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Agencies in this issue—



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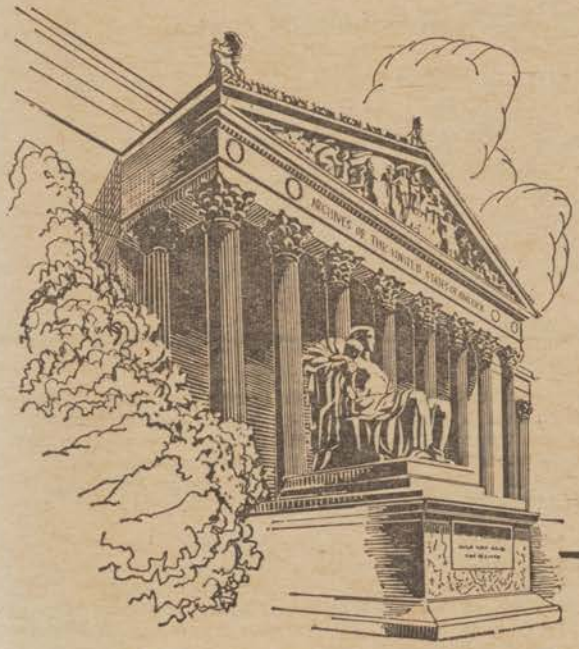

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# List of CFR Parts Affected

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

# Rules and Regulations

## Title 7—AGRICULTURE

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

[Valencia Orange Reg. 329]

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

#### Limitation of Handling

**§ 908.629 Valencia Orange Regulation 329.**

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

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on September 1, 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 September 4, 1970, through September 10, 1970, are hereby fixed as follows:

(i) District 1: 293,000 ctns.;

(ii) District 2: 357,000 ctns.;

(iii) District 3: Unlimited.

(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: September 2, 1970.

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

[F.R. Doc. 70–11808; Filed, Sept. 2, 1970; 11:27 a.m.]

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### PART 993—DRIED PRUNES PRODUCED IN CALIFORNIA

#### Expenses of Prune Administrative Committee and Rate of Assessment for 1970–71 Crop Year

Notice was published in the August 19, 1970, issue of the FEDERAL REGISTER (35 F.R. 13219) regarding proposed expenses of the Prune Administrative Committee for the 1970–71 crop year and rate of assessment for that crop year, pursuant to §§ 993.80 and 993.81 of the marketing agreement, as amended, and Order No. 993, as amended (7 CFR Part 993), regulating the handling of dried prunes produced in California. The amended marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The notice afforded interested persons an opportunity to submit written data, views, or arguments with respect to the proposal. None were submitted within the prescribed time.

After consideration of all relevant matter presented, including that in the notice, the information and recommendations submitted by the Prune Administrative Committee, and other available information, it is found that the expenses of the Prune Administrative Committee and the rate of assessment for the crop year beginning August 1, 1970, shall be as follows:

**§ 993.321 Expenses of the Prune Administrative Committee and rate of assessment for the 1970–71 crop year.**

(a) *Expenses.* Expenses in the amount of $126,000 are reasonable and likely to be incurred by the Prune Administrative Committee during the crop year beginning August 1, 1970, for its maintenance and functioning and for such other purposes as the Secretary may, pursuant to the applicable provisions of the marketing agreement, as amended, and this part, determine to be appropriate.

(b) *Rate of assessment.* The rate of assessment for such crop year which each handler is required, pursuant to § 993.81, to pay to the Prune Administrative Committee as his pro rata share of the said expenses is fixed at $1.05 per ton of salable prunes handled by him as the first handler thereof.

It is further found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that: (1) The relevant provisions of said marketing agreement and this part require that the rate of assessment fixed for a particular crop year shall be applicable to all salable prunes handled by handlers as the first handlers thereof; and (2) the current crop year began on August 1, 1970, and the rate of assessment herein fixed will automatically apply to all such prunes beginning with that date.

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

Dated: August 31, 1970.

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

[F.R. Doc. 70–11683; Filed, Sept. 2, 1970; 8:50 a.m.]

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### Chapter XIV—Commodity Credit Corporation, Department of Agriculture

#### SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[CCC Grain Price Support Regs., 1970 and Subsequent Crops Corn Supp.]

### PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

#### Subpart—1970 and Subsequent Crops Corn Loan and Purchase Program

The General Regulations Governing Price Support for the 1970 and Subsequent Crops (35 F.R. 7363 and 7781) issued by the Commodity Credit Corporation, which contain regulations of a general nature with respect to price support loan and purchase operations, are

supplemented for the 1970 and subsequent crops of corn by adding §§ 1421.90–1421.98 below. These regulations also supersede the 1966 and Subsequent Crops regulations published in 31 F.R. 10464, 32 F.R. 13444 and 15706 for such crops of corn.

Sec.
1421.90 Purpose.
1421.91 Eligible corn.
1421.92 Determination of quality.
1421.93 Determination of quantity.
1421.94 Warehouse receipts.
1421.95 Fees and charges.
1421.96 Warehouse charges.
1421.97 Maturity of loans.
1421.98 Support rates.

AUTHORITY: The provisions of this subpart issued under sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 105, 401, 63 Stat. 1051, as amended; 15 U.S.C. 714c, 7 U.S.C. 1421, 1441.

### § 1421.90 Purpose.

This supplement contains program provisions which, together with the General Regulations Governing Price Support for the 1970 and Subsequent Crops and any amendments thereto or revisions thereof (such regulations are referred to in this subpart as "General Regulations") and the annual crop year supplement issued with respect to the crop of corn for which price support is being requested, apply to price support loans and purchases for the 1970 and subsequent crops of corn.

### § 1421.91 Eligible corn.

(a) *General.* To be eligible for price support, corn must be merchantable for food or feed or for other uses, as determined by CCC, and must not contain mercurial compounds or other substances poisonous to man or animals.

(b) *Shelling requirements.* The corn may be ear or shelled corn: *Provided,* That the corn must be shelled before being placed under a warehouse-storage loan or before delivery is made under a loan or purchase. If the corn is not shelled prior to delivery, the cost of shelling on or after delivery shall be for the account of the producer. A producer with a farm-storage loan on ear corn may, with the approval of the county committee, shell the corn and keep it under loan on the farm.

(c) *Warehouse stored loan grade requirements.* In order to be eligible for a warehouse storage loan, corn must also meet the following requirements:

(1) The corn must, except for moisture, grade No. 3 or better, or No. 4 or better on the factor of test weight only, but otherwise No. 3 or better.

(2) Corn which grades "Weevily" is not eligible for loan or purchase unless the warehouse receipt issued for such corn is accompanied by a supplemental certificate which provides for the delivery by the warehouseman of corn which does not grade "Weevily" and which is otherwise of an eligible grade and quality. When the warehouse receipt shows "Weevily", the grade, grading factors, and the quantity shown on the supplemental certificate must be as specified in § 1421.94(c).

(3) Corn which contains in excess of 15 percent moisture is not eligible for loan or purchase unless the warehouse receipt issued for such corn is accompanied by a supplemental certificate which provides for the delivery by the warehouseman of corn containing not over 15 percent moisture which is otherwise of an eligible grade and quality. The grade, grading factors, and the quantity shown on the supplemental certificate must be as specified in § 1421.94(c).

### § 1421.92 Determination of quality.

The class, grade, grading factors, and all other quality factors shall be based on the Official Grain Standards of the United States for corn, whether or not such determinations are made on the basis of an official inspection.

### § 1421.93 Determination of quantity.

When the quantity is detemined by weight, a bushel of shelled corn shall be 56 pounds.

(a) *In warehouse.* The quantity of corn on which a warehouse storage loan shall be made and the quantity delivered to or acquired by CCC in an approved warehouse shall be the net weight specified on the warehouse receipt or on the supplemental certificate, if applicable. If the corn has been dried or blended to reduce the moisture content, the quantity specified on the warehouse receipt or the supplemental certificate, if applicable, shall represent the quantity after drying or blending, and such quantity shall reflect a minimum shrink in the receiving weight of 1.2 times the percentage difference between the moisture content of the corn, when received, and 15 percent.

(b) *On farm.* The quantity of corn eligible to be placed under a farm storage loan shall be determined in accordance with § 1421.18. The quantity acquired by CCC from farm storage under a loan or purchase shall be determined by weight.

### § 1421.94 Warehouse receipts.

Warehouse receipts tendered to CCC in connection with a loan or purchase must meet the requirements of this section.

(a) *Separate receipt.* A separate warehouse receipt must be submitted for each grade and class of corn.

(b) *Entries.* Each warehouse receipt, or the warehouseman's supplemental certificate (in duplicate) properly identified with the warehouse receipt, must show: (1) Gross weight and net bushels, (2) class, (3) grade, (4) test weight, (5) moisture, (6) broken corn and foreign material, (7) any other grading factor(s) when such factor(s) and not test weight determine the grade, (8) whether the corn arrived by rail, truck, or barge, and (9) the date the corn was received or deposited in warehouse.

(c) *Where warehouse receipt shows "Weevily", moisture over 15 percent or both.* If a warehouse receipt tendered as security for a loan indicates the corn grades "Weevily" or contains over 15 percent moisture, or both, the warehouse receipt must be accompanied by a supplemental certificate as provided in § 1421.91(c) (2) and (3) in order for the corn to be eligible for price support. The grade, grading factors, and the quantity to be delivered must be shown on the supplemental certificate as follows: (1) When the warehouse receipt shows "Weevily" and the corn has been conditioned to correct the "Weevily" condition, the supplemental certificate must show the same grade without the "Weevily" designation and the same grading factors and quantity as shown on the warehouse receipt, (2) when the warehouse receipt shows a moisture content of over 15 percent and the corn has been dried or blended, the supplemental certificate must show the grade, grading factors, and quantity after drying or blending the corn to a moisture content of not over 15 percent which shall reflect a drying or blending shrink as specified in § 1421.93(a), (3) the supplemental certificate must state that no lien for processing will be claimed by the warehouseman from Commodity Credit Corporation or any subsequent holder of the warehouse receipt, (4) in the case of conditions specified in subparagraphs (1) and (2) of this paragraph, the grade, grading factors, and the quantity shown on the supplemental certificate shall supersede the entries for such items on the warehouse receipt.

(d) *Liens.* The warehouse receipts may be subject to liens for warehouse charges only to the extent indicated in § 1421.96.

### § 1421.95 Fees and charges.

The producer shall pay a loan service fee and delivery charge as specified in § 1421.11.

### § 1421.96 Warehouse charges.

(a) *Handling and storage liens.* Warehouse receipts and the corn represented thereby stored in an approved warehouse operating under the Uniform Grain Storage Agreement (hereinafter called "UGSA") may be subject to liens for warehouse handling and storage charges at not to exceed the UGSA rates from the date the corn is deposited in the warehouse for storage. Warehouse receipts and the corn represented thereby stored in an approved warehouse operated by an Eastern common carrier may be subject to liens for warehouse elevation (receiving and delivering) and storage charges from the date of deposit at rates approved by the Interstate Commerce Commission. In no event shall a warehouseman be entitled to satisfy the lien by sale of the corn when CCC is holder of the warehouse receipt.

(b) *Deduction of storage charges UGSA warehouses.* The table set forth in the annual crop year supplement will provide the deduction for storage charges to be made from the amount of the loan or purchase price in the case of corn stored in an approved warehouse operated under the UGSA. Such deduction shall be based on entries shown on the warehouse receipts. If written evidence is submitted with the warehouse receipt that all the warehouse charges except receiving and loading out charges have been prepaid through the applicable loan maturity date, no storage deductions shall be made. If such written evidence is not submitted, the beginning

date to be used for computing the storage deduction on corn stored in warehouses operating under the UGSA shall be the latest of the following: (1) The date the corn was received or deposited in the warehouse, (2) the date storage charges start, or (3) the day following the date through which storage charges have been paid.

(c) *Deduction of storage charges—eastern common carriers.* The table set forth in the annual crop year supplement will provide the deduction for storage charges to be made from the amount of the loan or purchase price in the case of corn stored in an approved warehouse operated by an eastern common carrier. Such deduction shall be based on entries shown on the warehouseman's supplemental certificate and delivery order. If written evidence is submitted with the supplemental certificate and delivery order that all warehouse charges except elevation charges have been prepaid through the applicable loan maturity date, no storage deduction shall be made. Where the producer presents evidence showing that the elevation charges have been prepaid, the amount of the storage charges to be deducted shall be reduced by the amount of the elevation charges set forth in the table in the annual crop year supplement.

**§ 1421.97 Maturity of loans.**

Loans mature on demand but not later than the date specified in the annual crop year supplement to the regulations in this subpart.

**§ 1421.98 Support rates.**

Basic county support rates and the schedule of premiums and discounts for use in making loans and for use in settling loans and purchases shall be as set forth in the annual corn crop supplement to the regulations in this subpart.

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on August 27, 1970.

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

[F.R. Doc. 70-11681; Filed, Sept. 2, 1970; 8:50 a.m.]

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[CCC Grain Price Support Regs., 1970 Crop Rice Supp., Amdt. 1]

## PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

### Subpart—1970 Crop Rice Loan and Purchase Program

CHANGE OF VALUE FACTORS

Paragraph (a) of § 1421.328 of the regulations issued by the Commodity Credit Corporation, and published in 35 F.R. 10578 which set forth specific requirements with respect to price support for the 1970 crop of rice, is hereby amended to increase the value factors for all classes of head rice 8 cents per hundredweight and broken rice 5 cents per hundredweight. The amended paragraph (a) reads as follows:

**§ 1421.328 Support rates.**

* * * * * *

(a) * * *

VALUE FACTORS FOR HEAD AND BROKEN RICE

| Rough rice class | Head rice | Broken rice |
|---|---|---|
| | *(Cents per pound)* | |
| Long grains | 8.38 | 4.20 |
| Medium grains | 7.38 | 4.20 |
| Short grains | 7.33 | 4.20 |

* * * * * *

Effective date: Upon filing with the Office of the Federal Register.

Signed at Washington, D.C., on August 27, 1970.

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

[F.R. Doc. 70-11680; Filed, Sept. 2, 1970; 8:50 a.m.]

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[CCC Grain Price Support Regs., 1970 and Subsequent Crops Soybean Supp.]

## PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

### Subpart—1970 and Subsequent Crops Soybean Loan and Purchase Program

The General Regulations Governing Price Support for the 1970 and Subsequent Crops (35 F.R. 7363 and 7781) issued by the Commodity Credit Corporation which contain regulations of a general nature with respect to price support loan and purchase operations are supplemented for the 1970 and subsequent crops of soybeans by adding §§ 1421.365—1421.374 to read as follows:

Sec.



AUTHORITY: The provisions of this subpart issued under sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 203, 301, 401, 63 Stat. 1054; 7 U.S.C. 1446(d), 1447, 1421.

**§ 1421.365 Purpose.**

This subpart contains program provisions which, together with the annual soybean crop supplement, the provisions of the General Regulations Governing Price Support for the 1970 and Subsequent Corps and any amendments thereto or revisions thereof (such regulations are referred to in this subpart as "General Regulations"), and the Cooperative Marketing Association Eligibility Requirements for Price Support in Part 1425 of this chapter and any amendments thereto, apply to loans and purchases for the 1970 and subsequent crops of soybeans.

**§ 1421.366 Availability.**

Producers desiring price support for soybeans must obtain a loan or notify the county ASCS office of intentions to sell to CCC no later than the dates set forth in the applicable annual soybean crop supplement to the regulations in this subpart.

**§ 1421.367 Eligible soybeans.**

(a) *General.* To be eligible for a loan or a purchase, the soybeans may be of any class but must be merchantable for food, feed, or other uses, as determined by CCC, and must not contain mercurial compounds or other substances poisonous to man or animals.

(b) *Warehouse stored loan grade requirements.* To be eligible for a warehouse-storage loan, the soybeans must also meet the following requirements:

(1) The soybeans must grade U.S. No. 4 or better.

(2) If the soybeans grade "Weevily", the warehouse receipt issued for such soybeans must be accompanied by a supplemental certificate which provides for the delivery by the warehouseman of soybeans which do not grade "Weevily" and which are otherwise of an eligible grade and quality. The grade, grading factors, and the quantity shown on the supplemental certificate must be as specified in § 1421.370(c).

(3) If the soybeans contain in excess of 14 percent moisture, the warehouse receipt issued for such soybeans must be accompanied by a supplemental certificate which provides for the delivery by the warehouseman of soybeans containing not over 14 percent moisture and which are otherwise of an eligible grade and quality. The grade, grading factors, and the quantity shown on the supplemental certificate must be as specified in § 1421.370(c).

(4) Soybeans must not grade "Garlicky."

**§ 1421.368 Determination of quality.**

The class, grade, grading factors, and all other quality factors shall be based on the Official Grain Standards of the United States for Soybeans, whether or not determinations are made on the basis of an official inspection.

**§ 1421.369 Determination of quantity.**

When the quantity of soybeans is determined by weight, a bushel shall be 60 pounds of soybeans free of foreign material in excess of 1 percent; the weight of foreign material in excess of 1 percent shall be deducted from the gross weight in the determination of the net number of bushels of soybeans.

(a) *In warehouse.* The quantity of soybeans stored in an approved warehouse and on which a warehouse storage loan may be made, and the quantity of soybeans delivered to or acquired by CCC in an approved warehouse, shall be the net weight specified on the warehouse receipt, or on the supplemental certificate, if applicable. If the soybeans have been dried or blended to reduce the moisture content, the quantity specified on the warehouse receipt or the supplemental certificate, if applicable, shall be

the quantity after drying or blending, and such quantity shall reflect a minimum shrink in the receiving weight of 1.2 times the percentage difference between the moisture content of the soybeans when received, and 14 percent.

(b) *On farm.* The quantity of soybeans eligible to be placed under a farm storage loan shall be determined in accordance with § 1421.18 of the general regulations. The quantity acquired by CCC from farm storage shall be determined by weight.

**§ 1421.370 Warehouse receipts.**

Warehouse receipts tendered to CCC in connection with a loan or purchase must meet the requirements of this section.

(a) *Separate receipt.* A separate warehouse receipt must be submitted for each grade and class of soybeans. In the case of approved cooperative marketing associations, a separate warehouse receipt also must be submitted for each county support rate at which price support is obtained.

(b) *Entries.* Each warehouse receipt or the warehouseman's supplemental certificate (in duplicate), properly identified with the warehouse receipt, must show all of the following: (1) Gross weight and net bushels, (2) class, (3) grade, (4) test weight, (5) moisture, (6) percentage of foreign material, (7) any other grading factor(s) when such factor(s), and not test weight or moisture, determine the grade, (8) for soybeans grading No. 2, 3, or 4, the percentage of total damage, (9) for soybeans grading No. 3 or No. 4, the percentage of splits, and heat damage, (10) whether the soybeans were received by rail, truck, or barge, and (11) the date the soybeans were received or deposited in the warehouse.

(c) *Where warehouse receipt shows "Weevily", or moisture over 14 percent, or both.* If a warehouse receipt tendered for a loan shows that the soybeans grade "Weevily" or contained over 14 percent moisture, or both, the warehouse receipt must be accompanied by a supplemental certificate as provided in § 1421.367(b) (2) and (3) in order for the soybeans to be eligible for price support. The grade, grading factors, quantity to be delivered, and other information must be shown on the supplemental certificate as follows: (1) When the warehouse receipt shows "Weevily" and the soybeans have been conditioned to correct the "Weevily" condition, the supplemental certificate must show the same grade without the "Weevily" designation and the same grading factors and quantity as shown on the warehouse receipt; (2) when the warehouse receipt shows moisture content over 14 percent and the soybeans have been dried or blended, the supplemental certificate must show the grade, grading factors, and quantity after drying or blending the soybeans to a moisture content of not over 14 percent. The quantity shown on the supplemental certificate shall reflect a drying or blending shrink specified in § 1421.369(a); (3) the supplemental certificate must state that no lien for processing will be claimed by the warehouseman from Commodity Credit Corporation or any subsequent holder of the warehouse receipt; (4) in the case of conditions specified in subparagraphs (1) and (2) of this paragraph, the grade, grading factors, and the quantity shown on the supplemental certificate shall supersede the entries for such items on the warehouse receipt.

(d) *Liens.* The warehouse receipts may be subject to liens for warehouse charges only to the extent indicated in § 1421.372.

**§ 1421.371 Fees and charges.**

The producer shall pay a loan service fee and delivery charge as specified in § 1421.11 of the general regulations.

**§ 1421.372 Warehouse charges.**

(a) *Handling and storage liens.* Warehouse receipts and the soybeans represented thereby stored in approved warehouses operating under the Uniform Grain Storage Agreement may be subject to liens for warehouse handling and storage charges at not to exceed the Uniform Grain Storage Agreement rates from the date the soybeans are deposited in the warehouse for storage. Warehouse receipts and the soybeans represented thereby stored in approved warehouses operated by Eastern common carriers may be subject to liens for warehouse elevation (receiving and delivering) and storage charges from the date of deposit at rates approved by the Interstate Commerce Commission. In no event shall a warehouseman be entitled to satisfy the lien by sale of the soybeans when CCC is holder of the warehouse receipt.

(b) *Deduction of storage charges—UGSA warehouses.* The table set forth in the annual soybean crop supplement will provide the deduction for storage charges to be made from the amount of the loan or purchase price in the case of soybeans stored in approved warehouses operated under the Uniform Grain Storage Agreement. Such deduction shall be based on entries shown on the warehouse receipts. If written evidence is submitted with the warehouse receipt that all warehouse charges except receiving and loading out charges have been prepaid through the loan maturity date, no storage deduction shall be made. If such written evidence is not submitted, the beginning date to be used for computing the storage deduction on soybeans stored in warehouses operating under the Uniform Grain Storage Agreement shall be the latest of the following: (1) The date the soybeans were received or deposited in the warehouse, (2) the date storage charges start, or (3) the day following the date through which storage charges have been paid.

(c) *Deduction of storage charges—Eastern common carriers.* The table set forth in the annual crop year supplement will provide the deduction for storage charges to be made from the amount of the loan or purchase price in the case of soybeans stored in an approved warehouse operated by an Eastern common carrier. Such deduction shall be based on entries shown on the warehouseman's supplemental certificate and delivery order. If written evidence is submitted with the supplemental certificate and delivery order that all warehouse charges except elevation charges have been prepaid through the applicable loan maturity date, no storage deduction shall be made. Where the producer presents evidence showing that the elevation charges have been prepaid, the amount of the storage charges to be deducted shall be reduced by the amount of the elevation charges set forth in the table in the annual crop year supplement.

**§ 1421.373 Maturity of loans.**

Loans will mature on demand but not later than the date specified in the annual soybean crop supplement to the regulations in this part.

**§ 1421.374 Support rates.**

The basic county support rates and the schedule of premiums and discounts for use in making loans and for use in settling loans and for purchases shall be as set forth in the annual soybean crop supplement to the regulations in this part.

*Effective date.* Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on August 27, 1970.

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

[F.R. Doc. 70-11682; Filed Sept. 2, 1970; 8:50 a.m.]

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## Chapter XVIII—Farmers Home Administration, Department of Agriculture

### SUBCHAPTER D—SPECIAL TYPES OF LOANS

### PART 1841—LOANS TO INDIANS

Subchapter D, Chapter XVIII, Title 7, Code of Federal Regulations is amended by revoking Part 1841, the only regulations in this subchapter. Subchapter D is hereby vacated and reserved.

Dated: August 17, 1970.

JOSEPH HASPRAY,
*Deputy Administrator,*
*Farmers Home Administration.*

[F.R. Doc. 70-11652; Filed, Sept. 2, 1970; 8:48 a.m.]

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### SUBCHAPTER G—MISCELLANEOUS REGULATIONS

[AL 17(400), 703(440), 797(400), 843(440), 889(443), 965(465), 969(440)]

### ADDITIONS TO SUBCHAPTER

New Parts 1890, 1890a, 1890b, 1890c, 1890d, 1890e, and 1890f, administrative directives supplementing certain preceding parts of this chapter are added to Chapter XVIII, Title 7, Code of Federal Regulations to read as follows:

### PART 1890 — NONDISCRIMINATION BY RECIPIENTS OF FINANCIAL ASSISTANCE

Sec.
1890.1 Purpose.
1890.2 Definitions.
1890.3 Scope.

Sec.


AUTHORITY: The provisions of this Part 1890 issued under R.S. 161, sec. 510, 63 Stat. 437, sec. 4, 64 Stat. 100, sec. 339, 75 Stat. 318, sec. 602, 78 Stat. 528; 5 U.S.C. 301, 42 U.S.C. 1480, 40 U.S.C. 442, 7 U.S.C. 1989, 42 U.S.C. 2942; Orders of Secretary of Agriculture, 29 F.R. 16210, 32 F.R. 6650, Order of Director of Office of Economic Opportunity, 29 F.R. 14764.

### § 1890.1 Purpose.

This part supplements Subpart A of Part 1821, Subparts C, D, E, F, G, and I of Part 1822, Subparts A, B, C, D, E, F, and H of Part 1823, and Subpart A of Part 1831 of this chapter. The purpose of this part is to implement the regulations of the Department of Agriculture issued pursuant to title VI of the Civil Rights Act of 1964 as they relate to the activities of the Farmers Home Administration (FHA). Title VI provides that no person shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

### § 1890.2 Definitions.

As used in this part:

(a) "FHA assistance" means any advance of funds in the form of a U.S. Treasury Check delivered to, or for the account of, a "recipient" as defined in paragraph (b) of this section on or after the date specified for each type of financial assistance as shown in § 1890.3, irrespective of the date of approval or closing.

(b) "Recipient" means any party receiving FHA assistance on or after the date specified for each type of financial assistance as shown in § 1890.3, directly or through another recipient, including any successor, assignee, or transferee of another recipient. "Recipient" does not include any person who is an ultimate beneficiary of FHA assistance, such as actual users of recreational facilities, occupants of housing, members of grazing associations, water users, members of cooperative associations, and persons served by other projects to which this part is applicable.

