this concept to joint financing of disadvantaged persons, new § 107.812 would authorize Licensee companies to establish and operate a commonly owned MESBIC, subject to certain conditions; for example, that funds borrowed from SBA are not used to capitalize such MESBIC.

As set forth below, new § 107.812 would require a participant Licensee to own at least 20 percent of the MESBIC's voting securities, or demonstrate to SBA's satisfaction that it will, in fact, be an active participant. Investors other than Licensee companies would be eligible to purchase equity securities issued by the MESBIC. The amount of MESBIC debentures purchased or guaranteed by SBA which are attributable to the capitalization of any participant Licensee may not, in combination with the debentures of such Licensee, exceed the matching-fund ratios and applicable dollar limits under section 303(b) of the Act ("statutory limits"). The amount of a MESBIC's debentures eligible for SBA purchase or guarantee may be computed on the basis not only of (1) that part of any participant Licensee's capital contribution which would not cause the MESBIC debentures, together with those of such Licensee, to exceed the statutory limits but also (2) the capital contributions of other participant Licensees and/or investors. The MESBIC and a participant Licensee owning stock

[2] Commissioners Robert E. Lee and H. Rex Lee dissenting; Commissioner Johnson concurring in the result.

therein, as well as their respective Associates, would be deemed Associates of each other for the purposes of the self-dealing and other regulations governing SBIC activities.

It is proposed to amend the Regulations Governing Small Business Investment Companies as follows:

1. By amending the definition of "Associate of a Licensee" appearing in § 107.3 by adding a new paragraph (h) thereto, and by adding at the end of § 107.3 a definition of the term, "Minority Enterprise Small Business Investment Company (MESBIC)," which would read as follows:

§ 107.3 **Definition of terms.**

* * * * *

Associate of a Licensee. * * *

(h) A minority enterprise small business investment company (MESBIC) and a participant Licensee owning stock thereof pursuant to § 107.812, as well as Associates of such MESBIC and such participant Licensee, shall, for the purpose of the regulations in this part, be deemed Associates of each other.

* * * * *

Minority Enterprise Small Business Investment Company (MESBIC). "Minority Enterprise Small Business Investment Company (MESBIC)" means a Licensee company licensed solely for the purpose of assisting small business concerns, which will contribute to a well-balanced national economy by facilitating ownership by individuals whose participation in the free enterprise system is hampered because of social or economic disadvantages.

* * * * *

2. By adding a proviso at the end of § 107.702 that would read as follows:

§ 107.702 **Common control.**

* * * : *Provided, however,* That officerships or directorships in or ownership or control of stock of a MESBIC shall be excepted from the application of the foregoing prohibitions: *And provided, further,* That when 20 percent or more of the total outstanding stock of each of two or more Licensees, is (with prior SBA written permission under §§ 107.102 and 107.103 or § 107.701) respectively owned or controlled directly or indirectly by the same person, or persons acting in concert, the combined aggregate amount of debentures issued to or guaranteed by SBA based upon the capitalization of such Licensees which is attributable to such person(s), shall not exceed the applicable $7.5 million or $10 million limits prescribed by section 303(b) of the Act.

3. By adding a new § 107.812 to read as follows:

§ 107.812 **Financing disadvantaged concerns through a MESBIC wholly or commonly owned by Licensee companies.**

(a) *General.* Sections 304(d) and 305(b) of the Act authorize Licensees to finance small concerns in cooperation with each other and/or other lenders and investors, incorporated or unincorporated, through participation agreements. This section enables Licensee companies and non-Licensee investors to participate in financing disadvantaged small concerns, subject to the conditions hereinafter set forth, through the medium of a wholly or commonly owned MESBIC.

(b) *Conditions.* A MESBIC may, with SBA's prior written approval be wholly or commonly owned by a Licensee or Licensee companies ("participant Licensee"), with or without non-Licensees, subject to the following conditions:

(1) In reviewing an application by a participant Licensee, SBA will consider the effect of its investment in the MESBIC on the financial structure and operations of each participant Licensee and of the MESBIC: *Provided, however,* That no participant Licensee may use funds borrowed from or guaranteed by SBA for the capitalization of the MESBIC.

(2) Each participant Licensee shall own at least 20 percent of the voting securities of the MESBIC, equity ownership in such amount constituting a presumption of active participation. Licensees proposing to own less than 20 percent of the voting securities will be accorded an opportunity to demonstrate to SBA's satisfaction that they will be active participants.

(3) Within the percentage and dollar limits prescribed by section 303(b) of the Act, MESBIC debentures shall be eligible for SBA purchase or guarantee to the extent that:

(i) MESBIC capitalization is derived from non-Licensee investors; or

(ii) A participant Licensee has unused eligibility under section 303(b) of the Act which is transferred to its capital investment in the MESBIC (the participant Licensee's eligibility being reduced accordingly), but not to exceed the matching ratio under section 303(b) applicable to such investment.

(4) MESBIC capitalization attributable to the contribution of a participant Licensee without unused eligibility, or unwilling to have its eligibility reduced in accordance with subparagraph (3) (ii) of this paragraph, will not be eligible for leveraging by SBA.

(5) For a definition of Associate of participant Licensees and their wholly or commonly owned MESBICs, see § 107.3(h).

Dated: May 28, 1970.

HILARY SANDOVAL, JR.,
Administrator.

[F.R. Doc. 70-6931; Filed, June 3, 1970; 8:50 a.m.]

Notices

INTERSTATE COMMERCE COMMISSION

[Notice 51]

MOTOR CARRIER, BROKER, WATER CARRIER, AND FREIGHT FORWARDER APPLICATIONS

MAY 28, 1970.

The following applications are governed by Special Rule 247[1] of the Commission's general rules of practice (49 CFR, as amended) published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

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 808 (Sub-No. 44), filed May 18, 1970. Applicant: ANCHOR MOTOR FREIGHT, INC., 21111 Chagrin Boulevard, Cleveland, Ohio 44122. Applicant's representative: J. A. Kundtz, 1100 National City Bank Building, Cleveland, Ohio 44114. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicles*, 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, under continuing contract or contracts with General Motors Corp. NOTE: Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 2428 (Sub-No. 26), filed May 1, 1970. Applicant: H. PRANG TRUCKING CO., INC., 112 New Brunswick Avenue, Hopelawn (Perth Amboy), N.J. 08861. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt* (except in bulk), from Rahway, N.J., to points in New Jersey, Connecticut, Delaware, Maryland, Massachusetts, New York, Pennsylvania, Rhode Island, and the District of Columbia, under contract with Bird & Son, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 4883 (Sub-No. 41), filed April 20, 1970. Applicant: THE GUYOTT COMPANY, a corporation, 176 Forbes Avenue, New Haven, Conn. 06504. Applicant's representative: Paul J. Goldstein, 109 Church Street, New Haven, Conn. 06510. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum oxide abrasive*, in bulk, in tank or hopper-type vehicles, from Worcester, Mass., to Waterbury, Conn. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Hartford or New Haven, Conn.

No. MC 13095 (Sub-No. 8), filed May 5, 1970. Applicant: WUNNICKE TRANSFER LINES, INC., 101 Buchanan Street, Boscobel, Wis. 53805. Applicant's representatives: Philip H. Porter and John D. Varda, 121 South Pinckney Street, Madison, Wis. 53703. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dried whey mixed with animal fat*, from Boscobel, Wis., to Dundee, Gibson City, Peoria, Pittsfield, Union, and Waukegan, Ill.; Cedar Rapids, Davenport, Marshalltown, and Sioux City, Iowa; and Mankato and Minneapolis, Minn.; for the account of Milk Specialties, Inc.; (2) *lactose*, from Boscobel, Wis., to Milwaukee, Wis., for the account of Milk Specialties, Inc.; (3) *butter*, from Richland Center, Wis., to Dubuque, Iowa, for the account of Breakstone Sugar Creek Foods Division of Kraftco Corp.; (4) *cheese, and creamery and cheese factory supplies*, from points in Wisconsin to Van Wert, Ohio; and (5) *cheese, and creamery and cheese factory supplies*, from Monticello and Luana, Iowa; Houston, Minn.; and Van Wert, Ohio; to points in Wisconsin for the account of Cheese Operations Division of Borden Foods, Borden, Inc., in connection with (4) and (5). NOTE: If a hearing is deemed necessary, applicant requests it be held at Madison, Wis., or Chicago, Ill.

No. MC 18535 (Sub-No. 50), filed May 4, 1970. Applicant: HICKLIN MOTOR LINE, INC., U.S. Highway 601, Post Office Box 377, St. Matthews, S.C. 29135. Applicant's representative: Lawrence M. Gressette, Jr., Post Office Box 346, St. Matthews, S.C. 29135. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas, plantains, pineapples, and coconuts and agricultural commodities* otherwise exempt from economic regulation under section 203(b)(6) of the act, when transported in mixed shipments with bananas, plantains, pineapples, and coconuts, from Wilmington, Del., to points in North Carolina, South Carolina, Georgia, Tennessee, Virginia, Florida, and Alabama. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbia, S.C., or Atlanta, Ga.

No. MC 19227 (Sub-No. 139), filed April 30, 1970. Applicant: LEONARD BROS. TRUCKING CO., INC., 2595 Northwest 20th Street, Miami, Fla. 33152. Applicant's representative: J. F. Dewhurst (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings*, complete,

knocked down, or in sections, *including all component parts, materials, supplies, and fixtures*, and when shipped with such buildings, *accessories* used in the erection, construction, and completion thereof, from Houston, Tex., to points in Arkansas, Colorado, Idaho, Iowa, Kansas, Louisiana, Minnesota, Missouri, Mississippi, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, Wisconsin, and Wyoming. NOTE: Applicant states it can tack with Subs 32, 75, and 43 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 Houston, Tex., or Miami, Fla.

No. MC 20841 (Sub-No. 7), filed May 4, 1970. Applicant: MARATHON FREIGHT LINES, INC., 2400 83d Street, North Bergen, N.J. 07047. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are used by, or sold in grocery or department stores (except commodities in bulk), from points in Rockland, Orange, Westchester, Nassau, and Suffolk Counties, N.Y., and points in Connecticut to the plantsite of General Warehouse Corp. at North Bergen, N.J., and the plantsite of Summit Warehouse Corp., at Edgewater, N.J. 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 New York, N.Y.

No. MC 25798 (Sub-No. 214), filed May 1, 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, and dairy products* as described in sections A, B, and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles, hides, and chemicals), from the plantsites and/or storage facilities utilized by John Morrell & Co. located at or near Sioux Falls and Madison, S. Dak., to points in North Carolina, South Carolina, Georgia, and Florida. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 25869 (Sub-No. 101), filed May 13, 1970. Applicant: NOLTE BROS. TRUCK LINE, INC., 4734 South 27th Street, 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: *Chemicals, inks, resins, and advertising materials* (restricted against transportation of liquids, in bulk), from Chicago, Ill., to points in Fremont, Polk, and Taylor Counties, Iowa. 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 Chicago, Ill., or Des Moines, Iowa.

No. MC 27817 (Sub-No. 84), filed May 12, 1970. Applicant: H. C. GABLER, INC., Rural Delivery No. 3, Chambersburg, Pa. 17204. 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: *Glass containers, caps, covers, tops and lids, and fiberboard boxes*, from Huntington, W. Va., to points in Connecticut, Delaware, Maryland, Rhode Island, New Jersey, New York, and Pennsylvania. 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.

No. MC 42261 (Sub-No. 105), filed May 11, 1970. Applicant: LANGER TRANSPORT CORP., Route 1 and Foot of Danforth Avenue, Post Office Box 305, Jersey City, N.J. 07303. Applicant's representative: W. C. Mitchell, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Empty containers, container ends, and accessories and materials and supplies* used in connection with the manufacture and distribution thereof, between Hanover, Pa., on the one hand, and, on the other, points in Connecticut, Delaware, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia. NOTE: Applicant states that the proposed authority may be tacked at Hanover, Pa., with its MC 42261 (Sub-No. 94), to provide service from Danbury, Conn., to points in Virginia and West Virginia. However, applicant states that it has no present intention to tack such authorities. 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 42318 (Sub-No. 37), filed May 6, 1970. Applicant: HOWARD HALL COMPANY, INC., 3433 North 35th Street, Birmingham, Ala. 35207. Applicant's representative: Maurice F. Bishop, 327 Frank Nelson Building, Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products* (except in bulk) from the plantsite and warehouse facilities of Terminal Paper Bag Co., Inc., at or near Yulee, Fla., to points in Alabama on and north of U.S. Highway 80, except Montgomery and points in Alabama within 65 miles of and including Birmingham, Ala. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala., or Washington, D.C.

No. MC 42487 (Sub-No. 745), filed May 8, 1970. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Lifield Drive, Menlo Park, Calif. 94025. Applicant's representative: Robert M. Bowden, Post Office Box 3062, Portland, Oreg. 97208. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid latex*, in bulk, in tank vehicles, from Ringwood, Ill., to points in Oregon and Washington. NOTE: Applicant states that the requested authority cannot be tacked with its presently held authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg., or Chicago, Ill.

No. MC 44605 (Sub-No. 37), filed May 11, 1970. Applicant: MILNE TRUCK LINES, INC., 2200 South Third West, Salt Lake City, Utah 84115. Applicant's representative: Henry A. Dahn (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment); (1) serving Superior, Wyo.; and (2) serving the Jim Bridger plantsite located approximately 6 miles north of Point of Rocks, Wyo., as off-route points in connection with applicant's presently authorized regular-route operations. NOTE: If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah, or Cheyenne, Wyo.

No. MC 52657 (Sub-No. 668), filed May 7, 1970. Applicant: ARCO AUTO CARRIERS, INC., 2140 West 79th Street, Chicago, Ill. 60620. Applicant's representative: A. J. Bieberstein, 121 West Doty Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Heating and air conditioning units and equipment, condensing units, compressors, coils, tubing and stub kits, blowers, and blower coil units* for heating and air-conditioning units and equipment, from Bellevue, Ohio, and points within 5 miles thereof, to Washington, D.C.; Denver, Colo.; Salt Lake City, Utah; and points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, and Wisconsin. NOTE: Ap-

plicant 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 65525 (Sub-No. 21), filed May 8, 1970. Applicant: WHITE BROTHERS TRUCKING CO., a corporation, Post Office Box 96, Wasco, Ill. 60183. Applicant's representative: John L. Bruemmer, 121 West Doty Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Concrete products and accessories* used in the installation thereof, between Janesville, Wis., on the one hand, and, on the other, points in Iowa, Minnesota, and Illinois. NOTE: Applicant states that he intends to tack with portion of MC 65525 and with MC 65525 (Sub-No. 18), wherein he has pertinent authority in the States of Illinois, Indiana, Iowa, Michigan, Missouri, Ohio, and Wisconsin. If a hearing is deemed necessary, applicant requests it be held at Madison, Wis., or Chicago, Ill.

No. MC 66886 (Sub-No. 17), filed May 18, 1970. Applicant: BELGER CARTAGE SERVICE, INC., 2100 Walnut Street, Kansas City, Mo. 64108. 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: *Petroleum refuelers*, mounted or unmounted, and *attachments, parts, and accessories thereof*, from Kansas City, Mo., and Neodesha, Kans., 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 Kansas City, Mo.

No. MC 68078 (Sub-No. 32), filed April 27, 1970. Applicant: CENTRAL MOTOR EXPRESS, INC., 2909 South Hickory Street, Chattanooga, Tenn. 37407. Applicant's representative: Blaine Buchanan, 1024 James Building, Chattanooga, Tenn. 37402. 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 Athens, Tenn., and Athens, Tenn., in a circuitous manner as follows: From Athens over Tennessee Highway 30 to Etowah, Tenn., thence over U.S. Highway 411 to Englewood, Tenn., thence over Tennessee Highway 39 to junction Tennessee Highway 30, and thence over Tennessee Highway 30 to Athens, and return over the same route, serving all intermediate points; and (2) between Etowah, Tenn., and the plantsite of J. M. Huber Manufacturing Co. near Delano, Tenn., from Etowah over U.S. Highway 411 to junction unnumbered highway approximately 5 miles south of Etowah, and thence over unnumbered highway to the said plantsite of J. M. Huber Manufacturing Co., and return over the same route, serving all intermediate points. NOTE: Applicant states that no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Chattanooga, Knoxville, or Nashville, Tenn.

No. MC 71459 (Sub-No. 22), filed May 11, 1970. Applicant: HOPPER TRUCK LINES, a corporation, 2800 West Bayshore Road, Palo Alto, Calif. 94303. Applicant's representatives: C. J. Boddington (same address as above), also Jack R. Turney, 2001 Massachusetts Avenue NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, dangerous articles, household goods, commodities in bulk, those requiring special equipment, those injurious or contaminating to other lading), between Gila Bend, Ariz., and Ajo, Ariz., over Arizona Highway 85, and return over the same route, serving all intermediate points. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Phoenix, Ariz.

No. MC 71642 (Sub-No. 10), filed April 22, 1970. Applicant: N. S. DE SHONG, 3201 Mill Creek Road, Wilmington, Del. 19808. Applicant's representative: Samuel W. Earnshaw, 833 Washington Building, Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fiber, plastics, and insulating materials and fiber and plastic containers;* (a) between Newark, Wilmington, and Yorklyn, Del.; Kennett Square and Willow Grove, Pa.; on the one hand, and, on the other, Baltimore, Md., restricted to traffic having a prior or subsequent movement by water in foreign commerce; and (b) from Yorklyn, Del., to Nichols, S.C., under contract with NVF Co., in connection with (a) and (b) above. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 74857 (Sub-No. 31), filed May 11, 1970. Applicant: FULLER MOTOR DELIVERY CO., a corporation, 802 Plum Street, Cincinnati, Ohio 45202. Applicant's representative: David A. Caldwell, 900 Tri-State Building, Cincinnati, Ohio 45202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Feed ingredients*, from Madison, Ind., to points in Illinois, Indiana, Kentucky, Ohio, Southern Peninsula of Michigan, Tennessee, and that part of Pennsylvania on and west of U.S. Highway 219, under contract with Occidental Chemical Co. NOTE: Applicant states that it has pending an application to convert all of its contract carrier permits to common carrier authority. This matter has been assigned docket No. MC 133133 and was heard in Columbus, Ohio, on January 21, 1970. By reason of the pending conversion application, the applicant requests that the present application be considered in the alternative as an application for common carrier authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, or Indianapolis, Ind.

No. MC 76036 (Sub-No. 5), filed April 29, 1970. Applicant: CANADIAN FREIGHTWAYS EASTERN LIMITED, 401 Woodward Avenue, Hamilton, Ontario, Canada. Applicant's representatives: D. L. Davies (same address as applicant), and E. T. Liipfert, Suite 1100, 1660 L Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities in bulk, in tank vehicles, classes A and B explosives, household goods as defined by the Commission, and livestock), between the international boundary line between the United States and Canada at the Lewiston-Queenston Bridge, on the one hand, and, on the other, Buffalo, N.Y. NOTE: Applicant states the proposed authority would be tacked with authority in its lead certificate MC 76036 at Buffalo, N.Y., or points in its commercial zone to perform service to and from points within 20 miles of the city hall in Buffalo, N.Y. If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y., or Washington, D.C.

No. MC 85811 (Sub-No. 4), filed April 27, 1970. Applicant: AMSCO TRANSPORTATION, INC., Post Office Box 14147, Houston, Tex. 77021. Applicant's representative: J. G. Dail, Jr., 1111 E Street NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Reinforcing steel* (reinforcing rods) in single pieces and in bales or bundles; *steel forms* in single pieces and in bales or bundles; *bar steel* in single pieces and bales or bundles; *steel plates*, in bales or bundles; *corrugated iron* in bales or bundles; *iron and steel channels* in bales or bundles; *iron and steel angles* in single pieces and in bales or bundles; *strap iron and steel* in single pieces and in bales or bundles; *iron and steel rounds and deformed reinforcing iron and steel bars* in single pieces and in bales or bundles, between Houston, Tex., on the one hand, and, on the other, points in Texas. Restriction: The holder of this authority may transport the above-named commodities together with its attachments and its detached parts thereof between incorporated cities, towns, and villages only when the commodity to be transported weighs 4,000 pounds or more in a single piece, or is not less than 28 feet in length, or in bales or bundles weighing 2,500 pounds or more, or when such commodity, because of physical characteristics other than weight requires the use of "special devices, facilities, or equipment" for the safe and proper loading or unloading thereof. The term "special devices, facilities, or equipment" is construed to mean only those operated by motive or mechanical power;

(2) *Oilfield equipment and pipe*, when moving as oilfield equipment; and pipe when it is to be used in the construction and maintenance of pipelines of any

and every other character or use other than oilfield equipment, except the carrier is prohibited from transporting pipe when not moving as oilfield equipment when such pipe is less than 4 inches in diameter and is also less than 28 feet in length, between points in Texas; and (3) *trenching machines, tractors, drag lines, back fillers, caterpillars, road building machinery, batch bins, ditching machinery, bulldozers, heavy mixers, finishing machinery, power hoists, cranes, heavy machinery, pile driving rigs, paving machines and equipment, graders, construction equipment, boilers, scrapers, irrigation and drainage machinery, road maintainers, electric motors, pumps, transformers, circuit breakers, turbines, bridge construction equipment, shovels, planes, lathes, air compressors rotaries, prefabricated houses, bulk station storage tanks, heavy tanks, pump machinery, erection machinery and equipment, refinery machinery and equipment, boats and prefabricated steel girders, threshing machines, sawmill machinery, telephone and telegraph poles, creosote and other pilings, heavy furnaces or ovens, pipe* (including iron, steel, concrete, composition, or corrugated), *punches, presses, iron or steel girders, beams, columns, posts, channels and trusses, generators and dynamos, iron or steel castings, sheets, and plates, industrial hammers, industrial machinery*, including laundry, ice making, air conditioning, baker, bottling, gin, crushing, dredging, mill, brewery, textile, water plant and wire covering, twisting or laving, *derricks, hoists, steam or internal combustion engines, rollers, power shovels, safes, vaults, bank doors, and gasoline, fuel oil, and other storage tanks*, when said commodities are not moving as oilfield equipment, between points in Texas. Restriction: The holder of this authority may transport the above-named commodities together with its attachments and its detached parts thereof between incorporated cities, towns, and villages only when the commodity to be transported weighs 4,000 pounds or more in a single piece or when such commodity, because of physical characteristics other than weight, requires the use of "special devices, facilities, or equipment" for the safe and proper loading or unloading thereof. The term "special devices, facilities, or equipment" is construed to mean only those operated by motive or mechanical power.

NOTE: Applicant states that it now holds all of the above authority in its certificate of registration No. MC 85811 (Sub-No. 1), that the purpose of this application is only to convert the registered authority to a certificate of public convenience and necessity containing the same or comparable acceptable language, and that the application is necessary because applicant has pending in MC 85811 (Sub-No. 3) an application for multiple-State authority. Applicant further states that it could tack with its pending authority in MC 85811 (Sub-No. 2), if granted, at points in Fort Bend County, Tex., to transport such of the sought commodities as are iron and steel articles to points in Louisiana, Mississippi, Arkansas, Oklahoma, and New Mexico. If a hearing is deemed necessary, applicant requests it be held at Houston, Tex.

No. MC 88594 (Sub-No. 16), filed April 29, 1970. Applicant: CARLETON G. WHITAKER, INC., Route 17, Exit 84, Town of Deposit, Delaware County, N.Y. 13754. Applicant's representatives: Martin Werner and Norman Weiss, 2 West 45th Street, New York, N.Y. 10036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Milk products*, in vehicles equipped with mechanical refrigeration, from North Lawrence (St. Lawrence County), N.Y., to points in Allegheny and Erie Counties, Pa., and *returned and refused shipments of milk products*, on return. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 100666 (Sub-No. 169), filed May 8, 1970. Applicant: MELTON TRUCK LINES, INC., Post Office Box 7666, Shreveport, La. 71107. Applicant's representatives: Paul J. Caplinger (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: *Iron and steel articles*, from Newport, Ark., to points in the United States (except Alaska and Hawaii), and *materials, equipment, and supplies* used in the manufacture and processing of iron and steel articles (except commodities in bulk), from points in the United States (except Alaska and Hawaii) to Newport, Ark. 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 Nashville, Tenn.

No. MC 100666 (Sub-No. 170), filed May 10, 1970. Applicant: MELTON TRUCK LINES, INC., Post Office Box 7666, Shreveport, La. 71107. Applicant's representatives: Wilburn L. Williamson, 600 Leininger Building, Oklahoma City, Okla. 73112, and Paul Caplinger (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fiberboard, pulpboard, and strawboard*, from Henderson, Ky., to points in Alabama, Arkansas, Florida, Georgia, Kansas, Louisiana, Mississippi, Missouri, Oklahoma, and Texas. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky., or Nashville, Tenn.

No. MC 103993 (Sub-No. 525), filed May 11, 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 applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles in initial movements, from points in Jones County, Miss., 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 Hattiesburg, Miss.

No. MC 103993 (Sub-No. 526), filed May 11, 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 applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, from points in Wilson County, Tenn., 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 Nashville, Tenn.

No. MC 103993 (Sub-No. 527), filed May 12, 1970. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representatives: Paul D. Borghesani and Ralph H. Miller (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ventilators, ventilator parts, ventilator equipment, ventilator systems, and accessories* used in the installation thereof, from Tabor City, N.C., to points in the United States (excluding 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 Wilmington, N.C.

No. MC 106398 (Sub-No. 474), filed May 8, 1970. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, Okla. 74151. Applicant's representatives: Irvin Tull and Fred Rahal, Jr. (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles, in initial movements, and buildings, in sections, mounted on wheeled undercarriages, from points of manufacture, from points in Union County, N.C., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Charlotte, N.C.

No. MC 106398 (Sub-No. 475), filed May 11, 1970. Applicant: NATIONAL

TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, Okla. 74151. Applicant's representatives: Irvin Tull and Fred Rahel, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailer*, designed to be drawn by passenger automobiles, in initial movements, in truckaway service, from points in Frederick County, Md., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 106398 (Sub-No. 476), filed May 12, 1970. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, Okla. 74151. Applicant's representatives: Irvin Tull and Fred Rahal, Jr. (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Undercarriages and frames* designed to be equipped with hitchball or pintle hook connectors, from points in Oregon to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control and dual operation may be involved. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 107107 (Sub-No. 406), filed May 15, 1970. Applicant: ALTERMAN TRANSPORT LINES, INC., 2424 Northwest 46th Street, Miami, Fla. 33142. Applicant's representative: Ford W. Sewell (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper articles*, from points in Florida, to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Carolina, Ohio, Oklahoma, South Carolina, South Dakota, Texas, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Jacksonville, Fla.

No. MC 107295 (Sub-No. 375), filed April 23, 1970. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South Main Street, Farmer City, Ill. 61842. Applicant's representative: Mack Stephenson (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Guttering systems; ridge roll and caps; pipe and conduit fittings and accessories therefor; roofing compounds; roofing cement, plates, metal or plastic; sheets, metal or plastic; vents; metal bars, rods, channels, and angles; building compounds; fencing, posts, gates, and accessories therefor; wire; twisted cable; nails; roofing; siding; asphalt products; insulated panels; and, closure strips*, from Houston, Tex., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that geographically Houston, Tex., is not a desirable tacking point, also the nature of the application is such that tacking is not involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107295 (Sub-No. 382), filed April 29, 1970. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South Main Street, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wallboard, building board, and insulation board*, from Kalamazoo, Mich., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Washington, D.C.

No. MC 108380 (Sub-No. 79), filed May 11, 1970. Applicant: JOHNSTON'S FUEL LINERS, INC., 808 Birch Street, Post Office Box 100, Newcastle, Wyo. 82701. Applicant's representative: Truman A. Stockton, Jr., The 1650 Grant Street Building, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, from points in that part of Montana on, east and north of a line beginning at the Montana-Wyoming State line and extending along Interstate Highway 90 to Three Forks, Mont., thence north along U.S. Highway 287 to Choteau, Mont., thence north along U.S. Highway 89 to the international boundary line between the United States and Canada, to points in Wyoming. NOTE: Applicant states that the requested authority cannot be tacked with its presently held authority. If a hearing is deemed necessary, applicant requests it be held at Cheyenne, Wyo., or Billings, Mont.

No. MC 108449 (Sub-No. 312), filed May 1, 1970. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: Wallace A. Myllenbeck (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts and articles distributed by meat packinghouses*, from West Fargo, N. Dak., to points in Indiana, Michigan, Ohio, Wisconsin, Minnesota, and Illinois. NOTE: Applicant states that joinder could be made at Twin Cities, Minn., to serve Iowa under MC 108449 (Sub-No. 176), but tacking is not intended. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 108453 (Sub-No. 33), filed April 30, 1970. Applicant: G & A TRUCK LINE, INC., 404 West Peck Avenue, White Pigeon, Mich. 49099. Applicant's representative: William P. Sullivan, 1819 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Containers* (except glass), *packaging materials, pulpboard products, and materials, equipment, and supplies* (except in bulk) used in the manufacture, sale, and distribution of containers and packaging materials, between points in Illinois, Indiana, Iowa, Kentucky, Michigan, Missouri, New York, Ohio, Pennsylvania, and Wisconsin under contract with Weyerhaeuser Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 108676 (Sub-No. 36), filed May 4, 1970. Applicant: A. J. METLER HAULING AND RIGGING, INC., 117 Chicamauga Avenue NE., Knoxville, Tenn. 37917. Applicant's representative: Louis J. Amato, Post Office Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Refuse containers, self-loading compaction containers and units, stationary compaction containers and units, transfer stations for compaction containers and units, lift units for refuse containers and equipment, crane booms and extensions, telescopic frames, stabilizing jacks, drop-bottom type containers, wheel-mounted containers, hopper-type containers, dumping bodies and dumping hoists, stationary packers, and transport trailers and compaction trailers;* and (2) *parts and attachments and accessories* for the commodities described in (1) above, from Knoxville, Tenn., 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 Knoxville, Tenn.

No. MC 108676 (Sub-No. 37), filed May 11, 1970. Applicant: A. J. METLER HAULING AND RIGGING, INC., 117 Chicamauga Avenue NE., Knoxville, Tenn. 37917. Applicant's representative: Robert H. Kinker, Post Office Box 464, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Signs, sign poles, and parts and accessories* therefor, from Kokomo, Ind., to points in the United States (except Alaska and Hawaii); and (2) *signs, sign parts, and accessories therefor, fiber glass articles and modular fiber glass units*, knocked down, and *parts and accessories*, from points in Henry County, Ill., 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 Knoxville, Tenn., or Atlanta, Ga.

No. MC 110525 (Sub-No. 971), filed May 8, 1970. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. 19335. Applicant's representatives: Thomas J. O'Brien (same address as above), also Leonard A. Jaskiewicz, 1730 M Street NW., Suite 501, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal tar chemicals*, in bulk, in tank vehicles,

from Indianapolis, Ind., to points in Alabama, Louisiana, Michigan, New Jersey, New York, Ohio, Pennsylvania, South Carolina, Tennessee, and Texas. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Louisville, Ky.

No. MC 110525 (Sub-No. 972), filed May 18, 1970. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downington, Pa. 19335. Applicant's representatives: Thomas J. O'Brien (same address as applicant), and Leonard A. Jaskiewicz, 1730 M Street NW., Suite 501, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Latex*, liquid, in bulk, in tank vehicles, from Kensington, Ga., to points in Alabama, Arkansas, Louisiana, Mississippi, and Oklahoma. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 110525 (Sub-No. 973), filed May 18, 1970. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Dowington, Pa. 19335. Applicant's representatives: Thomas J. O'Brien (same address as applicant), and Leonard A. Jaskiewicz, 1730 M Street NW., Suite 501, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chlorobutadiene*, in bulk, in tank vehicles, from Laplace, La., to Montague, Mich. 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 aplication 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 110525 (Sub-No. 974), filed May 18, 1970. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downington, Pa. 19335. Applicant's representatives: Thomas J. O'Brien (same address as applicant), and Leonard A. Jaskiewicz, 1730 M Street NW., Suite 501, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *No. 2 fleshing grease*, in bulk, in tank vehicles, from Johnstown, N.Y., to Fort Lee, N.J. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 111545 (Sub-No. 139), filed May 14, 1970. Applicant: HOME TRANSPORTATION COMPANY, INC., 1425 Franklin Road SE., Marietta, Ga. 30060. Applicant's representative: Robert E. Born, Post Office Box 6426, Station A, Marietta, Ga. 30060. 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 (restricted to commodities which are transported on trailers); (3) *commodities* which do not require the use of special equipment or handling when moving with commodities the transportation of which because of size or weight require the use of special equipment as part of the same shipment on the same bill of lading and on the same vehicle; and (4) *construction, agricultural, maintenance, material handling, and industrial machinery, equipment, materials, and supplies; pipe; iron and steel articles; explosives; lumber; aircraft and aerospace equipment, materials, and supplies; parts; accessories; attachments; and supplies*, between points in Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, and Tennessee, on the one hand, and, on the other, points in Arizona, California, Nevada, Oregon, Utah, and Washington. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it commence at Atlanta, Ga., and then adjourn to Miami, Fla.; Mobile, Ala.; Los Angeles, Calif.; and other as may be necessary.

No. MC 111785 (Sub-No. 47), filed May 14, 1970. Applicant: BURNS MOTOR FREIGHT, INC., Post Office Box 149, U.S. Highway 219 North, Marlinton, W. Va. 24954. Applicant's representative: Theodore Polydoroff, 1140 Connecticut Avenue NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from points in West Virginia, to points in North Carolina, Ohio, Maryland, Pennsylvania, Virginia, New Jersey, New York, Tennessee, Rhode Island, Connecticut, Massachusetts, Vermont, New Hampshire, Illinois, Indiana, Michigan, Iowa, Kentucky, Georgia, Alabama, Arkansas, Louisiana, Delaware, Missouri, South Carolina, Wisconsin, and West Virginia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant presently holds the herein sought authority in MC 111785, and subs thereunder. The instant application seeks to eliminate gateways. If the instant application is approved, applicant will request cancellation of portions of its lead certificate and subs or portions thereof. If a hearing is deemed necessary, applicant requests it be held at Charleston, W. Va., or Washington, D.C.

No. MC 111812 (Sub-No. 402), filed April 4, 1970. Applicant: MIDWEST COAST TRANSPORT, INC., 405½ East Eighth Street, Post Office Box 1233, Sioux Falls, S. Dak. 57101. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles); (a) from the plantsite and storage facilities utilized by Oscar Mayer & Co., Inc., at Davenport, Iowa; (b) from the plantsite of Oscar Mayer & Co., at Perry, Iowa; and (c) from the 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, restricted to traffic originating at the above-named plantsites and cold storage facilities utilized by Oscar Mayer & Co., and destined to the above-specified destination points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Madison, Wis., or Des Moines, Iowa.

No. MC 111956 (Sub-No. 23), filed May 4, 1970. Applicant: SUWAK TRUCKING COMPANY, a corporation, 1105 Fayette Street, Washington, Pa. 15301. Applicant's representative: Henry M. Wick, Jr., 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap paper*, from Donora, Pa., to Eaton, Ind., and Monroe, Mich. 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 Cleveland, Ohio.

No. MC 112304 (Sub-No. 38), filed April 30, 1970. Applicant: ACE DORAN HAULING & RIGGING CO., a corporation, 1601 Blue Rock Street, Cincinnati, Ohio 45223. 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: *Building materials and supplies, and materials* used in the manufacture of building materials (except commodities in bulk), between Springfield, Ky., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority can be tacked with its Sub 1 "size and weight" authority but indicates that is has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Applicant further states that no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky., or Indianapolis, Ind.

No. MC 112713 (Sub-No. 123), filed May 18, 1970. Applicant: YELLOW FREIGHT SYSTEM, INC., Post Office Box 8462, 92d at State Line, Kansas City, Mo. 64114. Applicant's representative: John M. Records (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, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Denver, Colo., and Oakland, Calif., from Denver over Interstate Highway 25 to Cheyenne, Wyo., thence over Interstate Highway 80 and U.S. Highway 30 to Salt Lake City, Utah, thence over Interstate Highway 80 and U.S. Highway 40 to Oakland, Calif., and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with carrier's authorized regular-route authority between Denver, Colo., and San Francisco, Calif. NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Denver, Colo.

No. MC 112822 (Sub-No. 155) (Correction), filed May 1, 1970, published FEDERAL REGISTER issue of May 21, 1970, corrected in part, and republished as corrected, this issue. Applicant: BRAY LINES INCORPORATED, 1401 North Little Street, Post Office Box 1191, Cushing, Okla. 74023. Applicant's representative: Carl L. Wright (same address as applicant). NOTE: The purpose of this partial republication is to include Indiana, Ohio, and Utah in the destination States in (2) of the previous publication. The rest of the application remains the same.

No. MC 112822 (Sub-No. 156), filed May 20, 1970. Applicant: BRAY LINES, INCORPORATED, Post Office Box 1191, 1401 Little Street, Cushing, Okla. Applicant's representative: Carl L. Wright (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Component parts for mobile homes*, from points in Kansas, to points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, Nevada, New Mexico, North Carolina, South Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, Tennessee, Texas, Utah, Washington, Wisconsin, Wyoming, Montana; and (2) *lumber, particleboard, millwork, and lumber products*, from points in Montana to points in Kansas. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Wichita or Topeka, Kans., or Kansas City, Mo.

No. MC 113267 (Sub-No. 236), filed April 24, 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*, 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 St. Louis, Mo., to Charleston, Huntington, and Parkersburg, W. Va., and Cumberland, Md., and points within 25 miles of Cumberland, Md. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 113267 (Sub-No. 238), filed May 12, 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* as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles, and hides), from the plantsite of Missouri Beef Packers, Inc., at or near Plainview, Tex., to points in Alabama, Georgia, Florida, North Carolina, South Carolina, Tennessee, Louisiana, Illinois, Indiana, Missouri, Minnesota, Wisconsin, 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 Amarillo or Fort Worth, Tex.

No. MC 113362 (Sub-No. 186), filed May 14, 1970. Applicant: ELLSWORTH FREIGHT LINES, INC., 310 East Broadway, Eagle Grove, Iowa 50533. Applicant's representative: Marshall D. Becker, 630 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts, and articles distributed by meat packinghouses* as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and storage facilities of Spencer Foods, Inc., located at Spencer, Cherokee, and Hartley, Iowa, and Sioux Falls, S. Dak., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, restricted to traffic originating at the named plantsites and storage facilities and destined to the above-named destinations. NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 113535 (Sub-No. 15), filed May 18, 1970. Applicant: A & W TRUCKING CO., INC., Rural Route 2, Box 370, Mosinee, Wis. 54455. Applicant's representative: Charles E. Nieman, 1160 Northwestern Bank Building, Minneapolis, Minn. 55402. 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 *Description in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Dubuque, Iowa, to Milwaukee, Wis. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis or St. Paul, Minn.

No. MC 113624 (Sub-No. 54), filed May 13, 1970. Applicant: WARD TRANSPORT, INC., Post Office Box 133, Pueblo, Colo. 81002. Applicant's representative: Leslie R. Kehl, 420 Denver Club Building, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ammonium nitrate*, from Laramie, Wyo., to points in Colorado, Idaho, Kansas, Nebraska, South Dakota, and Utah. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 114004 (Sub-No. 86), filed May 11, 1970. Applicant: CHANDLER TRAILER CONVOY, INC., 8828 New Benton Highway, Little Rock, Ark. 77209. Applicant's representative: W. G. Chandler (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes,

transporting: *Boats and boat parts and supplies used in the manufacture of same;* (1) from points in California to points in the United States (except Hawaii); and (2) from points in Rutherford County, Tenn., to points in the United States (except Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 114019 (Sub-No. 204), filed May 15, 1970. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Hartford, Bailey, and Grawn, Mich., to points in Illinois, Iowa, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, Wisconsin, and the Upper Peninsula of Michigan. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 114019 (Sub-No. 205), filed May 15, 1970. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Gypsum products, composition boards, insulating materials, roofing and roofing materials, urethane and urethane products and related materials, supplies, and accessories* incidental thereto (except commodities in bulk), from Edgewater and Carteret, N.J., and Pittston, Pa., to points in Florida, Minnesota, Iowa, Kansas, Missouri, Wisconsin, Virginia, Nebraska, North Carolina, Maryland, Delaware, South Carolina, and Georgia; and (2) *building, roofing, and insulating materials*, from Jamesburg, N.J., to points in Alabama, Arkansas, Illinois, Indiana, Kentucky, Louisiana, Michigan, Mississippi, Ohio, Tennessee, West Virginia, Minnesota, Iowa, Kansas, Missouri, Wisconsin, Virginia, North Carolina, South Carolina, Georgia, Maryland, Delaware, Nebraska, and Pennsylvania. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 114045 (Sub-No. 337), filed May 11, 1970. Applicant: TRANS-COLD EXPRESS, INC., Post Office Box 5842, Dallas, Tex. 75222. Applicant's representative: J. B. Stuart (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food products*, from Boston, Quincy, and Brockton, Mass., to points in California. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass., or Dallas, Tex.