(c) "Facility or activity" means any property, facility, project, activity, service right, privilege, financial aid, or other benefit which is provided, directly or indirectly, with the aid of FHA assistance.

(d) "Discrimination" means being on the ground of race, color, or national origin, directly or indirectly, wholly or partially, excluded from participation in, denied the benefits of, or treated in any respect differently from others with respect to, any facility or activity as defined in paragraph (c) of this section.

(e) "Department" means U.S. Department of Agriculture.

(f) "Effective date of this part" means, for each advance of "FHA assistance" as defined in paragraph (a) of this section, above, the respective date specified in § 1890.3 for the respective type of financial assistance.

### § 1890.3 Scope.

This part applies to advances of "FHA assistance," as defined in § 1890.2(a), made on or after the dates set forth below for the types of financial assistance listed.

(a) *On or after January 3, 1965.* (1) Direct Association loans.

(2) Planning advances for water and waste disposal.

(3) Direct Senior Citizens Rental Housing (SCH) loans, now Rural Rental Housing (RRH) loans.

(4) Direct Farm Ownership (FO) loans to install or improve recreational facilities.

(5) Operating loans (OL) to install or improve recreational facilities.

(6) Rural Renewal (RN) loans and advances.

(7) Watershed (WS) loans and advances.

(8) Economic Opportunity (EO) loans to cooperative associations.

(9) Resource Conservation and Development (RCD) loans.

(b) *On or after March 9, 1966.* (1) Development grants for water and waste disposal.

(2) Grants for comprehensive planning for water and sewer systems.

(3) Direct Rural Rental Housing (RRH) loans.

(4) Labor Housing (LH) grants.

(5) Direct Rural Cooperative Housing (RCH) loans.

(c) *On or after May 11, 1968.* (1) Insured Association loans made out of the Agricultural Credit Insurance Fund (ACIF) and insured Association Recreation loans made with funds of private lenders.

(2) Insured FO loans made out of the ACIF to install or improve recreation facilities.

(3) Insured LH loans made out of the Rural Housing Insurance Fund (RHIF).

(4) Insured RRH loans made out of the RHIF.

(5) Insured RCH loans made out of the RHIF.

(d) *On or after September 24, 1969.* (1) Direct and insured RL loans to individual owners or tenants of farms to finance outdoor recreational enterprises or convert to recreational uses their farming or ranching operations.

(2) Rural Housing site loans.

### § 1890.4 Discrimination.

(a) *General.* No recipient as defined in § 1890.2(b) shall directly or through contractual or other arrangements, subject or cause any person to be subjected to discrimination, on the ground of race, color, or national origin, with respect to any facility or activity as defined in § 1890.2(c). This prohibition applies but is not limited to unequal treatment in priority, quantity, methods, or charges for service, use, occupancy, or benefit, or participation in the service or benefit available, or in the use, occupancy, or benefit of any structure, facility, or improvement under any facility or activity provided with the aid of FHA assistance.

(b) *Specific discriminatory actions prohibited.* Without limiting the general applicability of paragraph (a) of this section, no recipient shall, directly, or through contractual or other arrangements, on the ground of race, color, or national origin:

(1) Deny to any person any use, occupancy, or enjoyment of the whole or any part of any real or personal property or related facilities or any service, financial aid, or other benefit under any facility or activity.

(2) Provide any person with any service, use, occupancy, or other benefit which is different from that provided others by the facility or activity.

(3) Provide any person with any service, use, occupancy, or other benefit in a manner different from that provided others by the facility or activity.

(4) Restrict or burden in any way any person's enjoyment of any right, privilege, or advantage enjoyed by others through the facility or activity.

(5) Treat any person differently from others in determining whether he satisfies any requirements or conditions for any admission, membership, or purchase of stock in the recipient or in any other organization, place, or arrangement, which is prerequisite to or which substantially affects any person's enjoyment of any service, use, occupancy, or other benefit provided by the facility or activity.

(6) Deny to any person any opportunity, or restrict any opportunity of any person, to participate in a facility or activity by refusing or failing to provide him with notice or services provided others for the purpose of encouraging or facilitating participation in the facility or activity, or by providing any person with such notice or services different from the notice or services provided others.

(7) Utilize criteria or methods of administration so as to have the effect of subjecting any person to discrimination with respect to any facility or activity or so as to defeat or substantially impair with respect to any person or persons of a particular race, color or national origin, achievement of the objectives of a facility or activity.

### § 1890.5 Information concerning the nondiscrimination agreement.

(a) *Form FHA 400–4, "Nondiscrimination agreement."* Every recipient to which this part applies will, as early in the negotiations as possible, be given a copy of Form FHA 400–4, and will be informed that the FHA assistance will be conditioned upon compliance with the requirements of this part and upon the execution of Form FHA 400–4 in an original and one copy. The original will be made a part of the loan docket and after the loan is approved will be placed in the county office case file. The copy will be given to the recipient.

(1) In the case of FHA assistance to an association, the execution of Form

FHA 400–4 must be authorized by the board of directors or other governing body of the recipient before the FHA assistance is approved. Any assistance approved before the effective date of this part, as defined in § 1890.2(f), for which all advances were not completed prior to that date will also be subject to this part. In such cases, the loan approval official will reconfirm the remaining advances by a memorandum to the County Supervisor after he has inspected the executed Form FHA 400–4 and the authorization by the governing body of the recipient. In any case, the resolution or authorizing action of the governing body of the recipient will contain the text of Form FHA 400–4 or refer to a copy thereof attached to the resolution or identify it by specific reference to Form FHA 400–4.

(2) A recipient who is an individual will execute the agreement before the earliest following event which has not yet occured on the effective date of this part as defined in § 1890.2(f): (i) The loan is approved, (ii) the loan is closed, or (iii) the advance of the "FHA assistance" as defined in § 1890.2(a) is made.

(3) In the event there is an assumption or credit sale involving real property included in the definition of "facility or activity" set forth in § 1890.2(c), the recipient transferee will sign the original Form FHA 400–4 just below the signature that evidenced its execution by the original recipient and just above a newly typed line which should read "Recipient, effective _____, 19__."

(b) *Duration of the obligations of the "Nondiscrimination Agreement" (Form FHA 400–4).* The obligations of the "Nondiscrimination Agreement" shall continue:

(1) As to any real property, including any structures, provided with the aid of FHA assistance, so long as such real property is used for a purpose for which the FHA assistance is rendered or which affords similar services or benefits.

(2) As to any personal property provided with the aid of FHA assistance, so long as the initial recipient retains ownership or possession of the property.

(3) As to any other facility or activity, as defined in § 1890.2(c), until the last advance of funds under the FHA assistance has been made. An example of such assistance would be an advance for planning a domestic water system.

### § 1890.6 Compliance reviews and reports.

State Directors and field personnel will to the fullest extent practicable seek the cooperation of recipients in obtaining compliance with this part and will provide assistance and guidance to recipients to help them comply voluntarily.

(a) *Compliance review officer.* The compliance review officer shall be the County Supervisor when the type of financial assistance shown in § 1890.3 was received by an individual. When the type of assistance described in § 1890.3 was received by an association, organization, or unincorporated cooperative, the compliance review officer shall be the District Supervisor or the State Director may designate a program loan officer for specific case(s).

(b) *Time of reviews.* For property described in § 1890.5(b) (1) or (2), the compliance review officer will check compliance with the requirements of this part once each year. For a facility or activity described in § 1890.5(b)(3), an annual review will be required each year up to and including the year in which the last advance of funds is made. Compliance reviews may be completed in connection with visits for other purposes, but they must be completed at the location of the facility or activity. All required compliance reviews are to be completed by October 31 each year. The reporting period for these annual reviews is the 12-month period from November 1 through October 31. These reviews and reports may be made anytime during the reporting period, provided there is a minimum of 90 days between reviews for each particular recipient. The compliance review officer will enter in the "Running Record," the date of the compliance review, and his determination that the borrower was in compliance per the requirements of this subpart.

(c) *Type of review.* Compliance reviews will include a check of:

(1) The appropriate records of the recipient such as copies of applications for membership, applications for occupancy, or requests for service and the written records of the disposition of such applications and requests.

(2) The published or posted operating regulations and policies of the recipient, including the manner in which and the extent to which the recipient gives notice to the public of the availability of, or the opportunity to participate in the facility or activity.

(3) The operating practices of the recipient based on personal knowledge and reasonable inquiry of informed sources in the area in which the facility or activity is located.

### § 1890.7 Complaints.

(a) Any person who believes he or any specific class of persons have been subjected to discrimination prohibited by this part or the regulations of the Department, may himself or by an authorized representative, file a written complaint with the county supervisor, or, if he prefers, with the State director or the Administrator or the Secretary of Agriculture. A complaint must be filed not later than 90 days after the date of the alleged discrimination, unless the time for filing is extended by the Secretary of Agriculture. A complaint filed with the county supervisor or the State director will be referred promptly to the National Office, Attention: Civil Rights Coordinator.

(b) A written complaint filed with the county supervisor or the State director must be signed by the complainant or his authorized representative. If it is signed by a representative, the authority of the representative must be shown. Such a complaint must include the following information:

(1) The name and address (including telephone number) of the complainant and if the complaint is filed by an authorized representative, the name and address (including telephone number) of the authorized representative.

(2) The name and address and any other helpful identification of the facility, project, or activity with respect to which such alleged discrimination occurred.

(3) The name and address of the person or persons alleged to have committed such discrimination.

(4) A description of the acts considered to be discriminatory.

(5) Any other pertinent information that will assist in investigating and resolving the complaint.

(c) Where a complaint does not include all of the required information, the county supervisor and to the extent practicable, other persons receiving the complaint will assist the complainant in obtaining the missing information and in completing the written complaint. If additional information is not readily available, the incomplete but signed complaint will be forwarded to the State director and by him to the Administrator promptly and will be supplemented by additional written information as soon as it is received from the complainant.

(d) Attached to the complaint should be a statement from the county supervisor or State director identifying the recipient and the type of assistance provided by the FHA, stating whether the file contains a "Nondiscrimination Agreement" in accordance with § 1890.5, and giving any other information he has pertaining to the complaint. However, in no event shall the county supervisor or State director investigate any complaint unless directed by the Administrator.

### § 1890.8 Intimidatory or retaliatory acts prohibited.

No recipient or other person shall intimidate, threaten, coerce, or discriminate against any person for the purpose of interfering with any right or privilege secured by this part or the regulations of the Department, or because he has made a complaint or has testified, assisted, or participated in any manner in an investigation, proceeding, or hearing related thereto. The identity of complainants shall be kept confidential except to the extend necessary to carry out the purposes of this part and the regulations of the Department.

### § 1890.9 Effect on other nondiscrimination regulations pertaining to equal opportunity in housing.

The compliance reviews and complaint procedures in this part will be followed for FHA assisted housing cases (including Resource and Conservation Development (RCD) and Rural Renewal (RN)) subject to requirements of or pursuant to Executive Order 11063, or other authority concerning equal opportunity in housing.

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## PART 1890a—LOANS TO POULTRYMEN

Sec.

AUTHORITY: The provisions of this Part 1890a issued under sec. 510, 63 Stat. 437, sec. 4, 64 Stat. 100, sec. 339, 75 Stat. 318, sec. 602, 78 Stat. 528; 42 U.S.C. 1480, 40 U.S.C. 442, 7 U.S.C. 1989, 42 U.S.C. 2942; Orders of Secretary of Agriculture, 29 F.R. 16210, 32 F.R. 6650, Order of Director of Office of Economic Opportunity, 29 F.R. 14764.

### § 1890a.1 Purpose.

This part supplements Subparts A and B of Part 1821, Subparts A, B, and C of Part 1822, Subpart A of Part 1831, and Subpart A of Part 1833, all of this chapter. This part prescribes the policies not provided for in other Farmers Home Administration (FHA) loan making regulations which are to be observed in making FHA loans to individuals in connection with the establishment or expansion of poultry enterprises.

### § 1890a.2 General.

The production of poultry and poultry products in the United States has expanded greatly during recent years due to production efficiencies, rapid expansion of integrated types of operations, and increased consumer demand. During this period, production has periodically exceeded consumer demand resulting in frequent depressed prices and major financial difficulties for producers. Because of these trends the FHA has not, for a number of years, made loans to establish individuals in large scale commercial poultry enterprises.

### § 1890a.3 Policy—loan making.

The following policies will be observed in considering applications for FHA loans for poultry production:

(a) FHA loans may be made to established farm operators who are engaged in a significant poultry enterprise to finance their normal level of operations or to make reasonable adjustments as necessary for a sound operation, provided they will be conducting not larger than an adequate family farming operation after the loan is made.

(b) FHA loans may be made to other farm operators to establish, maintain or expand a small poultry enterprise needed to supplement their income provided the poultry enterprise will not exceed (1) 12,000-broiler capacity, or (2) 2,000-layer capacity, and the total farming operation will not exceed an adequate family farming operation. For other types of poultry enterprises the labor requirements should not be greater than that required for 12,000 broilers or 2,000 layers. Additional loans will not be made to such producers to expand the poultry enterprise above these limits.

(c) Rural Housing and Emergency loans may be made to established operators of larger than family farms to finance their normal level of poultry operation.

(d) FHA loans will not be made to establish new operators in large scale commercial poultry enterprises for the production of meat birds or eggs. However, loans other than Emergency loans may be made to finance eligible applicants who are taking over already established or recently operated poultry farms provided the farming operations will not exceed that for an adequate family farm after the loan is made.

(e) The above policies do not prohibit making FHA loans to poultry producers for purposes other than the production of poultry.

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## PART 1890b—EQUAL OPPORTUNITY IN EMPLOYMENT IN CONSTRUCTION

Sec.



AUTHORITY: The provisions of this Part 1890b issued under R.S. 161, sec. 510,, 63 Stat. 437, sec. 4, 64 Stat. 100, sec. 339, 75 Stat. 318, sec. 602, 78 Stat. 528; 5 U.S.C. 301, 42 U.S.C. 1480, 40 U.S.C. 442, 7 U.S.C. 1989, 42 U.S.C. 2942; Orders of Secretary of Agriculture 29 F.R. 16210, 32 F.R. 6650, Order of Director of Office of Economic Opportunity 29 F.R. 14764.

### § 1890b.1 General.

This part supplements Subparts A and B of Part 1804, Subparts A and B of Part 1821, Subparts A, C, D, F, and G of Part 1822, Subparts A, B, C, D, E, F, and H of Part 1823, Subpart A of Part 1831, and Subpart A of Part 1832, all of this chapter. The purpose of this part is to implement the regulations of the Secretary of Labor issued pursuant to Executive Order 11246, as they relate to the promotion and assurance of equal employment opportunity for qualified persons without regard to race, creed, color, or national origin for employment on construction work financed through any type of Farmers Home Administration (FHA) direct loan, insured loan, or grant.

### § 1890b.2 Definitions.

As used in this part:

(a) "Secretary" means the Secretary of Labor acting under Executive Order 11246, and includes the Office of Federal Contract Compliance and any other agency with authority delegated by the Secretary.

(b) "Applicant" means an applicant for an FHA direct or insured loan or an FHA grant and includes such an applicant after receiving an FHA loan or grant.

(c) "Construction contract" means a legally binding agreement between an applicant and another party for construction work paid for in whole or in part with an FHA loan or grant and, in the case of borrower construction, means the agreement to make the loan or grant. A "construction contract" as defined in this paragraph is a "Federally-assisted construction contract" as used in the Secretary's regulations and forms.

(d) "Construction work" means the construction, rehabilitation, alteration, conversion, extension, demolition, or repair of buildings, roads, or other changes or improvements to real property such as drainage, land leveling, terracing, fencing, ponds, reservoirs, and wells. "Construction work" financed in whole or in part by Soil and Water Association or Watershed loans is also included.

(e) "Contractor" means the general or prime contractor, or the applicant in case of borrower construction.

(f) "Subcontract" means an agreement or purchase order between a contractor or subcontractor and another party for supplies or services a material part of which is obtained for use in the performance of a construction contract.

(g) "Subcontractor" means a party to a subcontract other than a contractor. Any person holding a subcontract with a contractor (including the applicant in the case of borrower construction) is referred to as a first-tier subcontractor, and between a first-tier subcontractor and a third party is referred to as a second-tier subcontractor.

(h) "Standard commercial supplies" means an article:

(1) Which in the normal course of business is customarily maintained in stock by the manufacturer or other commercial dealer for the marketing of such articles; or

(2) Which is manufactured and sold by two or more persons for general commercial or industrial use or which is identical in every material respect with an article so manufactured and sold.

(i) "Site of Construction" means the physical location of any building, road, or change or improvement to real property which is undergoing construction, rehabilitation, alteration, conversion, extension, demolition, or repair and any temporary location or facility established by a contractor or subcontractor specifically to meet the demands of his contract or subcontract.

### § 1890b.3 Scope.

This part applies to any FHA loan or grant which may involve construction work exceeding $10,000 to be paid for in whole or in part with funds obtained from the FHA, whether performed by the applicant under the borrower method or by construction contract between the applicant and a contractor, and to any such contract or subcontract which exceeds $10,000, including purchase orders, except the following which are specifically exempt:

(a) Any applicant no part of whose loan is used to finance, wholly or partially, materials or services to be used in construction work.

(b) Any construction work to be performed by the applicant under the borrower method the cash cost of which does not exceed $10,000.

(c) Any contract or subcontract which does not exceed $10,000.

(d) A subcontract which is below the second-tier unless it calls for construction work at the site of construction or unless a special order is issued by the Secretary.

(e) A subcontract not exceeding $100,000 for standard commercial supplies or raw materials unless exemption with respect to specified articles of raw material is withdrawn by the Secretary.

(f) A contract or subcontract under which work is performed outside the United States and recruitment of workers within the United States is not involved.

(g) Any governmental agency (public body) which performs all the construction work through its own permanent work force.

(h) Any exemption granted by the Secretary on the basis of special circumstances in the national interest.

**§ 1890b.4 Determination of applicability to applicants and construction contracts.**

A determination as to whether this part will apply to an applicant will be made at the time of loan or grant approval based on the estimated cash cost of construction. A determination as to whether this part will apply to a construction contract between the applicant and a contractor will be made at the time the contract is executed. In case of an open-end contract, the determination will be based on the estimated contract amount. This part will apply to any construction, regardless of when the loan or grant was approved or the contract executed, involving a change order which includes additional funds, whether furnished by the applicant or through a subsequent loan or grant, if these additional funds would cause the total amount of the construction contract or cash cost of construction in case of borrower method to exceed $10,000, and to changes in methods of construction which would result either in the construction contract or borrower construction exceeding $10,000.

(a) If construction work subject to this part is partially financed through the participation of another Federal agency and the county supervisor is unable to reach an agreement as to which agency will administer the equal employment opportunity provisions, the county supervisor will refer the case to the State director for instructions. In such case the State director should contact the other agency and determine which agency will administer the equal employment opportunity provisions.

**§ 1890b.5 Agreement by applicant.**

Each applicant who is subject to the provisions of this part will, before closing of the loan or grant, execute Form FHA 400–1, "Equal Opportunity Agreement," to which will be attached a copy of Form FHA 400–2, "Equal Opportunity Clause." In case the applicant is an incorporated association, the execution Form FHA 400–1 will have to be specifically authorized by a resolution of the governing body. In the case of municipalities or other public bodies, this can best be accomplished by incorporating a suitable reference to the "Equal Opportunity Agreement" and the "Equal Opportunity Clause" in the loan resolution before it is adopted by the applicant organization.

**§ 1890b.6 Compliance reports from bidders and prospective contractors.**

Each bidder, prospective contractor, and prospective subcontractor subject to this part will be required to state whether he has participated in any previous contract or subcontract subject to equal employment opportunity regulations under Executive Order 11246 or earlier authority. If he has so participated, he must state whether he has filed all compliance reports required of him. This will be done by his executing and filing Form FHA 400–6, "Compliance Statement," before or as a part of the bid or negotiation. If he has participated in such a contract or subcontract and has failed to file compliance reports required of him, he may not be considered an eligible bidder or prospective contractor or subcontractor unless and until he files the reports or makes satisfactory arrangements in regard to filing them.

**§ 1890b.7 Equal opportunity clause in construction contract and subcontracts.**

The county supervisor will be responsible for including in each construction contract subject to the provisions of this part the provisions of Form FHA 400–2. The "Clause" will obligate the contractor to include the same provision in any subcontract subject to the provisions of this part. The county supervisor will also be responsible for including the provisions of Form FHA 400–2 in change orders in contracts whenever the contract does not include the required provision but, because of the change order when additional funds are involved, becomes subject to § 1890b.8. Any question as to the applicability of the provisions of this part to any contract will be referred to the State Director for appropriate determination.

**§ 1890b.8 Posters and notices.**

Any reference to Federal Government contract or contractor in the standard forms or posters will be interpreted to include any construction contract or construction work performed by the applicant financed in whole or in part with an FHA loan or grant.

(a) *Forms.* The following forms, equal employment opportunity posters, and notices to labor unions or other organizations of workers required by Form FHA 400–2 will be available for requisition by the county supervisor from the Finance Office: "Equal Employment Opportunity Poster"; Standard Form 38, "Notice to Labor Unions or Other Organizations of Workers"; and Standard Form 100, "Employer Information Report EEO–1."

(b) *Delivery of posters and notices to contractors and applicants.* Posters, Standard Form 38, and Form FHA 400–3, "Notice to Contractors and Applicants," will be sent to the contractor along with a notification of the contract award or delivered to the contractor at the time the contract is signed if it is signed by the contractor and the applicant simultaneously. In case the applicant performs the construction work by borrower method, the posters and notices will be delivered to the applicant at the time of loan or grant closing or prior to starting of construction work. Standard Form 38 will not be used by the applicant or contractor unless they have a collective bargaining agreement or other contract of understanding with a labor union or other organizations of workers.

**§ 1890b.9 Compliance reports.**

Any person or entity subject to Executive Order 11246 is required to submit Standard Form 100 in quadruplicate to the Joint Reporting Committee, 1800 G Street NW., Washington, D.C. 20506, if such person or entity:

(a) Has 50 or more employees; and

(b) Is a primary contractor or first-tier subcontractor, or a subcontractor below first-tier who performs construction work at the site of construction; and

(c) Has a contract or subcontract or purchase order amounting to $50,000 or more ($100,000 or more, if solely for standard commercial supplies and raw materials). General information as to who must file and information on preparation of report is provided with Standard Form 100. Contractors or subcontractors may omit questions 8 and 9 pertaining to apprenticeship programs and union job referral assignments. Notice of exemption was published in the FEDERAL REGISTER dated March 10, 1966 (31 F.R. 4258). The county supervisor will provide a set of Standard Form 100 to each contractor or subcontractor subject to the reporting requirements who has not made an annual report. The Office of Federal Contract Compliance has mailed Standard Form 100 to each employer in the United States (on the Social Security List) who is believed to have 50 or more employees. The prime contractor will obtain the necessary report forms and inform first-tier contractors subject to the reporting requirements of their responsibility to submit a report. One copy of each report submitted in accordance with this part will be filed in the borrower's case folder.

**§ 1890b.10 Duties of the FHA.**

The FHA will be primarily responsible for seeing that the Equal Opportunity Agreement is executed by the applicant and included in the docket, that the provisions of § 1887.6 of this chapter are carried out, that the Equal Opportunity Clause is included in the contracts, that the contractor is notified of the compliance requirements, and that the required compliance reports are filed. The FHA will also be primarily responsible for receiving and transmitting complaints and for routine compliance reviews. Routine compliance reviews will be conducted by the county supervisor whenever an inspection of the construction financed with an FHA loan or grant is performed. A routine compliance review consists of observation of whether the contractor or subcontractor has posted the required notices and of any evidence of discrimination in employment. Noncompliance (other than complaints of alleged discrimination) such as failure to set up posters or filing reports should be resolved by the county supervisor. The county supervisor will record his findings on the county office copy of Form

FHA 424–12, "Inspection Report." Failure to achieve compliance will be reported to the State director. The State director should check the case to determine the basis for noncompliance and, if possible, resolve the matter informally. If the State director is unable to obtain compliance, he will make a report of the facts to the National Office.

### § 1890b.11 Special compliance review.

Special compliance reviews may be conducted from time to time as directed by the Department contracts compliance officer. A special compliance review consists of comprehensive review of the employment practices of the contractor, subcontractor, or work performed by the applicant with respect to the requirements of the Secretary. Special compliance reviews may be conducted when special circumstances, including complaints, warrant.

### § 1890b.12 Complaints.

(a) Any complaint received by the county supervisor or State director must be in writing and contain the information required by paragraph (b) of this section. Any such complaint will be referred to the National Office immediately since it must be referred by the National Office to the Secretary within 10 days after the FHA receives it from the complainant.

(b) A written complaint of alleged discrimination must be signed by the complainant and should include the following information:

(1) The name and address (including the telephone number) of the complainant.

(2) The name and address of the person committing the alleged discrimination.

(3) A description of the acts considered to be discriminatory.

(4) Any other pertinent information that will assist in the investigation and resolution of the complaint.

(c) Where a complaint does not include all the information required by paragraph (b) of this section, the county supervisor or State director receiving the complaint shall immediately inform the complainant of the required information and shall not refer the complaint to the National Office until the required information is received.

(d) Attached to the written complaint should be a statement from the county supervisor or State director giving the amount of the contract and whether it contains the "Equal Opportunity Clause" and a brief statement or any other information they may have pertaining to the complaint. However, in no event shall the county supervisor or State director investigate any complaint.

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## PART 1890c—LOANS SECURED BY REAL ESTATE ON RECLAMATION PROJECTS

Sec.



AUTHORITY: The provisions of this Part 1890c issued under R.S. 161, sec. 510, 63 Stat. 437, sec. 4, 64 Stat. 100, sec. 339, 75 Stat. 318, sec. 602, 78 Stat. 528; 5 U.S.C. 301, 42 U.S.C. 1480, 40 U.S.C. 442, 7 U.S.C. 1989, 42 U.S.C. 2942; Orders of Secretary of Agriculture 29 F.R. 16210, 32 F.R. 6650, Order of Director of Office of Economic Opportunity 29 F.R. 14764.

### § 1890c.1 General.

This part supplements Part 1807, Subparts A and B of Part 1821, Subparts A and C of Part 1822, Subpart A of Part 1831, Subpart A of Part 1832, Subpart A of Part 1871, and Subparts A and C of Part 1872, all of this chapter. The policies and procedures to be followed in: Making, servicing, and liquidating Farmers Home Administration (FHA) loans to individuals secured by real estate on the Columbia Basin Project in the State of Washington and on the Wellton-Mohawk Division of the Gila Project in Arizona, and; disposing of acquired property by FHA or the Bureau of Reclamation (Bureau) are outlined in this part which includes the Memorandum of Understanding (quoted below) between the Secretary of Agriculture and the acting Secretary of Interior:

MEMORANDUM OF UNDERSTANDING BETWEEN THE DEPARTMENT OF AGRICULTURE AND THE DEPARTMENT OF THE INTERIOR RELATING TO THE FARMERS HOME ADMINISTRATION LOANS ON RECLAMATION PROJECTS

PART I

*Purpose and Definition*

A. *Purpose.* The purpose of this memorandum is to outline the general procedure to be followed by the Farmers Home Administration (FHA) and the Bureau of Reclamation (Bureau) in accordance with their respective laws and regulations when FHA makes, insures, or services loans to contract purchasers or fee owners (applicants) on the Columbia Basin Project in Washington, the Wellton Mohawk Division of the Gila Project in Arizona, or such other reclamation projects as may hereafter be included by letter agreement between the Administrator, Farmers Home Administration, and the Commissioner, Bureau of Reclamation, which letter shall then be a supplement of this memorandum.

B. *Definitions.* Unless otherwise indicated in this memorandum:

(1) The term "unit" will be used to describe a family-size farm unit, a part-time farm unit, a portion of a farm unit, or any other tract of land;

(2) The term "contract" will be used to describe the Bureau's land sale or exchange contract under which the purchase was made;

(3) The term "FHA" also includes its insured lenders;

(4) The term "outstanding balance" includes (a) the unpaid indebtedness under the FHA mortgage and the Bureau's contract, (b) any unpaid costs owed to the Bureau for construction by it of a special distribution system to serve a part-time farm unit where such costs have been allocated to the unit as a separate item from the purchase price in the contract. and (c) any portion of an SW Association loan made by FHA for construction of a domestic water system to serve the unit and secured by a lien on the unit. It does not include any portion of an SW Association loan made by FHA for construction of a domestic water system to serve the unit and not secured by a lien on the unit, nor project construction costs charged to the unit.

(5) Public Law 361, 81st Congress (7 U.S.C. 1006a and 1006b), is referred to as "P.L. 361." It applies to Farm Ownership (FO), Operating (OL), and Soil and Water Conservation (SW) loans made under the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1921) and prior laws. It does not apply to Emergency (EM) loans made under that act or prior laws, nor to Housing (RH) loans made under title V of the Housing Act of 1949 (42 U.S.C. 1471).

(6) The term "Project officer" refers either to the Project Manager or such other Bureau of Reclamation officer as may properly hold the requisite responsibility for the project in question.

PART II

*General Provisions*

A. FHA regulations will govern making and servicing FHA loans, including the taking of mortgages as additional security for existing FHA loans.

B. In connection with applications for FHA loans or assumptions, the Project officer, upon the written request of the county supervisor, will furnish the following:

1. Written consent to make the applicant an FHA loan or to secure an existing FHA loan.

2. Any information which the Bureau has concerning the applicant, provided the request has the following authorization attached to it:

Date ----------, 19--

I hereby authorize the Bureau of Reclamation to make available to the Farmers Home Administration any information the Bureau may have concerning my transactions with it. This information may be used by the Farmers Home Administration in determining my eligibility and qualifications for a loan, and is to be treated as confidential.

(Type name of Applicant below signature)

(Signed) ----------
(Applicant)

3. A statement of account, showing the applicant's outstanding balance owed to the Bureau (principal balance, accrued unpaid interest, and daily interest accrual rate on the contract, any other charges and any unpaid special distribution system costs, and the amount of any delinquency).

4. A report on any development and residence requirements which have not been completed and on eligibility of the unit for water, including full information on the status of any excess land.

5. Advice as to whether the applicant is in default because of failure to pay water charges, or because of breach of any other agreements with the Bureau.

6. Copies of any needed title evidence, such as abstracts of title, title opinions or certificates, or title insurance policies, which the Bureau has pertaining to the unit. If requested any such material will be returned to the project officer.

C. The Bureau's contract must contain provisions satisfactory to FHA and must be recorded in the appropriate county records. No contract amendments will be made or excess land redesignations approved which will adversely affect FHA.

D. The FHA mortgage will contain provisions imposing development and residence requirements at least equal to those which have not been completed under the Bureau's contract.

E. When the outstanding balance owed to the Bureau has been paid in full and FHA has a mortgage on the property, the Bureau will execute and deliver a deed to the contract purchaser. The deed will recite that it is subject to the existing FHA mortgage, and the project officer will notify the county supervisor of the issuance of the deed.

F. When the FHA mortgage has been satisfied, the county supervisor will notify the project officer to that effect.

PART III

*Defaults under Mortgages and Contracts*

A. The county supervisor will notify the project officer of any default under an FHA mortgage unless the project officer has previously notified the county supervisor that the contract has been completed and that the deed has been issued. Likewise, the project officer will notify the county supervisor of any default under the contract unless the county supervisor has previously notified the project officer that the mortgage has been satisfied.

B. Defaults on mortgages or contracts, where both are still in effect, will be handled as follows:

1. If either the county supervisor or the project officer determines that the applicant cannot continue with the purchase and operation of the unit, he will request a conference with representatives of the other Agency for the purpose of working out a future course of action satisfactory to both Agencies.

2. The two Agencies, after consultation, may make a further effort to make arrangements which will permit the applicant to continue with the purchase and operation of the unit if they consider it advisable or worthwhile to do so. If they conclude, either before or after making such further effort, that the applicant will not be permitted to continue with the purchase and operation of the unit, they will take one or more of the following actions:

(a) Make an effort to have the applicant assign his interest in the contract to another person meeting the eligibility requirements of both Agencies; such transfer will be subject to the existing FHA mortgage and the assignee will assume and agree to pay the indebtedness secured thereby or such portion thereof as required by FHA.

(b) Make an effort to obtain, subject to the FHA mortgage, a document terminating or canceling the applicant's interest under the contract.

(c) If a satisfactory solution cannot be accomplished as suggested above, the Bureau, after giving the required notice to the applicant, will terminate the contract for default, subject to the FHA mortgage.

PART IV

*Voluntary Conveyance to Bureau*

When a unit which is subject to an FHA mortgage is being conveyed to the Bureau by an applicant, the following actions will be taken:

A. Before accepting such a conveyance the project officer will consult with the county supervisor concerning FHA's financial interest in the applicant and the unit.

B. Pending acceptance of the conveyance by the Bureau, the county supervisor and the project officer will take any action necessary to protect the interests of FHA and the Bureau.

C. The county supervisor will inform the project officer whether it is satisfactory to FHA for the Bureau to accept the conveyance. He also will inform the project officer as to the type of FHA loan involved.

D. When the county supervisor notifies the project officer that FHA approves acceptance of the conveyance, the project officer will require the applicant to take any curative action necessary for the Bureau to obtain good title to the unit subject to the FHA mortgage but free from other encumbrances. When such title is obtained, the project officer will notify the county supervisor.

E. The conveyance to the Bureau will be made subject to the FHA mortgage.

F. The county supervisor will take appropriate steps to prevent removal of improvements which are part of FHA security. If any improvements on the unit are not part of FHA security, the county supervisor will notify the project officer to that effect.

G. FHA will recognize the conveyance to the Bureau as equivalent to a voluntary conveyance to FHA under its regulations for the purpose of considering release of the applicant from personal liability for the amount of the FHA mortgage claim in excess of the value of its interest in the acquired unit.

PART V

*Amendments*

When an applicant's unit, subject to an FHA mortgage, is being amended or is being used for amendment purposes, the Bureau's approval of the amendment will be contingent on spreading the FHA mortgage to the entire amended unit. The FHA mortgage on any part of the unit which before amendment was not security for an FHA loan will be the best lien obtainable, except that where a new FHA loan is being made the lien must meet the security requirements for the type of loan being made.

A. The project officer will consult with the county supervisor about the eligibility of the applicant and will furnish the county supervisor a description of the proposed amended unit. If a new FHA loan is being made, the applicant must be eligible for the type of loan involved.

B. When the new loan, transfer, or credit sale has been approved by FHA subject to the Bureau's final approval of the proposed amendment of the unit, the FHA mortgage will cover the entire amended unit.

C. When the county supervisor is prepared to close the loan he will notify the project officer that FHA is ready for final approval of the amended unit.

D. The project officer will then take appropriate steps to have a notice of amendment issued and will furnish a copy of such notice to the county supervisor. The notice will provide for the FHA mortgage to be spread over the entire amended unit.

E. The county supervisor will take the steps necessary to complete the FHA transaction.

PART VI

*Sale of Units by the Bureau*

If the Bureau terminates an FHA borrower's contract by acceptance of a conveyance or other document or by cancellation for default, the Bureau will endeavor to resell the unit to an applicant who is eligible for the purchase of a family-size unit and for an FHA loan, if the FHA and the Bureau determine that it is a family-size unit. However, if they determine that the unit is not family-size the Bureau will negotiate a resale of the unit to an applicant without regard to eligibility for an FHA loan: *Provided*, That if the sale of the FHA's interest is on credit, the prospective purchaser is satisfactory to FHA and agrees to comply with FHA requirements, and the FHA mortgage is spread to cover the entire unit.

A. *One-Year Limit.* Under Public Law 361, sales by the Bureau can be made only during 1 year after the contract termination date where the FHA mortgage is subject to Public Law 361 (FO, OL, & SW). In other cases, such as RH and EM, the 1-year limitation does not apply, but the Bureau will nevertheless sell within the 1-year period if it is practicable to do so.

B. *Custody and Expenses.* While the Bureau has disposal authority it will assume custodial responsibility for the unit, but the county supervisor and the project officer will determine the actions necessary to protect the interests of both FHA and the Bureau. Any expenses incurred for protection of FHA's interest will be paid by FHA and added to the mortgage debt.

C. *Establishment of Sale Price.* The sale price for each unit will be determined by the Bureau and the FHA. In establishing the sale price, consideration will be given to reappraisals made by FHA and the Bureau or to a joint reappraisal made by them. The sale price will not be less than the latest reappraisal. The appraisal reports will show both (a) normal value (long-term earning capacity value wherever appropriate), and (b) present market value.

D. *FHA Mortgage Subject to Public Law 361.* If only part of the unit being sold is covered by the FHA mortgage, there will be deducted from the total sale price of the entire unit the cost or unpaid balance on the terminated contract covering the part that is not subject to the FHA mortgage and that amount will be payable to the Bureau. If the amount of the total sale price after such deduction, or the total sale price where the FHA mortgage covers the entire unit, is larger than the outstanding balance, the difference will be payable to the Bureau. The remainder of the sale price after such deduction when the FHA mortgage covers part of the unit, or the total sale price if equal to or less than the outstanding balance when the FHA mortgage covers the entire unit, will be prorated between the Bureau and FHA in proportion to the outstanding balance owed to each.

1. If the sale is for all cash, or the Bureau's part of the net sale price is paid to it from an FHA loan or from other sources, and all of the Bureau's development and residence requirements have been met, the Bureau will execute and deliver a deed to the new purchaser, subject to the FHA mortgage.

2. If a deed cannot be executed and delivered under 1 above, a new contract will be entered into by the new purchaser and the Bureau for the unpaid amount of the Bureau's share of the sale price. The new purchaser will be required to assume FHA's unpaid share of the sale price by executing an assumption agreement secured or indemnified by the existing mortgage or by executing a new note and mortgage. The new contract also will provide that it may be terminated if default occurs under the FHA mortgage or note or assumption agreement. When all payments have been made under the mortgage, note or assumption agreement, and new contract, and all development and residence requirements have been met, the Bureau will execute and deliver a deed to the new purchaser.

E. *FHA Mortgage Not Subject to Public Law 361 (RH, EM, etc.).* The Bureau's and the FHA's shares of the total sale price will be determined as provided in Part VI D. Any cash downpayment will be applied first to the Bureau's share of the total sale price.

1. If the cash downpayment equals or exceeds the Bureau's share of the total sale price, the Bureau will execute and deliver a deed to the new purchaser. The new purchaser will be required to assume any unpaid share of the sale price owed to FHA by executing an assumption agreement secured or indemnified by the existing mortgage, or by executing a new note and mortgage.

2. If the cash downpayment is not sufficient to pay the Bureau's share of the total sale price, a new contract, and an assumption agreement or note and mortgage will be entered into as provided for in paragraph VI D 2. When the Bureau has received all payments owed to it under the new contract, it will execute and deliver a deed to the new purchaser.

3. If a new mortgage is required by FHA, it will contain provisions imposing development and residence requirements at least

equal to those which were not completed under the terminated contract. If the FHA mortgage is satisfied before or at the time the Bureau's deed is executed, the Bureau will provide for such development and residence requirements.

PART VII

*Sale of Units by FHA When Mortgage Is Subject to Public Law 361 (FO, OL, SW)*

If the Bureau terminates an FHA borrower's contract by acceptance of a conveyance or other document or by cancellation for default and the unit is not sold by the Bureau within 1 year after such termination, the part thereof covered by the FHA mortgage may be disposed of by FHA under its authority. If the sale price is larger than the outstanding balance, the difference will be payable to the Bureau. If the sale price is equal to or less than the outstanding balance, any cash downpayment will be applied first to the Bureau's share of the sale price.

A. FHA will, if practicable, endeavor to sell the unit within its program to a person who is eligible under FHA regulations.

1. If the cash downpayment equals or exceeds the Bureau's share of the sale price, paragraph VI E 1 and 3 will apply, except that the deed will be executed by FHA.

2. If the cash downpayment is not sufficient to pay the Bureau's share of the sale price, a new contract and an assumption agreement or note and mortgage will be entered into as provided in paragraph VI D 2. When the Bureau has received its share of the sale price, FHA will execute and deliver a deed to the purchaser subject to the FHA mortgage, and the new contract will be satisfied of record.

B. If it is impracticable for FHA to sell the unit under Part VII A, the sale price will be the best price obtainable for cash or part cash and secured credit. If the sale is on part credit, FHA will obtain an initial cash downpayment at least equal to 20 percent of the sale price or the Bureau's share of the sale price, whichever is greater. Upon closing the sale, such amounts owed to the Bureau will be paid to it, and FHA will execute and deliver a deed to the purchaser, and an assumption agreement or note and mortgage will be obtained with respect to FHA's unpaid share of the sale price.

C. If FHA acquires or reacquires a unit by voluntary conveyance or foreclosure, or transfer for disposal from the Bureau as provided under this Part, the deed issued thereafter by FHA, or the assumption agreement or note or mortgage, if the unit is sold on credit or part credit, will include development and residence requirements at last equivalent to those which have not been completed.

PART VIII

*Project Status*

A. It is agreed that any sales or resales of land on any Reclamation project covered by this memorandum by the Bureau or by FHA will be subject to project construction costs then allocated thereto, and that such sales will not terminate the project status of such lands or the availability of water service to said unit.

PART IX

This Memorandum of Understanding supersedes the 1953 Memorandum of Understanding relating the Wellton-Mohawk Division of the Gila Project in Arizona and the 1961 Memorandum of Understanding relating to the Columbia Basin Project in Washington.

**§ 1890c.2 Policies, procedures, and authorizations.**

Existing FHA policies, procedures, and authorizations will apply to making, servicing, and liquidating FHA loans and to the disposition of such acquired property by FHA, except as modified by the Memorandum of Understanding in § 1890c.1 and except as follows:

(a) *Loans subject to purchase contracts.* When real estate is to be taken as security for any type of FHA loan, such security may be taken subject to an outstanding purchase contract with the Bureau. If an FHA loan does not include funds to meet the development and residence requirements prescribed by the Bureau, the applicant must have the capital or credit resources available for that purpose and his farm and home plan or farm development plan must show how the requirements will be met and the sources of funds.

(1) An FHA loan to be secured by the applicant's farm may be made even though the applicant owns some land which the Bureau has designated as excess. However, it will be expected that the excess land will be disposed of as required by the Bureau and the proceeds applied on the liens against the farm. Therefore, the excess land will not be considered in determining whether the applicant or the farm qualifies for a loan. If the normal value of the applicant's nonexcess land is not sufficient to adequately secure a Rural Housing, Farm Ownership, or Soil and Water loan, the excess land may be relied upon as security to the extent of its value, but not exceeding $2,500 in the same manner as nonreal estate property. The value of the excess land must be determined separately, and cannot exceed its appraised normal value or its estimated sale value under the Bureau's regulations, whichever is less. Loan funds will not be used for improvements on excess land.

(2) The antispeculation provisions of reclamation law are applicable only to excess lands. Therefore, the sale value of the borrower's excess land will be restricted by that law. Generally, that value is on a dry land unimproved basis. However, the value of improvements to the unit on the excess land is not affected by the antispeculation provisions of that law.

(b) *Development and residence requirements.* If an FHA mortgage is being taken subject to an outstanding purchase contract with the Bureau, Form FHA 427–3, "Rider to Real Estate Mortgage or Deed of Trust," will be made a part of the mortgage. Form FHA 427–3 is not applicable when a purchase contract has been paid in full and a deed has been issued. Therefore, if the balance owed on a contract is refinanced with an FHA loan or is otherwise paid so that the borrower will receive a deed before all development and residence requirements have been met, the Office of the General Counsel will prepare a rider or insertion to be placed in the deed, mortgage, note, or assumption agreement, as appropriate, to obligate the borrower to complete such requirements.

## PART 1890d — FARM OWNERSHIP LOANS ON LEASEHOLD INTEREST IN HAWAII

Sec.
1890d.1 General.
1890d.2 Policies, procedures and authorizations.

AUTHORITY: The provisions of this Part 1890d issued under sec. 339, 75 Stat. 318, 7 U.S.C. 1989; Orders of Secretary of Agriculture, 29 F.R. 16210, 32 F.R. 6650.

**§ 1890d.1 General.**

This part supplements Part 1807, Subpart A of Part 1821, and Subparts A and C of Part 1872 of this chapter. This part outlines the additional policies and requirements for making Farm Ownership (FO) loans on leasehold interests in Hawaii. Public Law 89–586 and Public Law 90–426 amended the Consolidated Farmers Home Administration Act of 1961, as amended, to provide that the term "owner-operator" will in the State of Hawaii include the lessee-operator of real property in any case in which the land cannot be acquired in fee simple by the applicant, who can provide adequate security for the loan, and has reasonable probability of accomplishing the objectives and repayment of the loan. FO loans cannot be made to lessee-operators of Hawaiian Home Commission lands until adequate security can be given for the loan as required in § 1821.10 of this chapter.

**§ 1890d.2 Policies, procedures, and authorizations.**

An FO loan may be made on a leasehold interest only if the county supervisor specifically determines that an applicant cannot acquire fee simple title to land which qualifies for an FO loan and documents such determinations in the file. Existing Farmers Home Administration (FHA) policies, procedures, and authorizations applicable to making, servicing, and liquidating FO loans and to the disposition of acquired property, will apply to FO loans on leasehold interests except as modified by this part.

(a) *FO loans subject to leasehold interests in Hawaii.* (1) An FO loan may be made to a lessee of a farm where: The unexpired term of the lease runs beyond the payment of the loan and the applicant's equity in his farm leasehold is at least equal to the amount of the loan; there is a reasonable probability of accomplishing the objectives for which the loan is made; the applicant can give upon his farm leasehold a recorded mortgage constituting a valid and enforceable lien; the applicant can comply with other loan security requirements specified in Subpart A of Part 1821 of this chapter and; the unexpired term of the lease runs for at least 10 years and extends beyond the repayment period of the loan sufficiently to provide a reasonable likelihood of achieving the objectives of the loan. Moreover, the unexpired term of the lease must be at least 50 percent longer than the repayment period of the loan unless the borrower gives other security of sufficient value to compensate for a shorter period. This other security may include a lien on the

borrower's right to receive from his lessor compensation at the expiration of the lease for the unexhausted value of the improvements made with the FO loan.

(i) A loan secured by a mortgage upon a farm leasehold, if otherwise proper, may be made where the lessor owns the fee simple title marketable in fact, and neither the leasehold nor the fee simple title is subject to a prior lien. If in any case involving a prior lien the State Director concludes that a sound loan can be made upon a leasehold, he will submit complete information to the National Office for review and special authorization prior to approval of the loan.

(2) With respect to achieving the purpose of the loan, obtaining adequate security, and being able to service the loan and enforce the security, the Government as holder of the mortgage upon a leasehold interest should be in a position substantially as good as if it held a second mortgage on a fee simple title. This includes, besides lessor's consent to the FO mortgage, such matters as:

(i) Reasonable security of tenure. The borrower's interest will not be subject to summary forfeiture or cancellation.

(ii) The right to foreclose the FO mortgage and sell without restrictions that would adversely affect the salability of the security. Any effect on market value should be shown in the appraisal.

(iii) The right of FHA to bid at foreclosure sale or to accept voluntary conveyance of the security in lieu of foreclosure.

(iv) The right of FHA, after acquiring the leasehold through foreclosure of voluntary conveyance in lieu of foreclosure, or in event of abandonment by the borrower, to occupy the property or sublet it and to sell for cash or credit. In case of a credit sale, the FHA will take a vendor's mortgage with rights similar to those under the original FO mortgage.

(v) The right of the borrower, in the event of default or inability to continue with the lease and the FO loan, to transfer the leasehold, subject to the FO mortgage, to an eligible transferee with assumption of the FO debt.

(vi) Advance notice to FHA of lessor's intention to cancel, terminate, or foreclose upon the lease. Such advance notice will be long enough to permit FHA to ascertain the amount of the delinquencies, the total amount of the lessor's and any other prior interest, and the market value of the leasehold interest and, if litigation is involved, to refer the case with a report of the facts to the U.S. attorney and permit him to take appropriate action.

(vii) Express provisions covering the question of liability of FHA for unpaid rentals or other charges accrued at the time it acquires possession of the property or title to the leasehold, and those which become due during FHA's occupancy or ownership, pending further servicing or liquidation.

(viii) Any necessary provisions to assure fair compensation for any part of the premises taken by condemnation.

(ix) Any other provisions necessary to meet the foregoing requirements.

## PART 1890e—REAL ESTATE SECURITY—EO LOANS

Sec.
1890e.1 General.
1890e.2 Servicing of nonsecurity real property purchased, refinanced, or improved with EO loan funds.

AUTHORITY: The provisions of this Part 1890e issued under sec. 602, 78 Stat. 528, 42 U.S.C. 2942; Orders of Secretary of Agriculture 29 F.R. 16210, 32 F.R. 6650, Order of Director of Office of Economic Opportunity 29 F.R. 14764.

### § 1890e.1 General.

This part supplements Subparts A and B of Part 1871 and Subpart A of 1872 of this chapter. This part provides the policies and authorities for (a) servicing and liquidation of real estate purchased, refinanced, or improved with Economic Opportunity (EO) loan funds when such property does not serve as security for such loans, and (b) taking real estate as security for EO loans in addition to the security policies contained in loan making procedures of this chapter. In the servicing of EO loans, liens on real estate will be taken and serviced in accordance with the applicable provisions of Subpart A of Part 1872 of this chapter.

### § 1890e.2 Servicing of nonsecurity real property purchased, refinanced, or improved with EO loan funds.

Borrowers will be expected to maintain such real property so as to accomplish the objectives of the loan. County supervisors will provide borrowers with appropriate supervision to protect the interest of the borrower as well as the Farmers Home Administration (FHA). The EO loans of deceased borrowers will be serviced in accordance with the provisions of § 1871.37 of this chapter. If an EO borrower becomes involved in bankruptcy or insolvency, the case will be serviced in accordance with the provisions of § 1871.36 of this chapter.

(a) *Sale or transfer by the borrower.* If the borrower is reliable and can obtain a reasonable price for the nonsecurity real property, he will be requested to sell it and apply the necessary proceeds representing his equity on the EO debt.

(1) Transfer with assumption of EO debt. If a satisfactory sale of such property cannot be made for cash, sale with assumption of the EO debt may be accomplished in accordance with the provisions of § 1871.38 except that:

(i) The transferring borrower will not be released of liability since the EO property involved is not security.

(ii) The assuming party will be required to make as large a downpayment on the EO debt as he is financially able to under the circumstances. However, the assumption may be approved without any downpayment if the assuming party is not financially able to make a downpayment, and the approval official determines that the assumption will be in the best financial interest of the FHA.

(b) *Voluntary conveyance of the nonsecurity real property to FHA.* If the nonsecurity real property is not sold as provided for in paragraph (a) of this section and it appears that FHA could realize a substantial net amount on the borrower's equity in the property, he will be encouraged to deed it to FHA. This will be done with the understanding that his EO account will be credited with an amount equal to his equity determined by FHA on the basis of a present market value appraisal of the property. The borrower will not be released from personal liability since security property is not involved. Before such actions are taken, the case should be referred to the Office of the General Counsel (OGC) for advice, particularly with respect to whether FHA will receive marketable title to the property. Any cash costs in connection with title examination and transfer will be paid from EO loan funds and charged to nonrecoverable costs. If real property is deeded to FHA, it will be managed and sold in accordance with the applicable provisions of Subpart C of Part 1872 of this chapter.