No. MC 114045 (Sub-No. 338), filed May 11, 1970. Applicant: TRANS-COLD EXPRESS, INC., Post Office Box 5842, Dallas, Tex. 75222. Applicant's representative: J. B. Stuart (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food products*, from Boston, Quincy, and Brockton, Mass., to points in Texas. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass., or Dallas, Tex.

No. MC 114569 (Sub-No. 90), filed May 6, 1970. Applicant: SHAFFER TRUCKING, INC., Post Office Box 418, New Kingstown, Pa. 17072. Applicant's representative: James W. Hagar, 100 Pine Street, Post Office Box 1166, Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Processed food products, advertising materials, and materials, equipment, and supplies* used in the production, sale, and distribution of processed food products, from the H. J. Heinz Co. Distribution Center at Mechanicsburg, Pa., to points in Maine, New Hampshire, and Vermont; and (2) returned above-named commodities from the above-named destination States to the H. J. Heinz Co. Distribution Center at Mechanicsburg, Pa., on return. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Harrisburg, Pa.

No. MC 114360 (Sub-No. 17), filed March 23, 1970. Applicant: SOUTHERN EXPRESS COMPANY, a corporation, 3333 South Cicero Avenue, Cicero, Ill. 60650. Applicant's representative: Anthony T. Thomas, 1811 West 21st Street, Chicago, Ill. 60608. Authority sought to operate as a *common carrier*, by motor vehicle, over 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 the site of the Allis Chalmers Manufacturing Co. plant at Matteson, Ill. as an off-route point in connection with applicant's authorized regular route operation. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 114632 (Sub-No. 27), filed May 13, 1970. Applicant: APPLE LINES, INC., 225 South Van Epps, also Post Office Box 507, Madison, S. Dak. 57042. Applicant's representative: Einar Viren, 904 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts, and articles distributed by meat packinghouses* as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, except hides and commodities in bulk, in tank vehicles; and *foodstuffs*, except meats and packinghouse products as described above, when moving in the same vehicle at the same time with meats and packinghouse products, from Huron, S. Dak., to points in Wisconsin, Illinois, Kansas, Missouri, Nebraska, Iowa, Indiana, and Minnesota. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant is also authorized to operate as a contract carrier under MC 129706, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Minneapolis, Minn.

No. MC 115180 (Sub-No. 55), filed May 4, 1970. Applicant: ONLEY REFRIGERATED TRANSPORTATION, INC., 408 West 14th Street, New York, N.Y. 10014. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, requiring refrigeration, from Lafayette, Ind., to points in Connecticut, Delaware, Maine, Massachusetts, Maryland, New Jersey, New York, New Hampshire, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 115113 (Sub-No. 14), filed May 12, 1970. Applicant: IOWA PACKERS XPRESS, INC., 16 East 24th Street, Post Office Box 231, Spencer, Iowa 51301. Applicant's representative: William E. Husby (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, dairy products, and articles distributed by meat packinghouses* as described in sections A, B, and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, except hides and commodities in bulk, from the plantsites and storage facilities utilized by Spencer Foods, Inc., located at/or near Spencer and Hartley, Iowa; Sioux Falls, S. Dak.; Schuyler, Nebr.; and Minneapolis, Minn; to points in Connecticut, Delaware, Indiana, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Sioux City, Iowa; Omaha, Nebr.; Sioux Falls, S. Dak.; or Minneapolis, Minn.

No. MC 115322 (Sub-No. 69), filed April 28, 1970. Applicant: REDWING REFRIGERATED, INC., Post Office Box 1698, 2939 Orlando Drive, Sanford, Fla. 32771. Applicant's representatives: W. P. Kurtz (same address as applicant), and J. E. Wilson, 1735 K Street NW., Washington, D.C. 20006. Authority sought to

operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foods or foodstuffs*, requiring refrigeration in vehicles equipped with mechanical refrigeration, between points in Florida. Restricted to movements having prior or subsequent movements by water. 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 or Jacksonville, Fla.

No. MC 115331 (Sub-No. 284), filed May 7, 1970. Applicant: TRUCK TRANSPORT, INCORPORATED, 1931 North Geyer Road, St. Louis, Mo. 63131. Applicant's representative: J. R. Ferris, 230 St. Clair Avenue, East St. Louis, Ill. 62201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Beverages*, carbonated or phosphated, nonalcoholic, in containers, from St. Louis, Mo., to points in Arkansas, Alabama, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Missouri, Mississippi, Nebraska, Ohio, Oklahoma, Tennessee, Minnesota, Pennsylvania, Wisconsin, Louisiana, and Texas. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority as far as is known. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Washington, D.C.

No. MC 115523 (Sub-No. 162), filed April 30, 1970. Applicant: CLARK TANK LINES COMPANY, a corporation, 1450 Beck Street, Salt Lake City, Utah 84116. Applicant's representatives: H. E. Barker (same address as applicant), and Parsons, Behle and Latimer, Kearns Building, Salt Lake City, Utah. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Limestone:* crushed, pulverized, and calcined, in bulk, from points in Baker County, Oreg., to points in Idaho. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states that no duplicating authority is being sought. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah, or Boise, Idaho.

No. MC 115570 (Sub-No. 7), filed April 27, 1970. Applicant: WALTER A. JUNGE, INC., Post Office Box 98, Antioch, Calif. 94509. Applicant's representative: A. Allan Franzke, 12th Floor, Standard Plaza, Portland, Oreg. 97204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper, pulpboard, paperboard, fiberboard* and articles manufactured therefrom, *and materials, supplies, machinery, and machinery parts*, between the plantsites and warehouse facilities of Fibreboard Corp., in Oregon, Washington, and California, on the one hand, and, on the other, points in Idaho, Montana, and Utah; under contract with Fibreboard Corp. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif., or Portland, Oreg.

No. MC 116073 (Sub-No. 109), filed May 4, 1970. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., 1825 Main Avenue, Moorhead, Minn. 56560. Applicant's representative: Robert G. Tessar (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles, in initial movements, from points in Benton County, Ark., 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 Fayetteville or Fort Smith, Ark.

No. MC 116073 (Sub-No. 110), filed May 4, 1970. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., 1825 Main Avenue, Moorhead, Minn. 56560. Applicant's representative: Robert G. Tessar (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles and *building complete or in sections* in initial movements, from points in Georgia to points in the United States (including Alaska but excluding Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 116077 (Sub-No. 296), filed May 14, 1970. Applicant: ROBERTSON TANK LINES, INC., 5700 Polk Avenue, Post Office Box 1505, Houston, Tex. 77001. Applicant's representative: Pat H. Robertson, Suite 401, First National Life Building, Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *White portland cement*, from Houston, Tex., to points in Mississippi. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states that no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Houston, Tex., or Denver, Colo.

No. MC 117068 (Sub-No. 8), filed May 4, 1970. Applicant: ALLEN I. KOENIG, doing business as MIDWEST HARVESTORE TRANSPORT COMPANY, 2118 17th Avenue NW., Rochester, Minn. 55901. Applicant's representative: Paul F. Sullivan, 701 Washington Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Terminal tractors and hydraulic hammers*, from Denver, Colo., to points in the United States (except Alaska and Hawaii); and (2) *seat cabs and parts therefor*, from Gurley, Nebr., to Denver, Colo. NOTE: 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 Denver, Colo., or Washington, D.C.

No. MC 117200 (Sub-No. 16), filed May 3, 1970. Applicant: TISCH & DREWS, INC., 212 Green Bay Avenue, Oconto Falls, Wis. 54134. Applicant's representative: Allen Tisch (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper, paper products, plastic products, machinery, materials, and supplies* used in the manufacture and shipping of paper, plastic and paper, and plastic products, between Green Bay, Marinette, and Oconto Falls, Wis., and points in Michigan under contract with Scott Paper Co., Philadelphia, Pa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Green Bay, Appleton, or Madison, Wis.

No. MC 117615 (Sub-No. 9), filed April 27, 1970. Applicant: BOYER VALLEY COMPANY, a corporation, Post Office Box 100, Charter Oak, Iowa 51439. 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 irreguar routes, transporting: *Liquid animal blood*, from Wahoo, Nebr., to Sioux City, Iowa, under a continuing contract with Pacific Adhesives Co., Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Des Moines, Iowa.

No. MC 117686 (Sub-No. 114), filed May 4, 1970. Applicant: HIRSCHBACH MOTOR LINES, INC., 3324 U.S. Highway 75 North, Post Office Box 417, Sioux City, Iowa 51102. Applicant's representative: George L. Hirschbach (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses* as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and/or cold storage facilities of Wilson Sinclair Co., located at Albert Lea, Minn., to points in Arkansas, Oklahoma, and Texas. Restriction: Restricted to traffic originating at the above specified plantsite and storage facilities and destined to the above destinations. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 117686 (Sub-No. 115), filed May 4, 1970. Applicant: HIRSCHBACH MOTOR LINES, INC., 3324 U.S. Highway 75 North, Sioux City, Iowa, 51102. Applicant's representative: George L. Hirschbach (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats*, from the plantsite and storage facilities of Wilson Beef & Lamb Co., near Hereford, Tex., to points in Louisiana, restricted to the transportation of traffic originating at the named plantsite and storage facilities and destined to the above-specified destination. NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 117686 (Sub-No. 116), filed May 11, 1970. Applicant: HIRSCHBACH MOTOR LINES, INC., 3324 U.S. Highway 75 North, Post Office Box 417, Sioux City, Iowa 51102. Applicant's representatives: George L. Hirschbach and A. J. Swanson (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts and articles distributed by meat packinghouses* as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles, and hides), from the plantsite of Missouri Beef Packers, Inc., at or near Plainview, Tex., to points in Alabama, Arkansas, Georgia, Illinois, Iowa, Kansas, Louisiana, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, South Dakota, Tennessee, Oklahoma. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant has no preference.

No. MC 118142 (Sub-No. 34) (Correction), filed April 2, 1970, published FEDERAL REGISTER issue of May 7, 1970, corrected and republished as corrected this issue. Applicant: M. BRUENGER & CO., INC., 6330 North Broadway, Wichita, Kans. 67219. Applicant's representative: James Miller, 6415 Willow Lane, Shawnee Mission, Kans. 66208. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts and articles distributed by meat packinghouses* as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Wichita, Kans., to Salt Lake City, Utah; Portland, Eugene, and Salem, Oreg.; and Spokane, Seattle, Richland, and Tacoma, Wash. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. The purpose of this republication is to show the correct address of applicant's representative. If a hearing is deemed necessary, applicant requests it be held at Wichita, Kans.

No. MC 118851 (Sub-No. 4), filed April 23, 1970. Applicant: KEY EXPRESS, INC., Post Office Box 401, Niagara Falls, Ontario, Canada. Applicant's representative: Raymond A. Richards, 23 West Main Street, Webster, N.Y. 14580. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Bananas, plantains, pineapples, coconuts;* and (2) *commodities*, the transportation of which is partially exempt under the provisions of section 203(b)(6) of the Interstate Commerce Act if transported in vehicles not used in carrying any other property, when moving in the same vehicle at the same time when transported in mixed shipments with (1) above, from Wilmington, Del., to points in Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South 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 Rochester, N.Y.

No. MC 119632 (Sub-No. 38), filed May 11, 1970. Applicant: REED LINES, INC., 634 Ralston Avenue, Defiance, Ohio 43512. Applicant's representative: John P. McMahon, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Containers* (except glass containers), *packaging materials, pulpboard products, and materials, equipment, and supplies* used in the manufacture, sale, and distribution of containers, packaging materials, and pulpboard products, between points in Connecticut, Delaware, the District of Columbia, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Tennessee, Virginia, West Virginia, Vermont, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 119669 (Sub-No. 9) (Correction), filed March 16, 1970, published in the FEDERAL REGISTER issue of April 23, 1970, under MC 19669 (Sub-No. 9) and corrected in part this issue. Applicant: TEMPCO TRANSPORTATION, INC., 546 South 31A, Columbus, Ind. 47201. Applicant's representative: William J. Boyd, 29 South La Salle Street, Chicago, Ill. 60603. NOTE: The purpose of this republication is solely to correct the docket number erroneously published as MC 19669 (Sub-No. 9) in lieu of MC 119669 (Sub-No. 9).

No. MC 119767 (Sub-No. 241), filed May 4, 1970. Applicant: BEAVER TRANSPORT CO., a corporation, 100 South Calumet Street, Burlington, Wis. 53105. Applicant's representative: A. Bryant Torhorst (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned, preserved, prepared, and frozen foods* (except commodities in bulk), from the plantsites and warehouse facilities of Beatrice Foods Co. and its subsidiaries in Archbold, Ohio, to points in Illinois, Indiana, Kentucky, Michigan, and Wisconsin; restricted to traffic originating at the named facilities and destined to the named States. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Milwaukee, Wis.

No. MC 119895 (Sub-No. 24), filed April 24, 1970. Applicant: INTERCITY EXPRESS, INC., Post Office Box 1055, Fort Dodge, Iowa. Applicant's representative: William L. Fairbank, 610 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, dairy products, and articles distributed by meat packinghouses*, as described in sections A, B, and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsites and storage facilities utilized by John Morrell & Co., at or near Sioux Falls and Madison, S. Dak., and Estherville, Iowa, to points in Florida, Georgia, North Carolina, South Carolina, and Tennessee. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests that it be held at Chicago, Ill., or Des Moines, Iowa.

No. MC 121060 (Sub-No. 7), filed May 8, 1970. Applicant: ARROW TRUCK LINES, INC., 1220 West Third Street, Birmingham, Ala. 35204. Applicant's representative: D. H. Markstein, Jr., 512 Massey Building, Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing and roofing materials, gypsum and gypsum products, composition boards, insulation materials, urethane and urethane products and related materials, supplies, and accessories*, incidental thereto (except commodities in bulk), from the plantsite of the Celotex Corp., in Birmingham, Ala., to points in Florida, Georgia, Mississippi, Louisiana, North Carolina, and South Carolina. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. It further states no duplicate authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala., or Washington, D.C.

No. MC 123048 (Sub-No. 171), filed May 5, 1970. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 1919 Hamilton Avenue, Racine, Wis. 53401. Applicant's representatives: Paul C. Gartzke, 121 West Doty Street, Madison, Wis. 53703, and Paul L. Martinson (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery;* (2) *commodities* which because of size or weight require the use of special equipment or special handling; (3) *component parts* for (1) and (2) above; and (4) *commodities* used in the construction and direction of commodities described in (1), (2), and (3) above, between Racine, Walworth, and Kenosha Counties, Wis., on the one hand, and, on the other, points in the United States (except Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis., or Chicago, Ill.

No. MC 123048 (Sub-No. 173), filed May 12, 1970. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 1919 Hamilton Avenue, Racine, Wis. 53401. Applicant's representatives: Paul C. Gartzke, 121 West Doty Street, Maidons, Wis. 53703, and Paul L. Martinson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular

routes, transporting: (1) *Agricultural implements;* (2) *attachments and parts* for the commodities described in (1) above, from points in St. Joseph County, Ind., to points in the United States (excluding Alaska and Hawaii). NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or South Bend, Ind.

No. MC 123054 (Sub-No. 10), filed May 10, 1970. Applicant: R & H CORPORATION, 295 Grand Avenue, Clarion, Pa. 16214. Applicant's representative: V. Baker Smith, 2107 The Fidelity Building, Philadelphia, Pa. 19109. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass and plastic containers, closures, and fiberboard and pulpboard boxes, materials, and supplies* used in the manufacture of glass containers, except in bulk, from Huntington, W. Va., to points in Pennsylvania (except Clarion, Pa.), New Jersey, Connecticut, Maryland, Delaware, Rhode Island, and New York City, and points in Dutchess, Orange, Putnam, Rockland, Sullivan, Ulster, and West Chester Counties, N.Y. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 124078 (Sub-No. 435), filed May 18, 1970. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28th Street, Milwaukee, Wis. 53246. Applicant's representative: James R. Ziperski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from Nashville, Tenn., to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, Ohio, Oklahoma, South Carolina, Texas, Virginia, and West Virginia. NOTE: 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 124211 (Sub-No. 146), filed May 7, 1970. Applicant: HILT TRUCK LINE, INC., 1415 South 35th Street, Post Office Box H, Council Bluffs, Iowa 51501. Applicant's representative: Thomas L. Hilt (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from the plantsite of Missouri Beef Packers, Inc., at or near Plainview, Tex., to points in Connecticut, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New York, North Dakota, Ohio, Pennsylvania, Rhode Island, South Dakota, Vermont, and Wisconsin. Restriction: The authority sought herein to the extent it duplicates authority presently held by applicant shall not be construed as conferring more than one operating right severable by sale or otherwise. NOTE: Applicant states that proposed operations may be tacked or joined with other authorities in MC 124211, however, applicant states that it does not intend to do so and is willing to restrict instant application. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Washington, D.C.

No. MC 124275 (Sub-No. 2), filed May 6, 1970. Applicant: H. DAVID PITZER, Post Office Box 276, Biglerville, Pa. 17307. Applicant's representative: James W. Hagar, 100 Pine Street, Post Office Box 1166, Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Processed food products, advertising materials, and materials, equipment, and supplies used in the production, sale, and distribution of processed food products*, from Biglerville and Gardners, Pa., and from the H. J. Heinz Co. Distribution Center, at Mechanicsburg, Pa., to points in Maine, New Hampshire, and Vermont; and (2) *returned commodities* in (1) from the destination territory in (1) to Biglerville and Gardners, Pa., and to the H. J. Heinz Co. Distribution Center at Mechanicsburg, Pa. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Harrisburg, Pa.

No. MC 124377 (Sub-No. 16), filed May 4, 1970. Applicant: REFRIGERATED FOODS, INC., 3200 Blake Street, Post Office Box 1018, Denver, Colo. Applicant's representatives: Stockton and Lewis, The 1650 Grant Street Building, Denver, Colo. 80203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts* as described in section A of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766; (1) from plantsite, warehouse, and storage facilities utilized by Pepper Packing Co., at Denver, Colo., to points in California; and (2) from plantsite, warehouse, and storage facilities utilized by York Packing Co., Inc., at York, Nebr., to Denver, Colo., and points in California, under contract with York Packing Co., Inc., and Pepper Packing Co. NOTE: Applicant states that no duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 124711 (Sub-No. 6), filed May 14, 1970. Applicant: BECKER & SONS INC., 801 East Clark, Emporia, Kans. 66807. Applicant's representative: Erle W. Francis, Suite 719, 700 Kansas Avenue, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nitrogen fertilizer solution*, in bulk, in tank vehicles, from Atchison, Kans., to points in Iowa, Kansas, Missouri, and Nebraska. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Topeka, Kans.

No. MC 124957 (Sub-No. 4), filed May 7, 1970. Applicant: KENNETH KOLHS, Post Office Box 442, Mankato, Minn. 56002. Applicant's representative: Earl Hacking, 503 11th Avenue South, Minneapolis, Minn. 55415. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Concrete conduit*, from Janesville, Wis., to points in Illinois, Iowa, Minnesota, North Dakota, and South Dakota, and from Mankato, Minn., to points in Illinois, Iowa, Nebraska, North Dakota, South Dakota, and Wisconsin; under contract with Elmore Concrete Products Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 125375 (Sub-No. 6), filed May 5, 1970. Applicant: F. B. GUEST, doing business as F.B.G. TRANSPORT, Route 5, Box 95A, Covington, Ga. 30209. Applicant's representative: Monty Schumacher, Suite 310, 2045 Peachtree Road NE., Atlanta, Ga. 30309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cottage cheese*, from Rock Island, Ill., to Louisville, Ky., under contract with Borden, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 125440 (Sub-No. 7), filed April 17, 1970. Applicant: JULES TISCHLER AND PAUL JOHNSON, a partnership, doing business as RARITAN MOTOR EXPRESS, 129 Lincoln Boulevard, Middlesex, N.J. 08846. 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: *Precast concrete products and materials, supplies, and equipment* used in the manufacture, erection, or installation thereof (except in bulk), between the plant and storage site of Concrete Systems, Inc., New Brunswick, N.J., on the one hand, and, on the other, points in the District of Columbia, Maryland, Delaware, Pennsylvania, New York, Connecticut, Rhode Island, and Massachusetts, under contract with Concrete Systems, Inc. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 126305 (Sub-No. 28), filed May 15, 1970. Applicant: BOYD BROTHERS TRANSPORTATION CO., INC., Rural Delivery 1, Clayton, Ala. 36016. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bituminous fiber pipe, bituminous fiber conduit, and fittings, attachments, and accessories*, from points in Jefferson County, Ala., to points in the United States (except Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala.

No. MC 126472 (Sub-No. 12), filed May 14, 1970. Applicant: WILLCOXSON TRANSPORT, INC., Post Office Box 16, Bloomfield, Iowa 52537. Applicant's representative: Kenneth F. Dudley, 901 South Madison Avenue, Post Office Box 279, Ottumwa, Iowa 52501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural insecticides, fungicides, and herbicides*, in packages, from Janesville, Wis., to points in Illinois and 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 Chicago, Ill.

No. MC 126514 (Sub-No. 21), filed April 28, 1970. Applicant: HELEN H. SCHAEFFER AND EDWARD P. SCHAEFFER, a partnership, Post Office Box 392, Phoenix, Ariz. 85001. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except 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 Port Jervis, N.Y., and Mountaintop, Pa., on the one hand, and, on the other, Phoenix, Ariz.; Los Angeles and San Francisco, Calif.; Sparks and Reno, Nev.; and (2) *commodities*, the transportation of which is otherwise exempt from economic regulations under the provisions of section 203(b)(6) of the Interstate Commerce Act, when transported in the same vehicle at the same time with the commodities and between the points now authorized in the operating authorities held by applicant. NOTE: Applicant states it holds the authority sought herein in MC 126514 (Sub-No. 8), which will be surrendered if the instant application is granted. It further states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Phoenix, Ariz., or Washington, D.C.

No. MC 126514 (Sub-No. 22), filed May 13, 1970. Applicant: HELEN H. SCHAEFFER AND EDWARD P. SCHAEFFER, a partnership, 5200 West Bethany Home Road, Glendale, Ariz. 85301. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic articles*, from Columbus, Ohio, to points in Arizona and California. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif., or Phoenix, Ariz.

No. MC 126822 (Sub-No. 35), filed May 13, 1970. Applicant: PASSAIC GRAIN AND WHOLESALE COMPANY, INC., Post Office Box 23, Passaic, Mo. 64777. Applicant's representatives: Tom B. Kretsinger and Warren H. Sapp, 450 Professional Building, 1103 Grand Avenue, Kansas City, Mo. 64106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hides, skins, pelts, and pieces* thereof, from the plantsites of Missouri Beef Packers, Inc., at or near Plainview, Amarillo, and Dumas, Tex., 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 Kansas City, Mo., or Washington, D.C.

No. MC 127450 (Sub-No. 6), filed May 5, 1970. Applicant: T. G. GARLAND, doing business as B & W FREIGHT LINES, 200 North Buchanan Street, Post Office Box 2884, Amarillo, Tex. 79105. 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, commodities in bulk, and those requiring special equipment), between Amarillo, Tex., and Lawton, Okla.; from Amarillo over U.S. Highway 287 to Hedley, Tex., thence over Texas Highway 203 to Wellington, Tex., thence over Farm-to-Market Road 338 to Dodson, Tex., thence over Farm-to-Market Road 1642 to junction U.S. Highway 62, thence over U.S. Highway 62 to Lawton, Okla., and return over the same route serving all intermediate points in Oklahoma and the off-route points of Tipton, Mangum, and Frederick, Okla. NOTE: Applicant requests authority to tack with its existing authority, to coordinate and expedite service. If a hearing is deemed necessary, applicant requests it be held at Amarillo, Tex., Altus, Okla., or Lawton, Okla.

No. MC 127478 (Sub-No. 4), filed May 15, 1970. Applicant: WILLIAM M. HAYES, doing business as HAYES TRUCKING CO., Post Office Box 31, Winterville, Ga. 30683. Applicant's representative: Archie B. Culbreth, Suite 417, 1252 West Peachtree Street NW., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, and *advertising matter* when transported with malt beverages, from Cincinnati, Ohio, to Atlanta, Augusta, and Griffin, Ga. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 127658 (Sub-No. 2), filed May 7, 1970. Applicant: CRYSTAL FREIGHT, INC., 631 Second Avenue, Huntington, W. Va. 25701. 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: *Glass containers, closures, and fiberboard boxes*, from Huntington, W. Va., to points in Alabama, Connecticut, Delaware, Florida, Maryland, New Jersey, Rhode Island, Virginia, points in Indiana on and south of a line beginning at the junction of the Indiana-Ohio State line and U.S. Highway 40, thence west over U.S. Highway 40 to the junction of U.S. Highway 36, thence west over U.S. Highway 36 to the Indiana-Illinois State line, points in New York north of New York Highway 13 from Port Ontario to Pulaski, N.Y., and east of U.S. Highway 11 from Pulaski, N.Y., to the New York-Pennsylvania State line, and points in Ohio west of a line beginning at the Ohio River and extending north along U.S. Highway 23 to the junction of Ohio Highway 98, thence along Ohio Highway 98 to the junction of Ohio Highway 4, thence along Ohio Highway 4 to Lake Erie. 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 Columbus, Ohio.

No. MC 127834 (Sub-No. 55), filed May 8, 1970. Applicant: CHEROKEE HAULING & RIGGING, INC., 540-42 Merritt Avenue, Nashville, Tenn. 37203. 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) *Signs, sign poles, parts, and accessories, and fiber glass products;* (a) from Galva, Ill., to points in the United States (except Alaska and Hawaii); (b) *materials and supplies* used in the manufacture of the commodities named in (1) above from the destination States in (a) above to Galva, Ill.; and (2) *fertilizers, plant food, and perlite* in bags or packages, from Nashville, Tenn.; Jacksonville, Fla.; Lafayette, Ind.; and Thomaston, Maine; to points in Texas, Oklahoma, Kansas, Nebraska, South Dakota, North Dakota, and all States east thereof. 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 Nashville, Tenn.

No. MC 128161 (Sub-No. 1), filed May 4, 1970. Applicant: ECOFF TRUCKING, INC., 625 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 *contract carrier*, by motor vehicle, over irregular routes, transporting: *Expandable polystyrene*, from the plantsite of Dukor

Plastics of Indiana, Division of Dukor Industries, Inc., at or near Portland, Ind., to points in Alabama, Arkansas, Georgia, Illinois, Iowa, Kentucky, Michigan, Mississippi, Missouri, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, and Wisconsin, under contract with Dukor Plastics of Indiana, Division of Dukor Industries, Inc. NOTE: Applicant presently holds common carrier authority under its No. MC 119934 and subs, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Chicago, Ill.

No. MC 128310 (Sub-No. 2), filed May 4, 1970. Applicant: DAIRY DISPATCH CORP., 100 Hudson Street, New York, N.Y. 10013. Applicant's representative: William D. Traub, 10 East 40th Street, New York, N.Y. 10016. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products* (except commodities in bulk), in vehicles equipped with mechanical refrigeration, between points in the New York, N.Y., commercial zone as defined by the Commission, on the one hand, and, on the other, points in Middlesex County, N.Y. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 133154 (Sub-No. 4), filed April 21, 1970. Applicant: DICK BELL TRUCKING, INC., 16036 Valley Boulevard, Fontana, Calif. 92335. Applicant's representative: Ernest D. Salm, 3846 Evans Street, Los Angeles, Calif. 90027. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Mattresses and box springs*, in packages, from Los Angeles, Calif., to points in Arizona, Colorado, Nevada, Oregon, Utah, and Washington, and *returned shipments* of the same commodities, on return, under contract with Ortho Mattress Co., Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 133327 (Sub-No. 2), filed May 6, 1970. Applicant: MELBURN TRUCK LINES (TORONTO) CO., LTD., Post Office Box 306, Station U, Toronto 18, Ontario, Canada. Applicant's representative: Charles Patrick Bridge, 885 Niagara Street, Buffalo, N.Y. 14213. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Wilmington, Del.; Miami and Tampa, Fla.; Baltimore, Md.; Fall River, Mass.; Newark and Weehawken, N.J.; New York, N.Y.; and Charleston, S.C.; to ports of entry on the international boundary line between the United States and Canada located in New York. NOTE: Applicant states that it does not intend to tack. If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y., or Washington, D.C.

No. MC 133671 (Sub-No. 2), filed May 11, 1970. Applicant: MILLER BROS. CO., INC., Post Office Box 1, Hyrum, Utah 84319. Applicant's representative: Miss Irene Warr, 419 Judge Building, Salt Lake City, Utah 84111. Authority sought to operate as a *contract 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, between Cache Valley, Utah, and points in California, Nevada, Montana, Idaho, Oregon, Washington, Colorado, Wyoming, and Arizona, under a continuing contract with E. A. Miller & Sons Packing Co., Inc. NOTE: Applicant states that the instant application duplicates in part the authority under MC 133671. If and when this application is granted, all such duplicating authority shall be eliminated. Applicant holds common carrier authority under MC 117699, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah.

No. MC 133909 (Sub-No. 1), filed May 18, 1970. Applicant: M. DYER & SONS, INC., 2760 Kilihau Street, Honolulu, Hawaii 96819. Applicant's representative: Alan F. Wohlstetter, 1 Farragut Square South, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Hawaii, restricted to traffic originating at or destined to points beyond the State of Hawaii. NOTE: Applicant states that it proposes to enter into joint through motor-water-motor rates section 216(c) of the Act. If a hearing is deemed necessary, applicant requests it be held at Honolulu, Hawaii.

No. MC 133937 (Sub-No. 3), filed April 27, 1970. Applicant: CAROLINA CARTAGE COMPANY, INC., 654 Keith Drive, Greenville, S.C. 29611. Applicant's representative: Henry P. Willimon, Post Office Box 1075, Greenville, S.C. 29602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, restricted to the transportation of traffic having a prior or subsequent movement by air; (1) between points in Alabama; and (2) between points in Alabama and airports in or near Atlanta, Ga. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala.

No. MC 134022 (Sub-No. 2), filed May 5, 1970. Applicant: CONTRACT TRANSPORTATION, INC., 4008 Schuster Drive, West Bend, Wis. 53095. Applicant's representative: William E. McCarty, 211 West Wisconsin Avenue, Milwaukee, Wis. 53003. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages, soda, advertising, and packaging materials* used in the sale of malt beverages from points in Michigan, Ohio, Minnesota, Illinois, Indiana, and Missouri to points in Wisconsin (excluding Milwaukee, Racine, and Kenosha counties); (2) *cheese*, from township of Leroy and Fond du Lac, Wis., to points in Illinois, Indiana, Michigan, Minnesota, Missouri, Ohio, New York, New Jersey, Pennsylvania, Connecticut, Massachusetts, and Rhode Island; (3) *salt* in bags from points in Michigan, Ohio, and Illinois to points in Wisconsin (excluding Milwaukee, Racine, and Kenosha Counties); (4) *leather goods*, from West Bend, Wis., to Milwaukee, Wis., for further shipment in interstate commerce; (5) *advertising and packaging materials*, used in connection with the sale of leather goods, from points in Indiana and Illinois to West Bend, Wis.; (6) *manufactured steel products*, in truckloads, from points in Washington County, Wis., to points in the United States (excluding Alaska and Hawaii); and (7)(a) *molded plastic products*, from points in Wisconsin, in truckloads to points in the United States (excluding Alaska and Hawaii); and (b) *raw materials*, used in the manufacture of molded plastic products, from Kobuta and Monaca, Pa.; Peru, Ill.; Midland, Mich.; and Leominster, Mass.; to points in Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant has contract carrier authority under MC 126867 Sub No. 2, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Fond Du Lac, West Bend, or Oshkosh, Wis.

No. MC 134291 (Sub-No. 1), filed May 4, 1970. Applicant: JOSEPH R. ST. HILAIRE, doing business as ST. HILAIRE'S DELIVERY SERVICE, 285 Emmett Street, Bristol, Conn. 06010. Applicant's representative: Matthew Storm, 171 Laurel Street, Bristol, Conn. 06010. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Manuscripts, proofs, page proofs, warren prints, art work, film, and office copies of magazines*, between Bristol, Conn., on the one hand, and, on the other, points in New York, N.Y., under contract with Hildreth Press, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Hartford, Conn., New York, N.Y., or Boston, Mass.

No. MC 134314 (Sub-No. 1), filed May 18, 1970. Applicant: GEORGE AMMANN, doing business as AMMANN'S DRAYLINE, Route 4, Black River Falls, Wis. 54615. Applicant's representative: Daniel J. Pizzini, 104 Main Street, Black River Falls, Wis. 54615. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cheese and cheese products*, from Alma Center and Wanderoos, Wis., to points in Illinois, Michigan, Indiana, Ohio, Pennsylvania, Maryland, New Jersey, and New York, under contract with South Alma Cheese Factory, Inc., and Wanderoos Cheese Co. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 134342 (Sub-No. 1), filed May 7, 1970. Applicant: JAMES PLOG,

Post Office Box 59, Milledgeville, Ill. 61054. Applicant's representative: Robert T. Lawley, 308 Reisch Building, Springfield, Ill. 62701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dry animal livestock and poultry feeds, feed supplements, and feed ingredients*, from Rock Falls, Ill., to points in Cedar, Clinton, Dubuque, Jackson, Jones, Linn, Muscatine, and Scott Counties, Iowa, to Rock Falls, Ill., under contract with W. R. Grace & Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Springfield or Chicago, Ill.

No. MC 134406 (Sub-No. 1), filed April 20, 1970. Applicant: MEDGAR CORP., 2 Water Street, Cuba, N.Y. 14727. Applicant's representatives: Kenneth T. Johnson and Ronald W. Malin, Bank of Jamestown Building, Jamestown, N.Y. 14701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products, dairy substitutes, prepared foods, flavors, ice cream, fruit juices, fruit drinks, imitation fruit drinks, fruit sections, yogurt, and groceries*, from the plantsite of Guilford Dairy, Inc., located at Cuba, N.Y., to points in McKean, Warren, Potter, Cameron, and Elk Counties, Pa., under a continuing contract with F. C. Thomas, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y., or Erie, Pa.

No. MC 134423 (Sub-No. 1), filed May 6, 1970. Applicant: DAVID T. HENCELY, Rural Route No. 3, Box 32A, Forsyth, Ga. 31029. Applicant's representative: Wm. Addams, 1776 Peachtree Street NW., Atlanta, Ga. 30309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Synthetic fibers or yarns*, in bales or cartons; density not more than 9.33 pounds per cubic foot, between the plantsite of Twistex, Inc., at or near Forsyth, Ga., and the plantsite of Peachtree Products Division, American Enka Corp., at or near Murphy, N.C., under contract with Twistex, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 134476 (Sub-No. 2), filed May 4, 1970. Applicant: T. T. TRANSPORT CO., a corporation, 7500 Exchange Street, Cleveland, Ohio 44125. Applicant's representative: Paul F. Beery, 88 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (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, Massachusetts, 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. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 134570, filed April 24, 1970. Applicant: MAYES, INC., 363 Dublin Avenue, Columbus, Ohio 43215. Applicant's representative: David L. Pemberton, 88 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tires*, from Mansfield, Ohio, to points in Pennsylvania, New York, New Jersey, Rhode Island, Connecticut, Massachusetts, Vermont, New Hampshire, Maine, Indiana, Illinois, and Iowa; and (2) *materials and supplies* used in the manufacture of tires, from points in the destination States named in (1) above to Mansfield, Ohio, restricted to the transportation service to be performed under continuing contracts with Mansfield Tire & Rubber Co., Pennsylvania Tire Co., and Firestone Tire & Rubber Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus or Cleveland, Ohio.

No. MC 134574, filed April 30, 1970. Applicant: FIGOL DISTRIBUTORS LIMITED, 9727 110th Street, Edmonton, Alberta, Canada. Applicant's representative: Eldon M. Johnson, 140 Montgomery Street, San Francisco, Calif. 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Bananas;* (2) *commodities*, the transportation of which is partially exempt under the provisions of section 203(b)(6) of the Interstate Commerce Act if transported in vehicles not used in carrying any other property, when moving in the same vehicle at the same time with (1) above, from the commercial zones of San Francisco and Long Beach, Calif., and Seattle, Wash., to points along the United States-Canadian border in Washington, Idaho, and Montana. NOTE: Applicant holds contract authority under MC 124972 (Sub-No. 2), therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 134582, filed May 4, 1970. Applicant: HAFFEY MOTOR TRANSIT, INC., Post Office Box 387, 5152 South Lawndale, Summit, Ill. 60501. Applicant's representative: James F. Flanagan, 111 West Washington Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt*, in bulk, in tank vehicles, from Summit, Ill., to points in Indiana, Wisconsin, Iowa, and Michigan. NOTE: If a hearing is deemed necessary, applicant requests it be held in Chicago, Ill.

No. MC 134587 (Sub-No. 1), filed May 10, 1970. Applicant: PATRICK J. SULLIVAN, 315 Garfield, Traverse City, Mich. 49684. Applicant's representative: William B. Elmer, 22644 Gratiot Avenue, East Detroit, Mich. 48021. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat scraps, tankage, tallow, and dried blood*, between Traverse City, Mich., on the one hand, and, on the other, points in Indiana and Illinois. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Lansing, Mich.

No. MC 134589, filed April 29, 1970. Applicant: FINGERHUT MANUFACTURING COMPANY, a corporation, 3104 West Lake Street, Minneapolis, Minn. 55416. Applicant's representative: William S. Rosen, 630 Osborn Building, St. Paul, Minn. 55102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except commodities in bulk, in tank vehicles, and dangerous explosives, limited to parcels whose dimensions do not exceed the maximum length, width and girth requirements prescribed in Chapter 135, U.S. Postal Regulations, from St. Cloud, St. Paul, and Minneapolis, Minn., to points in the United States. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis or St. Paul, Minn., or Washington, D.C.

No. MC 134593 (Sub-No. 1), filed May 12, 1970. Applicant: R. F. NOLL, doing business as NOLL TRANSFER COMPANY, 1010 West Muskingum Avenue, Zanesville, Ohio. Applicant's representatives: James R. Stiverson and Edwin H. van Deusen, 50 West Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ammonium nitrate fertilizer, nitro-carbo-nitrate, and blasting accessories*, from the plantsite of Kaiser Agricultural Chemical Co., at or near Cumberland, Ohio, to points in Indiana, Kentucky, Maryland, Michigan, New York, Ohio, Pennsylvania, Virginia, and West Virginia; under contract with Kaiser Agricultural Chemical Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, or Washington, D.C.

No. MC 134596, filed May 11, 1970. Applicant: ROBERT G. SILVER, doing

business as SILVER MOVING & STORAGE, 124 Water Street, Alpena, Mich. 49707. Applicant's representative: Robert D. Schuler, 1 Woodward Avenue, Suite 1700, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, restricted to the transportation of traffic having a prior or subsequent movement in containers, beyond the points authorized, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such traffic; between points in that part of Michigan on and north of Michigan Highway 55, and on and east U.S. Highway 27 and Interstate Highway 75. NOTE: If a hearing is deemed necessary, applicant requests it be held at Lansing or Detroit, Mich.

No. MC 134599, filed May 6, 1970. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, Post Office Box 249, Crete, Nebr. 68333. Applicant's representative: Frederick J. Coffman, 521 South 14th Street, Post Office Box 806, Crete, Nebr. 68333. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from Chicago, Ill., and points in commercial zone to points in Kansas, Colorado, Tennessee, and Kentucky, under continuing contract or contracts with National Industries, Inc., or its wholly owned subsidiaries. NOTE: If a hearing is deemed necessary, applicant requests it be held at Lincoln or Omaha, Nebr.

No. MC 134610, filed May 13, 1970. Applicant: JACK R. CLARK, doing business as CLARK TRUCKING SERVICE, Post Office Box 118, Niota, Tenn. 37826. Applicant's representative: Robert E. Tate, Post Office Box 517, Evergreen, Ala. 36401. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Newsprint, groundwood papers, printing paper, and woodpulp* (except in bulk), from the plantsite of Bowaters Southern Paper Corp., at Calhoun, Tenn., to points in Alabama on and north of U.S. Highway 80, those in that part of Georgia on and north of U.S. Highway 280 to junction U.S. Highway 80 and Interstate Highway 16 and thence on and north of U.S. Highway 80, those in South Carolina on and west of U.S. Highway 1, those in North Carolina on and west of U.S. Highway 1, points in Tennessee, and points in that Kentucky portion described as being on and west of U.S. Highway 25–25E to Georgetown, Ky., thence on and south of U.S. Highway 62 to Nortonville, Ky., and points east of U.S. Highway 41 thereof from Nortonville, Ky., to the Kentucky-Tennessee State line, and also to Madisonville, Ky.; and (2) *paper core tubes, materials, or supplies* used in the manufacture of newsprint, groundwood papers, printing paper, and woodpulp (except in bulk), from points in Alabama on and north of U.S. Highway 80, those in that part of Georgia on and north of U.S. Highway 280 to junction U.S. Highway 80 and Interstate Highway 16 and thence on and north of U.S. Highway 80, South Carolina on and west of U.S. Highway 1, North Carolina on and west of U.S. Highway 1, points in Tennessee, and points in that Kentucky portion described as being on and west of U.S. Highway 25–25E to Georgetown, Ky., thence on and south of U.S. Highway 62 to Nortonville, Ky., and points east of U.S. Highway 41 thereof from Nortonville, Ky., to the Kentucky-Tennessee State line, and also from Madisonville, Ky., to the plantsite of Bowaters Southern Paper Corp., at Calhoun, Tenn., under contract with Bowaters Southern Paper Corp., in connection with (1) and (2) above. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chattanooga, Tenn., or Birmingham, Ala.

No. MC 134612, filed May 14, 1970. Applicant: FAST MOTOR SERVICE, INC., 12855 Ponderosa Drive, Palos Heights, Ind. 60463. 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: *Containers* (except glass containers), *packaging materials, pulpboard products, and materials, equipment, and supplies* used in the manufacture, sale, and distribution of containers, packaging materials, and pulpboard products, between points in Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Tennessee, Virginia, West Virginia, Wisconsin, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

MOTOR CARRIERS OF PASSENGERS

No. MC 2890 (Sub-No. 42), filed May 6, 1970. Applicant: AMERICAN BUSLINES, INC., Post Office Box 730, Wichita, Kans. 67201. Applicant's representative: James E. Wilson, 1735 K Street NW., Washington, D.C. 20006. 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 Washington, D.C., and Pennsylvania Turnpike Exit 12; from Washington, D.C., over U.S. Highway 29 to Silver Spring, Md., thence over Maryland Highway 97 to junction Interstate Highway 495, thence over Interstate Highway 495 to junction Interstate Highway 70S, thence over Interstate Highway 70S to junction Interstate Highway 70, thence over Interstate Highway 70 to Pennsylvania Turnpike Exit 12 and return over the same route, serving the intermediate point of Silver Spring, Md. Restricted against the transportation of passengers whose entire ride is between Washington, D.C., and Silver Spring, Md. Service at Exit 12 is restricted to joinder and tacking or for the purpose of interchange of passengers with other carriers. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 134613, filed May 13, 1970. Applicant: RAYMOND O. SCHLEGEL, EDWIN D. SCHLEGEL, AND DAVID L. SCHLEGEL, a partnership, doing business as SCHLEGEL TRANSPORTATION COMPANY, Helwig Extension, Millersburg, Pa. 17061. 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: *Passengers and their baggage*, in charter operations, from Halifax and Millersburg, Pa., to points in Delaware, Maryland, New Jersey, New York, Virginia, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa.

APPLICATIONS FOR BROKERAGE LICENSE

No. MC 130115, filed April 29, 1970. Applicant: JOSEPH E. DEL GIORNO AND DANIEL BASHNER, a partnership, doing business as COUNSELED COLLEGE VISITS, 492 Miller Avenue, Freeport, N.Y. Applicant's representative: Harry Shereff, 292 Madison Avenue, New York, N.Y. 10017. For a license (BMC–5) to engage in operations as a *broker*, in Nassau and Suffolk Counties, N.Y., in arranging for transportation by motor vehicle, in interstate or foreign commerce, of *passengers and their baggage*, in the same vehicle, as individuals in special operations and in round-trip all-expense tours, beginning and ending at points in Nassau and Suffolk Counties, N.Y., and extending to points in the United States, including Alaska and Hawaii, and including ports of entry on the international boundary line between the United States and Canada and Mexico.

No. MC 130117, filed May 13, 1970. Applicant: NORMAN B. CRAM, Box 134, 6 North Main Street, Kanab, Utah 84741. Applicant's representative: Irene Warr, 419 Judge Building, Salt Lake City, Utah 84111. For a License (BMC–5) to engage in operations as a broker, in Kanab, Utah, and Las Vegas, Nev., in arranging for the transportation by motor vehicles, in interstate or foreign commerce of individual and groups of *passengers and their baggage*, in the same vehicle (no express to be transported), beginning and ending at points in Iron, Kane, Garfield, and Washington Counties, Utah; Mohave and Coconino Counties, Ariz.; and Clark County, Nev.; and extending to points in the United States including Alaska and Hawaii.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

PROPERTY

No. MC 134601, filed May 7, 1970. Applicant: GOOSE CREEK TRANSPORT, INC., Rural Delivery No. 1, Ashville, N.Y. 14710. Applicant's representatives: Kenneth T. Johnson and Ronald W. Malin, Bank of Jamestown Building, Jamestown, N.Y. 14710. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, dairy products, and articles distributed by meat packinghouses*, as described in appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 from Dennison,

Spencer, Storm Lake, Postville, and Fort Dodge, Iowa; Dakota City, Schuyler, and Fremont, Nebr.; Austin, Minn.; Chicago, Ill.; Cleveland, Ohio; and the town of Harmony (Chautauqua County), N.Y., to points in Chautauqua, Cattaraugus, and Allegany Counties, N.Y., and those in Crawford, Venango, Warren, McKean, and Erie Counties, Pa., under contract with Fairbank Farms, Inc.

PASSENGERS

No. MC 1515 (Sub-No. 150), filed April 16, 1970. Applicant: GREYHOUND LINES, INC., 10 South Riverside Plaza, Chicago, Ill. 60606. Applicant's representative: W. L. McCracken, 371 Market Street, San Francisco, Calif. 94105. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: (A) Over regular routes: *Passengers and their baggage, and express and newspapers in the same vehicle with passengers;* (1) between the international boundary line between the United States and Canada north of Noyes, Minn., and the Minnesota-North Dakota State line at East Grand Forks, Minn., from the international boundary line between the United States and Canada over U.S. Highway 75 to junction Minnesota Highway 1 at Warren, Minn., thence over Minnesota Highway 1 to junction Minnesota Highway 220 at Alvarado, Minn., and thence over U.S. Highway 220 to the Minnesota-North Dakota State line at East Grand Forks, and return over the same route, serving all intermediate points; and (2) between Grand Forks, N. Dak., and the North Dakota-Minnesota State line, from Grand Forks over U.S. Highway 2 (City Route) to the point where it intersects the North Dakota-Minnesota State line at or near East Grand Forks, and return over the same route, serving all intermediate points. (B) Over irregular routes: *Passengers and their baggage in the same vehicle with passengers,* (1) in round-trip charter operations, beginning and ending at points on that portion of the route described in (A)(1) between Warren and East Grand Forks, Minn., and extending to points in the United States, including Alaska but excluding Hawaii; and (2) beginning and ending at points on the route described in (A)(2) above, and extending to points in the United States, including Alaska, but excluding Hawaii.

No. MC 1515 (Sub-No. 151), filed April 21, 1970. Applicant: GREYHOUND LINES, INC., 10 South Riverside Plaza, Chicago, Ill. 60606. Applicant's representative: W. L. McCracken, 371 Market Street, San Francisco, Calif. 94105. The instant application is for revision of MC 1515 (Sub-No. 71) to read as follows: *Passengers and their baggage* in the same vehicle with passengers, in special operations, beginning and ending at Milwaukee, Wis., and extending to Aurora Downs Race Track, North Aurora, Ill.

By the Commission.

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

[F.R. Doc. 70-6846; Filed, June 3, 1970; 8:45 a.m.]

[Ex Parte No. 265]

INCREASED FREIGHT RATES, 1970

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 27th day of May A.D. 1970.

It appearing, that by order entered March 6, 1970, as amended, the Commission instituted an investigation into and concerning the adequacy of all freight rates and charges of all common carriers by railroad in the United States, said investigation to include certain proposals for increases in said rates and charges as set forth below, and the reasonableness and lawfulness of such increases.

It further appearing, that on March 9, 1970, substantially all of the Class 1 railroads, and many other railroads, filed schedules of increased freight rates and charges under authority of section 6 of the Interstate Commerce Act and the Commission's Special Permission Order No. 70-3700, of March 6, 1970, said tariff schedules to become effective on June 2, 1970; as follows:

Tariff of Increased Rates and Charges, X-265, issued jointly by Western Trunk Line Committee, agent, its ICC No. A-4777, and other designated agents:
Tariff X-265 and Supplement No. 1 thereto;

It further appearing, that on March 19, 1970, the eastern and western railroads, and on April 10, 1970, the southern railroads, respectively, filed connecting-link supplements to their various rate tariffs making applicable thereto, with specified exceptions, the increases in rates and charges set forth in Tariff X-265, to be effective (pursuant to particular authorizations) June 2, 1970, all subject to investigation and possible suspension by the Commission.

And it further appearing, that the Commission having considered the views of the parties in verified statements, protests, replies, briefs, and oral argument, therefore:

It is ordered, That the operation of the following schedules be, and is hereby, suspended, and that the use thereof in interstate and foreign commerce be deferred to and including January 1, 1971, unless otherwise ordered by this Commission:

Tariff of Increased Rates and Charges, X-265, issued jointly by Western Trunk Line Committee, agent, its ICC No. A-4777, and other designated agents:
Tariff X-265 and Supplement No. 1 thereto;

It is further ordered, That the carriers parties to this proceeding be, and they are hereby, authorized to establish upon not less than 10 days' notice to the Commission and the public by filing and posting in the manner prescribed in the Interstate Commerce Act an increase in their basic rates not to exceed 5 percent (except for the disposition of fractions) subject to maximums no higher than specified in the suspended tariff of increased rates and charges, X-265, or in connecting link supplements proposed to be made subject to said tariff, X-265, and in no event to produce a greater revenue in connection with any rate or charge on any particular commodity or service than proposed in X-265. Basic rates as used herein, shall mean rates as increased pursuant to authority granted by our order of November 17, 1969, in Ex Parte No. 262.

It is further ordered, That the rate increases herein authorized shall, pending completion of our investigation herein, be subject to the following limitations and holddowns:

(1) *Grain and grain products.* On grain, and grain products in the west, the rate increase shall not exceed 5 percent, subject to the following rule governing disposition of fractions:

Fractions less than 0.25 cent—drop;
Fractions 0.25 to 0.74 cent—convert to nearest one-half cent;
Fractions 0.75 cent and over—convert to next higher full cent.

(2) *Fresh fruits and vegetables.* On fresh fruits and vegetables, transcontinental rates for TOFC service which include mechanical protective service, the rate increase shall not exceed 4 percent.

(3) *Coal and coke.* On bituminous coal (except lignite), coke, coal briquets, and petroleum coke briquets, domestic and export, the rate increase shall not exceed 18 cents per net ton except that on such bituminous coal and coke moving by rail-water, including coal to Canada, the increase in the rail factor subject to our jurisdiction shall not exceed 9 cents per net ton to the port when transshipped as cargo beyond such port; and when moving by rail-water-rail routes (such as lake-cargo coal and coal moving rail-ocean to New England ports for movement beyond by rail or barge) the increase in the rail factors subject to our jurisdiction shall not exceed 9 cents per net ton from the mine origin to the first port and 9 cents per net ton from the second port to destination.

(4) *Lignite.* On lignite, the rate increase shall not exceed 9 cents per net ton.

(5) *Iron ore.* On iron ore, the rate increase shall not exceed 24 cents per ton, net or gross, as rated.

(6) *Pig iron, iron and steel scrap.* On pig iron and on iron and steel scrap, the rate increase shall not exceed 24 cents per ton, net or gross, as rated.

(7) *Furnace limestone.* On fluxing stone and furnace limestone, the rate increase shall not exceed 15 cents per ton, net or gross, as rated.

(8) *Sugar.* On sugar, the rate increase shall not exceed 4 cents per 100 pounds.

(9) *Fly ash.* On fly ash, basic rates may be increased no more than 3 percent.

It is further ordered, That the investigation heretofore instituted by our order of March 6, 1970, be, and it is hereby continued for the purpose of investigating the lawfulness of all the rates, charges, and regulations which were contained in the suspended schedules, as aforesaid, as well as the schedules herein authorized to be filed, with a view to making such findings and orders in the premises as the facts and circumstances shall warrant, all the said schedules to be subject to a refund provision the same as set forth in the aforesaid tariff of increased rates and charges, X-265;

And it is further ordered, That all outstanding orders of the Commission be, and they are hereby modified to permit the increases authorized herein to become effective.

FOURTH SECTION ORDER NO. 20299

It appearing, that carriers parties to the proceeding applied for relief from the provisions of section 4 of the act necessary to establish the rates and charges sought; that the increases in rates and charges authorized herein cannot be published and made effective without producing in some instances rates or charges that yield greater compensation in the aggregate for the transportation of like kind of property for a shorter than for a longer distance over the same line or route in the same direction, or greater compensation as a through rate or charge than the aggregate-of-intermediate rates or charges subject to the act, in contravention of section 4 thereof; that the increased cost of railroad operation necessitates the increases in rates and charges involved in this proceeding which cannot be made effective without Fourth Section relief; that application of the increased charges to or from more distant points will not result in the establishment of rates to or from more distant points that are not reasonably compensatory; that no protestant adequately opposed issuance of this Fourth Section order on the ground that it would be adversely affected by the Fourth Section departures that may be created by the increased rates; and that a special case has been presented in which the Commission may authorize relief from the provisions of section 4:

It is ordered, That carriers, subject to the Interstate Commerce Act and parties to said proceeding be, and they are hereby, authorized to maintain the increased rates and charges described herein without observing the provisions of section 4 of the act;

It is further ordered, That parties to said proceeding be, and they are hereby, authorized to maintain rates and charges permitted to become effective in this order without observing the long-and-short haul provision of section 4 of the act in cases arising out of the failure to apply the full increases in rates and charges over interstate routes between points in a single State in turn caused by the failure of the State authorities to authorize the full increases permitted in this proceeding;

And it is further ordered, That in those instances in which rates in contravention of section 4 are established under authority contained herein, the schedules containing such rates shall make reference to this order in the manner required by Rule 28 of Tariff Circular No. 20.

AMENDMENT TO SPECIAL PERMISSION NO. 70-3700 AUTHORIZING CERTAIN DEPARTURES FROM THE COMMISSION'S PUBLISHED TARIFF REGULATIONS

It is ordered, That Special Permission No. 70-3700 be, and it is hereby, amended to permit the establishment of the increases in freight rates and charges authorized by the Commission in this order, subject to the terms, conditions and limitations provided therein.

By the Commission.

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

[F.R. Doc. 70-6937; Filed, June 3, 1970; 8:51 a.m.]

[Notice 87]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MAY 28, 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 31389 (Sub-No. 128 TA), filed May 22, 1970. Applicant: McLEAN TRUCKING COMPANY, Post Office Box 213, Winston-Salem, N.C. 27102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, with the usual exceptions, serving the terminal of McLean Trucking Co. at West Chester, Pa., in connection with carrier's authorized regular routes to and from Philadelphia, Pa., for 180 days. NOTE: Applicant does intend to interchange traffic with other carriers authorized to serve West Chester through applicant's West Chester terminal. Supporting shipper: Aplicant supports its own aplication. Send protests to: Jack K. Huff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 316 East Morehead, Suite 417 (BSR Building), Charlotte, N.C. 28202.

No. MC 133761 (Sub-No. 7 TA), filed May 22, 1970. Applicant: GEORGE A. LA BAGH, 713 North Street, Middletown, N.Y. 10940. Applicant's representative: Arthur J. Piken, 160-16 Jamaica Avenue, Jamaica, N.Y. 11432. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, other than those designed to be drawn by passenger automobiles, *containers, truck trailers chassis, trailer chassis, and trailer parts*, under a continuing contract with Strick Corp., Fairless Hills, Pa.; between Middletown and the town of Wallkill, N.Y., and points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New Jersey, New York, Pennsylvania, Delaware, Maryland, Virginia, South Carolina, North Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Tennessee, Kentucky, West Virginia, Ohio, Indiana, Illinois, Michigan, Wisconsin, Minnesota, Texas, Kansas, Missouri, and the District of Columbia, for 180 days. Supporting shipper: Strick Corp., Fairless Hills, Pa. 19030. Send protests to: Charles F. Jacobs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 518 Federal Building, Albany, N.Y. 12207.

No. MC 134603 TA (Correction), filed May 14, 1970, published FEDERAL REGISTER, issue of May 23, 1970, and republished as corrected this issue. Applicant: T & S CONSOLIDATED, INC., 5118 Park Avenue, Memphis, Tenn. 38117. Applicant's representative: John Paul Jones, 189 Jefferson Avenue, Memphis, Tenn. 38103. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Materials, equipment, and supplies utilized in the manufacture, distribution, and sale of the following commodities*, restricted against the transportation of commodities in bulk, on return; and (2) *Doors; doors*, assembled in frames; *doors and casings and frames combined; screens, including screen doors, window screens, and roller screens; blinds; glass, window, door, skylight, blocks, bricks, and slabs; boards; bolts, door and window; bolts and nuts; casings, door and window; ceiling moldings, panels, and ornaments; putty; sash; sash balances, spring; sash mullions, pulleys and weights; weights, sash and window; windows; wooden screen doors, flat, with or wihout screens; wooden screen windows, flat; wooden door frames, knocked down; wooden sliding doors with glass; wooden doors, without glass, with or without screens; screen or aluminum inserts for wooden doors; wooden doors with glass; wooden exterior window blinds; wooden window frames with glass, with or without screens; metal hardware for windows; wooden parts for windows; removable window frames, made of glass and aluminum; removable wooden grill window grids and door grids; window glass; wooden louver inserts for doors and windows; advertising materials; wood moldings; washboards; and wood and steel baseboards for stoves*, from Memphis, Tenn., and Chicago Heights, Ill., to points in the continental United States east of the Mississippi River (except points in Maine), and to ports of entry on the international boundary line between the United States and Canada located in Michigan, New York, and Vermont, Kansas, Iowa, Nebraska, Minnesota, South Dakota, North Dakota, Missouri, Texas, Oklahoma, Wyoming, Colorado, and Arkansas, for 180 days. NOTE: Applicant states that all traffic sought in this application will be transported under a continuing contract with Wabash, Inc., Memphis, Tenn., and The American

Stoveboard Co., Chicago Heights, Ill. Outbound shipments for the latter company will be restricted to stoveboards. The latter company is a wholly owned subsidiary of the former. All traffic in this application will originate or terminate at the plantsite and warehouse facilities of Wabash, Inc., at Memphis, Tenn., and American Stoveboard Co., Chicago Heights, Ill. The purpose of this republication is to clarify the commodities proposed to be transported, and also to set forth the territory proposed to be served. Supporting shipper: Wabash, Inc., 1217 Florida Street, Memphis, Tenn. 38106 (J. Denton Brewer, Traffic Manager). Send protests to: Floyd A. Johnson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 390 Federal Office Building, 167 North Main Street, Memphis, Tenn. 38104.

No. MC 134626 TA, filed May 22, 1970. Applicant: F. W. MAC CO., Municipal Airport, Des Moines, Iowa 50321. Applicant's representative: Russell Wilson, 3839 Merle Hay Road, Des Moines, Iowa 50310. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities;* (1) between Des Moines Municipal Airport, Des Moines, Iowa, on the one hand, and Ames and Nevada, Iowa, on the other hand, having prior or subsequent movement by air; (2) between Cedar Rapids Municipal Airport, Cedar Rapids, Iowa, and Monticello, Iowa, having prior or subsequent movement by air; and (3) between Quad Cities Airport, Moline, Ill., on the one hand, and Clinton, Iowa; Muscatine, Iowa; Kewanee, and Galesburg, Ill.; on the other hand, having prior or subsequent movement by air, for 180 days. Supporting shippers: There are approximately 15 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: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 134631 TA, filed May 25, 1970. Applicant: SCHULTZ TRANSIT, INC., 323 East Bridge, Box 503, Winona, Minn. 55987. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Radio, phonograph, and stereo cabinets, record changer bases, and speaker boxes*, without mechanisms, from Winona and Red Wing, Minn., to Brooklyn, N.Y., for 150 days. Supporting shipper: Winona Industrial Sales Corp., Post Office Box 9, Winona, Minn. 55987. Send protests to: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building, and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn. 55401.

By the Commission.

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

[FR. Doc. 70-6932; Filed, June 3, 1970; 8:50 a.m.]

[Notice 89]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JUNE 1, 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 30144 (Sub-No. 3 TA), filed May 25, 1970. Applicant: GEORGE W. JEWETT & SON, INC., East Baldwin, Maine 04024. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, from Portland, Maine, to Portsmouth, N.H., and *empty containers*, from Portsmouth, N.H., to Portland, Maine, for 180 days. Supporting shipper: H. P. Hood & Sons, 349 Park Avenue, Portland, Maine 04104. Send protests to: Donald G. Weiler, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 307, 76 Pearl Street, Post Office Box 167, PSS, Portland, Maine 04112.

No. MC 61403 (Sub-No. 205 TA), filed May 26, 1970. Applicant: THE MASON AND DIXON TANK LINES, INC., Eastman Road, Kingsport, Tenn. 37662. Applicant's representative: Charles E. Cox (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry polyester pellets*, in bulk, in tank or hopper vehicles, from Forster, S.C., to Lowland, Tenn., for 180 days. Supporting shipper: American Enka Corp., Enka, N.C. 28728. Send protests to: Joe J. Tate, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 803—1808 West End Building, Nashville, Tenn. 37203.

No. MC 80430 (Sub-No. 138 TA), filed May 26, 1970. Applicant: GATEWAY TRANSPORTATION CO., INC., 2130-2150 South Avenue, La Crosse, Wis. 54601. Applicant's representative: Joseph E. Ludden (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Class B propellant powder*, from Badger Army Ammunition Plant, Baraboo, Wis., to Federal Cartridge Corp., Anoka, Minn., for 150 days. Supporting shipper: Department of the Army, MTMTS, Washington, D.C. 20315. Send protests to: Barney L. Hardin, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 444 West Main Street, Room 11, Madison, Wis. 53703.

No. MC 112822 (Sub-No. 158 TA), filed May 26, 1970. Applicant: BRAY LINES INCORPORATED, 1401 North Little Street, Post Office Box 1911, Cushing, Okla. 74023. Applicant's representative: Joe W. Ballard (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay pipe and accessories*, used in the installation of such pipe, from Seminole, Okla., to points in Texas, New Mexico, Colorado, Kansas, Missouri, and Arkansas, for 180 days. Supporting shipper: Evan Cherry, Controller, United Clay Pipe Co., Post Office Box 552, Seminole, Okla. 74868. 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 112822 (Sub-No. 159 TA), filed May 26, 1970. Applicant: BRAY LINES INCORPORATED, 1401 North Little Street, Post Office Box 1191, Cushing, Okla. 74023. Applicant's representative: Joe W. Ballard (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sugar, syrups, and blends thereof*, in liquid form, in tank vehicles, from Kansas City, Kans.-Mo., to points in Nebraska, Iowa, Oklahoma, and Arkansas, for 180 days. Supporting shipper: J. R. Copeland, Traffic Manager, Holly Sugar Corp., 100 Chase Stone Center, Colorado Springs, Colo. 80901. 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 117068 (Sub-No. 9 TA), filed May 26, 1970. Applicant: ALLEN I. KOENIG, doing business as MIDWEST HARVESTORE TRANSPORT COMPANY, 2118, 17th Avenue NW., Rochester, Minn. 55901. Applicant's representative: Paul F. Sullivan, Washington Building, 15th and New York Avenue NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Terminal tractors and parts therefor* when moving therewith and *hydraulic hammers*, from Denver, Colo., to points in the United States (except Alaska and Hawaii), for 180 days. Supporting shipper: Arrow Manufacturing Co., 194 West Dakota Avenue, Post Office Box 9305, Denver, Colo. 80209. Send protests to: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn. 55401.

No. MC 117940 (Sub-No. 21 TA), filed May 26, 1970. Applicant: NATIONWIDE CARRIERS, INC., Post Office Box 104, Maple Plain, Minn. 55359. Applicant's representative: M. James Levitus (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh and frozen meats and packinghouse products*, from the storage facilities of Robel Beef Packers, Inc., in South St. Paul, Minn., to points in Connecticut, Delaware, Illinois, Indiana, Iowa, Kansas, Maine, Maryland, Massachusetts, Michigan, Missouri, New Hampshire, New Jersey, New York, North Dakota, Ohio, Pennsylvania, Rhode Island, Vermont, Wisconsin, and District of Columbia, for 180 days. Supporting shipper: Robel Beef Packers, Inc., St. Cloud, Minn. 56301. Send protests to: A. M. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn. 55401.

No. MC 118978 (Sub-No. 2 TA), filed May 26, 1970. Applicant: MERCURY PRODUCE EXPRESS, LTD., a corporation, 2201 Rosser, Burnaby 2, British Columbia, Canada. Applicant's representative: George H. Hart, 1100 IBM Building, Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from ports of entry on the United States-Canada boundary line in Washington and Idaho to points in California, for 150 days. Supporting shippers: Whonnock Lumber Co., Ltd., Whonnock, British Columbia, Lakewood Lumber Co., Ltd., Post Office Box 2236, Vancouver 3, British Columbia, Winde Pacific; Forest Products Ltd., 18715 98 A Avenue, Surrey, British Columbia. Send protests to: E. J. Casey, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 6130 Arcade Building, Seattle, Wash. 98101.

No. MC 124078 (Sub-No. 437 TA), filed May 26, 1970. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 29 Street, Milwaukee, Wis. 53246. Applicant's representative: Richard H. Prevette (same address as above). Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Mineral filler*, in bulk, in tank vehicles, from Bloomington, Ind., to points in Illinois, Kentucky, and Ohio, for 150 days. Supporting shipper: Bloomington Crushed Stone Co., Inc., Post Office Box 849, Bloomington, Ind. (Jim Slinkard). Send protests to: Lyle D. Helfer, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 126118 (Sub-No. 10 TA), filed May 27, 1970. Applicant: GEORGE M. HILL, doing business as HILL TRUCKING COMPANY, Route No. 8, Johnson City, Tenn. 37601. Applicant's representative: Clifford E. Sanders, 325 East Center Street, Kingsport, Tenn. 37660. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Latrobe, Pa., to points in Tennessee and Kentucky, for 180 days. Supporting shipper: Latrobe Brewing Co., Latrobe, Pa. 15650. Send protests to: Joe J. Tate, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 803—1808 West End Building, Nashville, Tenn. 37203.

No. MC 128117 (Sub-No. 9 TA), filed May 25, 1970. Applicant: NORTON-RAMSEY MOTOR LINES, INC., Post Office Box 477, Old Fort, N.C. 28762. Applicant's representative: James N. Golding, Post Office Box 7316, Asheville, N.C. 28807. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, crated and uncrated, from points in Guilford, Randolph, Chatham, Forsyth, Alamance, Orange, and Moore Counties, N.C., to points in Texas, Oklahoma, Colorado, and New Mexico, for 180 days. Supporting shippers: There are approximately 13 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: Jack K. Huff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 316 East Morehead, Suite 417, Charlotte, N.C. 28202.

No. MC 128117 (Sub-No. 10 TA), filed May 25, 1970. Applicant: NORTON-RAMSEY MOTOR LINES, INC., Post Office Box 477, Old Fort, N.C. 28762. Applicant's representative: James N. Golding, Post Office Box 7316, Asheville, N.C. 28807. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, crated and uncrated, from points in Guilford, Randolph, Chatham, Forsyth, Alamance, Orange, and Moore Counties, N.C., to points in Arkansas and Louisiana, for 180 days. Supporting shippers: There are approximately 13 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 Jack K. Huff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 316 East Morehead, Suite 417 (BSR Building), Charlotte, N.C. 28202.

No. MC 129352 (Sub-No. 3 TA), filed May 19, 1970. Applicant: CREAGER TRUCKING CO., INC., 2201 Sixth Avenue South, Seattle, Wash. 98134. Applicant's representative: George R. LaBissoniere, 1424 Washington, Seattle, Wash. 98101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from Arlington, Wash., to points in California, for 180 days. Supporting shipper: Northwest Hardwoods, Inc., American Bank Building, Portland, Oreg. 97205. Send protests to: E. J. Casey, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 6130 Arcade Building, Seattle, Wash. 98101.

No. MC 134434 (Sub-No. 1 TA), filed May 26, 1970. Applicant: DELNER LIERMANN, doing business as K & L TRANSFER, Route 2, York, Nebr. 68467. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, in bags and bulk, from Webster City, Iowa, to points in Nebraska, for 180 days. Supporting shipper: Etter Brother's Co., Webster City, Iowa. Send protests to: District Supervisor Johnston, Interstate Commerce Commission, Bureau of Operations, 315 Post Office Building, Lincoln, Nebr. 68508.

By the Commission.

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

[F.R. Doc. 70-6933; Filed, June 3, 1970; 8:50 a.m.]

[Notice 544A]

MOTOR CARRIER TRANSFER PROCEEDINGS

JUNE 1, 1970.

Application filed for temporary authority under section 210(a)(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC-FC-72191. By application filed May 28, 1970, AWAWEGO DELIVERY, INC., Town Line and East Molloy Roads, Syracuse, N.Y., seeks temporary authority to lease the operating rights of ABBOTT AIR FREIGHT CO., INC., 435 Boston Post Road, Milford, Conn., under section 210a(b). The transfer of AWAWEGO DELIVERY, INC., of the operating rights of ABBOTT AIR FREIGHT CO., INC., is presently pending.

By the Commission.

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

[F.R. Doc. 70-6935; Filed, June 3, 1970; 8:51 a.m.]

[Sec. 5a. Application 70, Amdt. 7]

WESTERN MOTOR TARIFF BUREAU, INC.

Petition for Approval of Amendment to Agreement

MAY 8, 1970.

The Commission is in receipt of a petition in the above-entitled proceeding for approval of an amendment to the agreement therein approved.

Filed April 27, 1970, by M. J. Nicholaus, Attorney-in-Fact, Western Motor Tariff Bureau, Inc., Post Office Box 392, 5042 Cecelia Street, South Gate, Calif. 90280.

The amendment involves: A change in the Bylaws so as to permit the Board of Directors to hold their meetings at places other than in Los Angeles County, Calif.

The petition is docketed and may be inspected at the Office of the Commission, in Washington, D.C.

Any interested person desiring to protest and participate in this proceeding shall notify the Commission in writing within 20 days from the date of publication of this notice in the FEDERAL REGISTER. As provided by the general rules of practice of the Commission, persons other than applicants should

fully disclose their interests, and the position they intend to take with respect to the application. Otherwise, the Commission, in its discretion may proceed to investigate and determine the matters without public hearing.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 70-6936; Filed, June 3, 1970; 8:51 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[R 2637]

CALIFORNIA

Notice of Proposed Classification of Public Lands for Multiple-Use Management

MAY 28, 1970.

1. Pursuant to the Act of September 19, 1964 (78 Stat. 986; 43 U.S.C. 1411–18) and to the regulations in 43 CFR Parts 2410 and 2411, it is proposed to classify the public lands described below for multiple-use management.

2. Publication of this notice has the effect of segregating all public lands described below from appropriation only under the agricultural land laws (43 U.S.C. chs. 7 and 9; 25 U.S.C. sec. 334) and from sale under section 2455 of the Revised Statutes (43 U.S.C. 1171). The lands shall remain open to all other applicable forms of appropriation. As used in this order, the term "public lands" means any lands (1) withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended or (2) within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for a Federal use or purpose.

3. The following described lands located within Riverside, San Bernardino and San Diego Counties are proposed for classification for multi-use management.

SAN BERNARDINO MERIDIAN, CALIFORNIA

T. 1 N., R. 4 W.,
Sec. 6, lot 2.
T. 1 N., R. 5 W.,
Sec. 1, lot 1.
T. 1 N., R. 7 W.,
Sec. 13, W½NW¼NE¼SE¼, NE¼NE¼SE¼SE¼.
T. 1 S., R. 1 W.,
Sec. 32, lots 1, 2, 3, and 4, and N½SE¼;
Sec. 35, SW¼.
T. 3 S., R. 1 W.,
Sec. 24, lots 1, 2, 3, 4, 5, 6, 7, 8, and 9;
Sec. 28, W½SE¼;
Sec. 32, NE¼SE¼, S½SE¼.
T. 5 S., R. 1 W.,
Sec. 26, N½NE¼.
T. 6 S., R. 1 W.,
Sec. 10, SW¼NE¼, W½SE¼, and SE¼SE¼.
T. 7 S., R. 1 W.,
Sec. 8, NW¼NE¼, SW¼NW¼, and W½SW¼;
Sec. 12, lots 4, 5, and 6;
Sec. 32, lots 1, 2, 3, and 4, and SE¼SE¼;
Sec. 34, NW¼ and S½,
SE¼NE¼, and NW¼SW¼.