(c) *Referral of facts to OGC.* If the nonsecurity real property cannot be disposed of in accordance with paragraph (a) or (b) of this section, then subject to the limitations in § 1871.27(a)(5)(i) of this chapter, the facts in the case will be referred to OGC for any appropriate action to protect the interests of FHA. Such action may involve taking possession of the property under the loan agreement through court action or obtaining judgment and levying on the property or other actions deemed appropriate by OGC.

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## PART 1890f—LOANS TO INDIANS

Sec.
1890f.1 General.
1890f.2 Loan making.

AUTHORITY: The provisions of this Part 1890f issued under sec. 510, 63 Stat. 437; 42 U.S.C. 1480, sec. 339, 75 Stat. 318; 7 U.S.C. 1989, 29 F.R. 16210, 32 F.R. 6650, 33 F.R. 9677.

### § 1890f.1 General.

This part supplements Subparts A and B of Part 1821, Subparts A, B, C, D, E, F, and G of Part 1822, Subpart A of Part 1831, and Subpart A of Part 1832, all of this chapter. This part outlines the additional policies and procedures to be followed in making and servicing Farmers Home Administration (FHA) loans to Indians secured by trust or restricted land in the States of Florida, Michigan, Mississippi, North Carolina, Wisconsin, and all States west of the Mississippi River except Arkansas, Missouri, and Texas, and in selected counties of these states.

### § 1890f.2 Loan making.

The following is a joint statement by the Department of Agriculture and the Department of the Interior. This statement was prepared by representatives of the two Departments to make it possible to expedite and simplify the processing of FHA loans to eligible Indians.

(a)—

JOINT STATEMENT BY DEPARTMENT OF AGRICULTURE AND DEPARTMENT OF THE INTERIOR

Loans by Farmers Home Administration to Indians, and to Permittees and Lessees of Indian trust of restricted lands.

Whereas, the Secretary of Agriculture and the Secretary of the Interior executed a memorandum of understanding on August 27, 1957, and July 26, 1957, respectively, the purpose of which was to outline the general procedures to be followed by the Farmers Home Administration (FHA) and the Bureau of Indian Affairs (BIA) on loans by the FHA to Indians, and

Whereas, the working relationships between FHA and BIA have now been well established and are understood by field personnel, it is mutually agreed that the detailed provisions of said memorandum are no longer necessary; and

Whereas, we deem it advisable that Indian applicants for FHA financing should be treated in the same manner as non-Indians:

Therefore, it is agreed that said memorandum of understanding is hereby nullified and henceforth applications from Indians for loans will be handled by FHA in the same manner as applications from non-Indians, except in those instances where Indian trust or restricted property is involved. When a lien is to be taken on trust or restricted property in connection with a loan to be made or insured by FHA, the BIA will assist FHA to the fullest extent necessary in accordance with the statutory requirements affecting such property. This will include furnishing advice requested by FHA as to conditions under which BIA will approve a lien on the property. It is further agreed that upon request by FHA, BIA will furnish relevant information which it has with respect to the property and the individual loan applicant including that on his reputation for industry and payment of debts.

(1) It is the policy to accept and process applications from Indians in the same manner as non-Indians except in those instances where Indian trust or restricted property is to serve as security.

(2) FHA loans which are to be secured by real estate liens may be made to Indians holding land in severalty under trust patents or deeds containing restriction against alienation subject to statutes under which they may, with the approval of the Secretary of the Interior, give mortgages on their land which are valid and enforceable. These statutes include, but may not be limited to, the Act of March 29, 1956 (70 Stat. 62, 63).

(i) An Indian applicant who owns land in a trust or restricted status and applies for a loan to buy land to enlarge a farm will not be required to convert the trust or restricted land he owns to an unrestricted status.

(ii) Land in trust or restricted status purchased with FHA loan funds may be acquired and held by the Indian in trust or restricted status.

(3) When a lien is to be taken on trust or restricted property in connection with a loan to be made or insured by FHA, the local representatives of the Bureau of Indian Affairs will furnish requested advice and information with respect to the property and each applicant. The request will indicate the specific information needed.

(4) The FHA State director should arrange with the area director or other appropriate local official of the Bureau of Indian Affairs as to the manner in which the information will be requested and furnished. The State director will issue instructions to prescribe the actions to be taken by FHA personnel to implement the making of loans under such conditions.

(b) *Loan servicing.* Loans made to Indians will be serviced in accordance with the applicable procedures contained in this chapter.

Dated: August 14, 1970.

JOSEPH HASPRAY,
*Acting Administrator,*
*Farmers Home Administration.*

[F.R. Doc. 70-11654; Filed, Sept. 2, 1970; 8:48 a.m.]

# Title 9—ANIMALS AND ANIMAL PRODUCTS

## Chapter I—Agricultural Research Service, Department of Agriculture

### SUBCHAPTER B—COOPERATIVE CONTROL AND ERADICATION OF ANIMAL DISEASES

### PART 53—FOOT-AND-MOUTH DISEASE, PLEUROPNEUMONIA, RINDERPEST, AND CERTAIN OTHER COMMUNICABLE DISEASES OF LIVESTOCK OR POULTRY

### Appraisal of Animals

Pursuant to the provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, and the Act of July 2, 1962 (21 U.S.C. 111–113, 114, 114a, 115, 117, 120, 121, 134b, and 134f), § 53.3(b) of Part 53, Title 9, Code of Federal Regulations relating to payment of indemnities for animals destroyed because of foot-and-mouth disease, pleuropneumonia, rinderpest, and certain other communicable diseases of livestock or poultry, is hereby amended to read as follows:

§ 53.3 **Appraisal of animals or materials.**

* * * * *

(b) The appraisal of animals shall be based on the fair market value and shall be determined by the meat, egg production, dairy or breeding value of such animals. Animals and poultry may be appraised in groups providing they are the same species and type and providing that where appraisal is by the head each animal or bird in the group is the same value per head or where appraisal is by the pound each animal or bird in the group is the same value per pound.

* * * * *

(Secs. 3 and 11, 23 Stat. 32, as amended, sec. 2, 32 Stat. 792, as amended, 76 Stat. 129–132; 21 U.S.C. 111–113, 114, 114a, 115, 117, 120, 121, 134b, 134f, 29 F.R. 16210, as amended)

The foregoing amendment shall become effective upon publication in the FEDERAL REGISTER.

The purpose of the amendment is to eliminate the restriction now contained in § 53.3(b) whereby an animal may not be appraised for more than three times its meat, egg production, or dairy value and to substitute for this restriction a provision whereby such animals may be appraised at the fair market value as stated in section 2(d) of Public Law 87–518.

It is believed the amendment will provide a more equitable approach in the appraisal of animals under the provisions of this part and will therefore be of benefit to affected persons. Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure concerning the amendment are impracticable and unnecessary; therefore, it may be made effective less than 30 days after publication in the FEDERAL REGISTER.

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

F. J. MULHERN,
*Acting Administrator,*
*Agricultural Research Service.*

[F.R. Doc. 70-11651; Filed, Sept. 2, 1970; 8:48 a.m.]

# Title 12—BANKS AND BANKING

## Chapter V—Federal Home Loan Bank Board

### SUBCHAPTER B—FEDERAL HOME LOAN BANK SYSTEM

[No. 70-175]

### PART 526—LIMITATIONS ON RATE OF RETURN

### Maximum Rate of Return Payable on Certain Certificate Accounts in the Commonwealth of Puerto Rico

AUGUST 25, 1970.

Resolved that the Federal Home Loan Bank Board considers it desirable to amend § 526.5–1 of the regulations for the Federal Home Loan Bank System (12 CFR 526.5–1) for the purpose of permitting member institutions located in the Commonwealth of Puerto Rico to pay a higher rate of return on certificate accounts of $50,000 or more, subject to restriction on advertising and promotion of such accounts. Accordingly, the Federal Home Loan Bank Board hereby amends said § 526.5–1 by adding a new paragraph (c) thereto, to read as follows, effective September 3, 1970:

§ 526.5–1 **Maximum rate of return payable on certificate accounts of $100,000 or more.**

* * * * *

(c) *Geographic exception.* In the case of certificate accounts issued by a member institution whose home office is located in the commonwealth of Puerto Rico, the minimum amount requirement specified in paragraph (a) of this section shall be $50,000 instead of $100,000, and the percentage limitation contained in paragraph (b) of this section shall apply to certificate accounts of $50,000 or more with a return at a rate in excess of 6 percent per annum: *Provided,* That no such institution may advertise or promote any such account outside of the Commonwealth of Puerto Rico.

(Sec. 5B, 47 Stat. 727, as added by sec. 4, 80 Stat. 824, as amended; sec. 17, 47 Stat. 736, as amended; 12 U.S.C. 1425b, 1437. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943–48 Comp., p. 1071)

Resolved further that, since affording notice and public procedure on the above amendment would delay it from becoming effective for a period of time and since it is in the public interest that the authority contained in the amendment become effective as soon as possible, the Board hereby finds that notice and public procedure on said amendment is contrary to the public interest under the provisions of 12 CFR 508.11 and 5 U.S.C. 553(b); and since the amendment relieves restriction, publication for the 30-day period specified in 12 CFR 508.14 and 5 U.S.C. 553(d) prior to the effective date of the amendment is unnecessary; and the Board hereby provides that the amendment shall become effective as hereinbefore set forth.

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, Jr.,
*Assistant Secretary.*

[F.R. Doc. 70-11686; Filed, Sept. 2, 1970; 8:50 a.m.]

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SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

[No. 70-176]

## PART 545—OPERATIONS

### Financing of Mobile Homes

AUGUST 25, 1970.

Resolved that, notice and public procedure having been duly afforded (35 F.R. 9019) and all relevant material presented or available having been considered by it, the Federal Home Loan Bank Board, upon the basis of such consideration, determines that it is advisable to amend § 545.7–1 of the rules and regulations for the Federal Savings and Loan System (12 CFR 545.7–1), relating to financing of mobile homes by Federal savings and loan associations, for the purpose of effecting the following clarification and liberalization of the provisions of said § 545.7–1:

1. *Definition of mobile home.* (a) Substitute an area requirement for the length requirement.

(b) Permit the financing of certain housing units which are transportable by methods other than towing them on their own chassis and undercarriage, e.g., transportable on flat-bed trailers.

2. *General.* Clarify "invest" to mean only "make or purchase whole loans or installment sale contracts" which will exclude participations.

3. *Inventory financing.* Permit associations in Alaska, Guam, Hawaii, Puerto Rico, and the Virgin Islands to finance up to 80 percent of certain freight costs.

4. *Retail financing.* (a) Remove the restriction that retail financing is authorized only in connection with purchase of mobile homes: Thereby continuing to authorize the purchase money financing of mobile homes and, at the same time, adding the authority to refinance mobile homes.

(b) Clarify that a time price differential on an installment sale contract or the interest on a loan (whether such interest is on an add-on, discount, or other gross charge basis) is not included in the "amount of the monetary obligation."

(c) Permit the financing of appropriate insurance.

(d) Permit associations in Alaska, Guam, Hawaii, Puerto Rico, and the Virgin Islands to finance up to 80 percent of certain freight costs.

(e) Permit investment on nationwide basis if FHA-insured or VA-guaranteed and serviced locally.

(f) Permit investment when mobile home unit is moved into an association's regular lending area.

On the basis of such consideration and for such purpose, the Federal Home Loan Bank Board hereby amends said § 545.7–1 to read as follows, effective September 4, 1970:

**§ 545.7–1 Mobile home financing.**

(a) *Definitions.* As used in this section—

(1) The term "mobile home" means a movable dwelling constructed in one or more units to be occupied on land, having a minimum width of 10 feet and a minimum area of 400 square feet and containing living facilities for year-round occupancy by one family, including permanent provision for eating, sleeping, cooking, and sanitation.

(2) The term "mobile home chattel paper" means written evidence of both a monetary obligation and a security interest of first priority in one or more mobile homes, and any equipment installed or to be installed therein.

(b) *General provisions.* A Federal association which has a charter in the form of Charter K (rev.) or Charter N may, after adoption of a mobile home financing plan by its board of directors, invest in mobile home chattel paper (make or purchase whole loans or installment sale contracts secured by or constituting first liens on mobile homes) subject to the provisions of this section.

(c) *Percent-of-assets limitation.* Any such association may make an investment in mobile home chattel paper under this section only if the amount of such investment and all other investments in such chattel paper then outstanding does not exceed 5 percent of the association's assets at the time of such investment.

(d) *Inventory financing.* Any such association may invest in mobile home chattel paper which finances the acquisition of inventory by a mobile home dealer only if:

(1) The inventory is to be held for sale in the ordinary course of business by the mobile home dealer within the association's regular lending areas; and

(2) The monetary obligation evidenced by such chattel paper is the obligation of the mobile home dealer and the amount thereof does not, except as otherwise provided in paragraph (f) of this section, exceed the following:

(i) In the case of new mobile homes, an amount equal to the total of (*a*) 100 percent of the manufacturer's invoice price of each such mobile home (including any installed equipment), excluding freight, and (*b*) 100 percent of the invoice price of the manufacturer of any new equipment to be installed by the dealer in such mobile home, excluding freight;

(ii) In the case of used mobile homes, an amount equal to 90 percent of the wholesale value of each such used mobile home (including any installed equipment) as established in the dealer's market.

(e) *Retail financing.* Any such association may invest in any retail mobile home chattel paper as to which the association's investment is insured or guaranteed, or the association has a commitment for such insurance or guarantee, under the provisions of the National Housing Act or chapter 37 of title 38, United States Code, as now or hereafter amended, if arrangements have been made for satisfactory local servicing of such chattel paper. Any such association may invest in other retail mobile home chattel paper only if:

(1) The mobile home is to be maintained as a residence of the owner (or beneficial owner), or a relative of such owner;

(2) The mobile home is located, at the time of the investment by such association in such chattel paper, or is to be located within 90 days thereof, at a mobile home park or other semipermanent site within the association's regular lending area;

(3) The amount of the monetary obligation evidenced by such chattel paper (exclusive of any time price differential or any interest, whether on an add-on, discount, or other gross charge basis) does not, except as otherwise provided in paragraph (f) of this section, exceed an amount equal to the total of the following:

(i) The cost of appropriate insurance for the protection of the association and the owner (or beneficial owner) of the mobile home;

(ii) Any sales or similar tax applicable in the case of the retail purchase of the mobile home; and

(iii) In the case of a new mobile home, (*a*) 100 percent of the manufacturer's invoice price of such mobile home (including any installed equipment), excluding freight, (*b*) 100 percent of the invoice price of the manufacturer of any new equipment installed or to be installed by the dealer, excluding freight, and (*c*) 10 percent of the total of such invoice prices, excluding freight, up to a limit of $500; or

(iv) In the case of a used mobile home, 100 percent of the wholesale value of such used mobile home (including any installed equipment) as established in the dealer's market; and

(4) The monetary obligation evidenced by such chattel paper is to be paid in substantially equal monthly installments within the following time limits from the date of the association's investment in such chattel paper:

(i) Up to 12 years in the case of a new mobile home; or

(ii) Up to 8 years in the case of a used mobile home.

(f) *Geographic exception.* If a new mobile home or new equipment to be installed by a mobile home dealer in a mobile home is shipped to a mobile home dealer in Alaska, Guam, Hawaii, Puerto Rico, or the Virgin Islands from outside such areas, the monetary obligation referred to in paragraphs (d)(2) and (e)(3) of this section may include, in addition to the amounts specified in each such paragraph, an amount not exceeding 80 percent of freight on such shipment.

(g) *Sound investment practices.* Investments by any such association in mobile home chattel paper shall be made in conformity with sound practices for such investments. Such chattel paper shall include provisions for protection of the association and shall provide specifically for protection with respect to insurance, taxes, other governmental levies, maintenance and repairs, and for other protection as may be lawful or appropriate. The association may pay taxes or other governmental levies, insurance premiums, or other similar charges for the protection of its security interest, and all such payments may, when lawful, be added to the monetary obligation evidenced by such chattel paper. The association shall in a timely manner take all steps necessary to perfect its security interest under applicable law.

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943–48 Comp., p. 1071)

Resolved further that, since the above amendment relieves restriction, publication of the amendment for the 30-day period specified in 12 CFR 508.14 and 5 U.S.C. 553(d) prior to the effective date of the amendment is unnecessary; and the Board hereby provides that the amendment shall become effective as hereinbefore set forth.

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, Jr.,
*Assistant Secretary.*

[F.R. Doc. 70-11685; Filed, Sept. 2, 1970; 8:50 a.m.]

# Title 14—AERONAUTICS AND SPACE

## Chapter II—Civil Aeronautics Board

### SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER-643; Amdt. 11]

### PART 298—CLASSIFICATION AND EXEMPTION OF AIR TAXI OPERATORS

### Filing of Notice of Inauguration of Service; Publication and Filing of Flight Schedules

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 31st day of August 1970.

In ER-637,[1] 35 F.R. 13426, the Board amended § 298.21 of Part 298 by relaxing the prohibition against air taxi operators providing regular service between points where scheduled helicopter passenger service, or community center and interairport service, is provided by a holder of a certificate. Specifically, it was provided that the prohibition shall not apply to an air taxi operator with respect to pairs of points it has served continuously and without interruption on a regularly scheduled basis with a minimum of five round trips per week since at least 30 days immediately prior to the inauguration or resumption of service between points by the certificated carrier. In addition, inter alia, the Board accepted a suggestion of Los Angeles Airways that an air taxi operator which intends to inaugurate such service shall file a notice as to the time the service is to be inaugurated. To this end, § 298.21(e) was drafted to read, in part: "An air taxi operator which intends to inaugurate service on a regularly scheduled basis with a minimum of five round trips per week between points where it is not prohibited from providing such transportation by § 298.21(b) shall file a notice", etc.

It has been brought to our attention that the rule, as drafted, could be construed as requiring a notice in all instances where an air taxi operator intends to inaugurate service on a regularly scheduled basis with a minimum of five round trips per week, and that the notice provision is not clearly confined to the inauguration of services pursuant to § 298.21(b). In order to remove the ambiguity, § 298.21(e) is being editorially amended to conform to the Board's intent.

This regulation is issued by the undersigned pursuant to a delegation of authority from the Board to the General Counsel in 14 CFR 385.19, and shall become effective on September 24, 1970. Procedures for review of this amendment by the Board are set forth in Subpart C of Part 385 (14 CFR 385.50—385.54).

Accordingly, the Board hereby amends § 298.21(e) of Part 298 of the economic regulations (14 CFR Part 298) effective September 24, 1970, to read as follows:

**§ 298.21 Scope of service authorized; geographical, equipment and mail service limitations, insurance and reporting requirements.**

* * * * *

(e) *Filing of notice of inauguration of service; publication and filing of flight schedules.* An air taxi operator which intends to inaugurate service on a regularly scheduled basis with a minimum of five round trips per week pursuant to the provisions of paragraph (b) of this section shall file a notice with the Director, Bureau of Operating Rights, as to the time such service is to be inaugurated not later than 1 day prior to inauguration. The notice shall contain a certification that it has been served on the certificated carrier authorized to provide service between the points. The air taxi operator shall publish flight schedules for the service specifying the times, days of the week and places between which such flights are performed and within 30 days after commencing operations shall file such schedules pursuant to § 298.61.

* * * * *

(Sec. 204(a), Federal Aviation Act of 1958, as amended, 72 Stat. 743; 49 U.S.C. 1324)

By the Civil Aeronautics Board.

[SEAL] R. TENNEY JOHNSON,
*General Counsel.*

[F.R. Doc. 70-11672; Filed, Sept. 2, 1970; 8:49 a.m.]

[1] Adopted Aug. 19, and effective Sept. 24, 1970.

# Title 18—CONSERVATION OF POWER AND WATER RESOURCES

## Chapter I—Federal Power Commission

[Docket No. R-381; Order 408]

### ACCOUNTING TREATMENT FOR EXPENDITURES FOR RESEARCH AND DEVELOPMENT

AUGUST 26, 1970.

On January 27, 1970, in Docket No. R-381, the Commission issued a notice of proposed rule making (35 F.R. 2413, Feb. 3, 1970), with interested parties being given until March 16, 1970, to submit views and comments on the amendments proposed. On March 4, 1970, the Commission extended until April 16, 1970, the period of time for submission of views and comments (35 F.R. 4416, Mar. 12, 1970).

The Commission had proposed that amendments be made to the Uniform System of Accounts under the Federal Power Act and the Natural Gas Act to reflect changes in accounting for research and development expenditures.

The proposed rule making indicated two alternative methods of initial recording of research and development costs:

1-a. Under the first alternative, the proposed accounting is to treat the expenditures as deferred debits (Account 188). This method recognizes that the account, as a deferred debit category is generally preferred under sound accounting principles. The remaining balance in the deferred debit account at the end of any accounting period would be given consideration as a rate base item in any rate proceeding before the Commission.

1-b. Another treatment that may be given to the remaining balances in the deferred debit account at the end of the accounting period is to allow the accumulation of "carrying charges" on such balances rather than allowing such balances to be considered as a rate base

item. These carrying charges would be computed in the same manner as "interest during construction," as defined in gas (electric) plant instruction 3(17). The accumulation of carrying charges would cease when the research project is completed or the amounts have been transferred from this account.

2. The second alternative would place the proposed expenditures under a plant account category (Account 107.1). While this is not a preferred accounting treatment, this method may give more assurance to utilities that such amounts will receive consideration as a rate base item.

The proposed rule making also requested comments directed to the proposition that if deferred debits be permitted, the writeoff period be for 5 years, that functional accounting be used for recording such expenditures and that certain changes be made in Form 1 and Form 2 for reporting purposes.

Fifty-five parties responded to the rule making which are shown in summary form as follows:

| Type of respondents: | *Number of Respondents* |
|---|---|
| Electric Utilities | 38 |
| Natural Gas Companies | 4 |
| Associations | 2 |
| Federal and State Commissions | 6 |
| Senator | 1 |
| Accounting Firms and Consultants | 4 |
| Total | 55 |

The Commission finds that there was overwhelming support and need for a proposition that would expand and recognize research and development expenditures for the industry and the long range benefits that would accrue to the consumer as a result thereof. There was universal agreement that the Commission should issue clarifying orders of its accounting and ratemaking policies to offer encouragement to utility management to continue and/or to accelerate research and development programs. Furthermore, as one of the basic problems related to research and development costs is the uncertainty of the rate treatment of such costs, there is the need of a clear statement of rate policy that will provide the certainty so essential to encourage greatly expanded expenditures of this type.

The Commission notes with interest that many of the respondents recognized their responsibility to improve utility service costs, and in addition, to meet service ecological and environmental requirements for the future.

Thirty-six of the respondents favored research and development expenditures being recorded initially as deferred debits, as this alternative adheres more closely to sound accounting principles. However, 12 respondents favored the use of a plant account because they believed this treatment would carry out the intent of the Commission by resulting in an affirmative policy to permit the amount in rate base.

An alternative method was suggested by 11 respondents as a compromise. This method would contemplate that two accounts be established for research and development. One account would be in the deferred debit accounts and the other would be established as a subaccount of construction work in progress.

This suggestion is made because many research and development expenditures such as industrywide sponsorship of specific programs of Edison Electric Institute or American Gas Association are usually not related to specific projects. Additionally, some research and development expenditures frequently are related solely to operations and not to construction, therefore using deferred debits would be proper for these costs. On the other hand, often times research and development expenditures are initiated with the main intent of having such costs related to a specific project, and therefore these costs are more proper as a part of construction work in progress.

The use of two accounts therefore would segregate the research and development costs into their proper category initially. The amounts being recorded as a part of construction work in progress could carry interest during construction which would commence from the time that research and development expenses were initially recorded in the research and progress account and could then be transferred to another construction work in progress account for the main project until such time as the entire project was completed. If such costs in the plant grouping resulted in a failure of the project to go forward then the cost should be amortized to the operating expense accounts over a reasonable period of years.

We are of the opinion that two accounts be used for research and development costs, one in the deferred debit group and the other as a subaccount of construction work in progress to include costs incident to development of facilities for utility operations.

Twenty-six of the respondents commented on carrying charges with 15 being in favor of permitting carrying charges and 11 not in favor of carrying charges. Those in favor of accumulating carrying charges commented that this is a proper item of cost with a strong correlation to interest during construction and therefore believe that carrying charges should be permitted.

Those who did not favor carrying charges to be accumulated on balances in Account 188 suggested that it would be sounder economics to include the balance in rate base, on which the utility is allowed to earn a rate, rather than build up unduly large deferred balances to be recovered many years in the future. Additionally, accumulation of carrying charges is not in accordance with generally accepted accounting principles. Those companies who favor dual accounting, also commented that if this would be permitted, interest during construction would then be permitted in lieu of carrying charges.

In view of our prior recommendation requiring two accounts on research and development expenditures, the use of interest during construction would be permitted on accounts recorded in construction work in progress only, and therefore, we do not feel that carrying charges should be recorded on amounts accumulated in the deferred debit category. The balance should be a rate base item.

Thirteen respondents disagreed with the Commission notice indicating that the writeoff period would be for a period of 5 years. The suggested revisions for amortization period were (1) a period of write off of 10 years, or leave to managerial discretion judgment, and (2) optional write off versus expense at once. The main objections to 5 years was to insure the companies being able to recover these costs in rate proceedings before State Commissions.

We believe the period should be based on the circumstances related to each particular expenditure and the amortization period should commence promptly after the expenditure is incurred and therefore would recommend a period of 5 years with the caveat that a longer period would be permitted by the Commission upon consideration of a request of any specific company.

While six of the respondents objected to research and development accounts in the operating classification being under each function, 23 favored this type of accounting. Those who opposed did want to write off research and development expenditures to Account 930, Miscellaneous General Expense and did not want to use the functional accounts because it did involve an unnecessary burden, and in some cases would result in the use of arbitrary percentages. Those in favor of functional accounting did so as it resulted in good cost accounting classifications and therefore made sense that research and development costs should be reported in the proper functional accounting to which it relates.