T. 8 S., R. 1 W.,
Sec. 4, lots 1, 2, 3, and 4, and N½N½;
Sec. 19, SE¼NW¼, E½SW¼, and SE¼;
Sec. 20, W½SW¼;
Sec. 24, SE¼SE¼.
T. 1 S., R. 2 W.,
Sec. 34, SW¼NW¼.
T. 2 S., R. 2 W.,
Sec. 34, NE¼NW¼, S½NW¼, SW¼, W½SE¼.
T. 3 S., R. 2 W.,
Sec. 2, SW¼NW¼, SW¼, W½SE¼, SE¼SE¼;
Sec. 4, lots 2, 3, and 4;
Sec. 10, lots 1, 2, and 8, and SW¼SE¼.
T. 4 S., R. 2 W.,
Sec. 22, W½NW¼, NW¼SW¼.
T. 6 S., R. 2 W.,
Sec. 4, lot 4, SW¼NE¼, and S½NW¼;
Sec. 14;
Sec. 24, NW¼NW¼, SW¼SW¼, and NW¼SE¼.
T. 8 S., R. 2 W.,
Sec. 23, lots 4 and 5, S½SW¼, and SE¼;
Sec. 24, S½S½ and NE¼SE¼;
Sec. 29, lot 2 and SW¼SW¼;
Sec. 31, lot 4, NE¼, SE¼NW¼, NE¼SW¼, SE¼SW¼, and [illegible]¼;
Sec. 32, NW¼, NE¼SW¼, and [illegible]½SE¼.
T. 6 S., R. 3 W.,
Sec. 30, lots 1 and 2 and S½SE¼;
Sec. 32, N½NE¼, SE¼NE¼, and N½NW¼.
T. 8 S., R. 3 W.,
Sec. 23, SE¼SE¼;
Sec. 24, lots 1, 2, and 3 and S½SW¼;
Sec. 25, W½NE¼, NW¼, and S½;
Sec. 26, E½NE¼, NE¼NW¼, and NE¼SE¼;
Sec. 33, NW¼NE¼, S½NE¼, S½NW¼, N½SW¼, and NE¼SE¼.
T. 4 S., R. 4 W.,
Sec. 14, SE¼SE¼;
Sec. 28, E½W½;
Sec. 32, NE¼NW¼, E½SW¼, SE¼ (except patented mineral surveys 6164, 3315, 5970 A and B, and 6523).
T. 5 S., R. 4 W.,
Sec. 4, lots 2, 3, and 4, SW¼NE¼, SE¼NW¼, NE¼SW¼, and S½SW¼;
Sec. 9, NE¼, N½NW¼, E½SW¼NW¼, SE¼NW¼, E½W½SW¼, and E½SW¼;
Sec. 20, NW¼;
Sec. 28, S½NE¼SE¼SE¼ and W½SE¼SE¼;
Sec. 33, NE¼NE¼NE¼, N½NW¼NE¼NE¼, S½NE¼NE¼, and SE¼NE¼.
T. 8 S., R. 4 W.,
Sec. 26, SW¼SW¼;
Sec. 27, S½N½, N½SW¼, and SE¼;
Sec. 31, lot 4, SE¼SW¼, and SW¼SE¼;
Sec. 34, NE¼NE¼.
T. 5 S., R. 5 W.,
Sec. 8, N½;
Sec. 10, E½.
T. 8 S., R. 5 W.,
Sec. 25, E½NW¼;
Sec. 36.
T. 2 S., R. 6 W.,
Sec. 2, lots 1, 5, 7, 8, 9, 10, and NE¼SW¼.
T. 4 S., R. 1 E.,
Sec. 33, S½;
Sec. 34, W½NE¼, W½, W½SE¼, and SE¼SE¼.
T. 5 S., R. 1 E.,
Sec. 14, SE¼SE¼;
Sec. 22, NE¼, N½SW¼, and N½SE¼;
Sec. 23;
Sec. 26, N½N½, SE¼NE¼, NE¼SW¼, and SE¼;
Sec. 27, NE¼NW¼, NE¼NW¼NW¼, W½NE¼SW¼, SE¼NE¼SW¼, W½SW¼, and SE¼SW¼;
Sec. 28, NW¼SE¼;
Sec. 34, NE¼NE¼NE¼, S½NE¼NE¼, NW¼NW¼NE¼, S½NW¼NE¼, SW¼NE¼, SE¼NE¼, NW¼NW¼, and SE¼;
Sec. 35, NE¼NE¼, E½NW¼NE¼, NE¼SE¼NE¼, S½NE¼, SE¼NW¼, E½SW¼, and SE¼;
Sec. 36, lots 5, 6, and 7.
T. 6 S., R. 1 E.,
Sec. 4, lots 1, 2, 3, and 4, and N½N½;
Sec. 19, SE¼NW¼, E½SW¼, and SE¼;
Sec. 20, W½SW¼;
Sec. 24, SE¼SE¼.
T. 1 S., R. 2 W.,
Sec. 34, SW¼NW¼.
T. 2 S., R. 2 W.,
Sec. 34, NE¼NW¼, S½NW¼, SW¼, W½SE¼.
T. 3 S., R. 2 W.,
Sec. 2, SW¼NW¼, SW¼, W½SE¼, SE¼SE¼;
Sec. 4, lots 2, 3, and 4;
Sec. 10, lots 1, 2, and 8, and SW¼SE¼.
T. 4 S., R. 2 W.,
Sec. 22, W½NW¼, NW¼SW¼.
T. 6 S., R. 2 W.,
Sec. 4, lot 4, SW¼NE¼, and S½NW¼;
Sec. 14;
Sec. 24, NW¼NW¼, SW¼SW¼, and NW¼SE¼.
T. 8 S., R. 2 W.,
Sec. 23, lots 4 and 5, S½SW¼, and SE¼;
Sec. 24, S½S½ and NE¼SE¼;
Sec. 29, lot 2 and SW¼SW¼;
Sec. 31, lot 4, NE¼, SE¼NW¼, NE¼SW¼, SE¼SW¼, and [illegible]¼;
Sec. 32, NW¼, NE¼SW¼, and [illegible]½SE¼.
T. 6 S., R. 3 W.,
Sec. 30, lots 1 and 2 and S½SE¼;
Sec. 32, N½NE¼, SE¼NE¼, and N½NW¼.
T. 8 S., R. 3 W.,
Sec. 23, SE¼SE¼;
Sec. 24, lots 1, 2, and 3 and S½SW¼;
Sec. 25, W½NE¼, NW¼, and S½;
Sec. 26, E½NE¼, NE¼NW¼, and NE¼SE¼;
Sec. 33, NW¼NE¼, S½NE¼, S½NW¼, N½SW¼, and NE¼SE¼.
T. 4 S., R. 4 W.,
Sec. 14, SE¼SE¼;
Sec. 28, E½W½;
Sec. 32, NE¼NW¼, E½SW¼, SE¼ (except patented mineral surveys 6164, 3315, 5970 A and B, and 6523).
T. 5 S., R. 4 W.,
Sec. 4, lots 2, 3, and 4, SW¼NE¼, SE¼NW¼, NE¼SW¼, and S½SW¼;
Sec. 9, NE¼, N½NW¼, E½SW¼NW¼, SE¼NW¼, E½W½SW¼, and E½SW¼;
Sec. 20, NW¼;
Sec. 28, S½NE¼SE¼SE¼ and W½SE¼SE¼;
Sec. 33, NE¼NE¼NE¼, N½NW¼NE¼NE¼, S½NE¼NE¼, and SE¼NE¼.
T. 8 S., R. 4 W.,
Sec. 26, SW¼SW¼;
Sec. 27, S½N½, N½SW¼, and SE¼;
Sec. 31, lot 4, SE¼SW¼, and SW¼SE¼;
Sec. 34, NE¼NE¼.
T. 5 S., R. 5 W.,
Sec. 8, N½;
Sec. 10, E½.
T. 8 S., R. 5 W.,
Sec. 25, E½NW¼;
Sec. 36.
T. 2 S., R. 6 W.,
Sec. 2, lots 1, 5, 7, 8, 9, 10, and NE¼SW¼.
T. 4 S., R. 1 E.,
Sec. 33, S½;
Sec. 34, W½NE¼, W½, W½SE¼, and SE¼SE¼.
T. 5 S., R. 1 E.,
Sec. 14, SE¼SE¼;
Sec. 22, NE¼, N½SW¼, and N½SE¼;
Sec. 23;
Sec. 26, N½N½, SE¼NE¼, NE¼SW¼, and SE¼;
Sec. 27, NE¼NW¼, NE¼NW¼NW¼, W½NE¼SW¼, SE¼NE¼SW¼, W½SW¼, and SE¼SW¼;
Sec. 28, NW¼SE¼;
Sec. 34, NE¼NE¼NE¼, S½NE¼NE¼, NW¼NW¼NE¼, S½NW¼NE¼, SW¼NE¼, SE¼NE¼, NW¼NW¼, and SE¼;
Sec. 35, NE¼NE¼, E½NW¼NE¼, NE¼SE¼NE¼, S½NE¼, SE¼NW¼, E½SW¼, and SE¼;
Sec. 36, lots 5, 6, and 7.
T. 6 S., R. 1 E.,
Sec. 4, lots 1, 2, 3, and 4, and N½N½;
Sec. 19, SE¼NW¼, E½SW¼, and SE¼;
Sec. 20, W½SW¼;
Sec. 24, SE¼SE¼.
T. 1 S., R. 2 W.,
Sec. 34, SW¼NW¼.
T. 2 S., R. 2 W.,
Sec. 34, NE¼NW¼, S½NW¼, SW¼, W½SE¼.
T. 3 S., R. 2 W.,
Sec. 2, SW¼NW¼, SW¼, W½SE¼, SE¼SE¼;
Sec. 4, lots 2, 3, and 4;
Sec. 10, lots 1, 2, and 8, and SW¼SE¼.
T. 4 S., R. 2 W.,
Sec. 22, W½NW¼, NW¼SW¼.
T. 6 S., R. 2 W.,
Sec. 4, lot 4, SW¼NE¼, and S½NW¼;
Sec. 14;
Sec. 24, NW¼NW¼, SW¼SW¼, and NW¼SE¼.
T. 8 S., R. 2 W.,
Sec. 23, lots 4 and 5, S½SW¼, and SE¼;
Sec. 24, S½S½ and NE¼SE¼;
Sec. 29, lot 2 and SW¼SW¼;
Sec. 31, lot 4, NE¼, SE¼NW¼, NE¼SW¼, SE¼SW¼, and [illegible]¼;
Sec. 32, NW¼, NE¼SW¼, and [illegible]½SE¼.
T. 6 S., R. 3 W.,
Sec. 30, lots 1 and 2 and S½SE¼;
Sec. 32, N½NE¼, SE¼NE¼, and N½NW¼.
T. 8 S., R. 3 W.,
Sec. 23, SE¼SE¼;
Sec. 24, lots 1, 2, and 3 and S½SW¼;
Sec. 25, W½NE¼, NW¼, and S½;
Sec. 26, E½NE¼, NE¼NW¼, and NE¼SE¼;
Sec. 33, NW¼NE¼, S½NE¼, S½NW¼, N½SW¼, and NE¼SE¼.
T. 4 S., R. 4 W.,
Sec. 14, SE¼SE¼;
Sec. 28, E½W½;
Sec. 32, NE¼NW¼, E½SW¼, SE¼ (except patented mineral surveys 6164, 3315, 5970 A and B, and 6523).
T. 5 S., R. 4 W.,
Sec. 4, lots 2, 3, and 4, SW¼NE¼, SE¼NW¼, NE¼SW¼, and S½SW¼;
Sec. 9, NE¼, N½NW¼, E½SW¼NW¼, SE¼NW¼, E½W½SW¼, and E½SW¼;
Sec. 20, NW¼;
Sec. 28, S½NE¼SE¼SE¼ and W½SE¼SE¼;
Sec. 33, NE¼NE¼NE¼, N½NW¼NE¼NE¼, S½NE¼NE¼, and SE¼NE¼.
T. 8 S., R. 4 W.,
Sec. 26, SW¼SW¼;
Sec. 27, S½N½, N½SW¼, and SE¼;
Sec. 31, lot 4, SE¼SW¼, and SW¼SE¼;
Sec. 34, NE¼NE¼.
T. 5 S., R. 5 W.,
Sec. 8, N½;
Sec. 10, E½.
T. 8 S., R. 5 W.,
Sec. 25, E½NW¼;
Sec. 36.
T. 2 S., R. 6 W.,
Sec. 2, lots 1, 5, 7, 8, 9, 10, and NE¼SW¼.
T. 4 S., R. 1 E.,
Sec. 33, S½;
Sec. 34, W½NE¼, W½, W½SE¼, and SE¼SE¼.
T. 5 S., R. 1 E.,
Sec. 14, SE¼SE¼;
Sec. 22, NE¼, N½SW¼, and N½SE¼;
Sec. 23;
Sec. 26, N½N½, SE¼NE¼, NE¼SW¼, and SE¼;
Sec. 27, NE¼NW¼, NE¼NW¼NW¼, W½NE¼SW¼, SE¼NE¼SW¼, W½SW¼, and SE¼SW¼;
Sec. 28, NW¼SE¼;
Sec. 34, NE¼NE¼NE¼, S½NE¼NE¼, NW¼NW¼NE¼, S½NW¼NE¼, SW¼NE¼, SE¼NE¼, NW¼NW¼, and SE¼;
Sec. 35, NE¼NE¼, E½NW¼NE¼, NE¼SE¼NE¼, S½NE¼, SE¼NW¼, E½SW¼, and SE¼;
Sec. 36, lots 5, 6, and 7.
T. 7 S., R. 1 E.,
Sec. 12, W½;
Sec. 30, lots 3 and 4, and E½SW¼.
T. 8 S., R. 1 E.,
Sec. 4, lots 1, 2, 3, and 4, S½NE¼, and SW¼;
Sec. 5, lots 3 and 4;
Sec. 10, lots 3 and 4;
Sec. 13, W½SW¼, SE¼SW¼, SW¼SE¼;
Sec. 15, lots 1, 2, 3, 4, 5, 7, 8, and 12;
Sec. 16, E½;
Sec. 17, SE¼SE¼;
Sec. 20, NE¼, E½NW¼, NW¼SE¼;
Sec. 21, NE¼, NW¼, N½SW¼, SE¼;
Sec. 22, lots 9, 10, 11, 12, 13, 14, 15, and 16;
Sec. 23, SE¼SE¼;
Sec. 24, SE¼NE¼, lots 5, 6, 7, and 8;
Sec. 25, N½ and N½S½;
Sec. 26, lots 1, 2, 4, and 5;
Sec. 27, NW¼NE¼, N½NW¼, NE¼SW¼, and NW¼SE¼;
Sec. 30, SW¼NE¼;
Sec. 33, SW¼NW¼ and SW¼SE¼;
Sec. 35, lot 12.
T. 7 S., R. 2 E.,
Sec. 12.
T. 8 S., R. 2 E.,
Sec. 7, SE¼NE¼;
Sec. 8, NE¼SW¼, SW¼SE¼;
Sec. 11, lots 5, 6, 7, 8, 11, and 12;
Sec. 12, lots 17, 18, and 19;
Sec. 14, NW¼NW¼;
Sec. 18, SW¼[illegible]W¼;
Sec. 19, lots 1, 2, and 4, SE¼SW¼, NE¼SE¼, S½SE¼;
Sec. 20, NW¼SW¼, S½S½;
Sec. 21, S½SW¼ and SW¼SE¼;
Sec. 22, SE¼SE¼;
Sec. 23, S½S½;
Sec. 24, S½SW¼, NE¼SE¼, S½SE¼;
Sec. 25;
Sec. 26, E½NE¼ and S½SW¼;
Sec. 27, N½ and SW¼;
Sec. 28, N½NW¼ and S½;
Sec. 29, N½, S½SW¼, and SW¼SE¼;
Sec. 30, lots 1, 2, and 3, NE¼, E½NW¼, NE¼SW¼, and SE¼SE¼;
Sec. 31, NE¼NE¼;
Sec. 32, NE¼, N½NW¼, SE¼NW¼, N½SW¼, and SE¼;
Sec. 33, NW¼ and S½;
Sec. 34, NE¼NE¼ and S½;
Sec. 35, W½NE¼, NW¼, and S½;
Sec. 36, NE¼, N½NW¼, SE¼NW¼, and S½.
T. 7 S., R. 3 E.,
Sec. 4, lots 4, 5, 6, 7, 8, 11, and 12, W½NE¼NW¼, and SW¼SE¼;
Sec. 5, NW¼NE¼;
Sec. 6, lots 5, 6, 7, and 8, and NE¼NW¼;
Sec. 13, S½NE¼SW¼, S½SW¼, N½NE¼SE¼, and S½SW¼SE¼;
Sec. 18, SW¼SE¼, W½W½SE¼SE¼, and E½E½SE¼SE¼;
Sec. 36, N½NE¼.
T. 8 S., R. 3 E.,
Sec. 7, lots 8, 9, 10, 11, 14, and 15;
Sec. 8, lots 7, 8, and 12;
Sec. 9, lot 14;
Sec. 16, E½NE¼, E½NW¼, and S½;
Sec. 18, NE¼, lot 4, E½SE¼;
Sec. 19, lots 3 and 4, and E½SW¼;
Sec. 20, E½NE¼, NW¼, NW¼SW¼, S½SW¼, NE¼SE¼, and S½SE¼;
Sec. 22, W½NE¼, NW¼, and S½;
Sec. 24, NE¼, W½NW¼, and S½;
Secs. 26, 28, 29, and 30;
Sec. 31, lots 1, 2, 3, and 4, NE¼, E½NW¼, E½SW¼, and E½SE¼;
Secs. 32, 33, 34, and 36.
T. 8½ S., R. 3 E.,
Sec. 31, lots 3, 4, 5, 6, and 7;
Sec. 32, lots 1, 2, 3, 4, 5, 6, 7, and 8;
Sec. 33, lots 1, 2, 3, 4, 5, 6, 7, and 8;
Sec. 34, lots 1, 2, 3, 4, 5, 6, 7, and 8;
Sec. 35, lots 1, 2, 3, 4, 5, 6, 7, and 8.

T. 7 S., R. 4 E.,
Secs. 28, 32, 34, and 36.
T. 8 S., R. 4 E.,
Secs. 2 and 4;
Sec. 6, lots 3, 4, and 5, SW¼SW¼;
Secs. 10, 12, and 14;
Sec. 16, NE¼NE¼, S½N½, and S½;
Sec. 18;
Sec. 20, N½, N½SW¼, SW¼SW¼, NE¼SE¼, and S½SE¼;
Secs. 22, 24, 26, 28, 30, 32, 34, and 36.

The lands described above aggregate approximately 50,692 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 Manager, Riverside District and Land Office, 1414 University Avenue, Post Office Box 723, Riverside, Calif. 92502.

5. A public hearing on the proposed classification will be held at 1 p.m. on Wednesday, July 16, 1970, in The Board of Supervisors Chambers, Riverside County Courthouse, Riverside, Calif.

For the State Director.

JACK F. WILSON,
Manager, Riverside District and Land Office.

[F.R. Doc. 70-6915; Filed, June 3, 1970; 8:49 a.m.]

[ES 7220]

FLORIDA

Notice of Filing of Plat of Survey

1. The plat of survey of the lands described below will be officially filed in the Eastern States Land Office, Silver Spring, Md., effective at 10 a.m. on July 20, 1970:

TALLAHASSEE MERIDIAN

T. 9 S., R. 11 W.,
Sec. 7, lot 9;
Sec. 17, lots 2 and 3;
Sec. 18, lot 8.

The areas described aggregate 45.33 acres.

2. This plat represents the survey of Pig Island in St. Joseph Bay, which island was not included in the original survey of T. 9 S., R. 11 W., represented upon the plat approved April 1834.

3. This island is similar in every respect to the land included in the original surveyed area. The soil is sandy loam and shell. The timber is chiefly pine and small live oak, with palmetto undergrowth. Many large pine stumps are located on the island from a fire many years ago. The age of these stumps indicates that the island was in place in 1845, when Florida was admitted into the Union, and at the time of the original survey. A fence is located on the island but no other improvements exist. The island is over 50 percent upland in character within the meaning of the Swampland Grant Act of September 28, 1850 (9 Stat. 519).

4. Except for valid existing rights, these lands will not be open to any applications for use or disposition under the public land laws, including the mining and mineral leasing laws, until they have been classified and a further order is issued.

5. All inquiries relating to these lands should be sent to the Manager, Eastern States Land Office, Bureau of Land Management, 7981 Eastern Avenue, Silver Spring, Md. 20910.

DORIS A. KOIVULA,
Manager.

MAY 26, 1970.

[F.R. Doc. 70-6879; Filed, June 3, 1970; 8:46 a.m.]

[I-3508, I-3528, I-3529, I-3536]

IDAHO

Notice of Offer of Lands

MAY 28, 1970.

1. Pursuant to the provisions of the Act of May 31, 1962 (76 Stat. 89), the following lands, found upon survey to be omitted lands of the United States, will be offered for sale:

BOISE MERIDIAN, IDAHO

T. 4 N., R. 39 E.,
Sec. 2, lots 10 and 11;
Sec. 12, lot 2 (portion described as follows):
Beginning at the ¼ section corner of secs. 7 and 12, on the east boundary of the township, identical with the original meander corner of secs. 7 and 12 for the left bank of the river; thence northwest along original meander line to adjusted position of angle point No. 1; thence northeast along original meander line to intersection with the centerline of the dike; thence southeast along centerline of dike to intersection with east boundary of the township (also east boundary of sec. 12); thence south along township line to point of beginning, containing approximately 4 acres.

These areas aggregate approximately 44.62 acres.

T. 4 N., R. 40 E.,
Sec. 7, lot 13 (portion lying southwest of dike centerline), lot 16, lot 18 (portion lying southwest of dike centerline), lot 19 (portion lying southwest of dike centerline);
Sec. 8, lot 3, lot 4, sec. 17, lot 6: Portions of these three lots, desicribed as follows:
Beginning at the ¼ section corner of secs. 8 and 17, identical with the original meander corner for the right bank of the Snake River; thence south along original meander line to right bank of secondary channel of river; thence southwesterly along right bank for approximately 4 chains (fenced field corners on riverbank); thence westerly along fence line of field to southwest corner of field; thence continuing westerly into timber for approximately 5 chains to east bank of prominent slough run; thence northwesterly along east bank of slough to intersection with original meander (angle point 3) line which forms the north boundary of lot 4, sec 8; thence easterly and southeasterly along original meander line to point of beginning (enclosing portions of lots 3 and 4, sec. 8, and portion of lot 6, sec. 17).

Containing approximately 35.30 acres.

Sec. 16, lot 11;
Sec. 23, lot 10 (portion lying southwest of centerline of dike);
Sec. 25, lot 9 (portion lying southwest of centerline of dike), lot 10 (portion lying southwest of centerline of dike) lot 15;
Sec. 26, lot 15 (portion lying southwest of centerline of dike), lot 16 (portion lying southwest of centerline of dike), lot 17 (portion lying southwest of centerline of dike), lot 18 (portion lying southwest of centerline of dike);
Sec. 36, lot 5 (portion lying north of existing fence line).

These areas aggregate approximately 125.45 acres.

T. 3 N., R. 41 E.,
Sec. 5, lot 11 (portion, described as follows): Beginning at a point which lies S. 54° E., 27.2 chains more or less from the section corner common to secs. 31 and 32 (T. 4 N., R. 41 E.) and secs. 5 and 6 (T. 3 N., R. 41 E.); thence N. 80°33' E., 3.11 chains; thence S. 4°17' W., 12.01 chains; thence S. 23°56' W., 4.97 chains; thence N. 73°56' W., 1.58 chains; thence N. 4°24' W., 7.88 chains; thence N. 21°11' E., 3.71 chains; thence N. 8°35' E., 4.30 chains to the point of beginning, containing 5.52 acres, more or less;
Sec. 8, lot 11 (portion lying west of a north-south line connecting the intersection of the original meander line and the canal on the south and the new meander line at the river's edge on the north), containing 5 acres, more or less.

These areas aggregate approximately 10.52 acres.

T. 4 N., R. 41 E.,
Sec. 30, lot 12;
Sec. 31, lot 9 (portion lying north of existing fence line, lot 12.

These areas aggregate approximately 27.61 acres.

2. Plats of survey were filed (see 33 F.R. 14180 and 34 F.R. 1735) in the Land Office, Boise, Idaho, at 10 a.m. on October 21, 1968, and March 14, 1969.

3. Persons claiming a preference right in accordance with the provisions of the Act, must file with the Manager, Land Office, Room 334, Federal Building, 550 West Fort Street, Boise, Idaho 83702, before July 27, 1970, a notice of their intention to apply to purchase all or part of the lands as qualified preference right claimants.

4. The Act grants a preference right to purchase the above lands to any citizens of the United States (including corporations, partnership, firm, or other legal entity having authority to hold title to lands in the State of Idaho) who, in good faith, under color of title or claiming as a riparian owner has, prior to March 30, 1961, placed valuable improvements upon, reduced to cultivation, or occupied any of the lands so offered for sale, or whose ancestors or predecessors in interest have taken such action.

5. The lands are determined to be suitable for sale and will be sold at their fair market value subject to:

(a) Qualified preference right claims.

(b) A reservation to the United States of all the coal, oil, gas, shale, phosphate, potash, sodium, native asphalt, solid and semisolid bitumen and bitumen rock, including oil-impregnated rock or sands from which oil is recoverable only by special treatment after the deposit is mined or quarried.

(c) The following reservations:

(1) A right-of-way easement for flood control dike across lots 10 and 11, sec. 2;

lot 2, sec. 12, T. 4 N., R. 39 E.; lots 13, 19, sec. 7; lot 10, sec. 23; lots 9 and 10, sec. 25; lots 15, 16, 17, 18, sec. 26, T. 4 N., R. 40 E.

(2) A right of access for the public, 100 feet along the river banks on lot 12, sec. 31, T. 4 N., R. 41 E.; lot 6, sec. 7; lot 11, sec. 16, T. 4 N., R. 40 E.; lot 11, sec. 8, T. 3 N., R. 41 E.

(3) A right of access for the public, 30 feet on each side of the section along the west sides of lot 10, sec. 23 and lot 16, sec. 26, T. 4 N., R. 40 E.; and along the east side of the offered portion of lot 2, sec. 12, T. 4 N., R. 39 E.

ORVAL G. HADLEY,
Manager, Land Office.

[F.R. Doc. 70-6880; Filed, June 3, 1970; 8:46 a.m.]

[Montana 14020]

MONTANA

Opening of Land

MAY 27, 1970.

By virtue of the authority contained in section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075, 16 U.S.C. 818), as amended, and pursuant to Bureau Order No. 701 of July 23, 1964, as amended October 3, 1968 (33 F.R. 15078), it is ordered as follows:

1. In DA-190-Montana, the Federal Power Commission determined that the value of the lands described below, withdrawn pursuant to the filing of applications for preliminary permits for Projects Nos. 2058 and 2075, will not be injured or destroyed for purposes of power development by location, entry or selection under the public land laws, subject to the provisions of section 24 of the Federal Power Act and to the prior rights of the licensee or its assigns to use for project purposes:

PRINCIPAL MERIDIAN, MONTANA

KANIKSU NATIONAL FOREST

T. 25 N., R. 32 W.,
Sec. 10, NE¼SE¼, N½NW¼SE¼SE¼, E½E½SE¼SE¼, and NW¼NE¼SE¼SE¼;
Sec. 14, Tract B;
Sec. 27, SE¼SE¼, Ex. Survey No. 1263 Tr. "C";
Sec. 35, SW¼SE¼, Ex. Survey No. 1263 Tr. "B".
T. 26 N., R. 32 W.,
Sec. 18, Pt. SW¼;
Sec. 29, lots 1, 4, 5, and 8;
Sec. 32, lot 1;
Sec. 33, lot 1, SW¼NW¼NW¼, W½NW¼NW¼NW¼, SE¼NW¼NW¼NW¼, S½SE¼NE¼NW¼, SE¼NW¼, SW¼NW¼SW¼NE¼, NW¼SW¼SW¼NE¼, S½SW¼SW¼NE¼, W½NW¼SE¼, and SE¼NW¼SE¼;
Sec. 34, SW¼SW¼.
T. 26 N., R. 33 W.,
Sec. 13, E½SW¼NE¼.

The area described contains approximately 389.72 acres in Sanders County.

2. At 10 a.m. on July 8, 1970, the lands shall be open to such forms of disposition as may be made of national forest lands.

3. The lands described above have been and continue to be open to applications and offers under the mineral leasing laws, and to location under the U.S. mining laws. Any disposals of the lands, including appropriations under the mining laws, shall be subject to the provisions of section 24 of the Federal Power Act, supra, and to the prior rights of the licensee for Projects Nos. 2058 and 2075.

The State of Montana has waived the preference right of application for highway rights of way or material sites afforded it by section 24 of said act.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Billings, Mont. 59101.

ROLAND F. LEE,
Acting Land Office Manager.

[F.R. Doc. 70-6881; Filed, June 3, 1970; 8:46 a.m.]

[Serial No. N-4530]

NEVADA

Order Opening Lands To Petition Application; Correction

MAY 26, 1970.

In F.R. Doc. 70-4312, appearing on page 5832 of the issue of April 9, 1970, the following change should be made:

In paragraph 3, lines 10 and 11, "9.2 chains" is amended to read "10.2 chains".

A. JOHN HILLSAMER,
Acting Land Office Manager.

[F.R. Doc. 70-6916; Filed, June 3, 1970; 8:49 a.m.]

[N-4592]

NEVADA

Notice of Proposed Withdrawal and Reservation of Lands

MAY 27, 1970.

The Forest Service, U.S. Department of Agriculture, has filed the above application for the withdrawal of the lands described below, from all forms of appropriation from prospecting, entry and purchase under the mining laws, subject to valid existing rights.

The applicant desires the exclusion of mining activity on the lands, which are within the Toiyabe National Forest, to permit development of campgrounds, a geological area and a petroglyph cave.

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, Room 3008 Federal Building, 300 Booth Street, Reno, Nev. 89502.

The Department's regulations (43 CFR 2311.1-3(c)), provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the applicant will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

MOUNT DIABLO MERIDIAN, NEVADA

M'CANN CANYON GEOLOGICAL AREA

T. 7 N., R. 47 E., unsurveyed,
Sec. 6, N½NW¼, SE¼NW¼.
T. 8 N., R. 47 E.,
Sec. 29, SW¼;
Sec. 30, SW¼NE¼, S½NW¼, S½;
Sec. 31, all;
Sec. 32, NW¼NW¼.

Containing approximately 1,387 acres.

BROAD CANYON CAMPGROUND

T. 10 N., R. 42 E., unsurveyed,
Sec. 1, NW¼NW¼;
Sec. 2, NE¼NE¼.
T. 11 N., R. 42 E., partially unsurveyed,
Sec. 35, SE¼SE¼;
Sec. 36, SE¼NE¼, S½SW¼, N½SE¼, SW¼SE¼.

Containing approximately 320 acres.

DESERT CREEK CAMPGROUND

T. 9 N., R. 24 E.,
Sec. 19, E½SW¼, S½NW¼SE¼;
Sec. 30, S½NW¼NE¼, SW¼NE¼, E½W½SE¼, W½E½SE¼.

Containing 240 acres.

MAHOGANY CAMPGROUND

T. 16 N., R. 43 E., partially unsurveyed,
Sec. 8, SE¼SE¼;
Sec. 9, S½SW¼, SW¼SE¼;
Sec. 16, NW¼NE¼, N½NW¼.

Containing approximately 280 acres.

GOLD KNOB CAMPGROUND

T. 15 N., R. 43 E., unsurveyed,
Sec. 1, N½NW¼.
T. 16 N., R. 43 E.,
Sec. 35, SE¼SE¼SE¼;
Sec. 36, S½S½SW¼.

Containing approximately 130 acres.

TOQUIMA PETROGLYPH CAVE

T. 16 N., R. 46 E.,
Sec. 33, SW¼NE¼.

Containing 40 acres.

BIRCH CREEK CAMPGROUND

T. 18 N., R. 44 E.,
Sec. 27, SW¼SW¼;

Sec. 28, SW¼NE¼, E½NE¼NW¼, N½NW¼NE¼NW¼, SE¼NW¼NE¼NW¼, SW¼NE¼NW¼, SE¼NW¼, W½SE¼, SE¼SE¼;
Sec. 34, N½NW¼.

Containing 357.5 acres.

A. JOHN HILLSAMER,
Acting Land Office Manager.

[F.R. Doc. 70-6917; Filed, June 3, 1970; 8:49 a.m.]

[New Mexico 9491]

NEW MEXICO

Notice of Proposed Classification of Public Lands for Multiple Use Management

MAY 27, 1970.

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411–18) and to the regulations in 43 CFR Parts 2410 and 2411, it is proposed to classify for multiple use management the public lands within the areas described below. Publication of this notice has the effect of segregating all 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 (43 U.S.C. 1171) and the lands in Group I shall remain open to all other applicable forms of appropriation, including the general mining and mineral leasing laws. The lands described in Group II below are further segregated from all other forms of appropriation except for public uses and development under the Act of June 14, 1926 (44 Stat. 741), as amended (43 U.S.C. 869), and the mineral leasing laws. The lands described in Group III below are further segregated from all other forms of appropriation, including the general mining laws, but not the mineral leasing or material sales 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 (48 Stat. 1269) as amended, which are not otherwise withdrawn or reserved for Federal use or purpose.

2. The public lands located within Sandoval and Santa Fe Counties are shown on maps designated 1–11, La Cienega Planning Unit on file in the Albuquerque District Office, Bureau of Land Management, 1304 Fourth Street NW, Albuquerque, N. Mex. 87107, and Land Office, Bureau of Land Management, U.S. Post Office and Federal Building, Santa Fe, N. Mex. 87501.

The overall description of the areas is as follows:

NEW MEXICO PRINCIPAL MERIDIAN

Group I

LA CIENEGA PLANNING UNIT

Jemez Dam Block

T. 13 N., R. 3 E.,
Sec. 1, SW¼NW¼, W½SW¼, SE¼SW¼ and SE¼;
Sec. 3, lots 9, 10, 11, 12, S½N½ and S½;
Sec. 4, lots 9, 10, 11, 12, S½N½ and S½;
Secs. 9 to 14, inclusive;
Sec. 15, NE¼, N½NW¼, NE¼SW¼NW¼, N½NW¼SW¼NW¼, SE¼NW¼SW¼NW¼, NE¼SE¼SW¼NW¼, N½NW¼SE¼SW¼NW¼, SE¼NW¼, N½NE¼NE¼SW¼, N½SW¼NE¼NE¼SW¼, SE¼NE¼NE¼SW¼, N½NE¼NW¼NE¼SW¼, NE¼SE¼, N½NW¼SE¼, NE¼SW¼NW¼SE¼, N½NW¼SW¼NW¼SE¼, SE¼NW¼SE¼, NE¼NE¼SW¼SE¼, NE¼SE¼SE¼, N½NW¼SE¼SE¼, N½SW¼NW¼SE¼SE¼, SE¼NW¼SE¼SE¼, N½NE¼SW¼SE¼SE¼, N½SE¼SE¼SE¼ and N½SE¼SE¼SE¼SE¼;
Sec. 23, N½NE¼NW¼, N½SW¼NE¼NW¼, SE¼SW¼NE¼NW¼, SE¼NE¼NW¼, NE¼NW¼NW¼, NE¼NW¼NW¼NW¼, N½NW¼NW¼NW¼NW¼, NE¼NE¼SE¼NW¼, and N½NW¼NE¼SE¼NW¼.

T. 13 N., R. 4 E.,
Sec. 3, lots 4, 5, 6, W½NE¼ and NW¼;
Sec. 4, lots 1, 2, 3, 4, 5, 6, 7, NE¼, E½NW¼, N½SE¼, and SW¼SE¼;
Sec. 5, lot 5 and E½SE¼;
Sec. 6, lot 4, SE¼SW¼ and SW¼SE¼;
Sec. 7;
Sec. 8, E½NE¼ and S½SW¼;
Sec. 9, lots 5, 6, 7 and 8;
Sec. 17, lot 13 and NW¼;
Sec. 18, lots 2, 3, NE¼, and E½NW¼;

T. 14 N., R. 4 E.,
Sec. 3, lots 1 to 8, inclusive, and S½S½;
Sec. 4, lots 1 to 7, inclusive, S½NW¼, SW¼, and S½SE¼;
Sec. 5;
Sec. 6, lots 1, 2, S½NE¼, and SE¼;
Sec. 7, E½;
Secs. 8, 9, and 10.
Sec. 11, W½W½;
Sec. 17;
Sec. 18, E½E½;
Sec. 19, E½E½;
Sec. 20;
Sec. 21, W½;
Sec. 27, SW¼SW¼;
Sec. 28, NW¼ and S½;
Sec. 29;
Sec. 30, E½E½;
Sec. 31, E½NE¼;
Sec. 33;
Sec. 34, S½NE¼, W½, and SE¼;
Sec. 35, lot 9 and W½SW¼.

T. 15 N., R. 4 E.,
Sec. 7, lots 1, 4, and SE¼SE¼;
Sec. 8, lots 2, 3, 4, E½NE¼, and S½;
Sec. 9, lots 1, 2, S½NE¼, NW¼, and S½;
Sec. 10, lots 1 to 5, inclusive, NW¼SW¼, and S½SW¼;
Sec. 11, lot 1;
Sec. 15, W½E½ and W½;
Sec. 17;
Sec. 18, E½;
Sec. 19, E½;
Secs. 20 and 21;
Sec. 22, W½;
Sec. 27, W½E½ and W½;
Sec. 28;
Sec. 29, NW¼NE¼, S½NE¼, NW¼, and S½;
Sec. 30, E½;
Sec. 31, E½;
Secs. 33 and 34.

Tejon Block

T. 13 N., R. 6 E.,
Sec. 1, S½;
Sec. 3, lots 1, 2, 3, 4, S½N½, W½SW¼, and E½SE¼;
Sec. 4;
Sec. 5, lots 1, 2, S½NE¼, W½SW¼, and SE¼;
Sec. 6, lots 3 to 7, inclusive, SE¼NW¼, E½SW¼, and SE¼;
Sec. 7, SE¼SW¼;
Sec. 8, E½;
Secs. 9 and 10;
Sec. 14, N½ and SW¼;
Sec. 15;
Sec. 16, S½NW¼;
Sec. 17, S½NE¼;
Sec. 21, lots 10, 11, 12, 13, NE¼NE¼, and NE¼SE¼;
Sec. 22, N½ and N½S½;
Sec. 23, W½W½;
Sec. 25, NW¼ and W½SW¼;
Sec. 26, S½;
Sec. 27, S½NE¼, NW¼SW¼, NE¼SE¼, and S½S½;
Sec. 28, lots 1 to 9, inclusive, and E½;
Sec. 34, E½;
Sec. 35, N½ and W½SW¼;
Sec. 36, SW¼NW¼ and W½SW¼.

T. 14 N., R. 6 E.,
Sec. 9, lots 9, 10, and S½;
Sec. 10, lots 10, 11, 12, 13, and S½S½;
Sec. 11, lots 9, 10, and 11;
Sec. 13, lots 5, 6, 7, 8, SW¼NE¼, S½NW¼, and S½;
Sec. 14, lot 2, NW¼NE¼, S½NE¼, W½, and SE¼;
Sec. 15;
Secs. 19 to 26, inclusive;
Sec. 27, N½, NE¼SW¼, N½NW¼SW¼, W½SW¼NW¼SW¼, SE¼SW¼NW¼SW¼, NE¼SE¼NW¼SW¼, S½SE¼NW¼SW¼, S½SW¼, and SE¼;
Sec. 28, NE¼ and S½;
Sec. 29, E½E½;
Sec. 30;
Sec. 31, NE¼ and E½SE¼;
Sec. 32, NE¼NE¼, S½NE¼, NW¼, N½SW¼, and SE¼;
Sec. 33;
Sec. 34, N½;
Sec. 35.

T. 13 N., R. 7 E.,
Sec. 6, lots 1, 2, 3, 4, and W½W½;
Sec. 7, lots 1, 2, 3, 4, and W½W½;
Sec. 18, lots 1, 2, 3, W½NW¼, and NW¼SW¼;
Sec. 31, lots 1, 2, 3, 4, and W½W½.

T. 14 N., R. 7 E.,
Sec. 17, lots 10 and 11;
Sec. 18, lots 5, 6, 7, 8, SW¼, and S½SE¼;
Sec. 19;
Sec. 20, lots 1, 2, 3, and 4;
Sec. 29, lots 1 and 2;
Sec. 30, lots 1, 2, 3, 4, 5, N½N½, SW¼NW¼, and W½SW¼;
Sec. 31, lots 1, 2, 3, 4, and W½W½.

Tent Rocks Block

T. 16 N., R. 4 E.,
Secs. 1 and 3;
Sec. 10, lots 5, 6, 7, 8, N½NE¼, SE¼NE¼, and NE¼NW¼;
Sec. 11, lots 2, 3, E½, NW¼, and N½SW¼;
Sec. 12;
Sec. 13, lots 6 to 12, inclusive, W½NE¼, N½NW¼, and SE¼NW¼;
Sec. 14, lots 4 and 5.

T. 16 N., R. 5 E.,
Sec. 3, lots 1 to 6, inclusive, S½NW¼, and SW¼;
Sec. 4, lots 1, 2, 3, 4, S½N½, and S½;
Sec. 5, lots 1, 2, 3, 4, S½N½, and S½;
Sec. 7, E½;
Sec. 18, lot 1, N½, N½S½, SE¼SW¼, and S½SE¼;
Sec. 19, lots 1, 2, 3, and NE¼NE¼.

T. 17 N., R. 5 E.,
Sec. 27, lots 3, 4, and N½SW¼;
Sec. 28, lots 1, 2, 3, 4, and N½S½;
Sec. 29, lots 1, 2, 3, 4, W½SW¼, and SE¼SW¼;
Sec. 30, lot 1, NE¼SE¼ and S½S½;
Sec. 31, N½;
Sec. 33, lots 1, 2, 3, 4, N½SW¼, and NW¼SE¼;
Sec. 34, lots 2, 3, 4, 5, NE¼, and N½SE¼.

Cieneguilla Block

T. 15 N., R. 7 E.,
Sec. 1, lots 7, 8, 9, 10, and N½N½;
Sec. 2;

Sec. 3, lots 1 to 7, inclusive, NE¼, and N½ SE¼;
Sec. 10, lots 1, 2, 3, 5, 6, and 7;
Sec. 11, lots 1 and 2.
T. 16 N., R. 7 E.,
Sec. 1, lots 1 to 7, inclusive, SW¼NE¼, SE¼NW¼, SW¼, and E½SE¼;
Sec. 10, lots 1, 2, 3, 4, 5, and SE¼;
Sec. 11, lot 1, E½, NE¼NW¼, S½NW¼, and SW¼;
Secs. 12, 13, and 14;
Sec. 15, lots 1, 2, 3, 4, and E½;
Sec. 22, lots 1, 2, 3, 4, and E½;
Secs. 23, 24, 25, and 26;
Sec. 27, lots 1, 2, 3, 4, and E½;
Sec. 34, lots 1, 2, 3, 4, and E½;
Secs. 35 and 36.
T. 17 N., R. 7 E.,
Sec. 36, lot 1.
T. 18 N., R. 7 E.,
Sec. 1, lots 1, 2, 3, 4, and E½E½;
Sec. 12, lots 1, 2, and NE¼NE¼.
T. 15 N., R. 8 E.,
Sec. 6, lot 4.
T. 16 N., R. 8 E.,
Sec. 7;
Sec. 8, lots 2, 3, 4, NW¼, and W½SW¼;
Sec. 17, lots 1 and 4;
Sec. 19, lots 1, 2, 3, 4, 5, N½NE¼, SE¼NE¼, and E½NW¼;
Sec. 20, lots 1 and 2;
Sec. 30, lots 2, 3, 6, and S½SE¼;
Sec. 31, lots 2 to 8, inclusive, NE¼, SE¼NW¼, NE¼SW¼, and N½SE¼.
T. 17 N., R. 8 E.,
Sec. 3, lots 1, 2, 3, 4, S½N½, N½S½, and S½SW¼;
Sec. 4, lots 1 to 6, inclusive, S½NE¼, and E½SE¼;
Sec. 9, lots 1, 2, 3, 4, and E½NE¼;
Sec. 10, W½;
Sec 15, lots 1, 2, E½W½, NW¼NW¼, SW¼SW¼, and S½SE¼;
Sec. 21, lot 1;
Sec. 22;
Sec. 23, W½NE¼ and W½;
Sec. 24, E½, E½W½, and W½SW¼;
Sec. 26;
Sec. 27, N½;
Sec. 30, lot 1;
Sec. 31, lots 1, 2, 3, 5, and NE¼SW¼;
Sec. 35, lots 1 to 8, inclusive, NE¼, E½NW¼, NE¼SW¼, and NW¼SE¼.
T. 18 N., R. 8 E.,
Sec. 1, lots 1, 2, and 3;
Secs. 3, 4, 5, and 6;
Sec. 7, lots 1, 2, 3, 4, 5, NE¼, E½NW¼, and NE¼SE¼;
Secs. 8, 9, and 11;
Sec. 12, lots 1, 2, 3, 4, W½, and W½SE¼;
Sec. 13, S½;
Sec. 14;
Sec. 17, lots 1, 2, E½NE¼, W½NW¼, E½SW¼, and SE¼;
Sec. 20, lots 1, 2, 3, 4, NE¼, and E½SE¼;
Secs. 21 to 28, inclusive;
Sec. 29, lots 1, 2, and 3;
Sec. 33, lots 1, 2, 3, 4, 5, E½, E½NW¼, and NE¼SW¼;
Secs. 34 and 35.
T. 19 N., R. 8 E.,
Sec. 22, lots 9, 10, 11, and 12;
Sec. 23, lots 1, 2, 3, and 4;
Sec. 26, lots 1, 2, 3, 4, SW¼NW¼, and W½SW¼;
Sec. 27, lots 5, 6, 7, 8, S½N½, and S½;
Sec. 28, lots 5, 6, 7, 8, S½N½, and S½;
Sec. 29, lots 15, 18, 19, 20, 21, 25 to 39, inclusive, 42 to 46, inclusive, 49 to 55, inclusive, 58 to 87, inclusive, 90 to 110, inclusive, 112, 113, 114, 117 to 134, inclusive, 136 to 198, inclusive, 201 to 211, inclusive, 214, 215, 216, 219 to 230, inclusive, 233, 234, 235, and 238 to 240, inclusive;
Sec. 30, lots 14, 15, 16, 17, 19 to 47, inclusive, 49 to 53, inclusive, 56 to 60, inclusive, 62 to 67, inclusive, 72 to 99, inclusive, and SE¼SW¼;
Sec. 31, lots 5 to 10, inclusive, 14 to 27, inclusive, 30 to 45, inclusive, 47, 48, 49, 50, 55 to 74, inclusive, 76, 77, 79 to 82, inclusive, 85 to 93, inclusive, 95 to 111, inclusive, 113, 114, 115, 116, 117, 119 to 144, inclusive, 146, 148, 152, 154 to 174, inclusive, 177, 178, 179, 183, 186 to 206, inclusive, 208, 211, 213, 218, 221 to 235, inclusive, and 254 to 260, inclusive;
Secs. 33 and 34;
Sec. 35, lots 1, 2, 3, 4, W½NW¼, and NW¼SW¼.

The areas described above aggregate approximately 94,529.06 acres.

Group II

T. 13 N., R. 3 E.,
Sec. 23, N½NE¼, N½SW¼NE¼, N½NE¼SW¼SW¼NE¼, N½SE¼SW¼NE¼, N½SW¼SE¼SW¼NE¼, SE¼SE¼SW¼NE¼, SE¼NE¼, NE¼NE¼SE¼, NE¼NW¼NE¼SE¼, N½NW¼NW¼NE¼SE¼, N½SE¼NW¼NE¼SE¼, and N½NE¼SE¼NE¼SE¼;
Sec. 24, N½, NE¼SW¼, N½NW¼SW¼, N½SW¼NW¼SW¼, N½SW¼SW¼NW¼SW¼, SE¼SW¼NW¼SW¼, SE¼NW¼SW¼, N½NE¼SW¼SW¼, N½SE¼NE¼SW¼SW¼, N½SE¼SW¼, NE¼SW¼SE¼SW¼, SE¼SE¼SW¼, and SE¼;
Sec. 25, NE¼NE¼, NE¼NW¼NE¼, N½NW¼NW¼NE¼, N½SW¼NW¼NW¼NE¼, SE¼NW¼NW¼NE¼, N½NE¼SW¼NW¼NE¼, N½SE¼NW¼NE¼, SE¼SE¼NW¼NE¼, and N½NE¼NE¼NE¼NW¼.

The area described above aggregates 832.50 acres.

Group III

T. 17 N., R. 5 E.,
Sec. 27, lots 1, 2, S½SW¼, and SE¼;
Sec. 28, SE¼SE¼;
Sec. 30, lots 2, 3, 4, N½SW¼, and NW¼SE¼;
Sec. 33, NE¼SE¼;
Sec. 34, NW¼ and N½SW¼.

The area described above aggregates 707.58 acres.

3. 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 Albuquerque District Manager, Bureau of Land Management, 1304 Fourth Street NW., Albuquerque, N. Mex. 87107.

4. A public hearing on the proposed classification will be held on June 23, 1970, at 10 a.m. in the conference room, Room No. 2208, U.S. Post Office and Federal Building, Santa Fe, N. Mex.

CLYDE R. DURNELL,
Acting State Director.

[F.R. Doc. 70-6882; Filed, June 3, 1970; 8:46 a.m.]

[New Mexico 11693]

NEW MEXICO

Notice of Proposed Classification

MAY 27, 1970.

Pursuant to section 2 of the Act of September 19, 1964 (43 U.S.C. 1412), notice is hereby given of a proposal to classify the lands described below for disposal through exchange, under section 8 of the Act of June 28, 1934 (48 Stat. 1269; 43 U.S.C. 315g), as amended.

The District Advisory Board, local governmental officials and other interested parties have been notified of this application. Information derived from discussions and other sources indicates that these lands meet the criterion of 43 CFR 2410.1-3(c)(4), which authorizes classification of lands "for exchanges under appropriate authority, where they are found to be chiefly valuable for public purposes because they have special values, arising from the interest of exchange proponents, for exchange for other lands which we need for the support of a Federal program." Information concerning the lands, including the record of public discussions, is available for inspection and study in the Land Office, Bureau of Land Management, U.S. Post Office and Federal Building, Santa Fe, N. Mex. 87501, and Albuquerque District Office, Bureau of Land Management, 1304 Fourth Street NW., Albuquerque, N. Mex. 87107.

For a period of 60 days from the date of this publication, interested parties may submit comments to the District Manager of the Albuquerque District Office.

The lands affected by this proposal are located in McKinley County, N. Mex., and are described as follows:

NEW MEXICO PRINCIPAL MERIDIAN

T. 12 N., R. 18 W.,
Sec. 1;
Sec. 3, lots, 1, 2, S½NE¼, and SE¼;
Sec. 11, N½ and SE ¼;
Sec. 13;
Sec. 15, N½N½ and S½;
Sec. 23;
Sec. 25, N½ and N½S½;
Sec. 27, N½ and SE¼;
Sec. 35.
T. 11 N., R. 19 W.,
Sec. 3, lots 1, 2, 3, 4, SE¼NE¼, NE¼SW¼, S½SW¼, and SE¼;
Secs. 5 and 7.
T. 11 N., R. 20 W.,
Sec. 1;
Sec. 3, lots 1, 2, S½NE¼, and S½;
Secs. 5, 7, 9, and 11.
T. 12 N., R. 20 W.,
Secs. 29 and 33.
T. 11 N., R. 21 W.,
Sec. 1;
Sec. 3, lots 1 to 6, inclusive, S½NE¼, and SE¼;
Sec. 11.
T. 12 N., R. 21 W.,
Sec. 1;
Sec. 3, lots 1 to 6, inclusive, S½NE¼, and SE¼;
Sec. 11;
Sec. 13, NE¼ and S½;
Sec. 15, lots 1, 2, 3, 4, and E½;
Secs. 23 and 25;
Sec. 27, lots 1, 2, 3, 4, and E½;
Sec. 35.

The areas described aggregate 18,049.65 acres.

W. J. ANDERSON,
State Director.

[F.R. Doc. 70-6883; Filed, June 3, 1970; 8:46 a.m.]

[Serial No. U 8131]

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. Publication of this notice has the effect of segregating the described lands from appropriation under the agricultural land laws (43 U.S.C., parts 7 and 9; 25 U.S.C. sec. 334), and from sales under section 2455 of the Revised Statutes as amended (43 U.S.C. 1171). The lands shall remain open to all other applicable forms of appropriation, including the mining and mineral leasing laws, except as noted in paragraph 4 below. As used herein "public lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for a Federal use or purpose.

2. The public domain lands proposed to be classified are those administered by the Bureau of Land Management within the following described area in the southern portion of San Juan County, Utah:

SALT LAKE MERIDIAN, UTAH

Beginning at the northeast corner of sec. 3, T. 35 S., R. 26 E., thence west along the township line to the northeast corner of sec. 1, T. 35 S., R. 24 E., thence north along the range line to the northeast corner of sec. 12, T. 34 S., R. 24 E., thence west along the section line to the northwest corner of sec. 8, T. 34 S., R. 24 E., thence south along the section line to the southeast corner of sec. 8, T. 35 S., R. 24 E. Thence west along the section line to the northwest corner of sec. 13, T. 35 S., R. 23 E., thence 1 mile south to the northwest corner of sec. 24, T. 35 S., R. 23 E., thence west 3 miles to the northwest corner of sec. 21, thence south 3 miles to the township line. Thence one quarter mile east to the northwest corner of sec. 4, T. 36 S., R. 23 E., thence south along the section line to the southwest corner of sec. 4, T. 37 S., R. 23 E., thence west one half mile, thence north 1 mile, thence west 1½ miles to the northwest corner of sec. 6, T. 37 S., R. 23 E. Thence south along the township line to the southwest corner of sec. 7, T. 37 S., R. 23 E. Thence west 1 mile, thence south 1 mile, thence west 2 miles, thence south 3 miles, thence west 1 mile to the southwest corner of sec. 33, T. 37 S., R. 22 E. Thence north along the section line to the southwest corner of sec. 9, T. 36 S., R. 22 E. Thence west 1¼ miles, thence north 1 mile, thence west one quarter mile, thence north to the seventh standard parallel south, thence east one quarter mile, thence north 1 mile, thence east one half mile, thence north 1 mile, thence east 1½ miles, thence north 1 mile to the boundary of the Manti-LaSal National Forest at the southwest corner of sec. 15, T. 35 S., R. 22 E. Thence westerly and northerly along the forest boundary to the junction of Dark Canyon with the forest boundary to the junction of Dark Canyon with the forest boundary in sec. 11, T. 34 S., R. 17 E. Thence westerly along the south rim of Dark Canyon to the Colorado River. Thence southerly along the Colorado River to the confluence with the San Juan River. Thence east along the San Juan River to the Navajo Indian Reservation boundary at the southeast corner of sec. 25, T. 40 S., R. 23 E. Thence northerly and easterly along the reservation to the Utah-Colorado State line. Thence north along the State line to the point of beginning. The area described aggregates 1,655,585 acres of public domain land.

State and privately owned lands within the above described area and the lands within the boundaries of Natural Bridges National Monument are not affected by this proposed classification.

3. The following-described parcel of public domain land that falls within the above-described area is excluded from this proposed classification:

SALT LAKE MERIDIAN, UTAH

T. 40 S., R. 22 E.,
Sec. 4, W½W½;
Secs. 5, 8, and 17, all;
Sec. 6, lot 4, E½NE¼, SE¼SW¼, S½SE¼, NE¼SE¼;
Sec. 7, lots 1, and 2, NE¼, E½NW¼, NE¼SW¼, N½SE¼, SE¼SE¼;
Sec. 9, W½W½;
Sec. 18, lot 3, E½NE¼, NE¼SW¼, N½SE¼;
Sec. 20, N½;
Sec. 21, N½.

The area described aggregates 3,957.53 acres.

4. Publication of this notice also has the effect of segregating the proposed recreation, archeological, historic, radar, and study areas, and roadside zone described below from all forms of appropriation, selection, location, and entry 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

DEER FLAT HUNTER CAMP

T. 35 S., R. 18 E.,
Sec. 31, N½SW¼ (unsurveyed).

KANE SPRING RECREATION SITE

T. 37 S., R. 18 E.,
Sec. 35, E½NE¼.

SALVATION KNOLL PICNIC SITE

T. 37 S., R. 19 E.,
Sec. 15, W½SW¼SW¼ (unsurveyed).

PINE SPRING RECREATION SITE

T. 37 S., R. 19 E.,
Sec. 23, S½SW¼SW¼ (unsurveyed);
Sec. 26, N½NW¼NW¼ (unsurveyed).

DOG TANK SPRING RECREATION SITE

T. 37 S., R. 20 E.,
Sec. 17, S½SE¼ (unsurveyed);
Sec. 20, N½NE¼.

ARCH CANYON RECREATION SITE

T. 37 S., R. 20 E.,
Sec. 24, S½SW¼SW¼;
Sec. 25, W½NW¼NE¼, N½NW¼NW¼.

COTTONWOOD CORRAL CAMPGROUND

T. 37 S., R. 21 E.,
Sec. 10, W½NW¼SE¼.

BRADFORD CANYON RUINS AND CAMPGROUND

T. 37 S., R. 24 E.,
Sec. 10, SW¼SW¼NE¼, S½SE¼SW¼;
Sec. 11, S½NW¼.

IRISH GREEN SPRING RECREATION SITE

T. 39 S., R. 14 E.,
Sec. 2, SE¼NW¼.

GREEN WATER RECRZATION SITE

T. 39 S., R. 14 E.,
Sec. 10, S½NW¼NW¼, SW¼NW¼ (unsurveyed).

COLD SPRING RUIN AND PICNIC SITE

T. 39 S., R. 21 E.,
Sec. 6, SW¼NE¼;
Sec. 17, SW¼SW¼SW¼;
Sec. 18, SE¼SE¼SE¼.

PYRAMID PEAK PICNIC SITE

T. 40 S., R. 19 E.,
Sec. 23, NE¼NE¼.

RECAPTURE POCKET PICNIC SITE

T. 40 S., R. 22 E.,
Sec. 10, SE¼SE¼;
Sec. 11, S½SW¼.

SAND ISLAND RECREATIONAL SITE

T. 40 S., R. 21 E.,
Sec. 23, all that part of S½ which lies north and west of the Navajo Indian Reservation boundary.

T. 41 S., R. 21 E.,
Sec. 4, all that part of the NW¼ which lies north and west of the Navajo Indian Reservation boundary;
Sec. 5, all that part of the E½NE¼ which lies north and west of the Navajo Indian Reservation boundary.

GRAND GULCH RECREATION AREA

T. 38 S., R. 16 E.,
Sec. 13, S½S½;
Sec. 23, S½NE¼, SE¼;
Secs. 24, and 25, all;
Sec. 26, E½, SW¼;
Sec. 27, SE¼;
Sec. 32, SE¼;
Sec. 34, E½;
Sec. 35, all.

T. 38 S., R. 17 E.,
Sec. 13, S½ (unsurveyed);
Sec. 14, S½SW¼, SE¼ (unsurveyed);
Sec. 15, S½S½ (unsurveyed);
Sec. 17, S½S½ (unsurveyed);
Sec. 18, S½S½ (unsurveyed);
Secs. 19 to 31, inclusive, (unsurveyed), all;
Secs. 33, 34, and 35, (unsurveyed), all.

T. 38 S., R. 18 E.,
Sec. 3, W½ (unsurveyed);
Sec. 4, all (unsurveyed);
Sec. 5, E½ (unsurveyed);
Secs. 8 and 9, (unsurveyed), all;
Sec. 17, N½, N½SW¼, NW¼SE¼ (unsurveyed);
Secs. 18 and 19 (unsurveyed), all.

T. 39 S., R. 16 E.,
Secs. 3, and 4 (unsurveyed), all;
Sec. 5, E½ (unsurveyed);
Secs. 8, 9, and 10, (unsurveyed), all;
Sec. 11, NW¼ (unsurveyed);
Secs. 17 to 21, inclusive, (unsurveyed);
Secs. 28 to 31, inclusive (unsurveyed);
Sec. 33 (unsurveyed), all.

T. 39 S., R. 17 E.,
Sec. 1, N½ (unsurveyed);
Sec. 3, NE¼ (unsurveyed);
Sec. 5, NW¼ (unsurveyed);
Sec. 6, NE¼ (unsurveyed).

T. 40 S., R. 15 E.,
Sec. 1, all;
Sec. 11, E½;
Sec. 12, lots 1, and 2, N½, SW¼, N½SE¼;
Sec. 13, lots 2, 3, 4, 7, and 8, W½NW¼.

T. 40 S., R. 16 E.,
Secs. 4, 5, and 6, all;
Sec. 7, lots 4, 6, 8, and 10, N½, N½S½;
Sec. 8, lots 1, 3, 5, and 7, N½, N½S½;
Sec. 9, lots 1, 2, 3, 6, and 9, N½, N½SW¼.

ARCHEOLOGICAL SITES

T. 36 S., R. 16 E.,
Sec. 21, N½NE¼NW¼ (unsurveyed) (Fry Canyon Ruins).
T. 36 S., R. 18 E.,
Sec. 7, W½ of lot 1.
T. 36 S., R. 23 E.,
Sec. 30, SE¼SW¼;
Sec. 31, SW¼SE¼.
T. 37 S., R. 19 E.,
Sec. 22, NE¼NW¼ (unsurveyed);
Sec. 23, S½SW¼SW¼ (unsurveyed);
Sec. 26, N½NW¼NW¼ (unsurveyed).
T. 37 S., R. 21 E.,
Sec. 31, NE¼SE¼.
T. 37 S., R. 22 E.,
Sec. 4, S½SW¼SE¼;
Sec. 9, NW¼NE¼ (Westwater Ruin).
T. 37 S., R. 23 E.,
Sec. 5, SE¼SW¼;
Sec. 6, E½SW¼.
T. 38 S., R. 19 E.,
Sec. 26, NE¼NE¼, N½SE¼NE¼ (unsurveyed);
Sec. 35, SE¼SW¼, SW¼SE¼ (unsurveyed).
T. 38 S., R. 21 E.,
Sec. 7, SE¼SE¼.
T. 38 S., R. 26 E.,
Sec. 9, SE¼SW¼SE¼, SE¼SE¼SE¼.
T. 39 S., R. 14 E.,
Sec. 3, SE¼SW¼ (unsurveyed);
Sec. 10, W½NW¼ (unsurveyed).
T. 39 S., R. 19 E.,
Sec. 1, SW¼NE¼, N½SW¼;
Sec. 22, W½NE¼NE¼, NW¼NE¼ (Road Canyon Ruin).
T. 39 S., R. 21 E.,
Sec. 18, lot 1;
Sec. 20, SW¼NW¼, NW¼SE¼;
Sec. 31, NE¼NE¼.
T. 40 S., R. 21 E.,
Sec. 6, lot 2, NW¼SE¼, SE¼SE¼;
Sec. 8, SW¼SW¼, NW¼SE¼;
Sec. 18, S½SE¼.

ALKALI RIDGE HISTORIC SITE

T. 36 S., R. 23 E.,
Sec. 23, SW¼NE¼, W½SE¼NE¼, N½NW¼SE¼.

BLANDING RADAR SITE

T. 37 S., R. 22 E.,
Sec. 22, S½SE¼;
Sec. 23, S½SW¼;
Sec. 26, NW¼;
Sec. 27, NE¼.

WATERSHED STUDY PLOT

T. 38 S., R. 18 E.,
Sec. 27, W½SW¼ (unsurveyed);
Sec. 28, E½SE¼ (unsurveyed).

ROADSIDE ZONE

All public domain lands within 300 feet of the center line of the new and proposed alignment of Utah State Highway 95 from the northeast corner of sec. 17, T. 37 S., R. 22 E., westerly and northwesterly to the Colorado River.

The areas described aggregate 41,300 acres.

5. The public lands in the Grand Gulch Recreation Area, described above, are further proposed for designation as a "primitive area" by virtue of the authority vested in the Secretary of the Interior under the Classification and Multiple-Use Act, supra, and R.S. 2478 (43 U.S.C. 1201) as amended, and pursuant to the provisions of 43 CFR Subpart 1727.

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, Post Office Box 1327, Monticello, Utah, 84535, or to the State Director, Bureau of Land Management, Post Office Box 11505, Salt Lake City, Utah 84111.

7. The records and maps depicting these lands are on file and may be reviewed at the Bureau of Land Management's District Office at Monticello, Utah, and the State Office, Federal Building, 125 South State Street, Salt Lake City, Utah.

8. A public hearing on this proposed classification will be held on June 17, 1970, at 1:30 p.m. in the courtroom of the San Juan County Courthouse, Monticello, Utah.

R. D. NIELSON,
State Director.

[F.R. Doc. 70-6918; Filed, June 3, 1970; 8:49 a.m.]

[Wyoming 22721]

WYOMING

Opening Lands to Small Tract Application; Amendment

MAY 28, 1970.

In F.R. Doc. 70-6349, appearing on page 7905 of the issue for May 22, 1970, the following change should be made:

Line 12 under paragraph 3 should read: "a filing fee of $10 and a deposit of $100 advance rental for 1 year."

DANIEL P. BAKER,
State Director.

[F.R. Doc. 70-6919; Filed, June 3, 1970; 8:49 a.m.]

Office of the Secretary

OUTER CONTINENTAL SHELF, OFFSHORE WESTERN LOUISIANA

Notice of Public Hearing

Notice is hereby given in accordance with 43 CFR 3381.4, that a public hearing will be held beginning at 9 a.m. on July 14, 1970, in the Grand Ballroom, Sheraton Charles Hotel, 211 St. Charles Street, New Orleans, La., for the purpose of receiving comments and suggestions relating to possible oil and gas leasing in portions of the Gulf of Mexico offshore western Louisiana. The hearing has been scheduled to extend through July 15.

The hearing in New Orleans will be headed by the Deputy Assistant Secretary for Public Land Management. Other members of the hearing panel will represent the Assistant Secretary, Water Quality and Research; Assistant Secretary, Fish and Wildlife and Parks; Assistant Secretary, Mineral Resources, and the Department's Solicitor.

The hearing will provide the Secretary with additional information from both the public and private sectors to help evaluate fully the potential effects of the possible offshore western Louisiana offering on the total environment, aquatic resources, aesthetics, recreation, and other resources in the entire area during the exploration, development and operation phases of the leasing program.

The hearing will also provide the Secretary, under section 102(2)(C) of the National Environmental Policy Act of 1969 (Public Law 91-190; 83 Stat. 852, 853) with the opportunity to receive the comments and views of State and local agencies which are authorized to develop and enforce environmental standards, with respect to the environmental impact involved in the offering of such leases. All comments by State and local agencies under this section of the National Environmental Policy Act are requested to be submitted at the hearing in written form and should consider the following points:

1. The environmental impact of the proposed action.

2. Any adverse environmental effects which cannot be avoided should the proposal be implemented.

3. Alternatives to the proposed action.

4. The relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity.

5. Any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.

A single sheet composite map of the area of the Gulf of Mexico offshore Western Louisiana, upon which the tracts being considered for leasing have been depicted, may be obtained for $2 a copy from Manager, New Orleans Outer Continental Shelf Office, Bureau of Land Management, T9003 Federal Office Building, 701 Loyola Avenue, New Orleans, La., or Post Office Box 53226, New Orleans, La. 70150. The leasing areas consist of those areas as shown upon Eugene Island Area, and Eugene Island Area, South Addition, official leasing maps, and all other mapped areas to the west awarded to the United States by the Supplemental Decree of the Supreme Court entered December 13, 1965, in the United States v. Louisiana, No. 9, Original (382 U.S. 288), or included in Zone 3 as described in the interim agreement of October 12, 1956, between the United States and the State of Louisiana.

Interested individuals, representatives of organizations, and public officials wishing to testify at the hearing are requested to contact the Manager, New Orleans Outer Continental Shelf Office, Bureau of Land Management, at the above listed address by 9 a.m., July 13. Written comments from those unable to attend the hearing should be addressed to the Director (Attention: 310), Bureau of Land Management, U.S. Department of the Interior, Washington, D.C. 20240. The Department will accept written testimony for a period of 10 days following the last day of the hearing. This will allow ample time for those unable to testify at the hearing to make their views known and for the submission of supplemental materials by those presenting oral testimony. Time limitations may make it necessary to limit the length of oral presentations. An oral statement

may, however, be supplemented by a more complete written statement which may be submitted to the hearing officer at the time of presentation of the oral statement. Written statements presented in person at the hearing will be considered for inclusion in the hearing record. To the extent that time is available after presentation of oral statements by those who have given advance notice, the hearing officer will give others present an opportunity to be heard.

The following tracts are under consideration:

LOUISIANA

OFFICIAL LEASING MAP, LOUISIANA MAP NO. 1
(Approved June 8, 1954; Revised July 22, 1954; Apr. 28, 1966)
West Cameron Area

Tract No.	Block	Description	Acreage
1	78	All	5,000
2	95	do	5,000
3	145	do	5,000
4	146	do	5,000
5	171	do	5,000
6	172	do	5,000
7	244	do	5,000
8	245	do	5,000
9	256	do	5,000

OFFICIAL LEASING MAP, LOUISIANA MAP NO. 1A
(Approved Nov. 15, 1955; Revised Jan. 30, 1957, Apr. 28, 1966)
West Cameron Area—West Addition

10	347	All	5,000

OFFICIAL LEASING MAP, LOUISIANA MAP NO. 1B
(Approved Sept. 8, 1959; Revised Apr. 28, 1966)
West Cameron Area—South Addition

11	466	All	5,000
12	474	do	5,000
13	475	do	5,000
14	504	do	5,000
15	513	do	5,000
16	521	do	3,666.37
17	522	do	5,000
18	543	do	5,000
19	544	do	2,762.37
20	548	do	5,000
21	561	do	5,000
22	564	do	5,000
23	565	do	5,000
24	571	do	5,000
25	572	do	5,000
26	575	do	5,000
27	576	do	5,000
28	580	do	5,000
29	587	do	5,000
30	588	do	5,000
31	593	do	5,000
32	594	do	5,000
33	629	do	5,000
34	638	do	5,000
35	639	do	5,000
36	648	do	5,000

OFFICIAL LEASING MAP, LOUISIANA MAP NO. 2
(Approved June 8, 1954; Revised Apr. 28, 1966)
East Cameron Area

37	129	S½	2,500
38	143	E½	2,500
39	144	All	5,000
40	178	do	5,000
41	179	do	5,000
42	182	do	1,665.18
43	185	do	5,000
44	199	do	1,602.07
45	222	do	5,000
46	231	do	5,000

OFFICIAL LEASING MAP, LOUISIANA MAP NO. 2A
(Approved Sept. 8, 1959; Revised Apr. 28, 1966)
East Cameron Area—South Addition

Tract No.	Block	Description	Acreage
47	254	All	3,716.36
48	255	do	2,500
49	257	do	5,000
50	258	do	5,000
51	259	do	5,000
52	267	do	5,000
53	270	do	2,500
54	271	do	3,660.26
55	272	do	3,604.15
56	273	do	2,500
57	280	do	5,000
58	281	do	5,000
59	286	do	5,000
60	287	do	5,000
61	289	do	3,548.05
62	292	do	5,000
63	293	do	5,000
64	294	do	5,000
65	312	do	5,000
66	313	do	5,000
67	317	do	5,000
68	320	do	5,000
69	321	do	5,000
70	334	do	5,000
71	338	do	5,000
72	339	do	5,000
73	348	do	5,000
74	349	do	5,000

OFFICIAL LEASING MAP, LOUISIANA MAP NO. 3
(Approved June 8, 1954; Revised June 25, 1954; July 22, 1954; Apr. 28, 1966)
Vermilion Area

75	63	All	5,000
76	64	do	5,000
77	101	N½	2,265.80
78	102	All	4,587.70
79	147	do	5,000
80	176	do	5,000
81	177	do	5,000
82	182	do	5,036.52
83	201	do	5,092.62
84	214	do	5,000
85	227	do	5,000
86	228	do	5,000
87	236	do	5,000
88	247	do	5,000

OFFICIAL LEASING MAP, LOUISIANA MAP NO. 3B
(Approved Sept. 8, 1959; Revised Apr. 28, 1966)
Vermilion Area—South Addition

89	262	All	5,485.34
90	268	do	5,000
91	281	do	5,541.44
92	282	do	5,597.54
93	301	do	5,653.64
94	310	do	5,000
95	320	do	5,000
96	321	do	2,500
97	325	do	5,000
98	339	do	5,000
99	340	do	5,000
100	349	do	5,000
101	350	do	5,000

OFFICIAL LEASING MAP, LOUISIANA MAP NO. 3C
(Approved Sept. 8, 1959; Revised Apr. 28, 1966)
South Marsh Island Area—South Addition

102	115	All	5,000
103	116	do	5,000
104	121	do	5,000
105	122	do	5,000

OFFICIAL LEASING MAP, LOUISIANA MAP NO. 4
(Approved June 8, 1954; Revised July 22, 1954; Apr. 28, 1966)
Eugene Island Area

106	64	S½	2,500
107	74	All	5,000
108	75	do	5,000
109	83	do	5,000
110	256	do	5,000
111	257	do	5,000

OFFICIAL LEASING MAP, LOUISIANA MAP NO. 4A
(Approved September 8, 1959; Revised April 28, 1966)
Eugene Island Area—South Addition

Tract No.	Block	Description	Acreage
112	295	All	5,000
113	296	do	5,000
114	297	do	5,000
115	298	do	5,000
116	305	do	5,000
117	306	do	5,000
118	307	E½	2,500
119	314	S½	2,500
120	315	S½	2,500
121	322	All	5,000
122	323	do	5,000
123	330	do	5,000
124	331	do	5,000
125	335	do	5,000
126	338	do	5,000
127	356	do	5,000

WALTER J. HICKEL,
Secretary of the Interior.

MAY 28, 1970.

[F.R. Doc. 70-6813; Filed, June 3, 1970; 8:45 a.m]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[Marketing Agreement No. 146]

PEANUTS

Incoming and Outgoing Quality Regulations and Indemnification, 1970 Crop

Pursuant to the provisions of sections 5, 31, 32, 34, and 36 of the marketing agreement regulating the quality of domestically produced peanuts heretofore entered into between the Secretary of Agriculture and various handlers of peanuts (30 F.R. 9402) and upon recommendation of the Peanut Administrative Committee established pursuant to such agreement and other information it is hereby found that the appended "Incoming Quality Regulation—1970 Crop Peanuts", "Outgoing Quality Regulation—1970 Crop Peanuts", and the "Terms and Conditions of Indemnification—1970 Crop Peanuts", which modify or are in addition to the provisions of sections 5, 31, 32, and 36 of said agreement will tend to effectuate the objectives of the Agricultural Marketing Agreement Act of 1937, as amended, and of such agreement and should be issued.

The Peanut Administrative Committee has recommended that the appended "Incoming Quality Regulation—1970 Crop Peanuts", "Outgoing Quality Regulation—1970 Crop Peanuts", and the "Terms and Conditions of Indemnification—1970 Crop Peanuts" be issued so as to implement and effectuate the provisions of the aforementioned sections of the marketing agreement. The 1970 peanut crop year begins July 1 and procedures and regulations for operations under the agreement should be established thereby affording handlers maximum time to

plan their operations accordingly. The handlers of peanuts who will be affected hereby have signed the marketing agreement authorizing the issuance hereof, they are represented on the Committee which has prepared and recommended these quality regulations and terms and conditions of indemnification for approval.

Upon consideration of the Committee recommendation and other available information the appended "Incoming Quality Regulation—1970 Crop Peanuts", "Outgoing Quality Regulation—1970 Crop Peanuts", and the "Terms and Conditions of Indemnification—1970 Crop Peanuts" are hereby approved this 1st day of June 1970.

Dated: June 1, 1970.

PAUL A. NICHOLSON,
Acting Director,
Fruit and Vegetable Division.

INCOMING QUALITY REGULATION—1970 CROP PEANUTS

The following modify section 5 of the peanut marketing agreement and modify or are in addition to the restrictions of section 31 on handler receipts or acquisitions of 1970 crop peanuts:

(a) *Modification of section 5, paragraphs (b), (c), and (d).* Paragraphs (b), (c), and (d) of section 5 of the peanut marketing agreement are modified as to 1970 crop farmers stock peanuts to read respectively as follows:

(b) *Segregation 1.* "Segregation 1 peanuts" means farmers stock peanuts with not more than 2 percent damaged kernels nor more than 1.00 percent concealed damage caused by rancidity, mold or decay and which are free from visible *Aspergillus flavus.*

(c) *Segregation 2.* "Segregation 2 peanuts" means farmers stock peanuts with more than 2 percent damaged kernels or more than 1.00 percent concealed damage caused by rancidity, mold or decay and which are free from visible *Aspergillus flavus.*

(d) *Segregation 3.* "Segregation 3 peanuts" means farmers stock peanuts with visible *Aspergillus flavus.*

(b) *Moisture.* Except as provided under paragraph (e) *Seed peanuts,* no handler shall receive or acquire peanuts containing more than 10 percent moisture: *Provided,* That peanuts of a higher moisture content may be received and dried to not more than 10 percent moisture prior to storing or milling. On farmers stock, such moisture determinations shall be rounded to the nearest whole number; on shelled peanuts, the determinations shall be carried to the hundredths place and shall not be rounded to the nearest whole number.

(c) *Damage.* For the purpose of determining damage, other than concealed damage, on farmers stock peanuts, all percentage determinations shall be rounded to the nearest whole number.

(d) *Loose shelled kernels.* Handlers may separate from the loose shelled kernels received with farmers stock peanuts, those sizes of whole kernels which ride screens with the following slot openings: Runner—$^{16}/_{64}$ x $^{3}/_{4}$ inch; Spanish and Valencia—$^{15}/_{64}$ x $^{3}/_{4}$ inch; Virginia—$^{15}/_{64}$ x 1 inch. If so separated, those loose shelled kernels which do not ride such screens, shall be removed from the farmers stock peanuts and shall be held separate and apart from other peanuts and disposed of as oil stock. If the whole kernels are not separated, the entire amount of loose shelled kernels shall be removed from farmers stock peanuts and shall be so held and so delivered or disposed of. The whole kernels which ride the screens may be included with shelled peanuts prepared by the handler for inspection and sale for human consumption. For the purpose of this regulation, the term "loose shelled kernels" means peanut kernels or portions of kernels completely free of their hulls and found in deliveries of farmers stock peanuts.

(e) *Seed peanuts.* A handler may acquire and deliver for seed purposes farmers stock peanuts which meet the requirements of Segregation 1 peanuts. If the seed peanuts are produced under the auspices of a State agency which regulates or controls the production of seed peanuts, they may contain up to 3 percent damaged kernels and have visible *Aspergillus flavus,* and, in addition, the following moisture content, as applicable:

(1) For seed peanuts produced in the Southeastern and Virginia-Carolina areas, they may contain up to 11 percent moisture except Virginia type peanuts which are not stacked at harvest time may contain up to 12 percent moisture; and (2) for seed peanuts produced in the Southwestern area, they may contain up to 10 percent moisture.

However, any such seed peanuts with visible *Aspergillus flavus* shall be stored and shelled separate from other peanuts, and any residual not used for seed shall not be used or disposed of for human consumption unless it is determined to be wholesome by chemical assay for aflatoxin. Handlers may acquire from a seed sheller who has signed the marketing agreement peanuts residual from those shelled and disposed of for seed purposes. Any handler may also acquire such residuals from seed peanuts shelled by a producer or seed sheller who has not signed the marketing agreement but only upon the condition that they are held and milled separate and apart from other receipts or acquisitions of the handler and disposed of by sale to the Commodity Credit Corporation, by sale for oil stock or by crushing.

(f) *Oil stock.* Handlers who are crushers may acquire as oil stock, peanuts of a lower quality than Segregation 1 or grades or sizes of shelled peanuts or cleaned inshell peanuts which fail to meet the requirements for human consumption. The provision of section 31 of the marketing agreement restricting such acquisitions to handlers who are crushers is hereby modified to authorize all handlers to act as accumulators and acquire Segregation 2 or 3 farmers stock peanuts for the sole purpose of delivery to crushers: *Provided,* That all such acquisitions shall be held separate and apart from Segregation 1 peanuts acquired for milling or from edible grades of shelled or milled peanuts and shall be disposed of only by crushing or by delivery to crushers and the consequent production of oil and meal.

(g) *Segregation 3 control.* To assure the removal from edible outlets of any lot of peanuts determined by the Federal or Federal-State Inspection Service to be Segregation 3, each handler shall inform each employee, country buyer, commission buyer or like person through whom he receives peanuts, of the need to receive and withhold all lots of Segregation 3 peanuts from milling for edible use. If any lot of Segregation 3 farmers stock peanuts is not withheld but returned to the producer, the handler shall cause the Inspection Service to forward immediately a copy of the inspection certificate on the lot to the designated office of the handler and a copy to the Committee.

OUTGOING QUALITY REGULATION—1970 CROP PEANUTS

The following modify or are in addition to the peanut marketing agreement restrictions of section 32 on handler disposition of 1970 crop peanuts for human consumption:

(a) *Shelled peanuts.* No handler shall ship or otherwise dispose of shelled peanuts for human consumption with respect to which appropriate samples for pretesting have not been drawn in accordance with subparagraph (c) of this regulation, or which if of a category not eligible for indemnification are not certified "negative" as to aflatoxin, or which contain more than (1) 1.25 percent damaged kernels, other than minor defects; (2) 2.00 percent damage and minor defects combined; (3) 9.00 percent moisture in the Southeastern and Southwestern areas, or 10.00 percent moisture in the Virginia-Carolina area; or (4) 0.10 percent foreign material in peanuts of U.S. grade, other than U.S. splits, or 0.20 percent foreign material in U.S. splits and edible quality peanuts not of U.S. grade. Fall through in such peanuts shall not exceed 4 percent except that fall through consisting of either split and broken kernels or whole kernels shall not exceed 3 percent and fall through of whole kernels in Runners, Spanish or Virginia "with splits" shall not exceed 2 percent. The term "fall through" as used herein, shall mean sound split and broken kernels and whole kernels which pass through specified screens. Screens used for determining fall through in peanuts covered by this subparagraph (a) shall be as follows:

Grade and type	Screen openings	
	Split and broken kernels	Whole kernels
Virginia	$^{17}/_{64}$-inch round	$^{15}/_{64}$- by 1-inch slot.
Runners	$^{17}/_{64}$-inch round	$^{15}/_{64}$- by $^{3}/_{4}$-inch slot.
Spanish and Valencia	$^{15}/_{64}$-inch round	$^{13}/_{64}$- by $^{3}/_{4}$-inch slot.

(Runners, Spanish or Virginia "with splits" means shelled peanuts which do not contain more than (a) 15 percent splits, (b) for Runners or Spanish 2.00 percent whole kernels which will pass through $^{15}/_{64}$ x $^{3}/_{4}$ slot screen and for Virginias a $^{15}/_{64}$ x 1 slot screen, and (c)

otherwise meet the specifications of U.S. No. 1 grade.)

(b) *Cleaned inshell peanuts.* No handler shall ship or otherwise dispose of cleaned inshell peanuts for human consumption: (1) with more than 1.00 percent kernels with mold present unless a sample of such peanuts, drawn by an inspector of the Federal or Federal-State Inspection Service, was analyzed chemically by laboratories approved by the Committee or by a Consumer and Marketing Service laboratory (hereinafter referred to as "C&MS laboratory") and found to be wholesome relative to aflatoxin; (2) with more than 2.00 percent peanuts with damaged kernels; (3) with more than 10.00 percent moisture; or (4) with more than 0.50 percent foreign material.

(c) *Pretesting shelled peanuts.* Each handler shall cause appropriate samples of each lot of shelled peanuts to be drawn by an inspector of the Federal or Federal-State Inspection Service and sent as requested by the handler or buyer, for aflatoxin assay to a C&MS laboratory or a laboratory listed on the most recent Committee list of approved laboratories. The gross amount of peanuts drawn shall be large enough to provide for a grade analysis, for a grading check sample, for an original 12-pound, "A" sample for aflatoxin assay and for two 12-pound, "B" and "C", aflatoxin assay check samples. Upon the Committee finding, on the basis of original assays, that climatic conditions in any Production Area or State thereof were not conducive to the growth of *Aspergillas flavus*, it may suspend with the approval of the Secretary the drawing of "B" and "C" check samples on peanuts from such origins. All "B" and "C" check samples shall be analyzed in C&MS or designated laboratories. Additional 12-pound samples, "D" and "E" and so on, may be drawn when requested by the buyer and he accepts the costs. If the Federal or Federal-State inspector has access to a "sub-sampling mill", approved by the Peanut Administrative Committee, the sample may be ground in such mill, and the inspector shall forward an appropriate subsample to the laboratory, specified by the handler or buyer, for assay. Each "A" sample, or each "A" subsample, shall be accompanied by a notice of sampling, signed by the inspector, containing, at least, identifying information as to the handler (shipper), the buyer (receiver) if known, and the positive lot identification of the shelled peanuts. A copy of such notice on each lot shall be sent to the Committee office. All assay samples shall be positive lot identified and the "B" and "C" samples held by the Service for 30 days, after delivery of the "A" sample, and delivered for assay upon call of the laboratory or the Committee and at the Committee expense. The cost of drawing the "A", "B", and "C" samples and postage for mailing the "A" sample or subsample shall be borne by the handler. When the "A" sample has not been analyzed within 30 days from date of delivery of the "A" sample, and a second set of "B" and "C" samples must be drawn, the cost of drawing and mailing such samples shall be for the account of the holder of the peanuts. Cost of the assay on the "A" sample shall be for the account of the buyer of the lot and of the "B" and "C" samples for Committee account. If the handler elects to pay for the assay of the "A" sample, he shall charge the buyer when he invoices the peanuts and, if more than one buyer, on a pro rata basis. The results of each assay shall be reported to the buyer listed in the notice of sampling and, if the handler desires, to the handler. If a buyer is not listed in the notice of sampling the results of the assay shall be reported to the handler who shall promptly cause notice to be given, to the buyer of the contents thereof and such handler shall not be required to furnish additional samples for assay.

(d) *Identification.* Each lot of shelled or cleaned inshell peanuts shipped or otherwise disposed of for human consumption shall be identified by positive lot identification procedures. For the purpose of this regulation, "positive lot identification" of a lot of shelled or inshell peanuts is a means of relating the inspection certificate to the lot covered so that there can be no doubt that the peanuts delivered are the same ones described on the inspection certificate. Such procedure on bagged peanuts shall consist of attaching a lot numbered tag bearing the official stamp of the Federal or Federal-State Inspection Service to each filled bag in the lot. The tag shall be sewed (machine sewed if shelled peanuts) into the closure of the bag except that in plastic bags the tag shall be inserted prior to sealing so that the official stamp is visible. Any peanuts moved in bulk or bulk bins shall have their lot identity maintained by sealing the conveyance and if in other containers by other means acceptable to the Federal or Federal-State inspectors and to the Committee. All lots of shelled or cleaned inshell peanuts shall be handled, stored, and shipped under positive lot identification procedures.

(e) *Reinspection.* Whenever the Committee has reason to believe that peanuts may have been damaged or deteriorated while in storage, the Committee may reject the then effective inspection certificate and may require the owner of the peanuts to have a reinspection to establish whether or not such peanuts may be disposed of for human consumption.

(f) *Interplant transfer.* Until such time as procedures permitting all interplant and cold storage movements are established by the Committee, any handler may transfer peanuts from one plant owned by him to another of his plants or to commercial storage, without having such peanuts positive lot identified and certified as meeting quality requirements, but such transfer shall be only to points within the same production area and ownership shall have been retained by the handler. Upon any transferred peanuts being disposed of for human consumption, they shall meet all the requirements applicable to such peanuts.

(g) *Loose shelled kernels, fall through and pickouts.* (1) Loose shelled kernels which do not ride screens with the following slot openings: Runner—$^{16}/_{64}$ x $^{3}/_{4}$ inch; Spanish and Valencia—$^{15}/_{64}$ x $^{3}/_{4}$ inch; Virginia—$^{15}/_{64}$ x 1 inch; shall be disposed of only by sale as oil stock or by crushing. Fall through may be sold, as to qualities acceptable to it, to the Commodity Credit Corporation and the balance shall be sold as oil stock or crushed. Pickouts shall be sold as oil stock or crushed. For the purpose of this regulation: the term "nonedible quality peanuts described in paragraph (g)(1)" means loose shelled kernels, fall through, and pickouts; the term "loose shelled kernels" means peanut kernels or portions of kernels completely free of their hulls, either as found in deliveries of farmers stock peanuts or those which fail to ride the screens (U.S. No. 1 screens) in removing whole kernels; the term "fall through" has the same meaning as in paragraph (a) of this regulation; and the term "pickouts" means those peanuts removed at the picking table, by electronic equipment, or otherwise during the milling process.

(2) All loose shelled kernels, fall through and pickouts shall be kept separate and apart from other milled peanuts that are to be shipped into edible channels or delivered to the Commodity Credit Corporation. Each such category of peanuts shall be bagged separately in suitable new or clean, sound, used bags or placed in bulk containers acceptable to the Committee. Such peanuts shall be inspected by Federal or Federal-State inspectors in lots of not more than 100,000 pounds and a certification made as to moisture and foreign material content.

(3) Each category of nonedible quality peanuts described in paragraph (g)(1) shall be identified by positive lot identification procedures set forth in paragraph (d) but using a red tag. Such peanuts may be disposed of only by crushing into oil and meal or destroyed, unless other disposition is authorized by the Committee and all dispositions shall be reported to the Committee on such forms and at such times as it prescribes. Such peanuts shall be deemed to be "restricted" peanuts and the meal produced therefrom shall be used or disposed of as fertilizer or other nonfeed use. To prevent use of restricted meal for feed, handlers shall either denature it or restrict its sale to licensed or registered U.S. fertilizer manufacturers or firms engaged in exporting who will export such meal for nonfeed use or sell it to the aforesaid fertilizer manufacturers. However, peanuts other than pickouts and meal from peanuts other than pickouts in specifically identified lots of not more than 50 tons each, may be sampled by Federal or Federal-State inspectors, or by the area association if authorized by the Committee, and tested for aflatoxin by laboratories approved by the Committee or operated by Consumer and Marketing Service, at handler's or crusher's expense, and if such meet Committee standards, the meal may be disposed of for feed use.