We approve the use of functional accounting to ensure that the amounts are recorded properly and their proper classification for purposes not only for good reporting and accounting but also for proper rate design.

There were six respondents who indicated that the proposed reporting schedule required expenditures to be recorded of over $5,000 and believe that this amount was too small with five indicating that $25,000 was the proper level and one indicating $50,000. The only reasons given for this suggestion was because of the additional burden of reporting these amounts. The report schedule should also have a column for unamortized amortization.

The Commission has retained the limit of $5,000 for reporting purposes. Staff in its annual review of Forms 1 and 2 will keep in mind the comments on dollar limitation and if the increased activity warrants will recommend appropriate change.

Fifteen of the respondents objected to having the account for research and development expenditures used as a clearing account. Nine of the respondents wanted the option of writing off certain of the research and development costs to expense as incurred in lieu of first recording the amounts in an account for research and development.

We believe that research and development expenditures should be accumulated in the accounts ordered with the option of either writing the amounts off from this account to expense or using the deferred writeoff theory. Because of increased activity anticipated in this area, the staff will have a greater burden of monitoring these expenditures, and we believe that it will be far simpler if the staff can look at one account to ascertain the nature of the research and development costs rather than having to search in several places for the correct ascertainment of the background of the dollars recorded.

Four respondents commented that under the present code of regulations, taxpayers can deduct research and experimental costs as current expense rather than capitalizing them. In some cases taxpayers are given the option of treating certain expenditures as deferred expenses to be amortized over a period during which they produce a benefit. If expenses are not capitalized because of a loss, deduction may be permitted when the project is unsuccessful and is abandoned.

Because of the uncertain treatment of the tax and the option granted in the election to expense these costs, and in order to have a proper matching of costs and revenues, the suggestion has been made that a special accrual be used for the purpose of accounting for the income tax effect of capitalizing research and development expenditures by companies who are presently locked in to expensing such cost for tax purposes. This would permit an income tax allocation to be followed for all differences between the cost expensed for tax benefits in each period and the cost expensed for accounting purposes in each amortizing period.

We agree that an account should provide for tax allocation and appropriate changes have been made in the accounting.

Practically all of the comments implied that the Commission's orders should specifically provide that the rate treatment be synonymous with the accounting treatment. This would be necessary to give complete assurance to the industry that amounts of expenditures for research and development would be treated so as to encourage the industry to engage in such projects.

The Commission was also urged to recommend that § 154.63 of the regulations under the Natural Gas Act (18 CFR 154.63) provide specifically that research and development expenditures and related charges on these projects will be an allowable inclusion in rate base to the extent not recovered by charges for depreciation or amortization in the cost of service. (The same recommendation is equally applicable to the regulations under the Federal Power Act.)

The Commission agrees that amounts in deferred debits be permitted as a part of rate base and that the portions being amortized be allowed to be written off above the line in any rate proceeding, provided that such treatment is consistent with the evidence developed in the individual cases.

Amounts recorded in Account 107, Construction work in progress for research and development expenditures would be given the same consideration in any rate determination as is done under Commission policy for regular construction work in progress.

The State of California was of the opinion that amendments to the Uniform System of Accounts may not be necessary to achieve the Commission's objective of providing encouragement for more extensive research and development activities. They point out that in the case of California, their Commission has allowed research and development costs for ratemaking purposes to be expended in somewhat the same fashion as proposed by the Commission's rule making notice.

We do not agree with the overall comment of the State of California because we do believe that a separate account should be set up for research and development.

One accounting firm suggested that because State regulatory bodies have primary rate jurisdiction any accounting prescribed by the Federal Power Commission should be flexible enough to conform to the ratemaking treatment of such regulatory body and suggested that a note be placed in the text of the accounts to state:

NOTE: If another commission has jurisdiction over a major portion of the company's rates, amounts should not be deferred unless capitalization or subsequent amortization will be allowed for ratemaking purposes by the commission having principal rate jurisdiction.

We do not agree with the comments of the accounting firm to put a special note in for this one specific item as there have always been complications between certain accounts for ratemaking between Federal Power Commission and State Commissions and we should not distinguish this one item for special consideration in this area.

The Office of the Secretary of Transportation has requested that two accounts be provided for research and development, (1) for research and development for general purposes, and (2) research and development for the purpose of pipeline safety.

We do not agree with the Secretary of Transportation because we believe that any research and development for the purpose of pipeline safety will be easily distinguished in the report schedule without the burden of having the company set up separate accounts.

The Commission has noted that several of the respondents have criticized the definition of research and development incorporated in the present Uniform Systems of Accounts and have submitted suggestions for revision of this definition.

We agree that the present definition may be too restrictive and hereby direct our staff to review the definition currently in our Uniform Systems of Accounts.

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 described above, are consistent and in accordance with all procedural requirements therefor as prescribed in 5 U.S.C. 553.

(2) The amendments to Part 101, Uniform System of Accounts for Class A and Class B Public Utilities and Licensees and to FPC Form No. 1, Annual Report for Electric Utilities and Licensees and others (Class A and Class B) prescribed by § 141.1, in Chapter I, Title 18 of the Code of Federal Regulations, as herein prescribed, are necessary and appropriate for the administration of the Federal Power Act.

(3) The amendments to Part 201, Uniform System of Accounts for Natural Gas Companies (Class A and Class B) and to FPC Form No. 2, Annual Report for Natural Gas Companies (Class A and Class B) prescribed by § 260.1 in Chapter I, Title 18 of the Code of Federal Regulations, as herein prescribed, are necessary and appropriate for the administration of the Natural Gas Act.

(4) The Commission finds that there is good cause to make these orders effective immediately in order to issue clarifying orders of its accounting and rule making policies to offer encouragement to utility management to continue and or to accelerate research and development programs.

The Commission, acting pursuant to the provisions of the Federal Power Act, as amended, particularly sections 301, 302, 303, 304, and 309 thereof (49 Stat. 854, 855, 858; 16 U.S.C. 825, 825a, 825b, 825c, 825h) and of the Natural Gas Act, as amended, particularly sections 8, 9, 10, and 16 thereof (52 Stat. 825, 826, 830; 15 U.S.C. 717g, 717h, 717i, 717o), orders:

## PART 101—UNIFORM SYSTEM OF ACCOUNTS PRESCRIBED FOR CLASS A AND CLASS B PUBLIC UTILITIES AND LICENSEES

(A) The Commission's Uniform System of Accounts for Class A and Class B Public Utilities and Licensees prescribed by Part 101, Chapter I, Title 18 of the Code of Federal Regulations is amended as follows:

1. The Chart of Balance Sheet Accounts is amended by adding a new account "188, Research and Development Expenditures," immediately following account "186, Miscellaneous Deferred Debits," as follows:

**Balance Sheet Accounts**
**(Chart of Accounts)**

ASSETS AND OTHER DEBITS

* * * * *

4. DEFERRED DEBITS

* * * * *

188 Research and development expenditures.

2. The text of Balance Sheet Accounts is amended by revising account "107,

Construction Work in Progress—Electric" and adding a new account "188, Research and Development Expenditures," reading as follows:

**Balance Sheet Accounts**

ASSETS AND OTHER DEBITS

1. UTILITY PLANT

* * * * *

**107 Construction work in progress—Electric.**

A. This account shall include the total of the balances of work orders for electric plant in process of construction.

B. Work orders shall be cleared from this account as soon as practicable after completion of the job. Further, if a project, such as a hydroelectric project, a steam station or a transmission line, is designed to consist of two or more units of circuits which may be placed in service at different dates, any expenditures which are common to and which will be used in the operation of the project as a whole shall be included in electric plant in service upon the completion and the readiness for service of the first unit. Any expenditures which are identified exclusively with units of property not yet in service shall be included in this account.

C. Expenditures on research and development projects for construction of utility facilities are to be included in a separate subdivision in this account. Records must be maintained to show separately each project along with complete detail of the nature and purpose of the research and development project together with the related costs.

* * * * *

4. DEFERRED DEBITS

* * * * *

**188 Research and development expenditures.**

A. This account shall include the cost of all expenditures coming within the meaning of Definition 24.B of the Uniform System of Accounts, except those properly includible in account 107, Construction Work in Progress.

B. Costs that are minor or of a general or recurring nature shall be transferred from this account to the appropriate operating expense function or if such costs are common to the overall operations or cannot be feasibly allocated to the various operating accounts, then such costs shall be recorded in account 930, Miscellaneous General Expenses.

C. In certain instances a company may incur large and significant research expenditures which are nonrecurring and which would distort the annual research and development charges for the period. In such a case the portion, net of taxes, of such amounts that cause the distortion may be amortized to the appropriate operating expense account over a period not to exceed 5 years unless otherwise authorized by the Commission.

D. The entries in this account must be so maintained as to show separately each project along with complete detail of the nature and purpose of the research and development project together with the related costs.

3. The lists of items in the following Operation and Maintenance Expense accounts are amended as follows:

(a) The list of items under "Materials and Expenses" in account "506 Miscellaneous steam power expenses," is amended by adding the following new item "14. Research and development expenses."

(b) The list of items under "Materials and Expenses" in account "524 Miscellaneous nuclear power expenses," is amended by adding the following new item "14. Research and development expenses."

(c) The list of items under "Materials and Expenses" in account "539 Miscellaneous hydraulic power generation expenses," is amended by adding the following new item "16. Research and Development expenses."

(d) The list of items under "Materials and Expenses" in account "549 Miscellaneous other power generation expenses" is amended by adding the following new item "16. Research and development expenses."

(e) The list of items under "Materials and Expenses" in account "566 Miscellaneous transmission expenses" is amended by adding the following new item "14. Research and development expenses."

(f) The list of items under "Materials and Expenses" in account "588 Miscellaneous distribution expenses" is amended by adding the following new item "13. Research and development expenses.

(g) The list of items under "Expenses" in account "930 Miscellaneous general expenses" is amended by revising item 4 to read as follows:

4. Research and development expenses not charged to other operation and maintenance expense accounts on a functional basis.

The amended portions of the Operation and Maintenance Expense Accounts enumerated above read as follows:

**Operation and Maintenance Expense Accounts**

1. POWER PRODUCTION EXPENSES

A. STEAM POWER GENERATION

*Operation*

* * * * *

**506 Miscellaneous steam power expenses.**

* * * * *

ITEMS

* * * * *

14. Research and development expenses.

* * * * *

B. NUCLEAR POWER GENERATION

*Operation*

* * * * *

**524 Miscellaneous nuclear power expenses.**

* * * * *

ITEMS

* * * * *

14. Research and development expenses.

* * * * *

C. HYDRAULIC POWDER GENERATION

*Operation*

* * * * *

**539 Miscellaneous hydraulic power generation expenses.**

* * * * *

ITEMS

* * * * *

16. Research and development expenses.

* * * * *

D. OTHER POWER GENERATION

*Operation*

* * * * *

**549 Miscellaneous other power generation expenses.**

* * * * *

ITEMS

* * * * *

16. Research and development expenses.

* * * * *

2. TRANSMISSION EXPENSES

*Operation*

* * * * *

**566 Miscellaneous transmission expenses.**

* * * * *

ITEMS

* * * * *

14. Research and development expenses.

* * * * *

3. DISTRIBUTION EXPENSES

*Operation*

* * * * *

**588 Miscellaneous distribution expenses.**

* * * * *

ITEMS

* * * * *

13. Research and development expenses.

* * * * *

6. ADMINISTRATIVE AND GENERAL EXPENSES

*Operation*

* * * * *

**930 Miscellaneous general expenses.**

* * * * *

ITEMS

* * * * *

4. Research and development expenses not charged to other operation and maintenance expense accounts on a functional basis.

* * * * *

## PART 141—STATEMENTS AND REPORTS (SCHEDULES)

(B) The schedule entitled "Research and Development Activities" in FPC Form No. 1, Annual Report for Electric Utilities, Licensees and others (Class A and Class B) prescribed by § 141.1, in Chapter I, Title 18 of the Code of Federal Regulations, is revised as set out in Attachment A hereto.[1]

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

## PART 201—UNIFORM SYSTEM OF ACCOUNTS FOR NATURAL GAS COMPANIES

(C) The Commission's Uniform System of Accounts for Natural Gas Companies (Class A and Class B) prescribed by Part 201, Chapter I, Title 18 of the Code of Federal Regulations is amended as follows:

1. The Chart of Balance Sheet Accounts is amended by adding a new account "188, Research and Development Expenditures," immediately following account "186, Miscellaneous Deferred Debits," as follows:

**Balance Sheet Accounts (Chart of Accounts)**

ASSETS AND OTHER DEBITS

* * * * *

4. DEFERRED DEBITS

* * * * *

188 Research and development expenditures.

2. The text of Balance Sheet Accounts is amended by revising account "107, Construction Work in Progress—Gas" and adding new account "188, Research and Development Expenditures," reading as follows:

### Balance Sheet Accounts

ASSETS AND OTHER DEBITS

1. UTILITY PLANT

* * * * *

**107 Construction work in progress—Gas.**

A. This account shall include the total of the balances of work orders for gas plant in process of construction.

B. Work orders shall be cleared from this account as soon as practicable after completion of the job. Further, if a project, such as a gas production plant, a compressor station, or a transmission line, is designed to consist of two or more units which may be placed in service at different dates, any expenditures which are common to and which will be used in the operation of the project as a whole shall be included in gas plant in service upon the completion and the readiness for service of the first unit. Any expenditures which are identified exclusively with units of property not yet in service shall be included in this account.

C. Expenditures on research and development projects for construction of utility facilities are to be included in a separate subdivision in this account. Records must be maintained to show separately each project along with complete detail of the nature and purpose of the research and development project together with the related costs.

NOTE: This account shall include certificate application fees paid to the Federal Power Commission as provided for in gas plant instruction 16.

* * * * *

4. DEFERRED DEBITS

* * * * *

**188 Research and development expenditures.**

A. This account shall include the cost of all expenditures coming within the meaning of Definition 24.B of the Uniform System of Accounts, except those properly includible in account 107, Construction Work in Progress.

B. Costs that are minor or of a general or recurring nature shall be transferred from this account to the appropriate operating expense function or if such costs are common to the overall operations or cannot be feasibly allocated to the various operating accounts, then such costs shall be recorded in account 930, Miscellaneous General Expenses.

C. In certain instances a company may incur large and significant research expenditures which are nonrecurring and which would distort the annual research and development charges for the period. In such a case the portion, net of taxes, of such amounts that cause the distortion may be amortized to the appropriate operating expense account over a period not to exceed five years unless otherwise authorized by the Commission.

D. The entries in this account must be so maintained as to show separately each project along with complete detail of the nature and purpose of the research and development project together with the related costs.

3. The lists of items in the following Operation and Maintenance Expense accounts are amended as follows:

(a) The list of items in account "703 Miscellaneous steam expenses" is amended by adding the following new item "12. Research and development expenses."

(b) The list of items under "Materials and expenses" in account "735 Miscellaneous production expenses," is amended by adding the following new item "32. Research and development expenses."

(c) The list of items under "Materials and expenses" in account "759 Other expenses," is amended by adding the following new item "5. Research and development expenses."

(d) The list of items in account "776 Operation supplies and expenses" is amended by adding the following new item "8. Research and development expenses."

(e) The list of items under "Materials and expenses" in account "841 Operation, labor and expenses" is amended by adding the following new item "17. Research and development expenses."

(f) The list of items under "Expenses" in account "930 Miscellaneous general expenses" is amended by revising item 4 to read as follows:

4. Research and development expenses not charged to other operation and maintenance expense accounts on a functional basis.

The amended portions of the Operation and Maintenance Expense Accounts enumerated above read as follows:

### Operation and Maintenance Expense Accounts

1. PRODUCTION EXPENSES

A. MANUFACTURED GAS PRODUCTION EXPENSE

*A1. Steam Production*

Operation

* * * * *

**703 Miscellaneous steam expenses.**

* * * * *

ITEMS

* * * * *

12. Research and development expenses.

* * * * *

*A2. Manufactured Gas Production*

Operation

* * * * *

GAS RAW MATERIALS

* * * * *

**735 Miscellaneous production expenses.**

* * * * *

ITEMS

* * * * *

32. Research and development expenses.

* * * * *

B. NATURAL GAS PRODUCTION EXPENSES

*B1. Natural Gas Production and Gathering*

Operation

* * * * *

**759 Other expenses.**

* * * * *

ITEMS

* * * * *

5. Research and development expenses.

* * * * *

*B2. Products Extraction*

Operation

* * * * *

**776 Operation supplies and expenses.**

* * * * *

ITEMS

* * * * *

8. Research and development expenses.

* * * * *

3. LOCAL STORAGE EXPENSES

Operation

* * * * *

**841 Operation labor and expenses.**

* * * * *

ITEMS

* * * * *

17. Research and development expenses.

* * * * *

8. ADMINISTRATIVE AND GENERAL EXPENSES

Operation

* * * * *

**930 Miscellaneous general expenses.**

* * * * *

ITEMS

* * * * *

4. Research and development expenses not charged to other operation and maintenance expense accounts on a functional basis.

* * * * *

4. The text of Operation and Maintenance Expense Accounts is amended by revising accounts "813 Other Gas Supply Expenses," "824 Other Expenses," "859 Other Expenses" and "880 Other Expenses," to read as follows:

### Operation and Maintenance Expense Accounts

1. PRODUCTION EXPENSES

* * * * *

D. OTHER GAS SUPPLY EXPENSES

Operation

* * * * *

**813 Other gas supply expenses.**

This account shall include the cost of labor, materials used and expenses incurred in connection with gas supply functions not provided for in any of the above accounts, including research and development expenses.

2. UNDERGROUND STORAGE EXPENSES

Operation

* * * * *

**824 Other expenses.**

This account shall include the cost of labor, materials used and expenses incurred in operating underground storage plant, and other underground storage operating expenses, not includible in any of the foregoing accounts, including research and development expenses.

* * * * *

4. TRANSMISSION EXPENSES

Operation

* * * * *

**859 Other expenses.**

This account shall include the cost of labor, material used and expenses incurred in operating transmission system equipment and other transmission system expenses not includible in any of the foregoing accounts, including research and development expenses.

* * * * *

5. DISTRIBUTION EXPENSES

Operation

* * * * *

**880 Other expenses.**

This account shall include the cost of distribution maps and records, distribution office expenses, and the cost of labor and materials used and expenses incurred in distribution systems operations not provided for elsewhere, including the expenses of operating street lighting systems and research and development expenses.

* * * * *

## PART 260—STATEMENTS AND REPORTS (SCHEDULES)

(D) The schedule entitled "Research and Development Activities" in FPC Form No. 2, Annual Report for Natural Gas Companies (Class A and Class B) prescribed by § 260.1 in Chapter I, Title 18 of the Code of Federal Regulations, is revised as set out in Attachment B hereto.[2]

(E) This order is effective immediately upon issuance.

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

[2] Attachment B filed as part of original document.

By the Commission.

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

[F.R. Doc. 70-11626; Filed, Sept. 2, 1970; 8:46 a.m.]

# Title 21—FOOD AND DRUGS

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

SUBCHAPTER C—DRUGS

[DESI 60109]

## PART 141b—STREPTOMYCIN (OR DIHYDROSTREPTOMYCIN) AND STREPTOMYCIN- (OR DIHYDROSTREPTOMYCIN-) CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

## PART 146b—CERTIFICATION OF STREPTOMYCIN (OR DIHYDROSTREPTOMYCIN) AND STREPTOMYCIN- (OR DIHYDROSTREPTOMYCIN-) CONTAINING DRUGS

### Antibiotic Drugs for Parenteral Use Containing Dihydrostreptomycin Sulfate and Dihydrostreptomycin Sulfate With Streptomycin Sulfate; Confirmation of Effective Date

An order was published in the FEDERAL REGISTER of June 10, 1970 (35 F.R. 8931), amending the antibiotic drug regulations to repeal provision for certification of dihydrostreptomycin sulfate and dihydrostreptomycin sulfate with streptomycin sulfate. The order amended §§ 141b.111, 141b.118, 141b.122, 146b.103, 146b.106, 146b.113, and 146b.117 and revoked §§ 141b.125 and 146b.120.

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 507, 52 Stat. 1050–51, as amended, 59 Stat. 463, as amended; 21 U.S.C. 352, 357) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), notice is given that no objections were filed to the above-identified order. Accordingly, the amendments promulgated thereby became effective July 20, 1970.

Dated: August 21, 1970.

SAM D. FINE, *Associate Commissioner for Compliance.*

[F.R. Doc. 70-11632; Filed, Sept. 2, 1970; 8:46 a.m.]

## PART 146c—CERTIFICATION OF CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS

### Tetracycline Hydrochloride With Vitamins; Order Revoking Provision for Certification

In the FEDERAL REGISTER of April 2, 1969 (34 F.R. 6007), the Commissioner of Food and Drugs announced the conclusions of the Food and Drug Administration following evaluation of reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, regarding the following preparations:

1. Achromycin SV Capsules; contain tetracycline hydrochloride, ascorbic acid, thiamine mononitrate, niacinamide, pyridoxine hydrochloride, folic acid, calcium pantothenate, menadione, cyanocobalamin, and riboflavin; by Lederle Laboratories, Division of American Cyanamid Co., Pearl River, N.Y. 10965.

2. Terramycin S.F. Capsules; contain oxytetracycline, ascorbic acid, thiamine mononitrate, riboflavin, niacinamide, pyridoxine hydrochloride, calcium pantothenate, cyanocobalamin, vitamin K, and folic acid; by Chas. Pfizer & Co. (International), 235 East 42d Street, New York, N.Y. 10017.

The Academy evaluated these products as ineffective as fixed combinations for their labeled indications. The Food and Drug Administration concluded there is a lack of substantial evidence that each component of such combination drugs makes a contribution to the total effect the drugs purport or are represented to have under the conditions of use prescribed, recommended, or suggested in their labeling.

The Commissioner gave notice of his intention to initiate proceedings to amend the antibiotic drug regulations to delete provision for certification of the tetracycline hydrochloride-vitamin combination drug. The regulations do not provide for certification of the oxytetracycline-vitamin combinations and notice was given that samples of such drug will not be acceptable for certification.

Interested persons who may be adversely affected by removal of the tetracycline-vitamin combination from the market were invited to submit within 30 days following publication of said notice in the FEDERAL REGISTER any pertinent data bearing on the proposal. Pfizer International, Inc., responded concerning Terramycin S.F. The material submitted has been reviewed and found not to provide substantial evidence of the effectiveness of such combination drugs.

The Commissioner concludes (1) that the antibiotic drug regulations should be amended as follows to delete provision for certification of the tetracycline-vitamin combination drug and (2) that all outstanding certificates heretofore issued for such drug should be revoked.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 507, 52 Stat. 1050–51, as amended, 59 Stat. 463, as amended; 21 U.S.C. 352, 357) and under authority delegated to the Commissioner (21 CFR 2.120), § 146c.204 *Chlortetracycline hydrochloride capsules; tetracycline hydrochloride capsules; tetracycline capsules; tetracycline phosphate complex capsules* is amended:

1. In paragraph (a), first sentence, by changing "vitamin substances," to read "vitamin substances (if for veterinary use only),".

2. In paragraph (c) (1) (i) (*d*) by deleting "vitamin substances,".

Any person who will be adversely affected by the removal of any such drug from the market may file objections to this order, request a hearing, and show reasonable grounds therefor. The statement of reasonable grounds and request for a hearing shall be submitted in writing within 30 days after publication hereof in the FEDERAL REGISTER, shall state the reasons why the regulation should not be so amended, and shall include a well-organized and full-factual analysis of the clinical and other investigational data the objector is prepared to prove in support of his objections.

A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that a genuine and substantial issue of fact requires a hearing. When it clearly appears from the data incorporated into or referred to by the objections and from the factual analysis in the request for a hearing that no genuine issue of fact precludes the action taken by this order, the Commissioner will enter an order on these data, making findings and conclusions on such data.

If a hearing is requested and justified by the objections, the issues will be defined and a hearing examiner named to conduct the hearing. The provisions of Subpart F of 21 CFR Part 2 shall apply to such hearing, except as modified by 21 CFR 146.1(f), and to judicial review in accord with section 701 (f) and (g) of the Federal Food, Drug, and Cosmetic Act (35 F.R. 7250; May 8, 1970).

Objections and requests for a hearing should be filed (preferably in quintuplicate) with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6–62, 5600 Fishers Lane, Rockville, Md. 20852.

*Effective date.* This order shall become effective 40 days after its date of publication in the FEDERAL REGISTER. If objections are filed, the effective date will be extended for such period of time as necessary to rule thereon. In so ruling, the Commissioner will specify another effective date and how the outstanding stocks of the affected drugs are to be handled.

(Secs. 502, 507, 52 Stat. 1050–51, as amended, 59 Stat. 463, as amended; 21 U.S.C. 352, 257)

Dated: August 21, 1970.

SAM D. FINE,
*Associate Commissioner for Compliance.*

[F.R. Doc. 70–11629; Filed, Sept. 2, 1970; 8:46 a.m.]

# Title 26—INTERNAL REVENUE

## Chapter I—Internal Revenue Service, Department of the Treasury

### SUBCHAPTER F—PROCEDURE AND ADMINISTRATION

[T.D. 7057]

### PART 301—PROCEDURE AND ADMINISTRATION

### Use of Forms 1040X and 1120X as Claim for Refund

In order to provide for the use of Forms 1040X and 1120X in the filing of claims for refund, the Regulations on Procedures and Administration (26 CFR Part 301) under section 6402 of the Internal Revenue Code of 1954 are amended as follows:

Paragraph (a) of § 301.6402–3 is amended to read as follows:

**§ 301.6402–3 Special rules applicable to income tax.**

(a) (1) In the case of income tax, claims for refund may not only be made on Form 843 but may also be made on any individual, fiduciary, or corporation income tax return, or on any amended income tax return.