(4) Notwithstanding any other provision of this regulation or of the Incoming Quality Regulation applicable to 1970 crop peanuts, a handler may transfer such "restricted" peanuts to another plant within his own organization or transfer or sell such peanuts to another handler or crusher for crushing. Sales or transfer of restricted peanuts to persons not handlers under the agreement shall be made only on the condition that they agree to comply with the terms of this paragraph (g) including the reporting requirements.

TERMS AND CONDITIONS OF INDEMNIFICATION—1970 CROP PEANUTS

For the purpose of paying indemnities on a uniform basis pursuant to section 36 of the peanut marketing agreement effective July 12, 1965, each handler shall promptly notify, or arrange for the buyer to notify, the Manager, Peanut Administrative Committee of any lot of cleaned inshell or shelled peanuts, milled to the outgoing quality requirements and into one of the categories listed in the final paragraph of these terms and conditions, on which the handler has withheld shipment or storage or the buyer, including the user division of a handler, has withheld usage due to a finding as to aflatoxin content as shown by the results of chemical assay. To be eligible for indemnification, such a lot of peanuts shall have been inspected and certified as meeting the quality requirements of the agreement, shall have met all other applicable regulations issued pursuant thereto, including the pretesting requirements in (a) and (c) of the "Outgoing Quality Regulation—1970 Crop Peanuts", and the lot identification shall have been maintained. If the Committee concludes, based on assays to date or further assays, that the lot is so high in aflatoxin that it should be handled pursuant to these Terms and Conditions and such is concurred in by the Consumer and Marketing Service, the lot shall be accepted for indemnification. If the lot is covered by a sales contract, the lot may be rejected to the handler.

In an effort to make such eligible peanuts suitable for human consumption, and to minimize indemnification costs, the Committee and the Consumer and Marketing Service shall, prior to disposition for crushing, cause all suitable lots to be remilled or custom blanched or both.

"Custom blanching" means the process which involves blanching peanuts, and the subsequent removal of damaged peanuts for the purpose of eliminating aflatoxin from the lot. The process may be applied to either an original lot or the new lot which results from remilling. Custom blanching shall be performed only by those firms determined by the Committee to have the capability to remove the aflatoxin and who agree to such terms, conditions and rates of payment as the Committee may find to be acceptable.

If the Committee and the Consumer and Marketing Service conclude that such lot is not suitable for remilling or custom blanching, the lot shall be declared to crushing and shall be disposed of by delivery to the Committee at such point as it may designate. The indemnification payment for peanuts in such a lot shall be the indemnification value of the peanuts, as hereinafter provided, plus actual costs of any necessary temporary storage and of transportation (excluding demurrage) from the handler's plant or storage to the point within the continental United States where the rejection occurred and from such point to a delivery point specified by the Committee. Payment shall be made to the handler as soon as practicable after delivery of the peanuts to the Committee. The salvage value for peanuts declared for crushing shall be paid to, and retained by, the Committee to offset indemnification expenses.

If it is concluded that the lot should be remilled or custom blanched, expenses shall be paid by the Committee on those lots which, on the basis of the inspection occurring prior to shipment, contained not more than 1.00 percent damaged kernels other than minor defects. Lots with damage in excess of 1.00 percent on such inspection shall be remilled without reimbursement from the Committee for milling, freight, or temporary storage and handling but otherwise shall be indemnifiable the same as lots with not more than 1.00 percent damage.

The indemnification value of peanuts delivered to the Committee for indemnification shall be the sales contract (including transfer) price established to the satisfaction of, and acceptable to, the Committee or if the lot is unsold the applicable market price determined by the Committee based on quotations in the most recent "Peanut Market News" report published by C&MS.

The indemnification payment on peanuts declared for remilling, and which contain not more than 1.00 percent damaged kernels other than minor defects, shall be the indemnification value referable to the weights of peanuts lost in the remilling process and not cleared for human consumption, plus temporary storage and transportation costs from origin to destination and return to point of remilling, except as hereinafter restricted, plus an allowance for remilling of one cent per pound on the original weight, less 1½ percent of the foregoing contract or market price multiplied by the original weight. However, the 1½ percent deduction shall not apply to peanuts whose appropriate samples for pretesting, drawn and assayed in accordance with paragraph (c) of the "Outgoing Quality Regulation—1970 Crop Peanuts", were determined to be not indeminfiable as to aflatoxin. On lots on which the remilling is not successful in making the lot wholesome as to aflatoxin, the indemnification payment shall be reduced by an additional 4 percent of the foregoing contract or market price multiplied by the original weight. If such peanuts are declared for custom blanching after remilling, the indemnification payment shall be the blanching cost, plus any temporary storage, the transportation costs from origin (whether handler or buyer premises) to point of blanching and on unsold lots from point of blanching to handler's premises and the value of the weight of reject peanuts removed from the lot. On lots which are custom blanched without remilling, the indemnification payment shall be determined in the same manner but it shall be reduced by 1½ percent of the foregoing contract or market price multiplied by the original weight. However, the 1½ percent deduction shall not apply to peanuts whose appropriate samples for pretesting, drawn and assayed in accordance with paragraph (c) of the "Outgoing Quality Regulation—1970 Crop Peanuts", were determined to be not indemnifiable as to aflatoxin. Moreover, blanching payments to each handler shall cover any loss sustained on all of his blanched lots of the crop caused by the market value obtained from sale of the blanched product being less than the computed indemnification payments for the original red skin lots.

Payment shall be made to the handler claiming indemnification or receiving the rejected lot as soon as practicable after receipt by the Committee of such evidence of remilling or custom blanching and clearance of the lot for human consumption as the Committee may require and the delivery of the peanuts not cleared for human consumption to the delivery point designated by the Committee. If a suitable reduction in the aflatoxin content is not achieved on any lot which is remilled or custom blanched or both, the Committee shall declare the entire lot for indemnification. However, the Committee shall refuse to pay indemnification on any lot(s) where it has reason to believe that the rejection of the peanuts arises from failure of the handler to use reasonable measures to receive and withhold from milling for edible use those Segregation 3 peanuts tendered to him either directly by a producer or by a country buyer, commission buyer or other like person.

Remilling may occur on the premises of any handler signatory to the marketing agreement or at such other plant as the Committee may determine. However, if the Committee orders remilling of a lot which has been found to contain aflatoxin prior to shipment from the locality or original milling, the Committee shall not pay freight costs should the handler move said lot to another locality for remilling. Where a lot has been shipped and the Committee orders remilling, the Committee will pay actual freight charges to the place of remilling but not in excess of the return freight from destination to the origin of the shipment.

Claims for indemnification on peanuts of the 1970 crop shall be filed with the Committee at least 60 days prior to December 31, 1971.

Each handler shall include, directly or by referenced, in his sales contract the following provisions:

Should buyer find peanuts subject to indemnification under this contract to be so high in aflatoxin as to provide possible cause for rejection, he shall promptly notify the seller and the Manager, Peanut Administrative Committee, Atlanta, Ga. Upon a determination of the Peanut Administrative

Committee, confirmed by the Consumer and Marketing Service, authorizing rejection, such peanuts, and title thereto, if passed to the buyer, shall be returned to the seller. Seller shall not be precluded from replacing such peanuts if he so elects.

Seller shall, prior to shipment of a lot of shelled peanuts covered by this sales contract, cause appropriate samples to be drawn by the Federal or Federal-State Inspection Service from such lot, shall cause the sample(s) to be sent to a C&MS laboratory or if designated by the buyer, a laboratory listed on the most recent Committee list of approved laboratories to conduct such assay, for an aflatoxin assay and cause the laboratory, of other than the buyer's, to send one copy of the results of the assay to the buyer. The laboratory costs shall be for the account of the buyer and buyer agrees to pay them when invoiced by the laboratory or, in the event the seller has paid them, by the seller.

Any handler who fails to include such provisions in his sales contract shall be ineligible for indemnification payments with respect to any claim filed with the Committee on 1970 crop peanuts covered by the sales contract.

In addition, should any handler enter into any oral or written sales contract which fixes the level of aflatoxin at which rejection may be made and hence conflicts with these terms and conditions, the handler doing so will not be eligible for indemnification payments with respect to any claim filed with the Committee on 1970 crop peanuts on or after the filing date of a claim under such contract, except upon the Committee's finding that acceptance of such contract was inadvertent; and for purposes of this provision a claim shall be deemed to be filed when notice of possible rejection is first given to the Committee.

Categories eligible for indemnification are the following:

Cleaned inshell peanuts—
(1) U.S. Jumbos.
(2) U.S. Fancy Handpicks.
(3) Valencia—Roasting Stock.[1]
U.S. Grade shelled peanuts—
(1) U.S. No. 1.
(2) U.S. Splits.
(3) U.S. Virginia Extra-Large.
(4) U.S. Virginia Medium.
Shelled peanuts "with splits"—
(1) Runners with splits meeting outgoing quality requirements.
(2) Spanish with splits meeting outgoing quality requirements.
(3) Virginias with splits meeting outgoing quality requirements.

[F.R. Doc. 70-6945; Filed, June 3, 1970; 8:51 a.m.]

Office of the Secretary

EXPORT MARKETING SERVICE

Assignment of Functions; Correction

In F.R. Doc. 70-5322 appearing at pages 6971-6972 in the FEDERAL REGISTER issued on Friday, May 1, 1970, the words "other than for tobacco, peanuts, tung oil, and gum naval stores, and other than programs" were inadvertently omitted from the parenthetical clause of section 196b in the Assignment of Functions to the Export Marketing Service. Section 196b is corrected to read as follows:

"b. Formulation and administration of export payment programs (other than for tobacco, peanuts, tung oil, and gum naval stores, and other than programs under section 32, Public Law 320, 74th Congress (7 U.S.C. 612c)), and other programs, as assigned, to encourage or cause the export of U.S. agricultural commodities."

Signed at Washington, D.C., this 28th day of May 1970.

CLIFFORD M. HARDIN,
Secretary of Agriculture.

[F.R. Doc. 70-6898; Filed, June 3, 1970; 8:48 a.m.]

[1] Inshell peanuts with not more than 25 percent having shells damaged by discoloration, which are cracked or broken, or both.

DEPARTMENT OF COMMERCE

Bureau of International Commerce

[Case No. 397]

MANFRED HARDT ET AL.

Order Denying Export Privileges

In the matter of Manfred Hardt and Werner Hardt and Caramant Gesellschaft fur Technik und Industrie m.b.H. and Co., K.G.; Adolfsallee 27/29, Wiesbaden 62, Federal Republic of Germany, respondents; Case No. 397.

A charging letter was issued by the Director, Investigations Division against the above respondents on April 30, 1968 alleging violations of the Export Control Act of 1949[1] and the regulations thereunder.[2] This charging letter contained one charge and by motion that was allowed on May 27, 1969 two other charges were added.

The respondents were represented by counsel who filed an answer to the original charging letter. Appearance by said counsel was subsequently withdrawn. A hearing was held before the Compliance Commissioner in Washington, D.C., on December 17, 1969, at which the respondent Manfred Hardt appeared on his own behalf and as representative of the other respondents. Answer to the amended charging letter was presented. An attorney from the General Counsel's Office represented the Investigations Division.

Charge I alleges that in 10 instances one or more of the respondents violated a denial order of July 27, 1966, in that they negotiated with respect to, ordered, bought, and received U.S.-origin commodities.

Charge II alleges violations of the July 27, 1966 denial order and of a temporary denial order of July 16, 1968. As to Manfred and Werner Hardt it is alleged that they acted individually and on behalf of Caramant. It is alleged that Manfred Hardt reexported or caused the reexportation of $75,000 worth of seismographic equipment to East Germany; that he subsequently obtained and attempted to obtain service and parts for said equipment; that he negotiated with a firm in the United Kingdom for the purchase of $69,000 worth of U.S.-origin oil and gas field equipment. As to Werner Hardt it is alleged that he executed the initial order for the seismographic equipment; that he subsequently attempted to obtain servicing and parts therefor; and that he executed the order for the oil and gas field equipment.

Charge III alleges that Manfred Hardt, acting individually and on behalf of Caramant, made certain specified false and misleading statements to the Office of Export Control in the course of an investigation instituted under authority of the Export Control Act of 1949.

The Compliance Commissioner, after considering the record in the case, submitted to the undersigned a report which summarizes the essential evidence, considers the various charges, and which includes findings of fact, conclusions, and recommendations as to sanctions.

After considering the record in the case, I adopt the following findings of fact made by the Compliance Commissioner:

Findings of fact. 1. The respondent Caramant Gesellschaft fur Technik und Industrie m.b.H. and Co., K.G. (Caramant) is a limited liability company with a place of business in Wiesbaden, West Germany. The company is engaged in importing and exporting and otherwise trading in commodities of various types, including electronic equipment and metals. The respondent, Manfred Hardt, and his wife Carin are the owners of the company, and he is the General Manager. The respondent, Werner Hardt, is a brother of Manfred and acted as Assistant General Manager of the company. In the transactions hereinafter described in which Werner Hardt participated for Caramant, he acted as agent, within the scope of his employment, for and on behalf of Manfred Hardt and Caramant. In the transactions hereinafter described in which Werner Hardt participated for PSI, he acted as agent, within the scope of his employment for and on behalf of Manfred Hardt and PSI.

2. On July 27, 1966 the Office of Export Control issued an order revoking probation (under an order issued on July 12, 1965, 30 F.R. 9067) and denying to respondents Manfred Hardt and Caramant all U.S. export privileges until July 20, 1968 (31 F.R. 10480). The order was duly served on said respondents on August 9, 1966. At the time the order of July 27, 1966 was issued the respondent Werner Hardt was employed by Caramant and knew of this order at the

[1] This Act has been succeeded by the Export Administration Act of 1969, Public Law 91-184, 83 Stat. 841, approved Dec. 30, 1969. Section 13(b) of the new Act provides "All outstanding delegations, rules, regulations, orders, licenses, or other forms of administrative action under the Export Control Act of 1949 * * * shall, until amended or revoked, remain in full force and effect, the same as if promulgated under this Act".

[2] On June 1, 1969, the title of the regulations under the Act was changed from Export Regulations to Export Control Regulations. There were also some editorial changes in the regulations and changes in section numbers. Section references herein are to the Export Control Regulations.

time it was served on the other respondents.

3. On July 16, 1968 the Office of Export Control issued a temporary denial order against the respondents herein which continued in effect the terms, prohibitions, and restrictions of the denial order of July 27, 1966. Said temporary denial order was published in the FEDERAL REGISTER on July 20, 1968 (33 F.R. 10408), and was to be effective until the completion of compliance proceedings and is still in effect. The said order was duly served on respondents.

4. Under the terms of said denial orders, the respondents were prohibited from participating, directly or indirectly, in any manner or capacity in any transaction involving commodities or technical data exported or to be exported from the United States. The participation which was prohibited in any such transaction included carrying on negotiations with respect to, or in the receiving, ordering, buying, using, or disposition of any such commodities, and also in the financing or other servicing of such commodities or technical data.

5. On July 1, 1965 Manfred Hardt, acting for Caramant, placed a blanket order with a U.S. supplier for 2,000 vidicon tubes at $13 each. On September 27, 1966, notwithstanding the denial order of July 27, 1966, Caramant requested partial delivery of 200 of said tubes. Said tubes were exported from the United States to Caramant via air freight on September 30, 1966, and were received by Caramant shortly thereafter. On December 15, 1966, Caramant requested the U.S. supplier to deliver 163 tubes to replace those of the September shipment found to be defective, or in the alternative, to deliver another partial shipment of 200 tubes. The conduct of Caramant on September 27 and December 15, 1966, violated the prohibition of the denial order of July 27, 1966 against ordering commodities from U.S. suppliers. Such conduct was a violation even though the particular orders were placed pursuant to blanket order placed by Caramant prior to the issuance of the denial order of July 27, 1966. The receiving of the tubes by Caramant of the September 30 shipment was also in violation of the denial order.

6. On September 22, 1966, Caramant ordered from a U.S. supplier 6,900 resistors of varying strengths of resistance. The total value of the resistors ordered was $600. The ordering of said resistors by Caramant was a violation of the denial order of July 27, 1966.

7. On March 17, 1967, Caramant ordered from a U.S. supplier two 10 gram ampoules of rubidium. The ordering of said commodities by Caramant was a violation of the denial order of July 27, 1966 even though this was a sample order and the items were to be used by Caramant in its own electronic laboratory.

8. Shortly before October 6, 1966, Manfred Hardt had discussions with a West German subsidiary of a U.S. company that manufactures oil well tools and equipment. Said discussions related to the purchase of such tools and equipment and accessories thereto for the firm Petroservice International G.m.b.H. (PSI), in which Manfred Hardt had a 49 percent ownership interest. On October 6, 1966, Manfred Hardt, acting for PSI, submitted an order to the West German firm to purchase U.S.-origin oil well tools and equipment and accessories thereto valued at approximately $25,000. He knew that the commodities ordered were of U.S. origin. He admitted that he participated in certain negotiations with respect to the purchase of such equipment by PSI. Such negotiations were in violation of the denial order of July 27, 1966, even though Mr. Hardt's participation dealt primarily with the financial aspects of the transaction.

9. On August 15, 1966, Werner Hardt, acting as agent for Manfred Hardt and the firm PSI, placed an order with a French firm associated with a U.S. manufacturer of seismographic equipment for U.S.-origin seismographic equipment valued at approximately $75,000. Werner and Manfred Hardt knew that the equipment would come from the United States. By letter dated September 20, 1966, Manfred Hardt, on behalf of PSI, assured the French firm that the goods to be delivered under the order would not be resold to certain named countries, including East Germany. On December 29, 1966, the commodities in question were exported from the United States and delivered to PSI in West Germany. The conduct of Werner Hardt, individually and acting for Manfred Hardt and PSI, in ordering the equipment and the negotiations of Manfred Hardt for and the purchase of the commodities in question were in violation of the denial order of July 27, 1966.

10. One or more of the respondents in five separate matters are charged with negotiating for the purchase of specified U.S.-origin commodities. The alleged negotiations consisted of letters from the respective respondents to suppliers in the United States requesting an offer for commodities specified therein. In three of these matters there were no replies to the letters of inquiry, in reply to one letter a price quotation was given, and in reply to another letter the supplier refused to give a quotation. There was no further progress in any of these matters. I find that the conduct of respondents did not constitute negotiating for the purchase of commodities and the charges in question (Charge I, paragraphs 4 (b), (d), (f), (g), (h)) should be dismissed.

11. After the seismographic equipment referred to in Finding of Fact 9 was received by PSI in West Germany, the said commodities were reexported to East Germany and Manfred Hardt, individually and acting on behalf of PSI, without authorization from the Office of Export Control, was one of the individuals responsible for causing such reexportation. Manfred Hardt knew that the goods were of U.S. origin and that East Germany was an unauthorized destination.

12. On June 18, 1968 and continuing until about August 15, 1968 Manfred Hardt, acting individually and on behalf of PSI, without authorization from the Office of Export Control, participated in the servicing of the seismographic equipment, referred to in Finding of Fact 11, which was then in East Germany, and he also attempted to obtain engineering service and spare parts for said equipment.

13. On July 14, 1967, Werner Hardt, acting individually and on behalf of Manfred Hardt and PSI, executed an order to a firm in the United Kingdom for approximately $69,000 worth of U.S.-origin oil and gas field equipment. Werner Hardt at this time knew that Manfred Hardt was subject to an order which prohibited him from ordering or otherwise dealing in U.S.-origin commodities. Werner Hardt also knew at that time that the equipment he ordered was of U.S. origin. Werner Hardt's conduct in the ordering of the goods was in violation of the denial order of July 27, 1966.

14. It is alleged that beginning in September 1967 Manfred Hardt negotiated with a firm in the United Kingdom with respect to the purchase of the commodities referred to in the previous finding. I find that this allegation is not supported by the evidence and the charge relating thereto (Charge II, paragraph 5) should be dismissed.

15. On July 17, 1968, in the course of an investigation instituted under authority of the Export Control Act of 1949, Manfred Hardt signed a statement in which he made statements which he knew were false.

(a) He stated that Joseph S. Versch was responsible for all activities of PSI, and that he, Manfred Hardt, was only the financial partner and background shareholder. This statement was false in that Manfred Hardt was responsible for some of the important operational activities of PSI. He participated in negotiations for the seismographic equipment (Finding of Fact 9); he participated in negotiations for certain oil well tools and equipment and executed an order for same (Finding of Fact 8); he controlled the financial operations of PSI and designated Werner Hardt to oversee the financial matters of PSI.

(b) He stated that Joseph S. Versch informed him of the general developments of the transaction involving the seismographic equipment; that he had been informed by Versch that the equipment was shipped to Tunisia and that he had heard no further details about exportation of the equipment; that since September 10, 1967, he had no interest or influence with PSI. These statements were false in that Manfred Hardt had discussions with the French supplier of the equipment regarding the purchase by PSI; in November 1966 he learned that the order for the equipment had come from East Germany, and in January 1967 he participated in causing the reexportation to East Germany; in June 1968 he participated in the servicing of said equipment in East Germany for PSI and attempted to obtain spare parts for said equipment.

16. With respect to matters set forth in the charging letter involving commodities that PSI ordered, purchased, received, or reexported or involving negotiations for same and in which matters

Manfred Hardt or Werner Hardt acted on behalf of PSI, I find that said individuals were not acting on behalf of Caramant.

17. In none of the transactions in which it is found that respondents or any of them violated the denial orders of July 27, 1966, or July 16, 1968, was there disclosure by respondents of the facts to the Office of Export Control or did the respondents or any of them receive authorization from the Office of Export Control to participate in the activity which has been found to be a violation.

Based on the foregoing I have concluded that the respondents violated the Export Control Regulations as follows:

(1) The respondent Caramant violated §§ 387.2 and 387.4 and the denial order of July 27, 1966, in that without prior disclosure of the facts to and specific authorization from the Office of Export Control it ordered and also received U.S.-origin commodities with knowledge that such conduct was in violation of said denial order.

(2) The respondent Manfred Hardt violated §§ 387.2, 387.3, 387.4, and 387.6 and the denial orders of July 27, 1966, and July 16, 1968, in that without prior disclosure of the facts to and specific authorization from the Office of Export Control he negotiated for and purchased U.S.-origin commodities, caused the reexportation of U.S.-origin equipment from West Germany to East Germany, obtained service for U.S.-origin equipment in East Germany, and attempted to obtain further service and also spare parts for said equipment. Said respondent knew that such conduct was in violation of said denial orders.

The respondent Manfred Hardt also violated § 387.5 in that he made false and misleading statements to the Office of Export Control during the course of an investigation instituted under authority of the Export Control Act of 1949.

(3) The respondent Werner Hardt violated §§ 387.2, 387.3, and 387.4, and the denial orders of July 27, 1966, and July 16, 1968, in that without prior disclosure of the facts to and specific authorization from the Office of Export Control he ordered U.S.-origin commodities and attempted to obtain service and spare parts for U.S.-origin equipment in East Germany, with knowledge that such conduct was in violation of said denial orders.

Pursuant to § 388.9 of the Export Control Regulations the charges referred to in Findings of Fact 10 and 14 are hereby dismissed.

With respect to sanctions the Compliance Commissioner stated:

Caramant and Manfred Hardt were first denied export privileges for violations of the Export Control Regulations on July 20, 1965. The effective denial period was for 1 year and thereafter they were to be on probation for 2 years. In the supplemental order of July 27, 1966, it was found that they had violated the July 1965 denial order on three occasions and for that reason their probation was revoked on July 27, 1966, and the denial was made effective until July 20, 1968. Notwithstanding the supplemental order of July 1966, Caramant and Manfred Hardt, and also Werner Hardt, acting as agent for Manfred, with knowledge of the denial order, committed additional violations of the denial order. All of the transactions which have been found herein to be violations occurred after the supplemental order of July 27, 1966. It ill becomes respondents to claim that they did not know that their conduct was in violation of the restrictions of the denial order.

The violations by Caramant were not as serious as those by Manfred and Werner Hardt. There are three violations established against Caramant: Ordering and receiving vidicon tubes valued at $2,600; ordering resistors valued at $600; and ordering ampoules of rubidium metal valued, it is claimed, at $35. The violations by Manfred Hardt involved $75,000 worth of seismographic equipment, $25,000 worth of oil well equipment, and $69,000 worth of oil and gas field equipment. It is established that the seismographic equipment was reexported to East Germany, an unauthorized destination. He also made false and misleading statements in the course of an investigation. Werner Hardt was involved in the ordering of the seismographic equipment and the attempts to obtain service and parts therefor and also in the ordering of the oil and gas field equipment.

If the sanction imposed on Manfred and Werner Hardt could be considered separately from the sanction imposed on Caramant, I would recommend a less severe sanction against the latter. But it seems to me that they cannot be considered separately. Manfred Hardt is one of the principal owners of Caramant and he is the General Manager. Werner Hardt is the Assistant General Manager and the agent of Manfred. So long as they retain these connections they can control the operations of Caramant. Even if a less severe sanction should be imposed on Caramant it appears that it would be appropriate, on the connections that now exist, to name it as a related party to Manfred and/or Werner Hardt after the denial period had terminated. For these reasons I am recommending the same sanction against the three respondents.

I recommend that the respondents be denied export privileges for the duration of export controls, but I would afford them the opportunity of applying after July 20, 1975, for conditional restoration of privileges. This date, it will be observed, is 7 years after the effective date of the temporary denial order in these proceedings. I have taken into consideration the period that they have been subject to this temporary denial order.

Now, after considering the record in the case and the report and recommendation of the Compliance Commissioner and being of the opinion that his recommendation as to the sanctions that should be imposed is fair and just and calculated to achieve effective enforcement of the law: *It is hereby ordered:*

I. This order is effective forthwith and supersedes the temporary denial order issued against the above respondents on July 16, 1968 (33 F.R. 10408, July 20, 1968), but the terms and restrictions of said temporary denial order are continued in full force and effect.

II. So long as export controls are in effect the respondents are denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction involving commodities or technical data exported from the United States in whole or in part, or to be exported, or which are otherwise subject to the Export Control Regulations. Without limitation of the generality of the foregoing, participation prohibited in any such transaction, either in the United States or abroad, shall include participation, directly or indirectly, in any manner or capacity, (a) as parties or as representatives of a party to any validated export license application, (b) in the preparation or filing of any export license application or reexportation authorization, or any document to be submitted therewith, (c) in the obtaining or using of any validated or general export license or other export control document, (d) in the carrying on of negotiations with respect to, or in the receiving, ordering, buying, selling, delivering, storing, using, or disposing of any commodities or technical data in whole or in part, exported or to be exported from the United States, and (e) in the financing, forwarding, transporting or other servicing of such commodities or technical data.

III. Such denial of export privileges shall extend not only to the respondents, but also to their officers, agents, partners, representatives, and employees and to any successor and to any person, firm, corporation, or business organization with which they now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade or services connected therewith.

IV. No person, firm, corporation, partnership or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Bureau of International Commerce, shall do any of the following acts, directly or indirectly, or carry on negotiations with respect thereto, in any manner or capacity, on behalf of or in any association with any such respondents or related party, or whereby any such respondent or related party may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly: (a) Apply for, obtain, transfer, or use any license, Shipper's Export Declaration, bill of lading, or other export control document relating to any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States, by, to, or for any such respondent or related party denied export privileges; or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in any technical data exported or to be exported from the United States.

Dated: May 22, 1970.

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

[F.R. Doc. 70-6929; Filed, June 3, 1970; 8:50 a.m.]

[Case No. 396]

PETROSERVICE INTERNATIONAL GmbH ET AL.

Order Denying Export Privileges

In the matter of Petroservice International G.m.b.H. (PSI), Martinsthaler

Strasse 7, Wiesbaden, Federal Republic of Germany; Joseph S. Versch, Alpspitzstr. 21, 81) Garmisch-Partenkirchen, Federal Republic of Germany; and Michael Schmidt-Sandler, Martinsthaler Strasse 7, Wiesbaden, Federal Republic of Germany, respondents; and Interlignum Etablissement, Postfach 34–722, Vaduz/Fuerstentum Liechtenstein, related party; Case No. 396.

A charging letter was issued by the Director, Investigations Division on April 16, 1968 against Joseph S. Versch, alleging violations of the Export Control Act of 1949 [1] and the regulations thereunder.[2] It was amended on May 8, 1969, to include as respondents Petroservice International G.m.b.H. (PSI) and Michael Schmidt-Sandler.

The charging letter, as amended, contains three numbered charges. Charge I alleges that on August 15, 1966 Versch, acting on behalf of PSI, ordered from a French representative of a U.S. manufacturer $74,000 worth of U.S.-origin seismographic equipment; that on December 29, 1966 said equipment was exported from the United States and delivered to PSI; that PSI, Versch, and Schmidt-Sandler, as well as Manfred Hardt,[3] reexported or caused the equipment to be reexported to East Germany without authorization from the Office of Export Control.

Charge II alleges that in the course of an investigation to determine: (a) Whether Manfred Hardt, a denied party, was in any way affiliated with PSI and; (b) whether the above mentioned seismographic equipment had been disposed of by Versch and PSI in accordance with U.S. export requirements, Versch and Schmidt-Sandler, each acting individually and for PSI, made false and misleading statements.

Charge III alleges that PSI, Versch, and Schmidt-Sandler, while subject to denial orders, violated such orders in two respects: (a) From February through August 1968 attempted to obtain U.S.-origin spare parts to service and supplement, as well as service for, the seismographic equipment described in Charge I; (b) acting through an intermediary in the United Kingdom, ordered, bought, received and financed the purchase of U.S. oil well drilling and oil and gas field equipment valued at $69,000.[4]

The respondents PSI and Schmidt-Sandler appeared in the proceedings, were represented by counsel and filed answers. The respondent Versch at the outset was represented by counsel who withdrew. No answer was filed by Versch or on his behalf and he was held to be in default.

A hearing was held before the Compliance Commissioner on December 15, 1969 in Washington, D.C. An attorney from the General Counsel's Office represented the Investigations Division. The respondents PSI and Schmidt-Sandler were represented by counsel and Schmidt-Sandler appeared as a witness. Counsel for these respondents submitted a brief on January 15, 1970. On March 18, 1970 counsel for the Investigations Division submitted to the Compliance Commissioner a number of documents not previously available for consideration by him in recommending the sanction that should be imposed. These documents were designated as a supplement to the record and the interested respondents were given the opportunity to submit evidence to rebut or explain any matters set forth in said documents. Counsel for said respondents advised the Compliance Commissioner that his clients would offer no comments on these documents.

The Compliance Commissioner, after considering the record in the case, submitted to the undersigned a report which summarizes the essential evidence, considers the various charges, and which includes findings of fact and conclusions. Based on the record and supplement to the record, the Compliance Commissioner has also recommended sanctions that should be imposed.

After considering the record in the case, I adopt the following findings of fact made by the Compliance Commissioner:

Findings of fact. 1. The respondent Petroservice International G.m.b.H. (PSI) is a limited liability company with a place of business in Wiesbaden, West Germany. This company was organized on September 22, 1967, and was registered on November 23, 1967. The respondent Schmidt-Sandler has been commercial manager of this firm since it was organized and began to act in that capacity for the prospective firm around September 1, 1967.

2. The respondent PSI was successor to a firm which was also called Petroservice International G.m.b.H. (herein referred to as old PSI), which was also located in Wiesbaden. The old PSI had never been registered as a firm. This firm was in the business of furnishing technical advice, assistance, and equipment for oil and gas producing industries. This firm is now out of existence. The new PSI carried on the business activities which had been started by the old PSI and also initiated new business. The new PSI also engaged in furnishing engineering services for pipelines and laying pipelines.

3. The respondent Versch, an engineer by training, had a significant financial interest in the old PSI and he was the individual primarily responsible for conducting the technical affairs of that firm. He also had a substantial financial interest in the new PSI from the time it was organized until about April 1, 1968. While he was connected with the new PSI he was one of the principal officials of the firm and was the individual in the firm primarily responsible for technical aspects of the business and also in procuring and selling equipment. About April 1, 1968, he sold his interest in the firm and his connections with the firm were severed.

4. On July 20, 1967, the Director, Office of Export Control made a determination that the old PSI was a related party to Manfred Hardt against whom an order denying export privileges issued on July 27, 1966, was then outstanding (31 F.R. 10480). Notice of this determination was published in the FEDERAL REGISTER on August 17, 1967 (32 F.R. 11895). By order dated April 1, 1968, the status of the old PSI to Manfred Hardt was terminated and an order temporarily denying export privileges was issued against the new PSI and Joseph S. Versch as respondents (33 F.R. 3395). The said order was made applicable to Michael Schmidt-Sandler as an employee of PSI. By subsequent orders and to the present time the respondents herein have been denied all U.S. export privileges. (See 33 F.R. 5425, 33 F.R. 6487, 34 F.R. 564, 34 F.R. 5186.)

5. On August 15, 1966, the respondent Versch and one Werner Hardt (brother of Manfred Hardt), on behalf of old PSI, ordered from a French representative of a U.S. manufacturer approximately $74,000 worth of U.S.-origin seismographic equipment. On or about December 29, 1966, the U.S. manufacturer exported said equipment via air freight from the United States and it was delivered to PSI in West Germany within a few days thereafter. The respondent Versch knew that under the U.S. Export Control Regulations said equipment could not be lawfully reexported from West Germany to certain countries, including East Germany, without specific authorization from the Department of Commerce. Notwithstanding said knowledge Versch was primarily responsible for reexporting said equipment to East Germany without authorization from said Department.

6. The Office of Export Control instituted an investigation under authority of the Export Control Act of 1949 for the purpose of ascertaining whether the above-mentioned Manfred Hardt was in any way affiliated with PSI and whether he was circumventing the denial order of July 27, 1966, and also for the purpose of ascertaining whether the seismographic equipment above referred to had been disposed of in accordance with the

[1] This Act has been succeeded by the Export Administration Act of 1969, Public Law 91-184, 83 Stat. 841, approved Dec. 30, 1969. Section 13(b) of the new Act provides "All outstanding delegations, rules, regulations, orders, licenses, or other forms of administrative action under the Export Control Act of 1949 * * * shall, until amended or revoked, remain in full force and effect, the same as if promulgated under this Act".

[2] On June 1, 1969 the title of the regulations under the Act was changed from Export Regulations to Export Control Regulations. There were also some editorial changes in the regulations and changes in section numbers. Section references herein are to the Export Control Regulations.

[3] A separate charging letter was issued against Manfred Hardt and other respondents on Apr. 30, 1968. Said charging letter includes allegations against Manfred Hardt for violations relating to this seismographic equipment and also relating to other matters. A separate order is being issued in the case against Manfred Hardt, et al., Case No. 397.

[4] This is the so-called Johnston Testers transaction. An order denying export privileges and imposing a civil penalty had been issued against Johnston, formerly known as Johnston Testers, for its participation in this transaction. (See 35 F.R. 920, Jan. 22, 1970.)

Export Control Act and regulations thereunder.

7. In the course of said investigation the respondent Versch on February 23, 1967, falsely stated to two special agents of the Investigations Division, Office of Export Control, that Manfred Hardt was not in any manner associated with PSI. The respondent Versch knew at that time that Manfred Hardt had a 49 percent interest in PSI and had contributed 25,000 DM toward the paid in capital of the company.

8. In the course of said investigation the respondent Versch on July 19, 1967, made other false statements to two special agents of the Investigations Division, Office of Export Control. Versch falsely stated that the seismographic equipment had been exported by PSI to Tunisia for use by a PSI prospecting team that was doing work under a contract PSI had with a Tunisian firm; that said equipment was subsequently impounded in Sfax, Tunisia. The facts are that said Tunisian firm had never done business with Versch or PSI, had never entered into a contract with Versch or PSI, had never had possession of the equipment in question, had never impounded the equipment, and the said equipment was not in Sfax, Tunisia.

9. In the course of said investigation, Versch on October 13, 1967, stated to a representative of the U.S. Government, acting on behalf of the Office of Export Control, that the seismographic equipment had been expropriated in Sfax, Tunisia, by the Tunisian Government through the above-mentioned Tunisian firm. This statement was false and known by Versch to be false. (See Finding of Fact No. 8.)

10. In the course of said investigation the respondent Schmidt-Sandler in an affidavit dated March 8, 1968 (at which time said respondent was commercial manager of PSI), made the following statements: He had no dealings or connections with respect to the seismographic equipment in question; he had no personal knowledge concerning the disposition of said equipment other than information Mr. Versch had from time to time communicated to him; that he could not make any statement concerning this transaction from his personal knowledge. These statements by said respondent were false. The fact is that on February 27, 1968, the said respondent participated in a meeting in Paris, France, with respondent Versch and other parties concerning the equipment in question which was then known by the parties to be in East Germany and not in good working condition. The purpose of said meeting was to arrange for the procurement of replacement parts and servicing for said equipment. This respondent acknowledged at the hearing on December 15, 1969, that his statement on March 8, 1968, that he knew nothing of this matter, was not the whole truth.

11. Notwithstanding the restrictions of the applicable denial orders referred to in Finding of Fact No. 4, as they affected respondents Versch and PSI, and in violation of said orders, Versch, individually and acting on behalf of the respondent PSI, in February 1968 attempted to obtain U.S.-origin spare parts and also service for the U.S.-origin seismographic equipment herein referred to which said respondents knew had been reexported to East Germany in violation of the U.S. Export Control Act and regulations.

12. Notwithstanding the restrictions of the applicable denial orders referred to in Finding of Fact No. 4 as they affected respondents Schmidt-Sandler and PSI, and in violation of said orders, the respondent Schmidt-Sandler, individually and acting on behalf of the respondent PSI, beginning in February 1968 and continuing in June and August 1968 and also in September 1968 attempted to obtain U.S.-origin spare parts and also service for the U.S.-origin seismographic equipment herein referred to which said respondents knew had been reexported to East Germany in violation of the U.S. Export Control Act and regulations.

13. Notwithstanding the restrictions of the applicable denial orders referred to in Findings of Fact No. 4, as they affected respondents Versch, Schmidt-Sandler, and PSI and in violation of said orders the respondents Versch and Schmidt-Sandler, acting on behalf of PSI, acting through an intermediary, located in the United Kingdom, ordered, bought, received and financed the purchase of U.S.-origin parts, accessories, and attachments especially fabricated for well drilling machines and other oil and gas field equipment, valued in excess of $66,000.

Based on the foregoing I have concluded:

(a) The respondent Versch violated §§ 387.2 and 387.6 of the Export Control Regulations, in that without specific authorization from the Office of Export Control he knowingly caused the reexportation of U.S.-origin commodities from West Germany to East Germany contrary to prior representations and also contrary to provisions of the Export Control Regulations.

(b) The respondents Versch, Schmidt-Sandler, and PSI violated § 387.5 of the Export Control Regulations in that in the course of an investigation instituted under authority of the Export Control Act they made false and misleading statements of material facts, directly and indirectly, to the Office of Export Control.

(c) The respondents Versch, Schmidt-Sandler, and PSI violated §§ 387.2, 387.3, 387.4, 387.6, and 387.10 of the Export Control Regulations and the denial orders of the Bureau of International Commerce in effect against them in that without first obtaining the authorization of the Office of Export Control, they

(1) Attempted to procure U.S.-origin spare parts for seismographic equipment that had been reexported to East Germany in violation of the U.S. Export Control Regulations,

(2) Attempted to procure and did procure service for said seismographic equipment,

(3) Ordered, bought, received and financed the purchase of U.S.-origin commodities which were to be and which were exported from the United States and caused the doing of such acts.

The evidence shows that since April 1968 the firm Interlignum Etablissement, a Liechtenstein company, has had a 98 percent ownership in PSI. Pursuant to § 388.1(b) of the Export Control Regulations, a determination is hereby made that Interlignum is a related party to PSI, and this denial order is made applicable to said Interlignum Etablissement.

Concerning certain aspects of the evidence and the sanctions that should be imposed the Compliance Commissioner stated as follows:

> Versch was primarily responsible for the * * * seismographic equipment transaction and for the diversion of this equipment to East Germany. He obtained the order for this equipment from the East German customer. He was primarily responsible for procuring the U.S.-origin goods with knowledge that reexportation to East Germany would be in violation of the U.S. export control regulations. He reexported the goods and he profited from the transaction, possibly to the extent of some $25,000 or $30,000. To compound his wrongdoing he fabricated an elaborate story for the Office of Export Control about the equipment having been exported to Tunisia and its having been impounded by the government of Tunisia after the outbreak of Israel-Arab hostilities in 1967. There is not a shred of truth to this story.
>
> Versch also attempted to obtain spare parts and service for the seismographic equipment which he knew was illegally in East Germany.
>
> In addition to the seismographic equipment transaction Versch was deeply involved in the oil and gas field equipment transaction in which a firm in the United Kingdom was used as an intermediary for the purpose of evasion of the denial order by PSI. The evidence shows that Versch had prime responsibility for these illegal arrangements. He acted for PSI until he left the firm in April 1968. Despite Versch's flagrant, deliberate, and knowing violations of the U.S. export regulations he had the effrontery to state in his letter of January 19, 1969 (Ex. 31), that he had always acted loyal to U.S. trade regulations that he knew of regarding international trade in U.S. equipment.
>
> Versch has demonstrated that he cannot be trusted to deal in U.S. goods. He has no qualms about diverting U.S.-origin strategic goods to unauthorized destinations and his word is not worthy of belief. To the extent that we can, we should prevent him from dealing in U.S. commodities or technical data. I recommend that he be denied export privileges for the duration of export controls.
>
> Schmidt-Sandler has been commercial manager of PSI since about September 1, 1967. As early as February 1968 (and possibly before) he knew that the seismographic equipment had been illegally diverted to East Germany. Thereafter over a period of many months he participated in attempts to obtain spare parts and service for this equipment. He gave false information as to his role in this matter.
>
> Schmidt-Sandler also participated in the ordering, shipment, receipt and financing of the Johnston Testers oil and gas field equipment through the intermediary in the U.K. He knew that this transaction was in violation of the denial order against him and PSI.
>
> These violations by Schmidt-Sandler on behalf of PSI deserve severe sanctions. In addition, the matters disclosed in the documents which are in the supplement to the record must be considered. These documents

show that Schmidt-Sandler on behalf of PSI had extensive dealings in U.S.-origin oil and gas field equipment with a U.K. firm from November 1968 until February 1970. In this connection the testimony of Schmidt-Sandler under oath at the hearing on December 15, 1969 is significant (Tr. 85). He testified in substance that with few very small exceptions PSI does not deal in oil field equipment because oil field equipment "is more or less governed by American produced equipment" and PSI "is not entitled to purchase this".