(2) In the case of an overpayment for a taxable year of an individual for which a Form 1040 has been filed, claim for refund may be made on Form 1040X ("Amended U.S. Individual Income Tax Return"). In cases to which this subparagraph applies, the taxpayer is encouraged to use Form 1040X.

(3) In the case of an overpayment for a taxable year of a corporation for which a corporation tax return has been filed, claim for refund may be made on Form 1120X ("Amended U.S. Corporation Income Tax Return"). In cases to which this subparagraph applies, the taxpayer is encouraged to use Form 1120X.

* * * * *

Because the amendments contained in this Treasury decision are concerned with rules of procedure and practice and recognize an additional means of filing a claim, it is found to be unnecessary to issue it with notice and public procedure thereon under subsection (b) of section 553 of title 5 of the United States Code or subject to the effective date limitation of subsection (d) of that section.

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

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

Approved: August 31, 1970.

EDWIN S. COHEN,
*Assistant Secretary of the Treasury.*

[F.R. Doc. 70–11684; Filed, Sept. 2, 1970; 8:50 a.m.]

# Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

## Chapter 1—Federal Procurement Regulations

### PART 1–19—TRANSPORTATION

### Subpart 1–19.1—General

PERFORMANCE CAPABILITY OF MOTOR CARRIERS PERFORMING CERTAIN FEDERAL MOVING CONTRACTS

This amendment revises the contract clause in § 1–19.110 concerning the contractor performance capability requirement in moving contracts for the relocation of Federal offices. The revision is designed to deal with potential operating problems by modifying the time frame within which contractors must comply with the performance capability requirement of the clause.

Section 1–19.110 is amended by the revision of paragraph (d) of the contract clause set forth in the section, as follows:

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

* * * * *

PERFORMANCE CAPABILITY

* * * * *

(d) There shall be compliance with the applicable requirements of this clause at least 14 days before the date on which performance of the contract shall commence under the terms and conditions herein specified: Except that, if the period from the date of award of the contract to the date that performance shall commence is less than 28 days, the Contractor need only comply with the applicable requirements of this clause midway between the time of award and the time of commencement of performance.

* * * * *

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

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

Dated: August 26, 1970.

JOHN W. CHAPMAN, JR.,
*Acting Administrator of General Services.*

[F.R. Doc. 70–11628; Filed, Sept. 2, 1970; 8:46 a.m.]

# Title 42—PUBLIC HEALTH

## Chapter I—Public Health Service, Department of Health, Education, and Welfare

### SUBCHAPTER F—QUARANTINE, INSPECTION, LICENSING

### PART 73—BIOLOGICAL PRODUCTS

### Additional Standards: Cryoprecipitated Antihemophilic Factor (Human)

On December 12, 1969, a notice of proposed rule making was published in the

FEDERAL REGISTER (34 F.R. 19613) proposing to amend Part 73 of the Public Health Service Regulations by prescribing standards of safety, purity, and potency for Cryoprecipitated Antihemophilic Factor (Human).

Views and arguments respecting the proposed standards were invited to be submitted within 60 days after publication of the notice in the FEDERAL REGISTER and notice was given of intention to make any amendments that were adopted effective upon publication in the FEDERAL REGISTER.

After consideration of all comments submitted, the following amendments to Part 73 of the Public Health Service Regulations are hereby adopted to become effective upon publication in the FEDERAL REGISTER. Section designations have been changed to conform to the recodification of Part 73.

1. The table of contents is amended by adding the following in numerical sequence:

CRYOPRECIPITATED ANTIHEMOPHILIC FACTOR (HUMAN)

Sec.
73.3040 The product.
73.3041 Processing.
73.3042 General requirements.

**§ 73.503 [Amended]**

2. Section 73.503 is amended by inserting immediately after the words "Antihemophilic Plasma (Human)," in the first sentence the following words "Cryoprecipitated Antihemophilic Factor (Human),".

**§ 73.505 [Amended]**

3. Section 73.505 is amended by inserting as the first product listing, the following: "Cryoprecipitated Antihemophilic Factor (Human) —18° C. or colder."

**§ 73.730 [Amended]**

4. Section 73.730(f)(4) is amended by inserting immediately after the words "Whole Blood (Human)," the following words: "Cryoprecipitated Antihemophilic Factor (Human)".

**§ 73.740 [Amended]**

5. Section 73.740(b) is amended by inserting immediately after the words "Products containing formed blood elements;" the following words: "Cryoprecipitated Antihemophilic Factor (Human);".

**§ 73.870 [Amended]**

6. Section 73.870 is amended by inserting immediately after the listing "Collagenase—Eighteen months, provided labeling recommends storage at no warmer than 25° C. § 73.850 does not apply." the following new listing:

| | |
|---|---|
| Cryoprecipitated Antihemophilic Factor (Human). | 12 months from the date of collection of source blood, provided labeling recommends storage at not above —18° C. § 73.850 does not apply. |

7. Part 73 is amended by added immediately after § 73.3028, the following:

CRYOPRECIPITATED ANTIHEMOPHILIC FACTOR (HUMAN)

**§ 73.3040 The product.**

(a) *Proper name and definition.* The proper name of this product shall be Cryoprecipitated Antihemophilic Factor (Human) which shall consist of a preparation containing the antihemophilic factor obtained from a single unit of human blood.

(b) *Source.* Cryoprecipitated Antihemophilic Factor (Human) shall be prepared from human blood meeting the following criteria:

(1) *Suitability of the donor.* Blood for Cryoprecipitated Antihemophilic Factor (Human) shall be obtained only from a donor who meets the criteria for suitability prescribed in § 73.3001.

(2) *Collection of the blood.* Blood for Cryoprecipitated Antihemophilic Factor (Human) shall be collected as prescribed in § 73.3002 except that paragraphs (d)(2), (g), and (h) shall not apply.

(3) *Testing the blood.* Blood for Cryoprecipitated Antihemophilic Factor (Human) shall be tested as prescribed in § 73.3003 (a), (b), and (c).

**§ 73.3041 Processing.**

(a) *Separation of plasma.* The plasma shall be separated from the red blood cells in a closed sterile system within 4 hours after collection by centrifugation to obtain an essentially cell-free material.

(b) *Freezing the plasma.* The plasma shall be frozen within 2 hours after separation. A combination of dry ice and organic solvent may be used for freezing provided the procedure has been shown not to cause the solvent to penetrate the container or leach plasticizers from the container into the frozen plasma.

(c) *Separation of Cryoprecipitated Antihemophilic Factor (Human).* The Cryoprecipitated Antihemophilic Factor (Human) shall be separated from the plasma in a closed system by a procedure that precludes contamination and has been shown to produce a product which has demonstrated potency in patients having a factor VIII deficiency.

(d) *Final container.* Final containers used for Cryoprecipitated Antihemophilic Factor (Human) shall be uncolored and transparent to permit visual inspection of the contents and any closure shall be such as will maintain an hermetic seal and prevent contamination of the contents. The container material shall not interact with the contents under the customary conditions of storage and use, in such a manner as to have an adverse effect upon the safety, purity, and potency of the product. At the time of filling, the final container shall be marked or identified by number or other symbol so as to relate it to the donor.

**§ 73.3042 General requirements.**

(a) *Diluent.* No diluent shall be added to the product by the manufacturer.

(b) *Storage.* Immediately after processing the product shall be placed in storage and maintained at —18° C. or colder.

(c) *Labeling.* In addition to the items required by other provisions of this part, the package label shall bear the following:

(1) Designation of blood group and type of the source blood.

(2) A warning against using the product if there is evidence of thawing during storage.

(3) Instructions to thaw Cryoprecipitated Antihemophilic Factor (Human) in a water bath maintained at not warmer than 37° C.

(4) Instructions to store the product at room temperature after thawing, to use the product within 6 hours after thawing and within 2 hours of entering the container.

(5) Instructions to use a filter in the administration equipment.

(6) A statement indicating the volume of the source plasma and the type of anticoagulant solution present in the source plasma from which the product was prepared.

(Sec. 215, 58 Stat. 690, as amended; 42 U.S.C. 216, sec. 351, 58 Stat. 702, as amended; 42 U.S.C. 262)

Dated: August 25, 1970.

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

Approved: August 28, 1970.

CREED BLACK,
*Acting Secretary.*

[F.R. Doc. 70-11653; Filed, Sept. 2, 1970; 8:48 a.m.]

# Title 47—TELECOMMUNICATION

## Chapter I—Federal Communications Commission

[FCC 70-893]

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

## PART 97—AMATEUR RADIO SERVICE

### Inter-Regional Contact by Amateurs

In the matter of amendment of §§ 2.106, 97.61 and Appendix 2 to Part 97 of the Commission's rules and regulations relative to interregional contacts by amateurs in the 7000–7300 kHz band.

*Order.* 1. Among the International Radio Regulations adopted as a result of the Ordinary Administrative Radio Conference, Geneva, 1959, are Nos. 117 and 156. In No. 156, which incorporates the Table of Frequency Allocations—10 kHz to 40 GHz, the band 7000–7100 kHz is allocated on a worldwide basis exclusively to the Amateur Service and the band 7100–7300 kHz is allocated in Regions 1 and 3 to the Broadcasting Service and in Region 2 (Western Hemisphere) to the Amateur Service. No. 117 specifies that where, in adjacent regions or subregions, a band of frequencies is allocated to different services having equal priority, the basic principle is the equality of right to

operate. Therefore, stations of one service in one region must operate so as not to cause harmful interference to stations of another service in the other region or regions.

2. Resolution No. 10 gives additional force and effect to Nos. 117 and 156, as they apply to the Amateur and Broadcasting Services. It resolves that interregional amateur contacts should be only in the band 7000–7100 kHz and that administrations should make every effort to ensure that the Broadcasting Service in the band 7100–7300 kHz, in Regions 1 and 3, does not cause interference to the Amateur Service in Region 2.

3. To reflect these provisions in the Commission's rules and regulations, Part 2, § 2.106, the Table of Frequency Allocations, is amended, and a new NG62 footnote is added following the table.

4. Likewise, § 97.61 is amended to delete the current "limitation (3)" as it now reads and to modify "limitation (4)". The new "limitation (3)" and "limitation (4)" incorporate the provisions of Nos. 117, 156 and the new footnote NG62 after the listing of the 3800–4000 kHz frequency band and after all of the listings of the 7000–7300 kHz band in the chart. Appendix 2 to Part 97 is also amended to include the text of Resolution No. 10.

5. In these circumstances, notice and public procedure pursuant to 5 U.S.C. 553(b) would serve no useful purpose, would merely delay amendment of the rules, and are, therefore, contrary to the public interest.

6. *Accordingly, it is ordered,* That §§ 2.106 and 97.61 of the Commission's rules and regulations are amended as set forth below, effective October 9, 1970.

7. Authority for this action is contained in sections 2(a) and 4(i)303 of the Communications Act of 1934, as amended.

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

Adopted: August 26, 1970.

Released: August 28, 1970.

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

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

**§ 2.106 [Amended]**

1. Section 2.106, the Table of Frequency Allocations, is amended by inserting a new footnote indicator (NG62) in column 11 for the frequency band 7000–7300 kHz and by adding new footnote (NG62) in numerical order to the list of footnotes to read as follows:

NG62 Consistent with Resolution 10, Radio Regulations, Geneva, 1959, interregional amateur contacts in this band should be limited to that portion between 7000 and 7100 kHz. In the band 7100 to 7300 kHz, the provisions of No. 117 of the Radio Regulations, Geneva, 1959, are applicable. In addition, 7100 to 7300 kHz is not available in the following U.S. possessions: Baker, Canton, Enderbury, Guam, Howland, Jarvis, Palmyra, American Samoa, and Wake Islands.

II. Part 97 of the Commission's rules is amended as follows:

1. In the table in § 97.61(a), limitation "3" is deleted from all frequency bands listed and with limitation "4" is reassigned to the frequencies in the 7000 to 7300 kHz band; and in paragraph (b), limitations "3" and "4" are amended. The amended text reads as follows:

**§ 97.61 Authorized frequencies and emissions.**

(a) * * *

| Frequency band | Emissions | Limitations (see paragraph (b)) |
|---|---|---|
| *Kc/s* | | |
| * * * | * * * | * * * |
| 3800–3900 | A5, F5 | |
| 3800–4000 | A3, F3 | 4 |
| 7000–7300 | A1 | 3, 4 |
| 7000–7200 | F1 | 3, 4 |
| 7200–7250 | A5, F5 | 3, 4 |
| 7200–7300 | A3, F3 | 3, 4 |
| 14000–14350 | A1 | |
| 14000–14200 | F1 | |
| 14200–14275 | A5, F5 | |
| 14200–14350 | A3, F3 | |
| *Mc/s* | | |
| 21.00–21.45 | A1 | |
| 21.00–21.25 | F1 | |
| 21.25–21.35 | A5, F5 | |
| 21.25–21.45 | A3, F3 | |
| * * * | * * * | * * * |

(b) * * *

(3) Where, in adjacent regions or subregions, a band of frequencies is allocated to different services of the same category, the basic principle is the equality of right to operate. Accordingly, the stations of each service in one region or subregion must operate so as not to cause harmful interference to services in the other regions or subregions (No. 117, the Radio Regulations, Geneva, 1959).

(4) 3900–4000 kc/s and 7100–7300 kc/s are not available in the following U.S. possessions: Baker, Canton, Enderbury, Guam, Howland, Jarvis, Palmyra, American Samoa, and Wake Islands.

* * * * * *

III. Appendix 2 to Part 97 of the Commission's rules is amended to include Resolution No. 10 as follows:

APPENDIX 2

*Extracts From Radio Regulations Annexed to the International Telecommunication Convention (Geneva, 1959)*

* * * * * *

RESOLUTION NO. 10

Relating to the use of the bands 7000 to 7100 kc/s and 7100 to 7300 kc/s by the Amateur Service and the Broadcasting Service.

The Administrative Radio Conference, Geneva, 1959,

*Considering—*

(a) That the sharing of frequency bands by amateur, fixed, and broadcasting services is undesirable and should be avoided;

(b) That it is desirable to have worldwide exclusive allocations for these services in Band 7;

(c) That the band 7000 to 7100 kc/s is allocated on a worldwide basis exclusively to the amateur service;

(d) That the band 7100 to 7300 kc/s is allocated in Regions 1 and 3 to the broadcasting service and in Region 2 to the amateur service;

*resolves,*

that the broadcasting service should be prohibited from the band 7000 to 7100 kc/s and that broadcasting stations operating on frequencies in this band should cease such operation;

*and noting,*

the provisions of No. 117 of the Radio Regulations;

*further resolves,*

that interregional amateur contacts should be only in the band 7000 to 7100 kc/s and that the administrations should make every effort to ensure that the broadcasting service in the band 7100 to 7300 kc/s, in Regions 1 and 3, does not cause interference to the amateur service in Region 2; such being consistent with the provisions of No. 117 of the Radio Regulations.

* * * * *

[F.R. Doc. 70-11659; Filed, Sept. 2, 1970; 8:48 a.m.]

# Title 49—TRANSPORTATION

## Chapter X—Interstate Commerce Commission

### SUBCHAPTER C—ACCOUNTS, RECORDS, AND REPORTS

[No. 32485]

## PART 1204—PIPELINE COMPANIES

### Uniform System of Accounts for Pipeline Companies

*Order.* At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 20th day of August 1970.

It appearing, That the Commission issued a notice of proposed rule making, published in the FEDERAL REGISTER on June 15, 1968 (33 F.R. 8780 and 8781), providing for revision of the uniform system of accounts for pipeline companies pursuant to the provisions of section 20 of the Interstate Commerce Act, as amended;

It further appearing, That investigation of the matters and things involved in this proceeding having been made and the views and suggestions of interested parties considered, the Commission, on the date hereof, has made and filed its report setting forth its findings of fact and conclusions thereon, which report is hereby referred to and made a part hereof;

And it further appearing, That upon consideration of the record, the Commission found the existing rules adequate, with the changes adopted herein, and the proposed revision as published not warranted:

*It is ordered,* That the following sections of Part 1204 of Chapter X of Title 49 of the Code of Federal Regulations, be and they are hereby, revised and modified so as to read as follows:

Amend instruction 3–1 "Property acquired." (a) to read as follows:

3–1. *Property acquired.* (a) In general the carrier property accounts shall be charged with the cost of property purchased or constructed and with the cost

of additions and improvements. However, the acquisition of properties comprising a distinct operating system, or an integral portion thereof, when the purchase price exceeds $250,000, shall be accounted for in accordance with the provisions set forth in instruction 3–11.

Amend instruction 3-11 and 3-11(c) to read as follows:

3–11 *Acquisition by merger, consolidation or purchase.* Accounting for property acquired by business combination of two or more corporations, or the acquisition of properties comprising a distinct operating system, or integral portion thereof as specified in section 3–1, shall depend on whether there has been (1) a merger or consolidation in a "pooling of interests" or (2) a "purchase."

* * * * *

(c) *Approval of accounting.* (1) Tentative journal entries recording the acquisition of pipeline properties shall be submitted to the Commission for consideration and approval. The entries shall give a complete description of the property purchased and the basis upon which the amounts of the entries have been determined. Any portion of the purchase price attributable to intangible property shall be separately recorded as hereinafter provided in account 40, Organization Costs and Other Intangibles.

(2) When the costs of individual or groups of transportation property are not specified in the agreement or in supporting documents, or when separate costs are not provided for the physical property and the intangible property, the total purchase price shall be equitably apportioned among the appropriate property or other accounts, based on the percentage relationship between the purchase price and the original cost of property shown in the valuation records of the Commission or the fair market value of the properties. The portion of the total price assignable to the physical property shall be supported by independent appraisal or such other information as the Commission may consider appropriate. In no event shall amounts recorded for physical properties and other assets acquired exceed the total purchase price.

(3) (a) Where the purchase price is in excess of amounts recorded for the net assets acquired, such excess shall be included in account 40, Organization Costs and Other Intangibles.

(b) The excess of the purchase price over amounts includable in the primary carrier property accounts shall be amortized through account 660, "Miscellaneous income charges," or otherwise disposed of, as the Commission may approve or direct.

*It is further ordered,* That these amendments will become effective October 15, 1970.

*And it is further ordered,* That service of this order shall be made on all pipeline companies which are affected thereby, to all parties of record herein, and notice of the order shall be given the general public by depositing a copy thereof in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy of the order with the Director, Office of the Federal Register.

(Secs. 12, 20, 24 Stat. 383, 386, as amended; 49 U.S.C. 12, 20)

By the Commission.

[SEAL] JOSEPH M. HARRINGTON,
*Acting Secretary.*

[F.R. Doc. 70–11666; Filed, Sept. 2, 1970; 8:49 a.m.]

# Title 50—WILDLIFE AND FISHERIES

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

## PART 28—PUBLIC ACCESS, USE, AND RECREATION

### Salt Plains National Wildlife Refuge, Okla.

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

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

OKLAHOMA

SALT PLAINS NATIONAL WILDLIFE REFUGE

Retrieving zones of approximately 100 yards in width are established immediately inside the exterior refuge boundary at certain locations as designated by signs. These retrieving zones are delineated on maps available at refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. A hunter may enter these retrieving zones to retrieve dead or crippled waterfowl which he has legally killed or crippled by hunting outside the refuge boundary but which have fallen inside the exterior boundary of the refuge and within the designated retrieving zones. The use of dogs and the possession of firearms or weapons inside the exterior boundary of the refuge and in the authorized retrieving zones is prohibited.

The provisions of this special regulation supplement the regulations which govern public access, use, and recreation on wildlife areas generally which are set forth in Title 50, Code of Federal Regulations, Part 28, and are effective through January 15, 1971.

W. O. NELSON, Jr.,
*Acting Regional Director,*
*Albuquerque, N. Mex.*

AUGUST 25, 1970.

[F.R. Doc. 70–11645; Filed, Sept. 2, 1970; 8:47 a.m.]

## PART 32—HUNTING

### Chautauqua National Wildlife Refuge, Ill.

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER.

**§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.**

ILLINOIS

CHAUTAUQUA NATIONAL WILDLIFE REFUGE

Public hunting of blue-winged, green-winged, and cinnamon teal on the Chautauqua National Wildlife Refuge, Ill., is permitted from September 19, through September 27, 1970, and the hunting of geese, ducks, and coots is permitted from October 17 through December 10, 1970, but only on the area designated by signs as open to hunting. This open area comprising 745 acres is delineated on a map available at refuge headquarters, Havana, Ill., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111. Hunting shall be in accordance with all applicable State and Federal regulations subject to the following special condition:

(1) Blinds—Temporary blinds of wood or brush may be constructed. Blinds do not become the property of those constructing them and will be available on a daily basis.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuges generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 10, 1970.

GERALD L. CLAWSON,
*Refuge Manager, Chautauqua National Wildlife Refuge, Havana, Ill.*

AUGUST 28, 1970.

[F.R. Doc. 70–11669; Filed, Sept. 2, 1970; 8:49 a.m.]

## PART 32—HUNTING

### Bombay Hook National Wildlife Refuge, Del.

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

**§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.**

DELAWARE

BOMBAY HOOK NATIONAL WILDLIFE REFUGE

Public hunting of ducks, geese, brant, and coots on the Bombay Hook National Wildlife Refuge, Del., is permitted on areas designated by signs as open to hunting including the South Public Hunting Area, the West Public Hunting Area, the Youth Hunt Area, and the Upland Game Hunting Area. These open areas are delineated on maps available at the refuge headquarters, Smyrna, Del., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, Mass. 02109.

Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of ducks, geese, brant, and coots subject to the following special conditions:

(1) Hunting is permitted on the West Public Hunting Area from one-half hour before sunrise to 12 noon local standard time, Tuesdays, Thursdays, and Saturdays during the goose season.

(2) Hunting in the South, West, and Youth Hunt, Public Hunting Areas shall be from existing numbered blinds. The possession of a loaded gun or shooting while outside of a blind is prohibited on these areas.

(3) No person shall have in his possession or use in 1 day more than 10 shells on the West Public Hunting Area.

(4) The necessary permit to enter the South Public Hunting Area may be obtained from 1 hour before shooting time until 3 p.m. local standard time at the checking station located at Port Mahon. The necessary permit to enter the West Public Hunting Area may be obtained by applying to the Refuge Manager for advance reservation. The permits for advance reservations will be canceled if the holder is not present 1 hour prior to the start of legal shooting time on the date of his reservation. These forfeited permits and permits not reserved by advance reservation will be awarded to other hunters by lot on the morning of the hunt. All hunters will check out through the headquarters checking station prior to leaving the refuge.

(5) Each hunting permittee using the West Public Hunting Area will pay a blind fee of $5 on the day of the hunt. A User Fee of $1 per hunter will be charged on the South Public Hunting Area.

(6) Not more than four persons may occupy a blind at any one time on the West Public Hunting Area nor more than three on the South Public Hunting Area.

(7) The Youth Hunt Area will be open on Saturdays and holidays to young hunters who present evidence of having completed the prescribed training program. Two youths accompanied by an instructor who may not discharge a firearm may use one blind.

The provisions of this special regulation supplement the regulations which govern hunting of wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 31, 1971.

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

AUGUST 27, 1970.

[F.R. Doc. 70-11641; Filed, Sept. 2, 1970; 8:47 a.m.]

## PART 32—HUNTING

### Prime Hook National Wildlife Refuge, Del.

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

**§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.**

DELAWARE

PRIME HOOK NATIONAL WILDLIFE REFUGE

The public hunting of migratory birds on Prime Hook National Wildlife Refuge is permitted within the regularly established 1970–71 Waterfowl Hunting Season of the State of Delaware, but only within the 2,526 acre waterfowl hunting area as delineated on a map available at the refuge headquarters, Rural Delivery No. 1, Box 195, Milton, Del. 19968 and from the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, Mass. 02109.

Hunting shall be in accordance with all applicable Federal and State regulations covering the hunting of migratory birds subject to the following special conditions:

(1) A Federal permit is required to enter the waterfowl hunting area. Permits may be obtained in person at the combined Federal-State checking station, intersection of Routes 5 and 14, from 2 hours before legal shooting time, until 3 p.m., e.s.t., throughout the hunting season, and surrendered at the checking station within 1 hour after the close of legal shooting hours.

(2) Hunting shall be only from blinds at locations designated by refuge personnel. The possession of a loaded gun or shooting outside of a blind while hunting migratory game birds is prohibited. Three hunters per blind permitted.

(3) Access to the waterfowl hunting area will be at the refuge headquarters, and other designated access points.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 31, 1971.

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

AUGUST 27, 1970.

[F.R. Doc. 70-11643; Filed, Sept. 2, 1970; 8:47 a.m.]

## PART 32—HUNTING

### Certain National Wildlife Refuges in Michigan and South Dakota

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER.

**§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.**

MICHIGAN

SENEY NATIONAL WILDLIFE REFUGE

Public hunting of Woodcock and Wilson's Snipe (Jacksnipe) on the Seney National Wildlife Refuge is permitted only on the area designated as open to hunting. This open area, comprising 33,525 acres, is delineated on maps available at refuge headquarters, Seney, Mich., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111.

Hunting shall be in accordance with all applicable State regulations covering the hunting of Woodcock and Wilson's Snipe (Jacksnipe) subject to the following special conditions:

(1) All motorized conveyances are prohibited from traveling on dikes or off established roads and trails. Motorized bikes, all-terrain vehicles and snowmobiles are not permitted on the refuge.

The provisions of this special regulation supplements the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 14, 1970.

SHIAWASSEE NATIONAL WILDLIFE REFUGE

Public hunting of geese on the Shiawassee National Wildlife Refuge, Mich., is permitted from waterfowl opening hour to 12 m. each day from October 1, through November 14, 1970, but only on the areas designated by signs as open to hunting. This open area comprising approximately 1,100 acres is delineated on maps located at the refuge headquarters, Saginaw, Mich., and at the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111.

Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of geese subject to the following special conditions:

(1) Hunting shall be by Federal permit and only from assigned blinds and pits.

(2) A fee of $2 per hunter will be charged for services and hunting facilities provided.

(3) Two or three hunters will be permitted in each blind or pit.

(4) Only shotguns 16 gauge or larger may be used with shells loaded with No. 4 shot or larger.

(5) Applications for hunting must be postmarked not later than September 15, 1970.

(6) Assignment of blinds or pits will be at random by the refuge manager, and only successful applicants will be notified.

(7) After completion of the days hunt, all hunters must proceed to refuge headquarters for checkout and the submission of geese for examination.

The provisions of these special regulations supplement the regulations which govern hunting on wildlife refuges generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 14, 1970.

SOUTH DAKOTA

LACREEK NATIONAL WILDLIFE REFUGE

Public hunting of mourning doves on the Lacreek National Wildlife Refuge, S. Dak., is permitted from September 1 through September 14, 1970, but only on the area designated by signs as open to hunting. This open area comprising 310 acres is delineated on a map available at the refuge headquarters, Martin, S. Dak. 57551, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of mourning doves.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through September 14, 1970.

R. W. BURWELL,
*Regional Director, Bureau of Sport Fisheries and Wildlife.*

AUGUST 26, 1970.

[F.R. Doc. 70-11644; Filed, Sept. 2, 1970; 8:47 a.m.]

## PART 32—HUNTING

### Certain National Wildlife Refuges in Montana

The following regulations are issued and are effective on date of publication in the FEDERAL REGISTER. These regulations apply to public hunting on portions of certain National Wildlife Refuges in Montana.

*General conditions.* Hunting shall be in accordance with applicable State regulations. Portions of refuges which are open to hunting are designated by signs and/or delineated on maps. No vehicle travel is permitted except on maintained roads and trails. Special conditions applying to individual refuges are listed on the reverse side of maps available at refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 730 Northeast Pacific Street, Portland, Oreg. 97208.

**§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.**

Migratory game birds may be hunted on the following refuge areas:

Benton Lake National Wildlife Refuge, Post Office Box 2624, Great Falls, Mont. 59401.

Bowdoin National Wildlife Refuge, Post Office Box J, Malta, Mont. 59538.

Charles M. Russell National Wildlife Range, Post Office Box 110, Lewistown, Mont. 59457.

Medicine Lake National Wildlife Refuge, Medicine Lake, Mont. 59247.

Ravalli National Wildlife Refuge, No. 5 Third Street, Stevensville, Mont. 59870.

Special conditions: 1. Boats are not permitted.

2. Hunters must "sign out" at check station.

Red Rock Lakes National Wildlife Refuge, Monida, Mont. 59744.

UL Bend National Wildlife Refuge, Post Office Box J, Malta, Mont. 59538.

**§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.**

Upland game birds may be hunted on the following refuge areas:

Charles M. Russell National Wildlife Range, Post Office Box 110, Lewistown, Mont. 59457.

Ravalli National Wildlife Refuge, No. 5 Third Street, Stevensville, Mont. 59870.

UL Bend National Wildlife Refuge, Post Office Box J, Malta, Mont. 59538.

Bowdoin National Wildlife Refuge, Post Office Box J, Malta, Mont. 59538.

Special condition: Pheasants only may be hunted.

**§ 32.32 Special regulations; big game; for individual wildlife refuge areas.**

Big game animals may be hunted on the following refuge areas:

Charles M. Russell National Wildlife Range, Post Office Box 110, Lewistown, Mont. 59457.

Medicine Lake National Wildlife Refuge, Medicine Lake, Mont. 59247.

Ravalli National Wildlife Refuge, No. 5 Third Street, Stevensville, Mont. 59870.

Red Rock Lakes National Wildlife Refuge, Monida, Mont. 59744.

UL Bend National Wildlife Refuge, Post Office Box J, Malta, Mont. 59538.

The provisions of these special regulations supplement the regulations which govern hunting on wildlife refuge areas generally and which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through June 30, 1971.

TRAVIS S. ROBERTS,
*Deputy Regional Director, Bureau of Sport Fisheries and Wildlife.*

AUGUST 27, 1970.

[F.R. Doc. 70-11655; Filed, Sept. 2, 1970; 8:48 a.m.]

## PART 32—HUNTING

### Alamosa and Monte Vista National Wildlife Refuges, Colo.

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

**§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.**

COLORADO

ALAMOSA NATIONAL WILDLIFE REFUGE

The public hunting of rabbits, skunk, badger, raccoon, coyote, bobcat, feral cat, magpie, and crow on the Alamosa National Wildlife Refuge, Colo., is permitted from October 1, 1970 through January 17, 1971, inclusive, but only on the area designated by signs as open to hunting. This open area, comprising 3,267 acres, is delineated on maps available at refuge headquarters, Alamosa, Colo., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103.

Hunting shall be in accordance with all applicable State regulations governing the hunting of rabbits, skunk, badger, raccoon, coyote, bobcat, feral cat, magpie, and crow subject to the following special conditions:

(1) Hunting hours—Shooting hours shall coincide with the most restrictive hours as those set by Federal and State proclamation for pheasant or migratory waterfowl.

(2) Dogs—Not to exceed two dogs per hunter may be used in the hunting of the above species.

(3) Admittance—Entrance to the open area and parking of vehicles will be restricted to designated parking areas.

(4) Hunting with rifles and hand guns is prohibited.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 17, 1971.

MONTE VISTA NATIONAL WILDLIFE REFUGE

The public hunting of rabbits, skunk, badger, raccoon, coyote, bobcat, feral cat, magpie, and crow on the Monte Vista National Wildlife Refuge, Colo., is permitted from October 1, 1970 through January 17, 1971, inclusive, but only on the area designated by signs as open to hunting. This open area, comprising 5,314 acres is delineated on maps available at refuge headquarters, Monte Vista, Colo., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103.

Hunting shall be in accordance with all applicable State regulations governing the hunting of rabbits, skunk, badger, raccoon, coyote, bobcat, feral cat, magpie, and crow subject to the following special conditions:

(1) Hunting hours—Shooting hours shall coincide with the most restrictive hours as those set by Federal and State proclamation for pheasant or migratory waterfowl.

(2) Dogs—Not to exceed two dogs per hunter may be used in the hunting of the above species.

(3) Admittance—Entrance to the open area and parking of vehicles will be restricted to designated parking areas.

(4) Hunting with rifles and hand guns is prohibited. The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 17, 1971.

CHARLES R. BRYANT,
*Refuge Manager, Monte Vista National Wildlife Refuge, Monte Vista, Colo.*

AUGUST 25, 1970.

[F.R. Doc. 70-11638; Filed, Sept. 2, 1970; 8:47 a.m.]

## PART 32—HUNTING

### Prime Hook National Wildlife Refuge, Del.

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

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

DELAWARE

PRIME HOOK NATIONAL WILDLIFE REFUGE

Public hunting of upland game on Prime Hook National Wildlife Refuge, Del., is permitted on Hunting Areas A and B within the regularly established 1970–71 hunting seasons of the State of Delaware. This open upland game hunting area, comprising approximately 6,100 acres, is delineated on maps available at refuge headquarters, Rural Deliver No. 1, Box 195, Milton, Del. 19968, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, Mass. 02109. Hunting shall be in accordance with all applicable State regulations covering the hunting of upland game.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through April 30, 1971.

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

AUGUST 27, 1970.

[F.R. Doc. 70-11642; Filed, Sept. 2, 1970; 8:47 a.m.]

## PART 32—HUNTING

### Lacreek National Wildlife Refuge, S. Dak.

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

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

SOUTH DAKOTA

LACREEK NATIONAL WILDLIFE REFUGE

Public hunting of upland game on the Lacreek National Wildlife Refuge, S. Dak., is permitted only on the areas designated by signs as open to hunting. The two open areas, Little White River Recreation Area (310 acres) and Habitat Unit 10 (1,100 acres) are delineated on a map available at the refuge headquarters, Martin, S. Dak. 57551 and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111. Hunting shall be in accordance with all applicable State and Federal regulations governing the hunting of upland game subject to the following special conditions:

*Little White River Recreation Area*

(a) Species permitted to be taken: Pheasants and grouse (sharp-tailed and pinnated) during the seasons specified below. The hunting of other upland species, as may be authorized by South Dakota State regulations, is prohibited.

(b) Open season: Grouse—from sunrise to sunset each day from September 19 through November 1, 1970; Pheasant from noon to sunset daily from October 17 through October 25, 1970.

*Habitat Unit 10*

(a) Species permitted to be taken: Pheasants during the season specified below. The hunting of other upland species, as may be authorized by South Dakota State regulations, is prohibited.

(b) Open season: Pheasant—from noon to sunset daily from October 17 through October 25, 1970.

(c) Hunting will be allowed by special permit only. Hunting permits will be issued at designated entrances to the hunting area.

The provision of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 1, 1970.

VICTOR M. HALL,
*Refuge Manager, Lacreek National Wildlife Refuge, Martin, S. Dak.*

AUGUST 27, 1970.

[F.R. Doc. 70-11646; Filed, Sept. 2, 1970; 8:47 a.m.]

## PART 32—HUNTING

### Bombay Hook National Wildlife Refuge, Del.

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

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

DELAWARE

BOMBAY HOOK NATIONAL WILDLIFE REFUGE

Public archery hunting of deer on Bombay Hook National Wildlife Refuge, Del., is permitted only on the Deer Hunting Area and Upland Hunting Area designated by signs as open to hunting. These open Deer Hunting Areas are delineated on maps available at refuge headquarters, Smyrna, Del. 19977, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, Mass. 02109. Hunting shall be in accordance with all applicable State regulations covering archery hunting of deer subject to the following special conditions:

(1) Hunting by bow and arrow on the Deer Hunting Area is permitted only on Saturdays.

(2) The number of hunters admitted to the opened area at any one time will be restricted to 400 and a User Fee of $1 per hunter will be charged.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 31, 1970.

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

AUGUST 27, 1970.

[F.R. Doc. 70-11639; Filed, Sept. 2, 1970; 8:47 a.m.]

## PART 32—HUNTING

### Bombay Hook National Wildlife Refuge, Del.

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

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

DELAWARE

BOMBAY HOOK NATIONAL WILDLIFE REFUGE

Public hunting of deer with shotguns on the Bombay Hook National Wildlife Refuge, Del., is permitted only on the Deer Hunting Area and Upland Hunting Area designated by signs as open to hunting. These open Deer Hunting Areas are delineated on maps available at refuge headquarters, Smyrna, Del. 19977, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, Mass. 02109. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of deer with firearms subject to the following special condition:

(1) A Federal permit is required and may be obtained by applying to the Refuge Manager in writing for an advance reservation. An individual with an advance reservation will forfeit his permit if he is not present 1 hour prior to the start of legal shooting time on the date of his reservation. These forfeited permits and permits not reserved by advance reservations will be awarded to other hunters by lot one-half hour before the start of legal shooting time. The number of hunters admitted to the open area at one time will be restricted to 50 and a User Fee of $1 per hunter will be charged. Permits must be surrendered prior to departure from the refuge and deer taken must be checked out at refuge headquarters.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 31, 1971.

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

AUGUST 27, 1970.

[F.R. Doc. 70-11640; Filed, Sept. 2, 1970; 8:47 a.m.]

## PART 32—HUNTING

### Lostwood National Wildlife Refuge, N. Dak.

The public hunting of sharp-tailed grouse and Hungarian partridge on the Lostwood National Wildlife Refuge, N. Dak., is permitted only on that area designated by signs as open to hunting during the period September 19 through December 13, 1970. The open area, comprising 4,720 acres during the period September 19 through November 15 and 26,101 acres during the period November 16 through December 13, 1970, is delineated

on maps available at the refuge headquarters, Lostwood, N. Dak., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111. Hunting shall be in accordance with all applicable State regulations and the following special conditions:

1. Vehicle travel is restricted to public highways and the refuge entrance road from State Highway No. 8 to refuge headquarters. All other refuge roads and trails are closed to vehicles.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 1, 1971.

RALPH W. WEIER,
*Refuge Manager, Lostwood National Wildlife Refuge, Lostwood, N. Dak.*

AUGUST 27, 1970.

[F.R. Doc. 70-11699; Filed, Sept. 2, 1970; 8:50 a.m.]

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

### SUBCHAPTER F—AID TO FISHERIES

## PART 250—FISHERIES LOAN FUND PROCEDURES

SEPTEMBER 1, 1970.

Pursuant to authority vested in the Secretary of the Interior by section 4 of the Fish and Wildlife Act of 1956, as amended (84 Stat. 829; 16 U.S.C. 742c), Fisheries Loan Fund Procedures are revised.

This revision effects procedural changes necessitated by enactment of Public Law 91-387 (84 Stat. 829) and Public Law 91-279 (84 Stat. 307). Public Law 91-387, among other things, includes nationals, per se, as qualified loan applicants. Public Law 91-279, among other things, extends the maximum maturity of loans under certain conditions. This revision effects no other substantive changes.

This Part 250 will be more readily understood if revised in its entirety. Minor changes have been made for, among other things, clarification.

This revision is exempt from the rulemaking requirements of the Administrative Procedure Act (5 U.S.C. 1003). Although the Department of the Interior's policy is to voluntarily observe that Act's rulemaking requirements, this revision—strictly reflecting statutory amendments—is of a broadening rather than restricting nature. There is, therefore, no practical reason to publish a notice of proposed rulemaking.

This revision is effective upon publication in the FEDERAL REGISTER.

Issued at Washington, D.C., pursuant to authority delegated to me by the Secretary of the Interior on April 21, 1970 (35 F.R. 7087).

WILLIAM M. TERRY,
*Acting Director.*

Sec.



AUTHORITY: The provisions of this Part 250 issued under 70 Stat. 1121, as amended; 16 U.S.C. 742c.

### § 250.1 Definition of terms.

For the purposes of this part, the following terms shall be construed, respectively, to mean and to include:

(a) *Secretary.* The Secretary of the Interior or his authorized representative.

(b) *Person.* Individual, association, partnership or corporation, any one or all as the context requires.

(c) *State.* Any State, the territories and possessions of the United States, the Commonwealth of Puerto Rico, and the District of Columbia.

(d) *Fishery.* A segment of the commercial fishing industry engaged in the catching of a single species or a group of species of fish or shellfish. Any species other than those comprising the fishery must be caught incidentally while fishing for and using gear designed for the capture of the species comprising the fishery.

(e) *No economic hardship to efficient vessel operators.* The determination that operation of a proposed vessel will not cause economic hardship to efficient vessel operators already operating in that fishery shall be made by the Secretary, taking into consideration the condition of the fishery, the efficiency of the commercial fishing vessels and gear being operated in that fishery compared with the proposed commercial fishing vessel, the prospects of the market for the species comprising the fishery and the degree and duration of any anticipated economic hardship.

(f) *Act.* The Fish and Wildlife Act of 1956, as amended.

### § 250.2 Purposes of loan fund.

The broad objective of the fisheries loan fund created by the Fish and Wildlife Act of 1956, as amended, is to provide financial assistance which will aid the commercial fishing industry to bring about a general upgrading of the condition of both commercial fishing vessels and gear thereby contributing to more efficient and profitable fishing operations.

(a) Under section 4 of the Act, the Secretary is authorized, among other things:

(1) To make loans for financing and refinancing of the cost of purchasing, constructing, equipping, maintaining, repairing or operating new or used commercial fishing vessels or gear.

(2) Subject to the specific limitations in this section, to consent to the modification, with respect to the rate of interest, time of payment of any installment of principal, or security, of any loan.

(b) All financial assistance granted by the Secretary must be for one or more of the purposes set forth in paragraph (a) of this section.

### § 250.3 Interpretation of loan authorization.

The terms used in the Act to describe the purposes for which loans may be granted are construed to be limited to the meanings ascribed in this section.

(a) *Commercial fishing vessel or gear.* The words "commercial fishing vessel or gear" mean vessels (documented under the flag of the United States, if required) or gear of any size or type used for the catching of fish or shellfish for commercial purposes such as marketing or processing the catch.

(b) *Purchasing new or used commercial fishing vessels or gear.* The words "purchasing new or used commercial fishing vessels or gear" mean the purchase of commercial fishing vessels or gear.

(c) *Constructing new or used commercial fishing vessels or gear.* The words "constructing new or used commercial fishing vessels or gear" mean the construction of new commercial fishing vessels or gear or reconstruction of used vessels or gear for commercial fishing.

(d) *Equipping new or used commercial fishing vessels or gear.* The words "equipping new or used commercial fishing vessels or gear" mean the purchase or installation of parts, machinery, or other items incident to outfitting of commercial fishing vessels or gear.

(e) *Maintaining new or used commercial fishing vessels or gear.* The words "maintaining new or used commercial fishing vessels or gear" mean the normal and routine upkeep of commercial fishing vessels or gear.

(f) *Repairing new or used commercial fishing vessels or gear.* The words "repairing new or used commercial fishing vessels or gear" mean the restoration or replacement of any worn or damaged part of commercial fishing vessels or gear.

(g) *Operating new or used commercial fishing vessels or gear.* The words "operating new or used commercial fishing vessels or gear" mean all phases of activity directly related to the operation of commercial fishing vessels or gear in catching of fish or shellfish.

### § 250.4 Qualified loan applicants.

(a) Any citizen or national residing or conducting business in any State shall be deemed to be a qualified applicant for such financial assistance if such citizen or national:

(1) Owns, operates, or will own a commercial fishing vessel or gear used, or to be used, directly in the conduct of fishing operations, irrespective of the type, size, power, or other characteristics of such vessel or gear and can demonstrate to the satisfaction of the Secretary that he has the ability, experience, resources and other qualifications necessary for successful operation of the commercial fishing vessel or gear which he proposes to operate; or

(2) Is a fishery marketing cooperative engaged in marketing all catches of fish or shellfish by its members pursuant to contractual or other enforceable arrangements which empower the cooperative to exercise full control over the conditions of sale of all such catches and disburse the proceeds from all such sales.

(b) Applications for financial assistance cannot be considered if the loan is to be used for:

(1) Any phase of a shore operation.

(2) Refinancing (i) existing loans that are not secured by a commercial fishing vessel or gear, or (ii) debts which are not maritime liens within the meaning of subsection P of the Ship Mortgage Act of 1920, as amended (46 U.S.C. 971).

(3) Refinancing (i) existing mortgages or secured loans on commercial fishing vessels or gear, or (ii) debts secured by maritime liens, except in those instances where the Secretary deems such refinancing to be desirable in carrying out the purpose of the Act.

(4) Repair or purchase of commercial fishing vessels or gear where such commercial fishing vessels or gear are not offered as collateral for the loan by the applicant.

(5) Financing a new business venture in which the controlling interest is owned by a person or persons who are not currently engaged in commercial fishing.

**§ 250.5 Basic limitations.**

Applications for financial assistance may be considered only where there is evidence that the credit applied for is not otherwise available on reasonable terms (a) from applicant's bank of account, (b) from the disposal at a fair price of assets not required by the applicant in the conduct of his business or not reasonably necessary to its potential growth, (c) through use of the personal credit and/or resources of the owner, partners, management, affiliates, or principal stockholders of the applicant, or (d) from other known sources of credit. The financial assistance applied for shall be deemed to be otherwise available on reasonable terms unless it is satisfactorily demonstrated that proof of refusal of the desired credit has been obtained from the applicant's bank: *Provided*, That if the amount of the loan applied for is in excess of the legal lending limit of the applicant's bank or in excess of the amount that such bank normally lends to any one borrower, then proof of refusal should be obtained from a correspondent bank or from any other lending institution whose lending capacity is adequate to cover the loan applied for. Proof of refusal of the credit applied for must contain the date, amount, and terms requested. Bank refusals to advance credit will not be considered the full test of unavailability of credit and, where there is knowledge or reason to believe that credit is otherwise available on reasonable terms from sources other than such banks, the credit applied for cannot be granted notwithstanding the receipt of written refusals from such banks.

**§ 250.6 Purchase or construction loans.**

When the Secretary determines that an application is eligible on its face for the purchase or construction of a new or used commercial fishing vessel that will not replace an existing commercial fishing vessel, a notice shall be published in the FEDERAL REGISTER that such application is being considered and giving all interested parties a period of 30 days to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery. If such evidence is received, the Secretary will evaluate it along with such other evidence as may be available to him before making a determination that the contemplated operation of the vessel will or will not cause such economic injury or hardship. The foregoing procedure shall not apply in cases where the applicant seeks to replace a commercial fishing vessel lost or destroyed within 2 years of the date of the application.

**§ 250.7 Applications.**

Any person desiring financial assistance from the fisheries loan fund shall make application to the Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240, on a loan application form furnished by that Bureau except that, in the discretion of the Secretary, an application made other than by use of the prescribed form may be considered if the application contains information deemed to be sufficient. Such application shall indicate the purposes for which the loan is to be used, the period of the loan, and the security to be offered.

**§ 250.8 Processing of loan applications.**

If it is determined, on the basis of a preliminary review, that the application is complete and appears to be in conformity with established rules and procedures, a field examination shall be made. Following completion of the field investigation the application will be forwarded with an appropriate report to the Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240.

**§ 250.9 Approval of loans.**

The Secretary will evidence his approval of the loan by issuing a loan authorization covering the terms and conditions relating to the loan. Documents executed in connection with a loan shall be in a form and substance approved by the Secretary. Any modification of the terms and conditions of a loan following its execution must be agreed to in writing by the borrower and the Secretary.

**§ 250.10 Interest.**

The rate of interest on all loans which may be granted is fixed at 8 percent per annum.

**§ 250.11 Maturity.**

The period of maturity of any loan which may be granted shall be determined and fixed according to the circumstances but in no event shall the date of maturity so fixed exceed a period of 10 years except in the case where a loan is for all or part of the costs of constructing a new commercial fishing vessel in which event the maturity may be 14 years.

**§ 250.12 Security.**

Loans shall be approved only upon the furnishing of such security or other reasonable assurance of repayment as the Secretary may require. The proposed collateral for a loan must be of such a nature that, when considered with the integrity and ability of the management, and the applicant's past and prospective earnings, repayment of the loan will be reasonably assured.

**§ 250.13 Books, records, and reports.**

The Secretary shall have the right to inspect such books and records of the applicant as the Secretary may deem necessary and to request periodic reports.

**§ 250.14 Insurance required.**

(a) If insurance of any type is required on property under the terms of a loan authorization or mortgage it must be in a form approved by the Secretary and obtained from an underwriter, satisfactory to the Secretary, which meets at least one of the following requirements:

(1) An underwriter licensed by an insurance regulatory agency of a State to write the particular form of insurance being written.

(2) A foreign insurance company or club operating in the United States that has deposited funds in an amount and manner satisfactory to the Secretary in a bank chartered under the laws of a State or the United States of America, or in a trust fund satisfactory to the Secretary, which funds are solely for the payment of insurance claims of U.S. vessels.

(3) A reciprocal or interinsurance exchange licensed by an insurance regulatory agency of a State to write the particular form of insurance being written.

(4) An insurance pool composed entirely of owners and operators of commercial fishing vessels.

(b) Any underwriter (including a company, club, or pool) writing such insurance shall furnish such reasonable financial or operating data as the Secretary may require to determine the standing and responsibility of said underwriter.

**§ 250.15 Penalties on default.**

Unless otherwise provided in the loan documents, failure on the part of a borrower to conform to the terms and conditions of any of the loan documents will be deemed grounds upon which the Secretary may cause any one or all of the following steps to be taken:

(a) Discontinue any further disbursements from the escrow funds.

(b) Take possession of any or all collateral given as security for the loan including the commercial fishing vessel or gear for which the funds were borrowed.

(c) Take legal action against the borrower or the security, including foreclosure.

(d) Declare the entire amount of the loan immediately due and payable.

[F.R. Doc. 70-11770; Filed, Sept. 2, 1970; 10:01 a.m.]

# Proposed Rule Making

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

[ 14 CFR Part 121 ]

[Docket No. 7325; Notice 70-26A]

### AIRCRAFT DISPATCHER QUALIFICATIONS

### Extension of Comment Period

The Federal Aviation Administration proposed in Notice 70-26, published in the FEDERAL REGISTER on July 9, 1970 (35 F.R. 11035), to amend Part 121 of the Federal Aviation Regulations to revise and clarify the aircraft dispatcher qualification requirements of § 121.463.

The Air Line Dispatchers Association (ALDA) has requested a 30-day extension of time for the submission of comments. The extension is requested to enable ALDA to obtain the views of its members, many of whom are on vacation, and to provide adequate time for the airline industry to respond.

I find that petitioners have shown a substantive interest in the proposed rule, that good cause exists for the extension, and that the extension is consistent with the public interest.

Therefore, pursuant to the authority delegated to me by the Administrator (14 CFR 11.45), the time within which comments on Notice 70-26 will be received is extended to October 12, 1970.

Issued in Washington, D.C., on August 27, 1970.

R. S. SLIFF,
*Acting Director,*
*Flight Standards Service.*

[F.R. Doc. 70-11648; Filed, Sept. 2, 1970; 8:47 a.m.]

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

[ 50 CFR Part 32 ]

### LAGUNA ATASCOSA NATIONAL WILDLIFE REFUGE, TEX.

### Hunting

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by the Migratory Bird Conservation Act of February 18, 1929, as amended (45 Stat. 1222; 16 U.S.C. 715), and the National Wildlife Refuge System Administration Act of 1966 (80 Stat. 927 as amended; 16 U.S.C. 668dd), it is proposed to amend 50 CFR Part 32 by the addition of Laguna Atascosa National Wildlife Refuge, Tex., to the list of areas open to the hunting of upland game, migratory game birds, and big game as legislatively permitted.

It has been determined that regulated hunting of upland game, migratory game birds, and big game may be permitted as designated on the Laguna Atascosa National Wildlife Refuge without detriment to the objective for which the area was established.