On February 23, 1968, Schmidt-Sandler, acting for PSI, wrote to * * * a prominent (U.S.) supplier of oil well drilling equipment. The letter was captioned "Future commercial cooperation" and requested price lists, catalogues, etc. The letter stated that PSI concentrates its activities "on all projects regarding the search, development, drilling, and production of oil and gas engineering and service work on these fields".

(The U.S. supplier) put PSI in touch with (a London) supplier of oil well drilling equipment. The documents show that commencing in November 1968 PSI placed numerous orders with (the London supplier) for oil well drilling equipment. In the period from December 4, 1968, to January 22, 1970, pursuant to these orders (the London supplier) issued 30 invoices to PSI and shipped for its account approximately $125,000 worth of oil well drilling equipment. Twenty-four of these invoices showed that the goods were exclusively of U.S. origin, four invoices showed that the goods were partially of U.S. origin, and one invoice showed that the goods were of Dutch origin. The dealings between PSI and (the London supplier) were handled on behalf of PSI by Schmidt-Sandler. It is apparent from many of the orders that were placed that Schmidt-Sandler knew that the goods were of U.S. origin. In most instances the invoices to PSI confirmed this.

Around the middle of February 1970 it was brought to the attention of (the London supplier) by the U.S. Embassy, London, that PSI and Schmidt-Sandler were subject to an order denying U.S. export privileges. At that time (the London supplier) had some orders from PSI in process and other prospective orders for oil well drilling equipment which if consummated would have totalled in the vicinity of $200,000.

(The London supplier) on learning that PSI and Schmidt-Sandler were subject to U.S. export denial orders, canceled the orders it had with the firm. An official of (the London supplier) reported that Schmidt-Sandler was highly irate over (the) cancellation of the contracts and he (Schmidt-Sandler) attempted to pressure (the supplier) into fulfilling them. The * * * official further reported that Schmidt-Sandler claimed that he had no knowledge of being on the denial list and asserted that the PSI on the list must be another company of the same name. Schmidt-Sandler had the opportunity to rebut or explain these reported statements but did not do so. It should be noted that Schmidt-Sandler made these statements after the hearing in this matter (Dec. 15, 1969) and while awaiting the results thereof.

The extensive dealings by Schmidt-Sandler and PSI with (the London supplier) in U.S.-origin equipment while under a denial order and their conduct when their illegal dealings were discovered show an utter disregard for the U.S. export control act and orders issued thereunder. These parties cannot be trusted to deal in U.S.-origin goods. As with Versch, to the extent that we can, we should prevent these parties from dealing in U.S.-origin commodities or technical data. As to these parties, I also recommend that they be denied export privileges for the duration of export controls.

I would hold out the prospect to these respondents for restoration of their export privileges at some future time. I would permit them after a period of 8 years from the effective date of the order issued herein to apply to have their export privileges restored. If at that time they are able to demonsrate that they have complied with the terms of the denial order and disclose such details of their import and export transactions as may be necessary to determine such compliance, and if no adverse information has been developed concerning their activities, consideration can be given to such application in the light of conditions and policies existing at that time. I have taken into account the period that they have been under temporary denial.

I have considered the record in the case and the report and recommendation of the Compliance Commissioner, and note that the supplemental record is taken into consideration on the matter of sanctions against Schmidt-Sandler and PSI. I am of the opinion that the Compliance Commissioner's recommendations as to the sanctions that should be imposed are fair and just and calculated to achieve effective enforcement of the law. *Accordingly, it is hereby ordered:*

I. This order is effective forthwith and supersedes the orders temporarily denying export privileges issued against Joseph S. Versch on April 23, 1968 (33 F.R. 6487) and Petroservice International G.m.b.H. (PSI) and Michael Schmidt-Sandler on March 10, 1969 (34 F.R. 5186), but the terms and restrictions of said temporary denial orders are continued in full force and effect.

II. So long as export controls are in effect the respondents are denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction involving commodities or technical data exported from the United States, in whole or in part, or to be exported, or which are otherwise subject to the Export Control Regulations. Without limitation of the generality of the foregoing, participation prohibited in any such transaction, either in the United States or abroad, shall include participation, directly or indirectly, in any manner or capacity, (a) as parties or as representatives of a party to any validated export license application, (b) in the preparation or filing of any export license application or reexportation authorization, or any document to be submitted therewith, (c) in the obtaining or using of any validated or general export license or other export control document, (d) in the carrying on of negotiations with respect to, or in the receiving, ordering, buying, selling, delivering, storing, using, or disposing of any commodities or technical data in whole or in part, exported or to be exported from the United States, and (e) in the financing, forwarding, transporting or other servicing of such commodities or technical data.

III. Such denial of export privileges shall extend not only to the respondents, but also to their officers, agents, partners, representatives, and employees and to any successor and to any person, firm, corporation, or business organization with which they now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade or services connected therewith.

A determination has been made that the firm Interlignum Etablissement of Vaduz, Liechtenstein is such a related party to PSI and all of the terms and restrictions of this order are applicable to said Interlignum Etablissement.

IV. No person, firm, corporation, partnership, or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Bureau of International Commerce, shall do any of the following acts, directly or indirectly, or carry on negotiations with respect thereto, in any manner or capacity, on behalf of or in any association with any such respondents or related party, or whereby any such respondent or related party may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly: (a) Apply for, obtain, transfer, or use any license, Shipper's Export Declaration, bill of lading, or other export control document relating to any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States, by, to, or for any such respondent or related party denied export privileges; or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in any technical data exported or to be exported from the United States.

Dated: May 22, 1970.

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

[F.R. Doc. 70-6928; Filed, June 3, 1970; 8:50 a.m.]

Business and Defense Services Administration

DUKE UNIVERSITY

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

The folloiwng 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. 70-00277-61-46040. Applicant: Duke University, Durham, N.C. 27706. Article: Electron microscope, Model Elmiskop 101. Manufacturer: Siemens A.G., West Germany.

Intended use of article: The article will be used primarily to investigate the genetic control of organelle differentiation in green algae and higher plants. A series of mutants which fail to form

morphologically and/or functionally normal chloroplasts or mitochondria are being studied.

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

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

Reasons: The foreign article has a specified resolving capability of 3.5 angstroms. The most closely comparable domestic instrument is the Model EMU-4 electron microscope which was formerly manufactured by the Radio Corp. of America (RCA), and which is presently being supplied by the Forgflo Corp. The Model EMU-4 has a specified resolving capability of 8 angstroms. (The lower the numerical rating in terms of angstrom units, the better the resolving capability.)

We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated April 22, 1970, that the additional resolving capability of the foreign article is pertinent to the purposes for which the foreign article is intended to be used. We, therefore, find that the Model EMU-4 is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

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

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

[F.R. Doc. 70-6874; Filed, June 3, 1970; 8:46 a.m.]

EAST CAROLINA UNIVERSITY

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

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

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

Docket No. 70-00342-99-46040. Applicant: East Carolina University, Greenville, N.C. 27834. Article: Electron microscope, Model HS-8. Manufacturer: Hitachi, Ltd., Japan.

Intended use of article: The article will be used primarily for the training of undergraduate and graduate students in the techniques and applications of electron microscopy. Due to the fact that this instrument is to be used for teaching, its operation must be relatively simple for the inexperienced student operators. A minimum of detailed programming facilitates early and competent use by students.

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 an electron microscope for training undergraduates and graduate students in the techniques and applications of the electron microscopes. The foreign article is a relatively simple instrument which provides characteristics that make it suitable for teaching. Among these are a lower contamination rate allowing prolonged observations, simplified column alignment, and rapid specimen film exchange. The most closely comparable domestic electron microscope is the Model EMU-4B, which was formerly manufactured by the Radio Corp. of America (RCA) and which is currently being produced by the Forgflo Corp. (Forgflo). The Model EMU-4B electron microscope is a highly sophisticated and relatively complex research electron microscope intended for the use of an expert. We are advised by the National Bureau of Standards (NBS) in its memorandum dated April 23, 1970, that the simplicity of operation, the rapid specimen film exchange, the lower contamination rate which allows prolonged observation, and the three viewing ports accessible from three sides are pertinent to the purposes for which the foreign article is intended to be used.

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

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

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

[F.R. Doc. 70-6875; Filed, June 3, 1970; 8:46 a.m.]

PRINCETON UNIVERSITY

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

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

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

Docket No. 70-00373-33-90000. Applicant: Princeton University, Post Office Box 33, Princeton, N.J. 08540. Article: X-ray equipment, Model GX-6 (two complete units). Manufacturer: Elliott Tubes Ltd., United Kingdom.

Intended use of article: The article will be used for X-ray diffraction structure analysis of large biological molecules to obtain knowledge of the three dimensional structure of selected biological specimens.

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

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

Reasons: The foreign article provides finely focused X-rays of high intensity. Such X-rays yield maximum spot resolution and permit the collection of maximum data before deterioration of the specimen. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated April 30, 1970, that the finely focused and highly intense X-rays described above are pertinent characteristics of the foreign article. HEW further advises that it knows of no scientifically equivalent X-ray diffraction apparatus being manufactured in the United States which provides X-rays having both the fineness of focus and the intensity of the X-rays produced by the foreign article.

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

[F.R. Doc. 70-6877; Filed, June 3, 1970; 8:46 a.m.]

ROCKEFELLER UNIVERSITY

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

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

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

Docket No. 70-00338-33-46040. Applicant: The Rockefeller University, York

Avenue and 66th Street, New York, N.Y. 10021. Article: Electron microscope, Model Elmiskop 101. Manufacturer: Siemens A.G., West Germany.

Intended use of article: The article will be used for research on ribosome substructure and on the relationship of the large ribosomal subunits to the endoplasmic reticulum membrane to which some of these subunits are attached; for research on membrane structure and membrane biogenesis in algal chloroplasts and in the endoplasmic reticulum of mammalian hepatocytes; and for research on structures involved in intracellular transport and discharge of secretory projects, primarily proteins, in mammalian pancreas and parotid.

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

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

Reasons: The foreign article has a specified resolving capability of 3.5 angstroms. The most closely comparable domestic instrument is the Model EMU-4B electron microscope which was formerly manufactured by the Radio Corp. of America (RCA), and which is presently being supplied by the Forgflo Corp. The Model EMU-4B has a specified resolving capability of 5 angstroms. (The lower the numerical rating in terms of angstrom units, the better the resolving capability.)

We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated April 30, 1970, that the additional resolving capability of the foreign article is pertinent to the purposes for which the foreign article is intended to be used. We, therefore, find that the Model EMU-4B is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

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

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

[F.R. Doc. 70-6872; Filed, June 3, 1970; 8:46 a.m.]

UNIVERSITY OF ILLINOIS

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. 70-00313-33-46040. Applicant: University of Illinois at Chicago Circle, Purchasing Division, Post Office Box 4348, Chicago, Ill. 60608. Article: Electron microscope, Model HU-125E. Manufacturer: Hitachi, Ltd., Japan.

Intended use of article: The article will be used primarily in biological ultrastructural research. Principal projects concern ultrastructureal studies on ovarian maturation in Drosophila and the ultrastructure of the microtubular network in the gut of several parasites.

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

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

Reasons: The foreign article has a specified resolving capability of 3.5 angstroms. The most closely comparable domestic instrument is the Model EMU-4B electron microscope which was formerly manufactured by the Radio Corp. of America (RCA), and which is presently being supplied by the Forgflo Corp. The Model EMU-4B has a specified resolving capability of 5 angstroms. (The lower the numerical rating in terms of angstrom units, the better the resolving capability.)

We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated April 30, 1970, that the additional resolving capability of the foreign article is pertinent to the purposes for which the foreign article is intended to be used. We, therefore, find that the Model EMU-4B is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

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

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

[F.R. Doc. 70-6873; Filed, June 3, 1970; 8:46 a.m.]

UNIVERSITY OF OREGON

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. 70-00315-33-90000. Applicant: University of Oregon, Institute of Molecular Biology, Eugene, Oreg. 97403. Article: X-ray diffraction unit, Model Gx-6. Manufacturer: Elliott Electronic Tubes Ltd., United Kingdom.

Intended use of article: The article will be used for research and teaching and for X-ray diffraction studies of protein crystals. Large biological molecules will be studied. An advanced level course to be given is titled "X-ray Crystallography." Studies are commencing on immunoglobulins and new high speed methods of data collection for large molecules are being developed.

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

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

Reasons: The foreign article provides finely focused X-rays of high intensity. Such X-rays yield maximum spot resolution and permit the collection of maximum data before deterioration of the specimen.

We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated April 30, 1970, that the finely focused and high intense X-rays described above are pertinent characteristics of the foreign article. HEW further advises that it knows of no scientifically equivalent X-ray diffraction apparatus being manufactured in the United States which provides X-rays having both the fineness of focus and the intensity of the X-rays produced by the foreign article.

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

[F.R. Doc. 70-6876; Filed, June 3, 1970; 8:46 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social and Rehabilitation Service

STATEMENT OF ORGANIZATION, FUNCTIONS, AND DELEGATIONS OF AUTHORITY

The following statement supersedes that portion of Part 7 (Social and Rehabilitation Service) of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health, Education, and Welfare (34 F.R.

1279, Jan. 25, 1969, as amended), beginning with Part 7–A and ending with the Division of Cuban Refugee Program:

7–A. *Mission.* The Social and Rehabilitation Service administers the Federal Government programs providing technical, consultative, and financial support to States, local communities, other organizations and individuals in the provision of social, rehabilitation, income maintenance, medical, family and child welfare, and other necessary services to the aged and aging, children and youth, the disabled, and families in need.

7–B. *Organization and Functions.* The Social and Rehabilitation Service, under the supervision and direction of the Administrator, Social and Rehabilitation Service, is composed of the Office of the Administrator, the Staff Offices, six major central office program organizations (hereinafter "The Bureaus"), and the Regional Office organization. Specifically, SRS consists of the following components, and functions (as indicated).

OFFICE OF THE ADMINISTRATOR

Provides leadership and common services for all programs and components of the Social and Rehabilitation Service.

Immediate Office of the Administrator. Provides executive direction to all program components of the Social and Rehabilitation Service in the administration of social; rehabilitation; income maintenance; research, demonstrations and training; medical assistance; youth development and delinquency prevention; and other services programs for or relating to the aged and aging, children and youth, the disabled, and families in need. Acts as the focal point in the Federal Government in these fields. Provides leadership; develops legislative proposals; establishes policies and objectives; directs and oversees the planning and execution of programs; provides overall management, coordinates program operations and activities; takes action to achieve improvements in program effectiveness; measures and evaluates results. Maintains relationships with the Congress, Federal, State, national, and international and other professional and voluntary agencies and organizations involved or interested in the Social and Rehabilitation Service programs.

The Immediate Office of the Administrator includes the Administrator, the Deputy Administrator, and immediate staff.

OFFICE OF PRIORITY PROGRAMS

Provides leadership and direction in coordinating activities of agency components to achieve the program objectives determined to be of the highest priority; determines resources and responsibilities for achieving those priority objectives; serves as the central focus for reporting priority program developments, progress, and problems; provides Central Office guidance and assistance for priority program operations in the Regional Offices; assesses the overall effectiveness of priority program achievements and makes recommendations to the Administrator for strengthening the capabilities for carrying out those responsibilities.

Office of Legislative Affairs. Coordinates, plans, and participates in the development of new legislation; coordinates the development of testimony, cost estimates and other materials related to legislative proposals; coordinates the preparation of Congressional and other reports on all bills. Reviews and obtains approvals on correspondence with members of Congress and the public on legislative proposals. Keeps the Administrator and affected staff organizations informed regarding legislation and coordinates all recommendations for new legislation. Coordinates all Congressional relations and functions of the various SRS components. Furnishes technical assistance to Congressional committees, committee staffs, individual members of Congress, and public and private organizations in relation to proposals or bills. Serves as the SRS contact point with the Office of the Assistant Secretary for Legislation and the Assistant General Counsel, Legislation Division. Maintains liaison with legislative offices of other agencies of the Department and of other Departments of the Executive Branch. Develops legislative histories of significant laws and prepares other summaries of the status of legislation and reports of hearings.

Office of Public Affairs. Plans, directs, and coordinates the public affairs programs of the Social and Rehabilitation Service. Advices on public information considerations and needs involved in program and policy recommendations and decisions. Provides guidance and leadership to all components of SRS in matters involving public affairs. Provides central news, television, radio and film services for all SRS components. With the collaboration of the bureaus and regional offices, assists the States in conducting their information programs. Develops basic SRS policy in the area of public affairs. Serves as the SRS contact point on public affairs with the Office of the Secretary, other agencies of the Department, and other Federal departments and agencies.

Division of News Media Services. Provides day-to-day relationships with the news media. Plans, prepares, coordinates, and evaluates news releases, other news materials, news conferences, and briefings with the press, news magazines, and radio and television news departments.

Division of Editorial Services. Plans, prepares, coordinates, and evaluates written materials—i.e., speeches, reports, articles, etc.

Division of Publications. Plans, prepares, coordinates, and evaluates publications and exhibits.

Division of Television, Radio, and Films. Plans, prepares, coordinates, and evaluates television, radio, and film activities and projects.

Division of Special Projects. Plans, carries out, and coordinates special projects in the areas of public affairs information.

ASSOCIATE ADMINISTRATOR FOR PLANNING, RESEARCH, AND TRAINING

Provides leadership and coordination for program planning and evaluation, research and demonstrations, external manpower development and training, and grants management activities of the Social and Rehabilitation Service. Serves as the advisor to the Administrator in these areas. Directs and coordinates the activities of the Assistant Administrators in the Office of Program Planning and Evaluation, the Office of Research and Demonstrations, and the Office of Manpower Development and Training.

OFFICE OF THE ASSISTANT ADMINISTRATOR, PROGRAM PLANNING AND EVALUATION

Provides staff leadership, advice, direction, and coordination for the overall planning and evaluation activities of the Social and Rehabilitation Service. Serves as the contact point for the Office of the Administrator with the Office of the Assistant Secretary for Planning and Evaluation and the Bureau of the Budget on program planning and evaluation activities.

Division of Program Planning. Provides policy direction and coordination for all SRS program planning activities. Develops planning systems for use by the Bureaus and Regional Offices. Coordinates the Program Planning and Evaluation System program of SRS, including the translation of the long-range goals into incremental annual operational plans. Provides agencywide direction in the development of the SRS multiyear Program and Financial Plan.

Division of Program Evaluation. Directs studies and analyses of program objectives and accomplishments, compares the benefits and costs of alternative programs and explores future needs in relation to planning programs. Directs and coordinates evaluation activities to appraise the relation of Federal programs to the social and rehabilitative needs and goals of the Nation. In coordination with the Office of Program Statistics and Data Systems, prescribes measures and indicators of program progress which can be used in achieving program objectives.

OFFICE OF THE ASSISTANT ADMINISTRATOR, MANPOWER DEVELOPMENT AND TRAINING

Provides staff coordination, direction and advice on the development of training goals and policies for State and local agency staff development programs. Coordinates the development of standards and guidelines for State and local agencies. Participates in planning and executing policies and programs for meeting State manpower needs in programs administered by the Social and Rehabilitation Service, including estimating requirements and developing effective methods and resources to meet these needs. Works with national organizations and associations and educational institutions to stimulate resources and curriculum development for training of professional, sub-professional and lay persons in social and rehabilitation services.

Division of In-Service Training Programs. Cooperates with regional offices in providing assistance to State and local agencies in the development of in-service training programs designed to increase the skills and competence of State and

local agency personnel. Identifies operating problems of those agencies and recommends training programs to meet their needs. Provides financial support for continuing education of personnel in all fields and for staff development programs of State agencies.

Division of Professional Programs. Cooperates with regional offices in providing guidance to State and local agencies and groups in the development of long-term training programs designed to develop a balanced, coordinated and efficient approach to the critical problem of professional and managerial manpower in the delivery of social and rehabilitation services. Provides teaching and traineeship grants to public and voluntary nonprofit agencies and educational institutions.

Division of Subprofessional Programs. Cooperates with regional offices in providing guidance to State and local agencies and groups in the development of long-term training programs designed to develop subprofessional and administrative support capability for the State and local SRS programs. Provides teaching and traineeship grants to public and voluntary nonprofit agencies and educational institutions.

OFFICE OF THE ASSISTANT ADMINISTRATOR, RESEARCH AND DEMONSTRATIONS

Provides staff direction and coordination for all SRS activities in the development of the research, training, demonstrations, research training, research and training centers, direct and contract research, research utilization, grants management, and international activities of the Service. Directs and operates certain research, training and demonstration activities as described below:

Division of Research and Demonstrations. Directs and promotes a nationwide program of research and demonstrations to solve problems of physical, mental, social, cultural, and economic deprivation. Provides staff direction and coordination for the development of policies, regulations, and procedures covering these organizations throughout SRS. Directs the evaluation, interpretation, and application of research findings. Maintains relationships with public and private agencies in relevant research areas. Stimulates research to meet program needs.

Division of Intramural Research. Provides staff direction and coordination of all SRS intramural research. Formulates and executes, directly or by contract, selected research projects to solve problems in adjustment to physical, mental, social, cultural, and economic deprivation. Develops priorities for this research and policies and procedures concerning these operations.

Division of Research and Training Centers. Is responsible for the establishment of special centers for research and training in areas of concern to the Service, including the National Center for the Deaf-Blind, and similar institutions. Provides staff assistance and coordination for the development of policies and procedures and makes grants for such research, training, and client services. Encourages coordinated research, training, and client services to meet program needs.

Division of International Activities. Directs SRS programs for international research in social and rehabilitation services and related areas and the interchange of research scientists and experts. Works with the Department of State and appropriate American embassies to insure that programs are in agreement with U.S. foreign policy. Develops program policies, standards, and procedures for the foreign research program in social and rehabilitation services and related areas. Provides awards for the interchange between the United States and foreign countries of research scientists and experts. Conducts training programs for nationals of other countries in U.S. methods and techniques in social and rehabilitation services. Evaluates policy statements and program proposals of the United Nations, International Labor Organization, World Health Organization, and related agencies. Provides technical assistance to and collaborates with foreign and international organizations and agencies.

Division of Grants Management. Develops fiscal plans, policies and procedures, and manages research, demonstration, and training grants and contracts. Furnishes consultative services to grantees in these areas on grants management. Directs the project referral system for divisional or other review. Directs grants financing and expenditures reports review. Develops audit policies, standards, and resolution of audit exceptions for the office. Assists in development of annual budget of the office. Coordinates all SRS project grants management activities and in coordination with the Office of Administration, maintains a centralized SRS project grants management information system.

ASSOCIATE ADMINISTRATOR FOR MANAGEMENT

Coordinates the planning and directs operation of all administrative, budgeting, and financial management activities of the Social and Rehabilitation Service. Coordinates and directs the Social and Rehabilitation Service management information system; provides statistical, data reporting, and data processing services and provides such assistance to all SRS organizations; provides advice, consultation and assistance to the States on administrative systems, data automation, systems analysis, information systems, statistical analysis and forecasting and utilization of these tools for more effective management. (Such activities will still allow the direction and administration of management information systems to reside at the program level where appropriate. This commitment has already been made for the Medicaid program.)

OFFICE OF THE ASSISTANT ADMINISTRATOR, FINANCIAL MANAGEMENT

Provides overall financial management for the Social and Rehabilitation Service and its programs. Functions of this Office include staff leadership, guidance, and direction on: budget development and execution; development of budget policies and procedures; accounting and auditing policies and procedures.

Division of Budget. Responsible for the preparation, justification and execution of the total Social and Rehabilitation Service budget and for the coordination of all SRS budget activities.

Division of Finance. Responsible for auditing, accounting and fiscal management necessary for control of all Social and Rehabilitation Service accounting operations. Coordinates SRS responses to all audit reports from GAO, the HEW audit agency and other sources.

OFFICE OF THE ASSISTANT ADMINISTRATOR FOR ADMINISTRATION

Provides staff coordination, direction, leadership, and advice on the administrative management functions of SRS. Advises the Associate Administrator for Management and other officials on the managerial implications of program and policy decisions and recommendations. Coordinates the planning and operation of all the administrative activities of SRS. Provides centralized support services to all SRS components in: personnel management; manpower utilization; general services administration; and data processing. Serves as the contact point for the Social and Rehabilitation Service with the Office of the Secretary; the Civil Service Commission; and the General Services Administration on administrative matters.

Division of General Services. Provides consultative assistance and advice on all general services activities for the Social and Rehabilitation Service including: Contract development and administration; technical procurement management; personal and real property management; paperwork management; printing management and reproduction services; communications services; safety management; and all related activities. Provides administrative support services and develops policy in these areas for SRS.

Division of Personnel. Develops personnel management and training policies for Social and Rehabilitation Service employees. Provides services, consultative assistance, and advice concerning planning and operation of effective employment, career development and training. Provides advice on personnel policies and procedures to the Associate Administrator for Management and other SRS officials.

Division of Data Processing. Provides internal SRS planning, policy, direction, and technical services in the field of automatic data processing. Conducts studies to determine the method of application of data processing systems to existing SRS internal systems. Promotes utilization of data processing as a support for other management and program services. Provides data processing facilities for SRS (operations, contracts or arrangement with other HEW data processing installations). Monitors data processing utilization by all SRS activities.

Division of Methods and Manpower Utilization. Provides leadership, plans, conducts and directs organization and methods, manpower utilization and cost reduction activities for SRS. Makes special studies, develops measures of effective utilization, analyzes organizations and determines the most effective methods of achieving results, and develops more effective organizational and work arrangements. Provides leadership and technical assistance in the development of the Agency's Manpower Utilization Program, and the President's Cost Reduction Program. Conducts an Agency-level program for the development and maintenance of functional statements and delegations of authority. Recommends staffing patterns and average grade allowances for components. Recommends policies and provides consultant services to the Administrator and other SRS officials in the above areas: Seeks and facilitates the implementation of new ideas, new skills, and new methods to improve the administration of agency programs, and develops standards to measure ongoing effectiveness.

OFFICE OF THE ASSISTANT ADMINISTRATOR FOR PROGRAM STATISTICS AND DATA SYSTEMS

Provides planning, policy, direction, staff coordination, and technical assistance in the improvement of procedures for decision making, management information handling processes, statistical activities, information systems, data automation, management improvement, administrative systems, etc., where two or more programs are involved or when requested. (Such activities will still allow the direction and administration of management information systems to reside at the program level where appropriate. This commitment has already been made for the Medicaid program.)

National Center for Social Statistics. Provides staff coordination, direction and advice on all statistical compilation problems in SRS; provides technical advice on statistics and survey methods; maintains a national respository of statistical data on social and rehabilitation services, including those services provided in the private as well as the public sectors. Operates the SRS management information system and provides central data collection, compilation and processing for all SRS.

Division of State Systems Management. Provides planning, direction, coordination, leadership and technical assistance to SRS grantees in the fields of management improvement, data automation, information systems, administrative systems, etc., when two or more programs are involved or when requested. Conducts demonstrations (in cooperation with the Office of Research and Demonstration; upon request by other contracting, granting and program offices; or where two or more programs are involved), reviews, approves and monitors SRS grants and contracts in these fields. Establishes standards for and evaluates the utilization of data processing equipment by SRS grantees (where costs are shared by the Federal Government.

Division of Internal Systems and Report Development. Serves as the principal staff resource for planning, direction, coordination and leadership in the development of systems for automation of internal SRS activities; conducts surveys and determines SRS information requirements; coordinates development and installation of all internal systems involving two or more SRS activities; conducts studies and provides internal system analysis services to SRS organizations; and designs, develops and installs SRS internal reports and reporting systems with the advice and assistance of the programs involved, the National Center for Social Statistics and the Division of State Systems Management.

Division of Forecasting and Trend Analysis. Provides advice to SRS management on the significance of changes and trends in statistics; analyzes data, determines trends, and develops forecasts; provides data and analyses for the budget; examines forecasts and data and develops guidelines for assistance of management; and designs special studies. Plans, directs, coordinates and leads SRS programs of assistance to the States in the development and utilization of statistical analysis and forecasting techniques for budgeting, program planning, and management of State programs. Conducts demonstrations and studies.

ASSOCIATE ADMINISTRATOR FOR FIELD OPERATIONS

The Associate Administrator for Field Operations is responsible for the direction, management and program coordination of the field activities of the Social and Rehabilitation Service. Serves as the focal point for identifying trends, patterns and problems in the field. Assists the Administrator and the Regional Commissioners in developing program operating plans in consonance with Social and Rehabilitation Service priority objectives.

Directs and coordinates the activities of the Director, Cuban Refugee Program; and the Regional Commissioners.

CUBAN REFUGEE PROGRAM

Administers the Cuban Refugee Program including: Financial assistance, resettlement services, emergency health services, assistance to public schools in impacted areas, loans to refugee students and protective care of minors. These programs are carried out through the Federal Cuban Refugee Emergency Center, voluntary resettlement agencies, and other Federal, State and local agencies.

NOTE: Organization charts filed as part of the original document.

Approved: June 1, 1970.

JOHN G. VENEMAN,
Acting Secretary.

[F.R. Doc. 70-6939; Filed, June 3, 1970; 8:51 a.m.]

STATEMENT OF ORGANIZATION, FUNCTIONS, AND DELEGATIONS OF AUTHORITY

Part 7 of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health, Education, and Welfare (34 F.R. 1279, Jan. 25, 1969, as amended) is hereby further amended to reflect the organization of the Youth Development and Delinquency Prevention Administration. For such purposes, section 7-B is amended as follows:

1. By inserting in lieu of the first sentence in the first paragraph under section 7-B, "Social and Rehabilitation Service Program Bureaus," the following:

The principal program components of the Social and Rehabilitation Service, in the Central Office, are the Administration on Aging, the Assistance Payments Administration, the Community Services Administration, the Medical Services Administration, the Rehabilitation Services Administration, and the Youth Development and Delinquency Prevention Administration.

2. By adding in section 7-B after the statement on "Rehabilitation Services Administration," the following statement:

YOUTH DEVELOPMENT AND DELINQUENCY PREVENTION ADMINISTRATION

The mission of the Youth Development and Delinquency Prevention Administration is to provide leadership in the planning, development, and coordination of those SRS programs that provide services to delinquent youth and youth in danger of becoming delinquent. The Administration coordinates its activities with other concerned SRS organizations to assure a unified approach to common target groups and to afford comprehensive services to the individual.

Within the authorities delegated to it, the Youth Development and Delinquency Prevention Administration administers, under the Juvenile Delinquency Prevention and Control Act of 1968, Public Law 90-445, Federal grants and contracts designed to help States and local communities strengthen and improve their juvenile justice systems, and provide diagnostic, treatment, rehabilitation, and prevention services to youth who are delinquent or in danger of becoming delinquent; provides technical assistance and information services to State, local, public, and private and nonprofit agencies; assumes a primary role in coordinating the juvenile delinquency activities of the Social and Rehabilitation Service and other Federal programs.

The Youth Development and Delinquency Prevention Administration is administered by a Commissioner under the direction of the Administrator, SRS.

Office of the Commissioner. The Commissioner, assisted by the Deputy Commissioner, provides direction in the coordination of overall planning and evaluation activities of the Administration, and coordinates with other Federal agencies in juvenile delinquency activities. The Office is responsible for compiling and disseminating information for all program activities, including publications, films, and other informational materials, and makes research findings available to the general public. It develops regulations, standards, and other technical and policy materials required for the implementation of the program,

and reviews and recommends legislative proposals affecting the program as required.

Division of Administrative Management. Directs and coordinates administrative management functions of the Administration; provides guidance to regional offices in areas of grants management, fiscal management and budget; performs grants management and processing on those projects approved in central office; and participates in overall program and policy planning and execution.

Division of Program Development. Participates in the development of program policies, objectives and goals; interprets these policies; provides standards and guides for the implementation of planning, rehabilitation, prevention, training, model programs, and technical assistance activities; provides technical assistance to the Juvenile Delinquency representatives and other appropriate staff; maintains close contact with Juvenile Delinquency regional staff regarding program matters; provides on-going review of progress in State plan implementation and achievement of goals and objectives; performs evaluation functions by contract and intramural analysis; administers the training, model programs, and technical assistance grant and contract programs, under Public Law 90-445, including the review of applications and monitoring of projects.

NOTE: Organization chart for proposed Youth Development and Delinquency Prevention Administration is filed as part of the original document.

Approved: June 1, 1970.

JOHN G. VENEMAN,
Acting Secretary.

[F.R. Doc. 70-6940; Filed, June 3, 1970; 8:51 a.m.]

ATOMIC ENERGY COMMISSION

[License No. 22-01870-10E]

HONEYWELL, INC.

Notice of Issuance of Byproduct Material License

Please take notice that the Atomic Energy Commission has, pursuant to § 32.26 of 10 CFR Part 32, issued License No. 22-01870-10E to Honeywell, Inc., 2701 Fourth Avenue South, Minneapolis, Minn. 55408, which authorizes the distribution of fire detection devices, Models C761A and TC16A, to persons exempt from the requirements of a license pursuant to § 30.20 of 10 CFR Part 30.

1. The devices are designed to detect incipient fires by responding to the products of combustion produced by thermal decomposition of building materials or contents prior to the appearance of visible smoke, flame, or appreciable heat. The sensitive element of the detector head is an ionization chamber in which air flowing into the chamber is made conductive by beta particles emitted by nickel 63.

2. Each unit contains up to 1 millicurie of nickel 63 electrodeposited on a stainless steel sensor pin which is pressed into a sensor circuit board. A steel outer cup and cap assembly surrounds the pin and is staked to the circuit board and soldered in place. A 3" by 3" by 1¾" steel housing contains the circuit board, pin and cup-cap assembly. Three pop rivets secure the circuit board to the housing, making the housing assembly and circuit board assembly an integral unit.

3. Each exempt unit will have a label identifying the distributor (Honeywell, Inc.) and the byproduct material (nickel 63) contained in the unit and recommending that the unit be returned to Honeywell, Inc., for repair or disposal.

A copy of the license and a safety evaluation containing additional information, prepared by the Division of Materials Licensing, are available for public inspection at the Commission's Public Document Room at 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., May 27, 1970.

For the Atomic Energy Commission.

LYALL JOHNSON,
Acting Director,
Division of Materials Licensing.

[F.R. Doc. 70-6901; Filed, June 3, 1970; 8:48 a.m.]

SPENT FUELS

Chemical Processing and Conversion

This notice amends a similarly entitled notice published January 3, 1968, 33 F.R. 30, which sets forth the essential terms of the Atomic Energy Commission's undertaking with respect to the receipt of irradiated reactor fuels and blanket materials and to the making of settlement therefore. This amendment announces chemical processing charges to be used in making financial settlement for High Temperature Gas Cooled Reactor fuels when it is determined that commercial reprocessing facilities are not available on a reasonable basis.

A. Delete paragraph 5 of the said notice and substitute in lieu thereof the following:

5a. For those reactor materials which can be processed by an assumed chemical processing plant, the establishment of the firm charge by AEC will be based upon the costs estimated to be associated with that plant. Copies of the report describing the assumed processing plant (WASH-743, AEC Reference Fuel-Processing Plant), are available from USAEC, Washington, D.C. 20545. Briefly, the plant consists of equipment capable of handling 1 ton per day of normal and slightly enriched uranium, but having a reduced capacity for fuels of higher enrichments or high diluent contents, as determined by the criticality and other processing considerations set on the assumed plant. "Head-end" (handling, mechanical treatment, dissolution, and feed storage) equipment is designed to handle a variety of reactor materials. The product form assumed to be produced by the plant is a purified nitrate salt solution.

5b. For graphite-type fuel discharged from High Temperature Gas Cooled Reactors (HTGR), the AEC charges for chemical processing will be based upon the costs estimated to be associated with a conceptual chemical processing plant which is capable of processing graphite-type HTGR fuels. Copies of the report describing the conceptual processing plant (WASH-1152, AEC Conceptual HTGR Fuel-Processing Plant) are available from the USAEC, Washington, D.C. 20545. Briefly, the plant consists of equipment capable of handling 260 tonnes/yr. of heavy metals (thorium plus uranium) in HTGR fuels. The plant flowsheet for processing the graphite-matrix fuel employs a burn-leach type headend, a modified Acid-Thorex solvent extraction system and a product denitration system. Wastes generated by the plant would be calcined to a solid and stored in bins until shipped offsite to a Federal Repository.

B. Delete paragraph 6 of the said notice and substitute in lieu thereof the following.

6a. The estimated installed cost of the assumed Reference Fuel-Processing Plant, upon which firm daily processing charges will be based, is $20,570,000 as of July 1956. The AEC has determined that the total annual cost, as of July 1956, for operation of the assumed plant is $4,592,000 of which $2,057,000 is annual depreciation of the facility, and $2,535,000 is cost of operations (including overhead and waste storage). Based on this estimated annual cost, a daily cost based on 300 days of operation per year ($15,300 as of July 1956) will be the basis for the charge for those reactor materials which can be processed in the assumed plant as presently conceived.

6b. The estimated installed cost of the Conceptual HTGR Fuel-Processing Plant, upon which firm daily processing charges will be based, is $82,031,000 as of July 1969. The AEC has determined that, as of July 1969, the daily cost of plant operation is $130,000 of which $104,000 is capital related and $26,000 is related to operating costs. Derivation of this charge, based on 250 days of operation per year, is given in WASH-1152.

6c. The above charges will be adjusted for price escalation as follows:

(1) The amount which represents depreciation or capital costs shall be adjusted to reflect changes in price levels since the base dates (July 1956 for the assumed AEC Reference Fuel-Processing Plant and July 1969 for the AEC Conceptual HTGR Fuel-Processing Plant), in accordance with the Official Monthly Construction Cost indices as appearing in "Engineering News Record", published by McGraw-Hill Publishing Co.

(2) The amount which represents cost of operations shall be adjusted to reflect changes in price levels since the base dates (July 1956 for the assumed AEC Reference Fuel-Processing Plant and July 1969 for the AEC Conceptual HTGR Fuel-Processing Plant), in accordance with the price indices for Inorganic Chemicals, as appearing in "Wholesale Prices and Price Indexes", published by the U.S. Bureau of Labor Statistics.

If one or both of the indices specified are considered by AEC to be no longer appropriate, other appropriate indices will be substituted therefor by AEC.

C. Delete paragraph 7a of the said notice and substitute in lieu thereof the following:

7a. The daily cost of the plant operation:

(1) For those reactor materials which the assumed AEC Reference Fuel-Processing Plant as presently conceived can process, the daily cost of plant operation is $15,300 as of July 1956.

(2) For those HTGR fuels which the AEC Conceptual HTGR Fuel-Processing Plant as presently conceived can process, the daily cost of plant operation is $130,000 as of July 1969.

(3) For those reactor materials which the AEC determines involve significantly different costs or which cannot be processed without additions or modifications to either the AEC Reference Fuel-Processing Plant or the AEC Conceptual HTGR Fuel-Processing Plant, the daily cost of plant operation will be established on a case-by-case basis for the particular reactor material involved. This daily cost of plant operation will include an appropriate factor to cover AEC overhead and other indirect or intangible costs.

D. Delete paragraph 7b of the said notice and substitute in lieu thereof the following:

7b. The reactor material processing rate:

(1) For those reactor materials which the AEC Reference Fuel-Processing Plant or AEC Conceptual HTGR Fuel-Processing Plant as presently conceived can process, the processing rate for the particular reactor material will be determined from the headend or extraction portion of the process flow charts, which ever is limiting, used in establishing these plants, or

(2) For those reactor materials which the AEC determines involve significantly different costs or which cannot be processed without additions or modifications to the AEC Reference Fuel-Processing Plant or AEC Conceptual HTGR Fuel-Processing Plant, the rate will be established on a case-by-case basis for the particular reactor material involved.

E. Delete paragraph 7g of the said notice and substitute in lieu thereof the following:

7g. Time required to cover startup, shutdown, and cleanup of the assumed AEC Reference Fuel-Processing Plant process system between batches which will be not less than 2 days nor more than 8 days, and will equal the processing time determined under subsections 7 (b) and (f) when between these limits. The AEC Conceptual HTGR Fuel-Processing Plant is assumed to operate on a continuous basis (250 operating days per year) with no turnaround time charged to individual fuel batches.

F. Delete paragraph 8 of the said notice and substitute in lieu thereof the following:

8. Persons who have contracted with the AEC for these processing services will be credited with the value of U.S. Government-owned uranium and plutonium contained in the reactor materials in accordance with the appropriate AEC price schedules for such materials, less the processing and other charges as determined in the above manner. The AEC will compensate the person for privately owned uranium and plutonium contained in the reactor materials in accordance with the AEC policy in effect at the time of delivery of the reactor materials by the person to the AEC. The compensation by the AEC will consist of cash where appropriate, otherwise it will consist of the provision of materials of equivalent value. The AEC will thereby acquire title to such uranium and plutonium. The AEC will also acquire title, without additional cost to all waste materials, including thorium, contained in the reactor materials which were not previously the property of the United States.

G. This notice shall become effective 30 days after publication.

Dated at Washington, D.C., this 27th day of May 1970.

For the Atomic Energy Commission.

W. B. McCool,
Secretary.

[F.R. Doc. 70-6902; Filed, June 3, 1970; 8:48 a.m.]

[Dockets Nos. 50-327, 50-328]

TENNESSEE VALLEY AUTHORITY

Notice of Issuance of Provisional Construction Permits

Notice is hereby given that, pursuant to the initial decision of the Atomic Safety and Licensing Board, dated May 25, 1970, the Director of the Division of Reactor Licensing has issued Provisional Construction Permits Nos. CPPR-72 and CPPR-73 to the Tennessee Valley Authority for the construction of two pressurized water nuclear reactors, designated as Sequoyah Nuclear Plant Units 1 and 2, on the applicant's site on the west shore of Chickamauga Lake in Hamilton County, Tenn. The reactors are each designed for initial operation at approximately 3,411 magawatts (thermal).

A copy of the Initial Decision is on file in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 27th day of May 1970.

For the Atomic Energy Commission.

Peter A. Morris,
Director,
Division of Reactor Licensing.

[F.R. Doc. 70-6903; Filed, June 3, 1970; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Dockets Nos. 18863, 18864; FCC 70-525]

JOLIET TELEVISION CO. AND NEW JERSEY PUBLIC BROADCASTING CO.

Order To Show Cause Regarding Modification of Construction Permits

In the matter of Joseph Sadacca and Aaron Rosenson, doing business as Joliet Television Co., Joliet, Ill. (WTVG, Channel 14), BPCT-3721, BMPCT-7058; and New Jersey Public Broadcasting Co., New Brunswick, N.J. (WTLV, Channel *19), BPET-13; BAPET-6, BMPET-629.

1. By memorandum opinion and order adopted today, pursuant to decisions adopted in Dockets 18261 and 18262 concerning land mobile use of portions of the present UHF spectrum, the Commission has withdrawn from television use, for the near future, certain assignments on UHF Channels 14-20 near the top 10 urban areas of the United States. These withdrawals were necessary in order to afford short-range relief to the land mobile shortage in these areas, including, among others, Los Angeles, Philadelphia, and Chicago. In these cases, it was found that an adequate measure of land mobile relief (or any, in the case of Chicago) could be obtained only by withdrawing two assignments on which there were authorized, though not yet operating, stations, and a third for which a pending application was recently dismissed. These are Channel *20 at Santa Barbara, Calif.; Channel 14 at Joliet, Ill.; and Channel *19 at New Brunswick, N.J. In the first case, a pending application for a new station was recently dismissed; the other two have permits and the permittees also have pending applications for modification of the authorized facilities.

2. Replacement channels have been added to the Table of Assignments contained in § 73.606 of the rules, to permit these parties to proceed with prosecution of their applications and prompt rendition of service, despite the "freeze" on the lower UHF assignments. Accordingly, we are herein ordering the Joliet and New Brunswick permittees to show cause why their outstanding authorizations should not be modified to specify Channels 66 (Joliet, Ill.), and *58 (New Brunswick, N.J.), respectively.

3. No channels are being removed from the Table of Assignments contained in § 73.606 of the rules. Appropriate footnotes are added to the present Joliet and New Brunswick listing therein (as well as the other 15 assignments being "frozen") to indicate that they are presently not available for television use. If and when the lower UHF channels again become available for television use at these cities, the equities of the present permit holders on the channels will be

taken into account in connection with any requests for their use.

4. In view of the foregoing, Joseph Sadacca and Aaron Rosenson, doing business as Joliet Television Co., and the New Jersey Public Broadcasting Authority, are ordered to show cause, pursuant to section 316 of the Communications Act of 1934, as amended, on or before July 6, 1970, why their permits for Stations WTVG (Joliet, Ill., Channel 14, BPCT-3721) and WTLV (New Brunswick, N.J., Channel *19, BPET-13 and BAPET-6), respectively, should not be modified to specify Channels 66 and *58, respectively, instead of the channels presently specified.

5. *It is further ordered*, That at such time as the modifications referred to above are consented to or adopted, these permittees shall amend their pending applications for modification of construction permit (BMPCT-7058 and BMPET-629, respectively) to specify the new channels assigned to their communities. The Joliet amendment will be accepted without payment of the fee normally required for applications and amendments in the case of commercial stations.

Adopted: May 20, 1970.

Released: May 21, 1970.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 70-6687; Filed, June 3, 1970; 8:45 a.m.]

FEDERAL MARITIME COMMISSION

[Docket No. 70-22]

PORT OF SEATTLE ET AL.

Order of Investigation and Hearing

In the matter of agreement No. T-2323 between the Port of Seattle and Japan Line, Ltd.; Kawasaki Kisen Kaisha, Ltd.; Mitsui O.S.K. Lines, Ltd.; Nippon Yusen Kaisha; Showa Shipping Co., Ltd.; and Yamashita-Shinnihon Steamship Co., Ltd.

On July 23, 1969, the Port of Seattle and Japan Line, Ltd., Kawasaki Kisen Kaisha, Ltd., Mitsui O.S.K. Lines, Ltd., Nippon Yusen Kaisha, Showa Shipping Co., Ltd., and Yamashita-Shinnihon Steamship Co., Ltd., filed an agreement for approval pursuant to section 15 of the Shipping Act, 1916 (46 U.S.C. 814). The agreement has been designated Agreement No. T-2323, and provides for the preferential assignment of certain marine terminal facilities at the Port of Seattle, to be used primarily for handling containerized cargoes.

Protests have been received from the Commission of Public Docks of the City of Portland, Oreg., and the Board of Port Commissioners of the Port of Oakland, Calif., urging that the agreement not be approved under section 15 of the Shipping Act, 1916, because inter alia, (1) it is unjustly discriminatory between carriers, shippers and ports, and (2) is detrimental to the commerce of the United States and contrary to the public interest. Also, the protests urge that since the agreement provides for various options which may be later exercised by the lines, it would be impossible to determine whether the lease is compensatory without determining circumstances governing such options. Further, the protests point out that since the agreement refers to further agreements which must become final before Agreement No. T-2323 may become effective, there is a serious question that the agreement as now filed is full and complete, and there is no way to determine whether the entire interrelated agreement is compensatory.

The Commission has considered the comments and protests of the parties regarding the agreement and is of the opinion that the agreement should be made the subject of a formal investigation to determine whether the agreement is complete and whether it should be approved, disapproved, or modified pursuant to section 15 of the Shipping Act, 1916:

Now therefore, it is ordered, That the Commission, on its own motion, enter upon an investigation and hearing pursuant to section 22 of the Shipping Act, 1916, to determine whether Agreement No. T-2323 is the complete agreement between the parties and whether it should be approved, modified, or disapproved, pursuant to section 15 of the said Act;

It is further ordered, That in the event any modification of this agreement is filed with the Commission, such agreement shall be made subject to this investigation for approval, disapproval, or modification under the standards of section 15 of the Shipping Act, 1916.

It is further ordered, That the Port of Seattle, Japan Line, Ltd., Kawasaki Kisen Kaisha, Ltd., Mitsui O.S.K. Lines, Ltd., Nippon Yusen Kaisha, Showa Shipping Co., Ltd., and Yamashita-Shinnihon Steamship Co., Ltd., are hereby made respondents in this proceeding; and the Commission of Public Docks of the City of Portland Oreg., and the Board of Port Commissioners of the Port of Oakland, Calif., are hereby designated as petitioners;

It is further ordered, That the proceeding herein ordered be assigned for hearing before an examiner of the Commission's Office of Hearing Examiners at a date and place to be hereafter determined and announced by the Chief Examiner;

It is further ordered, That notice of this order and notice of hearing be published in the FEDERAL REGISTER and copy of such order and notice of hearing be served upon respondents and petitioners;

It is further ordered, That persons other than respondents, petitioners, and Hearing Counsel who desire to become parties in this proceeding and to participate therein shall file a petition to intervene with the Secretary, Federal Maritime Commission, Washington, D.C. 20573, promptly with copy to respondents; and

It is further ordered, That all future notices issued by or on behalf of the Commission in this proceeding, including notice of time and place of hearing shall be mailed directly to all parties of record.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

APPENDIX A

RESPONDENTS

Mr. J. Eldon Opheim, General Manager, Port of Seattle, Post Office Box 1209, Seattle, Wash. 98111.
Japan Line, Ltd., Kokusai Building 12, 3 Marunouchi, Chiyoda-Ku, Tokyo, Japan.
Kawasaki Kisen Kaisha, Ltd., 8 Kaigan-dori, Ikuta-ku, Kobe, Japan.
Mitsui O.S.K. Lines, Ltd., 36 Hitotsugi-cho, Akasaki, Minato-ku, Post Office Box 6, Akasaka, Tokyo, Japan.
Nippon Yusen Kaisha, 20, 2-Chome, Marunouchi, Chiyoda-Ku, Tokyo, Japan.
Showa Shipping Co., Ltd., Ida Building, No. 1 Yaesu 2-Chome, Chuo-ku, Tokyo, Japan.
Yamashita-Shinnihon Steamship Co., Ltd., 6th Floor Palaceside Building, No. 1, Takehira-Cho, Chiyoda-Ku, Tokyo, Japan.

PETITIONERS

Board of Port Commissioners of the Port of Oakland, 66 Jack London Square, Oakland, Calif. 94607.
Commission of Public Docks of the City of Portland, 3070 Northwest Front Avenue, Portland, Oreg. 97210.

[F.R. Doc. 70-6973; Filed, June 3, 1970; 8:52 a.m.]

FEDERAL RESERVE SYSTEM

NEW HAMPSHIRE BANKSHARES, INC.

Order Approving Acquisition of Bank Stock by Bank Holding Company

In the matter of the application of New Hampshire Bankshares, Inc., Nashua, N.H., for approval of acquisition of up to 100 percent of the voting shares of The Keene National Bank, Keene, N.H.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)) and § 222.3 (a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), the application of New Hampshire Bankshares, Inc., Nashua, N.H., for the Board's prior approval of the acquisition of up to 100 percent of the voting shares of The Keene National Bank, Keene, N.H.

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Comptroller of the Currency and requested his views and recommendation. The Comptroller recommended approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on March 31, 1970 (35 F.R. 5375), providing an opportunity for interested persons to submit comments and views with respect to the proposal. A copy of the application was forwarded to the U.S. Department

[1] Commissioners Robert E. Lee and H. Rex Lee dissenting; Commissioner Johnson concurring in the result.

of Justice for its consideration. Time for filing comments and views has expired, and all those received has been considered by the Board.

It is hereby ordered, For the reasons set forth in the Board's Statement[1] of this date, that said application be and hereby is approved: *Provided*, That no shares may be acquired pursuant to this approval unless applicant acquires more than 50 percent of the outstanding voting shares of The Keene National Bank and provided further that the action so approved shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such time shall be extended by the Board, or by the Federal Reserve Bank of Boston pursuant to delegated authority.

By order of the Board of Governors,[2] May 28, 1970.

[SEAL] KENNETH A. KENYON, *Deputy Secretary.*

[F.R. Doc. 70-6908; Filed, June 3, 1970; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Dockets Nos. CS70-41, etc.]

CALVERT WESTERN EXPLORATION CO. ET AL.

Notice of Applications for "Small Producer" Certificates[3]

MAY 22, 1970.

Take notice that each of the applicants listed herein has filed an application pursuant to section 7(c) of the Natural Gas Act and § 157.40 of the regulations thereunder for a "small producer" certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce from areas for which just and reasonable rates have been established, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before June 16, 1970, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

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 all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where 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 applicants to appear or be represented at the hearing.

GORDON M. GRANT, *Secretary.*

Docket No.	Date filed	Name of applicant
CS70-41....	4-21-70	Calvert Western Exploration Co., 1218 Continental National Bank Bldg., Fort Worth, Tex. 76102.
CS70-42....	4-22-70	Read & Stevens, Inc., 314 Security National Bank Bldg., Roswell, N. Mex. 88201.
CS70-43....	5-7-70	John S. Goodrich, 312 Midland Savings Bldg., Midland, Tex. 79701.
CS70-44....	4-8-70	Compression Co. of Oklahoma, Inc., 722 Southwest 23d, Oklahoma City, Okla. 73109.
CS70-45....	5-11-70	J. G. McMillian, c/o J. L. Davis, agent, 233 Western United Life Bldg., Midland, Tex. 79701.
CS70-46....	5-11-70	A. W. Rutter et. al., 500 North Big Spring St., Midland, Tex. 79701.

[F.R. Doc. 70-6823; Filed, June 3, 1970; 8:45 a.m.]

[Docket No. RI70-1652, etc.]

SKELLY OIL CO. ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund[1]

MAY 22, 1970.

The respondents named herein have filed proposed changes in rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however*, That the supplements to the rate schedules filed by respondents, as set forth herein, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order respondents shall each execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless respondents are advised to the contrary within 15 days after the filing of their respective agreements and undertakings, such agreements and undertakings shall be deemed to have been accepted.[2]

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before July 6, 1970.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Boston. Dissenting Statement of Governor Robertson also filed as part of the original document and available upon request.

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

[3] This notice does not provide for consolidation for hearing of the several matters covered herein.

[1] Does not consolidate for hearing or dispose of the several matters herein.

[2] If an acceptable general undertaking, as provided in Order No. 377, has previously been filed by a producer, then it will not be necessary for that producer to file an agreement and undertaking as provided herein. In such circumstances the producer's proposed increased rate will become effective as of the expiration of the suspension period without any further action by the producer.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI70-1652...	Skelly Oil Co., Post Office Box 1650, Tulsa, Okla. 74102.	[1] 201	3	Baca Gas Gathering System, Inc. (Cogburn Unit, Baca County, Colo.).	$394	4-30-70	[4] 7-24-70	[5] 7-25-70	12.0	[6] [7] 13.0	
RI70-1653...	Arco Petroleum Co. by Arco Industries,[8] 8300 Santa Monica Blvd., Los Angeles, Calif. 90069.	[9] 7	[10] 1	Consolidated Gas Supply Corp. (Center and Glenville Districts, Gilmer County, W. Va.).	820	4-23-70	[11] 5-24-70	[5] 5-25-70	27.0	[12] [13] 28.0	
RI70-1654...	Petrodynamics, Inc. (Operator), et al., Post Office Box 10006, Amarillo, Tex. 79106.	[14] [15] 22	[16] 5	Kansas-Nebraska Natural Gas Co., Inc. (Dombey Field, Beaver County, Okla.) (Panhandle Area).	4,080	4-27-70	[4] 5-28-70	[5] 5-29-70	[4] 15.0	[7] [17] 16.01	

[1] Contract dated after Sept. 28, 1960, the date of issuance of statement of general policy No. 61-1.
[2] The stated effective date is the effective date requested by respondent.
[3] The suspension period is limited to 1 day.
[4] Periodic rate increase.
[5] Pressure base is 14.65 p.s.i.a.
[6] Subject to a downward B.t.u. adjustment.
[7] Formerly Arco Industries doing business as Arco Petroleum Co. FPC Gas Rate Schedule No. 1.
[8] Includes letter from buyer providing for increased rate.
[9] The stated effective date is the first day after expiration of the statutory notice.
[10] Renegotiated rate increase.
[11] Pressure base if 15.325 p.s.i.a.
[12] Represents 1 cent per Mcf increase in gathering and transportation allowance.
[13] Previously designated as James F. Smith, FPC Gas Rate Schedule No. 12.
[14] Contract dated Sept. 28, 1960, the date of issuance of general policy statement No. 61-1, and base rate does not exceed the initial area rate ceiling of 17 cents per Mcf.
[15] Applicable only to production from below the base of the Wolfcampian Series to 7,500 feet and all production of casinghead gas.
[16] Periodic rate increase.
[17] Renegotiated rate increase.

Arco Petroleum Co. by Arco Industries (Arco) requests that its proposed rate increase be permitted to become effective as of March 10, 1970. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for Arco's rate filing and such request is denied.

The contracts related to the proposed rate increases filed by Skelly Oil Co. (Skelly), Arco, and Petrodynamics, Inc. (Operator), et al. (Petrodynamics), were executed subsequent to September 28, 1960, the date of issuance of the Commission's statement of general policy No. 61-1, as amended, and the proposed rates exceed the area increased rate ceilings but do not exceed the initial service ceilings for the areas involved. We believe, in this situation, Skelly, Arco, and Petrodynamics' proposed rate filings should be suspended for 1 day from July 24, 1970 (Skelly), May 28, 1970 (Petrodynamics), the requested effective dates, and May 24, 1970 (Arco), the expiration date of the statutory notice.

[F.R. Doc. 70-6822; Filed, June 3, 1970; 8:45 a.m.]

[Docket No. CP70-282]

EL PASO NATURAL GAS CO.

Notice of Application

MAY 26, 1970.

Take notice that on May 19, 1970, El Paso Natural Gas Co. (Applicant), Post Office Box 1492, El Paso, Tex. 79999, filed in Docket No. CP70-282 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities, 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 a compressor station consisting of one 1,068 horsepower gas turbine-driven centrifugal compressor unit and appurtenances on applicant's Grants Pass Lateral near Eugene, Oreg. Applicant states that the facilities will provide a total daily design capacity of 187,270 Mcf, which is necessary to enable it to meet the estimated firm natural gas requirements of its customers during the 1970-71 heating season.

The total estimated cost of the proposed facilities is $523,769, which will be financed through working funds and short-term borrowings.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 16, 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. 70-6905; Filed, June 3, 1970; 8:48 a.m.]

[Docket No. CP70-281]

LONE STAR GAS CO.

Notice of Application

MAY 26, 1970.

Take notice that on May 18, 1970, Lone Star Gas Co. (Applicant), 301 South Harwood Street, Dallas, Tex. 75201, filed in Docket No. CP70-281 an application pursuant to section 7(b) of the Natural Gas Act for an order of the Commission granting permission and approval to abandon certain natural gas facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that, to assure a high level of safe operation of a portion of its high pressure interstate Line C System which traverses areas of dense population and industrial development in the Dallas-Fort Worth area, it is necessary to reduce pressures, effect certain operational changes, and rearrange and abandon certain facilities.

Applicant proposes to abandon certain areas of its Line C System and branch lines by transfer to its Fort Worth Distribution System or purely intrastate operations, or by removal and salvage.

The total original cost of facilities to be abandoned in place and by removal and salvage is $216,908.23. The estimated value of property to be salvaged for reuse on applicant's system is $56,470. The estimated cost of removal is $8,750 and the estimated cost of reconditioning is $2,550.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 16, 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 permission and approval for the proposed abandonment 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. 70-6906; Filed, June 3, 1970; 8:48 a.m.]

[Docket No. CP70-291]

BOSTON GAS CO.

Notice of Application

JUNE 2, 1970.

Take notice that on June 1, 1970, Boston Gas Co. (applicant), 2900 Prudential Tower, Boston, Mass. 02199, filed in Docket No. CP70-291, an application pursuant to section 3 of the Natural Gas Act for an order of the Commission authorizing the importation from a foreign country into the United States of liquefied natural gas (LNG), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to import by ship approximately 24,000 tons of LNG, which is equivalent to approximately 1,200,000 Mcf of natural gas, from Arzew, Algeria, between October 24, 1970, and March 31, 1971. Applicant proposes to purchase said volume of LNG from Alocean, Ltd., and have it transported by oceangoing tanker to Boston Harbor, where it will be transferred to the LNG storage tank of applicant at Commercial Point, Boston, Mass. The gas will be used by applicant for peak shaving.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 19, 1970, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

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. 70-6968; Filed, June 3, 1970; 8:52 a.m.]

[Docket No. CP70-294]

CONSOLIDATED GAS SUPPLY CORP.

Notice of Application

JUNE 3, 1970.

Take notice that on June 1, 1970, Consolidated Gas Supply Corp. (Applicant), 445 West Main Street, Clarksburg, W. Va. 26301, filed in Docket No. CP70-294 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Transcontinental Gas Pipe Line Corp. from the Block 101 Field, Vermilion Area, offshore Louisiana, at a total initial rate of 21.25 cents per Mcf at 15.025 p.s.i.a. or the applicable area ceiling rate prescribed by the Commission, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 22, 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. 70-7028; Filed, June 3, 1970; 10:48 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[811-2028]

AFORWARD FUND, INC.

Notice of Filing of Application for Order Declaring That Company Has Ceased To Be Investment Company

MAY 27, 1970.

Notice is hereby given that Aforward Fund, Inc. ("Applicant"), 8 Pennell Road, Lima, Pa. 19060, an open-end, nondiversified management investment company registered under the Investment Company Act of 1940 ("Act"), has filed an application pursuant to section 8(f) of the Act for an order of the Commission declaring that applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of applicant's representations, which are summarized below.

Applicant represents that subsequent to registering under the Act on February 18, 1970, it has issued no securities and it has no assets at the present time. A proposed public offering of applicant's securities has now been abandoned, and the officers and directors of applicant have conclued that it is not advisable at this time or within the reasonably foreseeable future to make an offering, whether public or private, of its securities.

Section 3(c)(1) of the Act excepts from the definition of investment company any issuer whose outstanding securities are beneficially owned by not more than 100 persons and which is not making and does not presently propose to make a public offering of its securities.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than June 18, 1970, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, 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 the Applicant 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] NELLYE A. THORSEN, *Assistant Secretary.*

[F.R. Doc. 70-6920; Filed, June 3, 1970; 8:49 a.m.]

[70-4885]

CENTRAL INDIANA GAS CO., INC.

Notice of Proposed Issue and Sale of Bank Notes

MAY 26, 1970.

Notice is hereby given that Central Indiana Gas Co., Inc. ("Central") 300 East Main Street, Muncie, Ind. 47305, a gas utility subsidiary company of American Natural Gas Co., a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6 and 7 of the Act as applicable to the proposed transactions. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transactions.

Central proposes to issue and sell to the American Fletcher National Bank and Trust Co. (Bank), commencing on June 26, 1970, and from time to time prior to June 23, 1971, its unsecured promissory notes in an aggregate principal amount not to exceed $4,500,000 outstanding at any one time. The notes will be dated as of the date of issuance, will be issued in varying amounts, and will mature on June 23, 1971. There is no commitment fee and the notes may be prepaid at any time without penalty. If any notes are prepaid, new notes may be issued and sold to the Bank. The notes will bear interest at the prime rate of the Bank in effect on the date of each borrowing and the interest rate will be adjusted to the prime rate in effect at the Bank at the beginning of each 90-day period subsequent to the date of the first borrowing. Central proposes to use the amounts borrowed on the notes to retire $2 million of outstanding bank notes which mature June 26, 1970, and to finance, in part, its 1970 construction program currently estimated at $4,300,000. Central plans to repay the notes at maturity through the proceeds from the sale of long-term debt securities.

Central's fees and expenses to be incurred in connection with the proposed transactions are estimated at $1,000, including legal fees of $500. The application states that no State or Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than June 19, 1970, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F.R. Doc. 70-6921; Filed, June 3, 1970; 8:49 a.m.]

[70-4887]

CONSOLIDATED NATURAL GAS CO.

Notice of Proposed Issue and Sale of Debentures

MAY 28, 1970.

Notice is hereby given that Consolidated Natural Gas Co. (Consolidated), 30 Rockefeller Plaza, New York, N.Y. 10020, a registered holding company, has filed with this Commission a declaration, pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6(a) and 7 of the Act and Rule 50 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transaction.

Consolidated proposes to issue and sell, subject to the competitive bidding requirements of Rule 50, $40 million principal amount of ------ percent Debentures due July 1, 1995. The interest rate (which shall be a multiple of one-eighth of 1 percent) and the price, exclusive of accrued interest (which will be not less than 99 percent nor more than 102 percent of the principal amount thereof), will be determined by the competitive bidding. The debentures will be issued as a new series under an indenture dated as of July 1, 1970, between Consolidated and Morgan Guaranty Trust Co., New York, N.Y., as trustee. The indenture includes a prohibition until July 1, 1975, against refunding the issue with the proceeds of funds borrowed at a lower annual cost of money.

The proceeds from the sale of the debentures will be used to finance, in part, the 1970 construction program of Consolidated's subsidiary companies, presently estimated at $114 million.

It is stated that the fees and expenses to be incurred in connection with the proposed transaction are estimated at $109,000, including printing expenses of $35,000, service charges of Consolidated Natural Gas Service Co., Inc., at cost of $28,000, trustee's charges of $13,000, and consulting geologists' fees and expenses of $10,000. The fees and expenses of counsel for the underwriters, to be paid by the successful bidders, will be supplied by amendment.

It is further stated that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than June 26, 1970, request in writing that a hearing be held on such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act; or the Commission may grant exemption from such rules and regulations as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F.R. Doc. 70-6922; Filed, June 3, 1970; 8:49 a.m.]

[File No. 1-4516]

CONSOLIDATED OIL AND GAS, INC.

Order Suspending Trading

MAY 28, 1970.

The common stock, 20 cents par value, of Consolidated Oil and Gas, Inc., being listed and registered on the American Stock Exchange and the Pacific Coast Stock Exchange and having unlisted trading privileges on the Philadelphia-Baltimore-Washington Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Consolidated Oil and Gas, Inc., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the above mentioned exchanges and otherwise than on a national securities exchanges be summarily suspended, this order to be effective for the period May 28, 1970, 3:30 p.m., e.d.t., through June 6, 1970, both dates inclusive.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F.R. Doc. 70-6927; Filed, June 3, 1970; 8:50 a.m.]

[70-4886]

DELMARVA POWER AND LIGHT CO.

Proposed Underwritten Common Stock Offering to Stockholders and Offering of Unsubscribed Shares to Employees, and Issue and Sale of Preferred Stock at Competitive Bidding

MAY 26, 1970.

Notice is hereby given that Delmarva Power and Light Co. (Delmarva), 600 Market Street, Wilmington, Del. 19899, a registered holding company and also a public-utility company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6, 7, and 12(c) of the Act and Rules 42 and 50 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

Delmarva proposes to issue and sell 597,909 shares of its authorized but unissued common stock, par value $3.375 per share, at an offering price which will not exceed, nor be less than 85 percent of, the last reported sale price on the New York Stock Exchange prior to the determination of the offering price. The offering price will be determined by Delmarva's board of directors no later than 12 noon on July 6, 1970.

In accordance with the requirements of Delmarva's certificate of incorporation, its stockholders of record on July 8, 1970, will have the right (evidenced by transferable warrants) to subscribe to the new stock on the basis of one share of new stock for each 16 shares of common stock held of record on such date. Subject to the rights of stockholders, the stock will also be offered at the same offering price to employees of Delmarva and its subsidiary companies in an amount not exceeding 300 shares per employee. The unsubscribed balance, if any, of the common stock will be sold at the offering price to underwriters subject to the competitive bidding requirements of Rule 50.

Delmarva also proposes, for the purpose of stabilizing the price of its common stock, to purchase up to 29,895 shares of the presently outstanding shares. Such stabilization, if commenced, will be terminated not later than the time fixed for the opening of bids for the purchase of the unsubscribed stock. Shares acquired by Delmarva as a result of such stabilization will be included as a part of the unsubscribed stock which will be sold to the underwriters.

Delmarva also proposes to issue and sell, subject to the competitive bidding requirements of Rule 50, 130,000 shares of its cumulative preferred stock, par value $100 per share. The dividend rate of the preferred stock (which will be a multiple of 0.04 percent) and the price, exclusive of accrued dividends, to be paid to Delmarva (which will be not less than $100 nor more than $102.75 per share) will be determined by the competitive bidding.

The proceeds received from the issue and sale of the common and preferred stock will be used by Delmarva and its subsidiary companies to finance, in part, the cost of their 1970 construction program, estimated at $90,078,000, and to pay all or a portion of unsecured short-term loans incurred prior to the sale of the common and preferred stock.

A statement of the fees and expenses to be incurred in connection with the proposed transactions will be filed by amendment. It is represented that the Public Service Commission of Delaware has jurisdiction over the proposed issue of common stock and preferred stock by Delmarva and that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than June 17, 1970, request in writing that a hearing be held in respect of such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified should the Commission order a hearing in respect thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F.R. Doc. 70-6923; Filed, June 3, 1970; 8:50 a.m.]

[811-1337]

INDEPENDENCE HALL EXCHANGE AND GROWTH FUND, INC.

Notice of Proposal To Terminate Registration

MAY 26, 1970.

Notice is hereby given that the Commission proposes, pursuant to section 8(f) of the Investment Company Act of 1940 (Act), to declare by order upon its own motion that Independence Hall Exchange and Growth Fund, Inc. (Independence), 1321 Cantrell Road, Little Rock, Ark. 72203, an Arkansas corporation registered under the Act as an open-end investment company, has ceased to be an investment company.

On September 7, 1965, Independence filed (1) a notification of registration under the Act, (2) an application for an exemption from the provisions of section 14(a) of the Act, and (3) a registration statement on Form S-5 under the Securities Act of 193. The latter registration statement involved a proposed public offering of 600,000 shares of 1 cent par value common stock. Available information indicates that no such shares were offered or sold to the public.

Subsequent to the filing of the above material with the Commission, both the President and the Secretary have died, and attempts to locate the remaining principals have been unsuccessful. In addition, counsel for Independence has orally informed the staff of the Division of Corporate Regulation that Independence does not intend to operate as an investment company, nor does it intend to make a public offering of its securities. Attempts to have counsel withdraw the Securities Act registration statement as well as the pending application under the Act and to file an application pursuant to section 8(f) of the Act have failed in every respect. Accordingly, the Division of Corporate Regulation has

recommended that the Commission note in its records that the Securities Act registration statement and the application for exemption under the Act have been abandoned by Independence.

Section 8(f) of the Act provides, in pertinent part, that when the Commission finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and that upon the effectiveness of such order, which may be issued upon the Commission's own motion where appropriate, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than June 19, 1970 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reasons 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 communications 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 Independence 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 thereon 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.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F.R. Doc. 70-6924; Filed, June 3, 1970; 8:50 a.m.]

[70-4637]

ROCKY RIVER REALTY CO. ET AL.

Notice of Posteffective Amendments Filed by Nonutility Subsidiary of Registered Holding Company

MAY 27, 1970.

In the matter of the Rocky River Realty Co., the Connecticut Light and Power Co., Post Office Box 2010, Hartford, Conn. 06101; Northeast Utilities Service Co., Post Office Box 270, Hartford, Conn. 06101; Northeast Utilities, 174 Brush Hill Avenue, West Springfield, Mass. 01089.

Notice is hereby given that Northeast Utilities (Northeast), a registered holding company, and three of its subsidiary companies, Northeast Utilities Service Co., a wholly owned system service company, the Connecticut Light and Power Co. (CL&P), an electric utility company and exempt holding company, and the Rocky River Realty Co. (Rocky River), a nonutility company, have filed with this Commission further posteffective amendments to their amended joint application-declaration in this matter, designating sections 6, 7, 9(a), 10, and 12 (b), (d) and (f) of the Public Utility Holding Company Act of 1935 (Act) and Rules 43 and 50(a)(3) promulgated thereunder as being applicable to the proposed transactions. All interested persons are referred to the said amended joint application-declaration, which is summarized below, for a complete statement of the proposed transactions.

By orders dated July 2, 1968 (Holding Company Act Release No. 16105), February 26, 1969 (Holding Company Act Release No. 16293), and December 23, 1969 (Holding Company Act Release No. 16567), the Commission authorized Rocky River to acquire certain land and buildings in Berlin and Newington, Conn. (Berlin Site), from CL&P and to construct additional improvements on this land and adjoining land owned by Rocky River. Rocky River also was authorized to undertake financing of the aggregate costs of the acquisitions and construction at the Berlin Site (Project Cost), and the applicants-declarants now request that Rocky River be authorized to arrange for additional financing.

In support of their request, applicants-declarants state that cost estimates of the Berlin Site construction have further increased by approximately $800,000 and that moderate additional increases may occur prior to completion in June 1971. As a consequence, the aggregate amount of funds now believed necessary to complete the proposed acquisitions and construction at the Berlin Site is estimated at approximately $14,300,000. It is further stated that, at the time the Berlin Site construction was commenced, the only contractual arrangements obtainable with acceptable completion dates included provisions for escalation of labor and other costs, and that additional installations not included in original plans have since been undertaken. Ninety percent of the planned construction at the Berlin Site has been completed.

Prior to issuance of the aforesaid order dated December 23, 1969, the applicants-declarants agreed that, in connection with the issuance and sale of debt securities to nonassociated third parties for financing of the Project Cost, Rocky River would issue and sell such amounts of subordinated 5-year notes to Northeast as may be required (a) to finance any Project Costs in excess of $13,500,000 and (b) to insure that the aggregate principal amount of Rocky River's indebtedness to third parties will at no time exceed 15⅔ times the sum of (i) the stated value of Rocky River's outstanding capital stock and surplus, and (ii) the aggregate principal amount of all of its outstanding subordinated notes, including the 40-year subordinated notes heretofore issued and sold to Northeast for other purposes. To satisfy these requirements, Rocky River was authorized by the terms of the December 23, 1969, order to issue and sell to Northeast $1 million of a new series of subordinated notes maturing 5 years from the date of issuance thereof and bearing interest at the prime commercial bank rate for short-term loans plus one quarter of 1 percent per annum (Five-year Notes). In order to insure continued compliance with these requirements and to fund the aforesaid increases in Project Cost, applicants-declarants propose that, from time to time during the 5-year period following issuance of the Commission's order permitting the aforesaid posteffective amendments to become effective, Rocky River issue and sell to Northeast, and Northeast acquire, various amounts of additional Five-year Notes for cash at the principal amount thereof, and repay and reissue and sell such notes as required; *Provided, however,* That the maximum principal amount of all of such Five-year Notes to be at any one time outstanding shall not exceed $5 million. The proposed additional Five-year Notes will carry the same terms and provisions as the Five-year Notes authorized by the order dated December 23, 1969.

The application-declaration, as amended, states that the proposed transfer of real property by CL&P to Rocky River has been approved by the Connecticut Public Utilities Commission, and that no other consent or approval of any State commission or Federal commission, other than this Commission, is required in respect of the proposed transactions. Information concerning fees, commissions and expenses incurred, or to be incurred, in connection with the proposed transactions will be supplied by amendment.

Notice is further given that any interested person may, not later than June 12, 1970, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the joint application-declaration, as amended or as it may be further amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will

receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F.R. Doc. 70-6926; Filed, June 3, 1970; 8:50 a.m.]

[70-4888]

YANKEE ATOMIC ELECTRIC CO.

Notice of Proposed Issue and Sale of Short-Term Notes to Bank and to Dealer in Commercial Paper and Exception From Competitive Bidding Requirements

MAY 28, 1970.

Notice is hereby given that Yankee Atomic Electric Co. ("Yankee Atomic") 20 Turnpike Road, Westboro, Mass. 01581, an electric utility company and a subsidiary company of both Northeast Utilities and New England Electric System, registered holding companies, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6(a) and 7 of the Act and Rule 50 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to said declaration, which is summarized below, for a complete statement of the proposed transactions.

Yankee Atomic, whose entire capital stock is owned by 11 electric utility companies operating in New England (see Holding Company Act Releases Nos. 13048, 13900), intends to purchase nuclear fuel for use in its nuclear reactors and during the remainder of 1970, expects to spend approximately $7 million, and during 1971 about $1,500,000, for the purchase, conversion and enrichment of such nuclear fuel.

Yankee Atomic proposes to initially finance its nuclear fuel requirements by the issue and sale from time to time, but not later than December 31, 1971, of short-term promissory notes, pending permanent financing. The notes are expected to be sold to The First National Bank of Boston, Mass., and/or to a dealer in commercial paper up to a maximum aggregate principal amount of $8,500,000 to be outstanding at any one time.

The proposed notes to the bank will be dated the date of the borrowing, will mature not more than 9 months after the date of issue and in any event on or prior to March 31, 1972, and will provide for prior payment in whole or in part without premium. The notes will bear interest at not in excess of the prime rate in effect at the time borrowings are made.

The proposed commercial paper will be in the form of promissory notes with varying maturities not to exceed 270 days, will be issued in denominations of not less than $50,000 and not more than $1 million, and will not be prepayable prior to maturity. The commercial paper will be sold by Yankee Atomic directly to a dealer at a discount which will not be in excess of the discount rate per annum prevailing at the date of issuance for prime commercial paper of comparable quality of the particular maturity sold by issuers thereof to commercial paper dealers: *Provided, however,* That no commercial paper notes will be issued having a maturity of more than 90 days at an effective interest cost which exceeds the effective interest cost at which the Yankee Atomic could borrow from banks. No commission or fee will be payable in connection with the issuance and sale of commercial paper. The dealer, as principal, will reoffer the commercial paper at a discount rate of one-eighth of 1 percent per annum less than the prevailing discount rate to Yankee Atomic to not more than 200 customers of the dealer identified and designated in a nonpublic list prepared in advance by the dealer. No additions will be made to such list of customers. It is expected that such commercial paper will be held to maturity by the purchasers, but, if any such purchaser wishes to resell prior to maturity, the dealer, pursuant to an oral repurchase agreement, will repurchase the paper for resale to others on said list of customers. Yankee Atomic requests exception from the competitive bidding requirements of Rule 50 for the proposed issue and sale of its commercial paper. Yankee Atomic states that the proposed commercial paper notes will have a maturity of 9 months or less, that it is not practical to invite competitive bids for commercial paper, and that current rates for commercial paper for such prime borrowers as Yankee Atomic are published daily in financial publications.

Yankee Atomic also proposes to amend its indenture of mortgage and deed of trust dated as of June 1, 1959, as previously amended September 1, 1968, between Yankee Atomic and Old Colony Trust Co., as trustee, in order to finance the cost of the nuclear fuel through the issuance of additional debt. The proposed amendments relate to clarifying that nuclear fuel is not subject to the lien of the indenture and removing certain restrictions against the incurring of additional debt. Under this indenture $4,098,000 principal amount of first mortgage sinking fund bonds, Series A, 5 percent, due January 1, 1982, are now outstanding. The 10 insurance companies, who are the holders of all of the outstanding bonds, have given their approval for the proposed revisions.

The declaration states that no State regulatory commission or Federal commission, other than this Commission, has jurisdiction over the proposed transactions. The fees and expenses incurred, or to be incurred, in connection with the proposed transactions are estimated at $7,000, including legal fees of $4,000.

Notice is further given that any interested person may, not later than June 19, 1970, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F.R. Doc. 70-6925; Filed, June 3, 1970; 8:50 a.m.]

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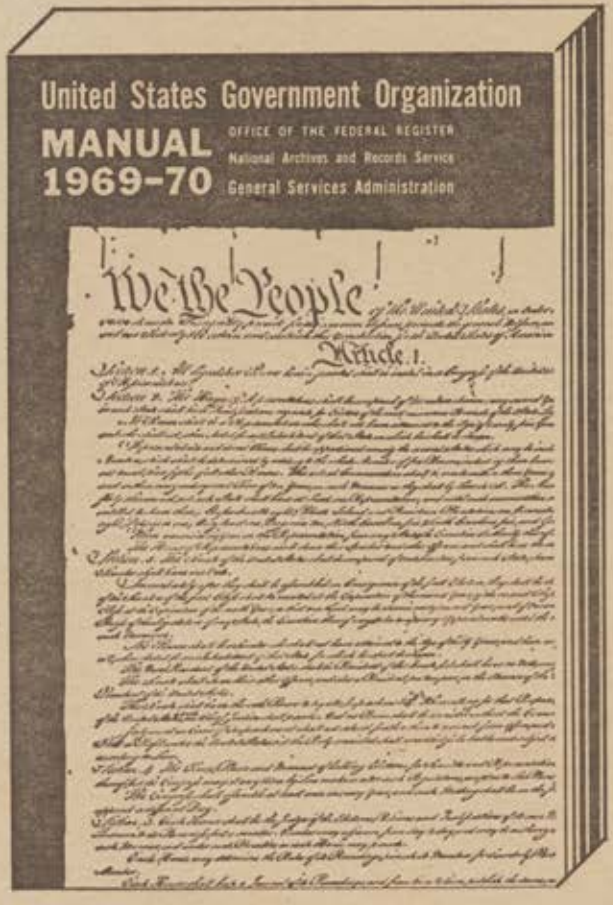

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