It is the policy of the Department of Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions, or objections, with respect to the proposed amendment, to the Director, Bureau of Sport Fisheries and Wildlife, Washington, D.C. 20240, within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

1. Section 32.11 is amended by the following addition:

§ 32.11 List of open areas; migratory game birds.

* * * * *

TEXAS

Laguna Atascosa National Wildlife Refuge.

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2. Section 32.21 is amended by the following addition:

§ 32.21 List of open areas; upland game.

* * * * *

TEXAS

Laguna Atascosa National Wildlife Refuge.

* * * * *

3. Section 32.31 is amended by the following addition:

§ 32.31 List of open areas; big game.

* * * * *

TEXAS

Laguna Atascosa National Wildlife Refuge.

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ABRAM V. TUNISON,
*Acting Director, Bureau of Sport Fisheries and Wildlife.*

AUGUST 28, 1970.

[F.R. Doc. 70-11637; Filed, Sept. 2, 1970; 8:47 a.m.]

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

### Food and Drug Administration

[ 21 CFR Parts 146a, 146c, 146d ]

### PENICILLIN, TETRACYCLINE, OR CHLORAMPHENICOL WITH VITAMINS

### Proposed Revocation of Provisions for Certification

In the FEDERAL REGISTER of April 2, 1969 (34 F.R. 6007), the Commissioner of Food and Drugs announced the conclusions of the Food and Drug Administration following evaluation of reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, regarding two oral preparations for human use: One containing tetracycline hydrochloride with multiple vitamins and the other containing oxytetracycline with multiple vitamins. The Food and Drug Administration concluded there is a lack of substantial evidence that each component of such combination drugs makes a contribution to the total effects the drugs purport or are represented to have.

In addition to the section of the antibiotic drug regulations describing conditions for certification of such preparations, §§ 146a.27, 146a.99, 146c.205, 146c.207, 146c.221, 146c.222, and 146d.306 describe conditions for certification of other antibiotic-vitamin dosage forms not reviewed by the Academy. No such products are currently being certified.

In finding tetracycline-multiple vitamin and oxytetracycline-multiple vitamin preparations ineffective as fixed-combinations, the Academy commented that no evidence indicates that vitamins are needed for the management of the patient with the usual acute infection or that their use hastens recovery. The Academy further stated that providing vitamins required for observed deficiency syndromes as individual therapy seems preferable.

The Commissioner of Food and Drugs concurs and concludes that this reasoning applies to any fixed antibiotic-vitamin combinations and that the antibiotic drug regulations should be amended to delete provisions for certification of such drugs. The Commissioner further concludes that all outstanding certificates heretofore issued for such drugs should be revoked.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 507, 52 Stat. 1050-51, as amended, 59 Stat. 463, as amended; 21 U.S.C. 352, 357) and under authority delegated to him (21 CFR 2.120), the Commissioner proposes that Parts 146a, 146c, and 146d be amended:

1. In § 146a.27 *Penicillin tablets:*

a. Paragraph (a), by deleting "vitamin substances," from the first sentence.

b. By deleting paragraph (c)(1)(ii)(*b*).

c. By revising paragraph (c)(1)(ii)(*c*), (*d*), and (*e*) to read as follows:

(*c*) If a phenoxymethyl penicillin or potassium phenoxymethyl penicillin is used, 24 months.

(*d*) If a crystalline penicillin other than a phenoxymethyl penicillin is used, 36 months.

(*e*) In lieu of the expiration date prescribed in (*a*), (*c*), and (*d*) of this subdivision, if the person requesting certification has submitted to the Commissioner results of tests and assays that

show such drug as prepared by him is stable for 24, 36, 48, or 60 months, such date may be used for such drug.

2. In § 146a.99 *Capsules crystalline penicillin G (capsules crystalline penicillin G potassium, capsules crystalline penicillin G sodium)*:

a. Paragraph (a), by deleting "vitamin substances," from the first sentence.

b. By deleting paragraph (b) (2) and (4).

c. By revising paragraph (b)(3) to read as follows:

(3) It shall be labeled with an expiration date that is 36 months after the month during which the batch was certified, except that the date may be 48 or 60 months after the month during which the batch was certified if the person who requests certification has submitted to the Commissioner results of tests and assays showing that after having been stored for such period of time such drug as prepared by him complies with the standards prescribed by paragraph (a) of this section.

3. In § 146c.205 *Chlortetracycline powder (chlortetracycline hydrochloride powder); tetracycline hydrochloride powder; tetracycline powder:*

a. Paragraph (a), first sentence, by changing "vitamin substances," to read "vitamin substances (if for veterinary use only),".

b. Paragraph (c)(1)(i), by deleting "except that if it contains one or more vitamin substances, the blank is filled in with the date that is 24 months after the month during which the batch was certified."

4. In § 146c.221 *Tetracycline hydrochloride for intramuscular use; tetracycline phosphate complex for intramuscular use:*

a. Paragraph (a), first sentence, by deleting "and with or without one or more suitable and harmless vitamin substances."

b. Paragraph (c)(1)(i), by deleting "and except that the blank is filled in with the date that is 12 months after the month during which the batch was certified if it contains one or more vitamin substances."

c. By deleting paragraph (c)(1)(ii).

d. Paragraph (c)(1)(iii), by deleting "except that if it contains one or more vitamin substances it shall bear the statement 'Inject immediately after the solution is prepared from the drug.'"

5. In § 146c.222 *Tetracycline hydrochloride oral suspension (tetracycline hydrochloride homogenized mixture); tetracycline phosphate complex oral suspension (tetracycline phosphate complex oral drops); tetracycline hydrochloride oral solution; tetracycline calcium oral suspension; tetracycline oral suspension:*

a. Paragraph (a), by deleting the sentence "If it is tetracycline hydrochloride oral suspension, tetracycline oral suspension, or tetracycline phosphate complex oral suspension, it may contain one or more suitable and harmless vitamin substances."

b. Paragraph (c)(1)(i), by deleting "and except if it contains one or more vitamin substances the blank is filled in with the date that is 12 months after the month during which the batch was certified."

c. By deleting paragraph (c)(1)(ii).

6. In § 146d.306 *Chloramphenicol palmitate oral suspension:*

a. Paragraph (a), first sentence, by deleting "with or without one or more suitable and harmless vitamin substances,".

b. Paragraph (c)(1)(i)(*b*), by deleting "or with the date that is 24 months after the month during which the batch was certified if it contains one or more vitamin substances."

c. By deleting paragraph (c)(3).

The Commissioner also proposes that outstanding certificates of safety and effectiveness heretofore issued for such drugs for use in man be revoked.

Interested persons may, within 30 days after publication hereof in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6–62, 5600 Fishers Lane, Rockville, Md. 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof.

Dated: August 21, 1970.

SAM D. FINE,
*Associate Commissioner for Compliance.*

[F.R. Doc. 70–11630; Filed, Sept. 2, 1970; 8:46 a.m.]

# CIVIL AERONAUTICS BOARD

## [ 14 CFR Part 242 ]

[Docket No. 22516; EDR–186]

## REPORTING RESULTS OF SCHEDULED ALL-CARGO SERVICES

### Proposed Extension of Part

AUGUST 28, 1970.

Notice is hereby given that the Civil Aeronautics Board has under consideration proposed amendments to Part 242 of the economic regulations (14 CFR Part 242) which would extend Part 242 through December 31, 1972.

The principal features of the proposed amendment are described in the explanatory statement and the proposed amendment is set forth in the proposed rule. The amendment is proposed under the authority of sections 204(a) and 407 of the Federal Aviation Act of 1958, as amended (72 Stat. 743, 766; 49 U.S.C. 1324, 1377).

Interested persons may participate in the proposed rule making through submission of twelve (12) copies of written data, views, or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. All relevant material received on or before October 2, 1970, will be considered by the Board before taking final action on the proposed rule. Copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 712 Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., upon receipt thereof.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
*Secretary.*

*Explanatory statement.* Part 242[1] established separate reporting requirements for all-cargo services of certain air carriers. The reports required by Part 242 were kept separate from Form 41 reports because of the fear that the integrity of the latter reports would be impaired by the introduction of experimental and controversial allocation techniques which would, of necessity, have to be employed in separating out the costs of scheduled all-cargo results. However, the Board has always regarded Part 242 as a temporary expediency[2] pending the development of reliable techniques employing electronic data processing which would permit incorporation of definitive costing rules in the regulations governing Form 41.[3]

Part 241 has not yet been amended to provide the necessary data on all-cargo services. However, the recent amendment to Part 241,[4] which modernizes and mechanizes the Form 41 statistics, will provide detailed traffic and capacity data needed to refine procedures for allocating costs between passenger and cargo services. Nonetheless, until improvements in financial information for costing purposes can be developed, it is necessary to continue use of the Form 242 all-cargo reports.

Accordingly, the Board proposes to extend Part 242 through December 31, 1972, subject to earlier termination if appropriate data can be obtained from Form 41 reports.

*Proposed rule.* It is proposed to amend Part 242 (14 CFR Part 242) of the Economic Regulations as follows:

Amend § 242.1(b) to read as follows:

**§ 242.1 Applicability.**

* * * * *

(b) This part shall expire December 31, 1972, unless earlier rescinded by the Board.

[F.R. Doc. 70–11673; Filed, Sept. 2, 1970; 8:49 a.m.]

# FEDERAL COMMUNICATIONS COMMISSION

## [ 47 CFR Parts 2, 87 ]

[Docket No. 18945; FCC 70–896]

## AVIATION SERVICES

### Coordination With Federal Aviation Administration by Applicants for Type Acceptance of Equipment Operating in Certain Frequency Bands

1. The Commission has before it the desirability of amending Parts 2 and 87

[1] ER–430, Mar. 2, 1965.

[2] Part 242 was originally scheduled to expire on July 1, 1968, but was subsequently extended through Dec. 31, 1970. ER–539, June 10, 1968.

[3] Part 242, by contrast, leaves allocation techniques largely to the discretion of the carriers.

[4] ER–586 and ER–597, effective July 1, 1970.

of its rules and regulations to require coordination with the Federal Aviation Administration as a prerequisite for type acceptance of equipment operating in certain frequency bands.

2. In order to insure that radio transmitting equipment potentially incompatible with the National Airspace System (NAS) in the frequency bands 108–117.975 MHz, 328.6–335.4 MHz, 960–1215 MHz, 1535–1660 MHz, 5000–5250 MHz, 14.0–14.4 GHz, 15.4–15.7 GHz, 24.25–25.25 GHz, and 31.8–33.4 GHz will not be licensed by the Commission and placed in operation without the knowledge of the Federal Aviation Administration (FAA), that agency has requested us to institute a procedure in our type acceptance rules which will provide information to FAA indicating the existence of such equipment and of any applications filed for its type acceptance. The rule amendments herein proposed would require evidence to be included with type acceptance applications for equipment transmitting in these bands that the applicant has advised the FAA of the existence of the equipment in question and of his application for its type acceptance for use under Part 87 of our rules. These amendments also provide opportunity for FAA to file with the Commission a showing that the equipment is incompatible with NAS and provide, further, that upon receipt of such a showing of incompatibility, the Commission may deem the equipment ineligible for type acceptance (and, therefore, for use under any license issued by the Commission for a station in the Aviation Services). Under the rules as proposed, Commission action on the type acceptance application for such equipment would be held in abeyance pending receipt of the evidence of coordination.

3. Authority for this action is contained in sections 4(i), 301, and 303(r) of the Communications Act of 1934, as amended.

4. Comments in support of or in opposition to the proposed amendment may be filed on or before October 9, 1970. Reply comments may be filed on or before October 20, 1970. All relevant and timely comments will be considered before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice. In accordance with the provisions of § 1.419 (b) of the Commission's rules, an original and 14 copies of all statements, briefs or comments filed shall be furnished to the Federal Communications Commission.

Adopted: August 26, 1970.

Released: August 28, 1970.

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

I. Amendment to Part 2—Frequency Allocations and Radio Treaty Matters; General Rules and Regulations:

Section 2.571 (b) and (c) is amended to read as follows:

**§ 2.571 Type acceptance.**

* * * * *

(b) A separate request for type acceptance shall be submitted for each different types of equipment. Each request shall be signed by the applicant or by a duly authorized representative who shall certify that the application was prepared by him or at his direction and that to the best of his knowledge and belief the facts set forth in the application and accompanying technical data are true and correct. The technical test data required to be submitted shall be certified by the engineer who performed or supervised the tests who shall attach a brief statement of his qualifications. In addition, when required by Part 87 of this chapter, the request shall include written evidence from the Federal Aviation Administration that it has been advised of the existence of the equipment and of the application for type acceptance. In the event this evidence is not included with the application, action on the application by the Commission will be held in abeyance pending receipt of said evidence. If this evidence includes a showing by the Federal Aviation Administration that the equipment is not compatible with the National Airspace System, the Commission may deem the equipment ineligible for type acceptance.

(c) In the event there is no Commission action on the application for type acceptance within thirty (30) days after the application is filed, or within 30 days after the applicant has submitted additional data at the request of the Commission, the equipment will be deemed approved in accordance with the Commission's type acceptance procedure. This provision, however, will not apply to applications held in abeyance awaiting evidence of coordination with the Federal Aviation Administration, pursuant to paragraph (b) of this section and § 87.79(d) of this chapter. The term Commission action as used in this section means either issuance of a public notice, a listing of the accepted equipment in the Radio Equipment List, or sending a letter or post card to the applicant.

* * * * *

II. Amendment to Part 87—Aviation Services:

Section 87.79 is amended by adding a new paragraph (d) to read as follows:

**§ 87.79 Type acceptance of equipment.**

* * * * *

(d) Applications for type acceptance of equipment intended for transmission in any of the frequency bands listed below shall be accompanied by written evidence from the Federal Aviation Administration that it has been advised of the existence of the equipment and of the application for type acceptance. In the event this evidence is not included with the application, Commission action on the application will be held in abeyance pending receipt of said evidence. If this evidence includes a showing by the Federal Aviation Administration that the equipment is not compatible with the National Airspace System, the equipment may be deemed by the Commission to be ineligible for type acceptance. This evidence shall be obtained from the Federal Aviation Administration, Frequency Management Division, Washington, D.C. 20590. The frequency bands are as follows:

108 MHz to 117.975 MHz.
328.6 MHz to 335.4 MHz.
960 MHz to 1215 MHz.
1535 MHz to 1600 MHz.
5000 MHz to 5250 MHz.
14.0 GHz to 14.4 GHz.
15.40 GHz to 15.70 GHz.
24.25 GHz to 25.25 GHz.
31.80 GHz to 33.40 GHz.

[F.R. Doc. 70-11660; Filed, Sept. 2, 1970; 8:48 a.m.]

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**[ 47 CFR Part 73 ]**

[Docket No. 18905; RM-1558]

## FM BROADCAST STATIONS

### Table of Assignments, Kentland, Ind.; Order Extending Time for Filing Reply Comments

In the matter of amendment of § 73.202, Table of Assignments, FM Broadcast Stations (Southern Pines, N.C.; Greenville, Tex.; Monticello, N.Y.; Grundy Center and Independence, Iowa; Sulphur, Okla.; Antigo, Wis.; Millington, Tenn.; Calhoun City, Miss.; Cuba, Mo.; and Kentland, Ind.); Docket No. 18905; RM-1465, RM-1469, RM-1472, RM-1557, RM-1558, RM-1573, RM-1574, RM-1583, RM-1584, RM-1585, RM-1586, RM-1601.

1. This proceeding was begun by notice of proposed rule making (FCC 70-707) adopted July 1, 1970, released July 8, 1970, and published in the FEDERAL REGISTER on July 11, 1970, 35 F.R. 11185. The date for filing comments has expired and the date for filing reply comments is presently August 27, 1970.

2. On August 27, 1970, counsel for Almo Smith filed a request for extension to and including September 10, 1970, in which to file reply comments. Counsel states that the additional time is required because he has returned from vacation this date and has not had sufficient time to prepare reply comments. Counsel for Iroquois County Broadcasting Co., who filed comments in opposition, has informally advised counsel for Almo Smith that he has no objection to the requested extension of time.

3. We are of the view that the additional time requested is warranted and will serve the public interest. *Accordingly, it is ordered,* That the time for filing reply comments in Docket 18905, RM-1558 only, is extended to and including September 10, 1970.

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

Adopted: August 28, 1970.

Released: August 31, 1970.

GEORGE S. SMITH,
*Chief, Broadcast Bureau.*

[F.R. Doc. 70-11661; Filed, Sept. 2, 1970; 8:48 a.m.]

# FEDERAL POWER COMMISSION

## [ 18 CFR Part 2 ]

[Docket No. R-389A]

## INITIAL RATES FOR FUTURE SALES OF NATURAL GAS FOR ALL AREAS

### Order Extending Time for Filing Responses, Setting Further Oral Hearings, and Responding to Motions

AUGUST 28, 1970.

On July 30, 1970, People Organized to Win Effective Regulation (POWER), by and through Anthony R. Martin-Trigona, filed a motion which was construed to be pursuant to § 1.7 of the Commission's rules of practice and procedure (18 CFR 1.7). Therein, POWER prayed (1) that the Commission immediately suspend any and all rate increases until a comprehensive plan for future energy source development and consumption has been promulgated for public analysis; (2) that POWER be allowed to intervene as a party, and be allowed an initial $10,000 in costs and fees payable by the Commission on proper proof of expenditure, for POWER to secure counsel and act as a public interest and consumer surrogate in lieu of the Commission; (3) that hearings on any and all rate increases be held in major consumer cities; (4) that the public be invited and indeed encouraged to intervene and participate in the rate increase proceedings in opposition to such rate increases; (5) that Members of Congress and other political candidates be prohibited from participation in the proceeding, either directly or indirectly; (6) that any and all Commissioners who have been publically identified with increased rates disqualify themselves from consideration and participation in these proceedings, with special reference to the Chairman of the Commission who must disqualify himself; (7) that the Commission revert to normal unexpedited procedures for the consideration of these issues, with customary retroactive safeguards for rebates and other consumer protection.

On August 24, 1970, in a public hearing in Chicago, Ill., held pursuant to notice of the Secretary in this proceeding, an oral submittal was made by Anthony R. Martin-Trigona on behalf of POWER in which he renewed his motion of July 30, 1970, and further moved that Commissioner Carl E. Bagge disqualify himself from taking part in this proceeding.

On August 17, 1970, the Municipal Distributors Group (MDG) filed a petition for rehearing in this proceeding pursuant to § 1.34 of the Commission's rules of practice and procedure (18 CFR 1.34). By this motion, MDG petitioned the Commission "to stay these proceedings and to refrain from conducting any future ratemaking proceedings not in accordance with the hearings requirements of the Natural Gas Act and the Administrative Procedure Act."

On August 21, 1970, the Public Service Commission of the State of New York (PSC) filed its response in this proceeding. Its response included a motion to dismiss this proceeding, inter alia, and requested that its motion be set for oral argument.

On August 14, 1970, in a public hearing in Pittsburgh, Pa., held pursuant to notice of the Commission in this proceeding, an oral submittal was made by Consumers Federation of America (CFA). At the conclusion of their submittal, that group moved the Commission to terminate immediately this proceeding.

Points (1) and (7) of the motion of POWER urge the Commission immediately to suspend this proceeding and not to undertake a consideration of the issues presented herein in this manner and at this time. It is our conclusion that these points should be given plenary consideration as part of the moving party's response to the notice of rulemaking. If these prayers were to be considered at this time, then other parties would be precluded from commenting on all other issues that are presented in this proceeding. Any party wishing to respond to points (1) and (7) of the submittal by POWER may include their response in their reply submittals in the manner set forth in paragraph 10 of the notice expanding this proceeding issued July 17, 1970, as modified by this order.

As to point (2) of the motion of POWER requesting that it "be allowed to intervene as a party, and be allowed an initial $10,000 in costs and fees payable by the Commission on proper proof of the expenditure for POWER to secure counsel and act as public interest and consumer surrogate in lieu of the Commission," this request is granted in part and denied in part. POWER was construed to be a party to this proceeding by notice of petition issued August 14, 1970. That action is affirmed. However, we deny the request by POWER that it be allowed an initial $10,000 in costs and fees payable by the Commission to act as public interest and consumer surrogate in lieu of the Commission. Although the participation of POWER and all other parties is encouraged in this proceeding, the Commission has not and will not abdicate its mandate to represent the public interest. Therefore, a volunteer surrogate will not be appointed in lieu of the Commission.

As to point (3) of POWER's motion that "hearings on any and all rates increases be held in major consumer cities," such hearings have already been held in Midland, New Orleans, Denver, Pittsburgh, and Chicago. Although natural gas is produced in all of the States in which these hearings were held, Pennsylvania produces approximately one-eighth the amount of its consumption, Colorado produces less than half of its consumption, and Illinois produces less than one percent of its consumption. Four of the States in which these hearings took place, Texas, Louisiana, Illinois, and Pennsylvania, were ranked respectively first, third, fourth, and sixth among States in amount of natural gas consumption in 1968.[1] We grant this request by POWER to the extent that further oral hearings will be held in Los Angeles, Calif., on September 15, 1970; in New York, N.Y., on September 17, 1970; and in Boston, Mass. on September 18, 1970. The scheduling of these hearings will necessitate postponement of the deadline for filing written reply submittals from September 21 until October 1, 1970.

As to point (4) of the motion of POWER "that the public be invited and indeed encouraged to intervene and participate in the rate increase proceedings in opposition to such rate increases," we did invite and encourage the participation of any and all interested persons to this proceeding. Although the notice expanding this proceeding required that any person desiring to become a party to this proceeding file a notice of intention with the Secretary on or before July 28, 1970, § 1.8(d) of the Commission's rules of practice and procedure (18 CFR 1.8 (d)) provides that the Commission, for good cause shown, may authorize a late filing of a petition to intervene. Any person not already a party to this proceeding may file such a petition pursuant to that provision. To this extent, point (4) of the motion of POWER is granted.

As to point (5) of POWER's motion "that Members of Congress and other political candidates be prohibited from participation in the proceeding, either directly or indirectly," we first note that ex parte communications in any proceeding pending before the Commission are prohibited by § 1.4(d) of the Commission's rules of practice and procedure (18 CFR 1.4(d)). Insofar as direct participation is concerned, we believe that public officials have the right to express their views and the views of their constituents in this proceeding when their statements are made on the record and are subject to rebuttal by any party. Point (5) of the POWER motion is denied.

As to point (6) of the POWER motion "that any and all Commissioners who have been publicly identified with increased rates disqualify themselves from consideration and participation in these proceedings, with special reference to the Chairman of the Commission who must disqualify himself," no Commissioner other than the Chairman is named by this motion. The Chairman declines to disqualify himself.

As to the motion by POWER made in oral submittal that Commissioner Bagge disqualify himself from consideration and participation in this proceeding, Commissioner Bagge declines to disqualify himself.

As to the petition for rehearing of MDG filed pursuant to § 1.34 of the

[1] Based upon Bureau of Mines statistics.

Commission's rules of practice and procedure (18 CFR 1.34), that section of our rules specifies that such application may be filed within 30 days after the issuance of any final decision or order of the Commission. Furthermore, § 1.30(e) of the Commission's rules of practice and procedure (18 CFR 1.30(e)) provides that no application for rehearing will be entertained by the Commission until a decision is issued and becomes final. Since a final decision has not yet been issued by the Commission, the MDG petition for rehearing is premature. We have determined to treat this petition for rehearing as part of the original submittal which was filed by MDG in response to the notice of this proceeding. This filing will therefore be given plenary consideration by the Commission in making its determination on the merits in this rulemaking. Other parties wishing to do so may respond to the MDG submittal in their reply submittals.

As to the motion of PSC filed in connection with its written response to dismiss this rulemaking and that such motion be set for oral argument, the Commission's rules of practice and procedure do not provide for the filing of a motion to dismiss a notice of proposed rulemaking. Therefore, we will treat the PSC motion to dismiss as a part of the original response of PSC to our notice and give it plenary consideration in making our determination on the merits in this rulemaking. Any party wishing to respond to the PSC submittal may do so in that party's reply submittal.

As to the motion of CFA made in connection with its oral response to terminate immediately this rulemaking, the Commission's rules of practice and procedure do not provide for the filing of a motion to terminate a notice of proposed rulemaking. Therefore, we will treat the CFA motion to terminate as part of the original response of CFA to our notice and give it plenary consideration in making our determination on the merits in this rulemaking. Any party wishing to respond to the CFA submittal may do so in that party's reply submittal.

The Commission orders:

(A) Points (1) and (7) of the motion of POWER will be considered as part of the moving party's original response in this rulemaking.

(B) Point (2) of the motion of POWER is granted insofar as permitting that party to intervene and denied insofar as allowing the payment of costs and fees by the Commission to that party to substitute for the Commission.

(C) Point (3) of the motion of POWER is granted to the extent that further public hearings are hereby scheduled in Los Angeles, Calif., on September 15, 1970, in Room 1540, U.S. Courthouse, 312 North Spring Street; in New York, N.Y., on September 17, 1970, in Room 305, Federal Building, 26 Federal Plaza; and in Boston, Mass., on September 18, 1970, in Room E-226, John F. Kennedy Federal Building, Government Center. Each of these hearings will commence at 10 a.m. local time. Any party to this proceeding wishing to respond orally in lieu of written response to any other submission heretofore made in this proceeding, whether orally or in writing, should file a request with the Secretary on or before September 11, 1970. The requests shall state the name, title, and mailing address of the person, the interest he has or represents in this proceeding, the hearing in which he desires to participate, and that he is waiving his right to file a written reply submittal. Persons whose request is granted will be notified of the date and time allotted. Transcripts for each hearing will be published separately for each city and will be available by request made to the Commission's Office of Public Information. The cost per transcript is $15. Parties who desire a copy of the transcripts but are unable to purchase one due to financial hardship should file a letter, under oath, with the Commission seeking leave to proceed in forma pauperis and demonstrating that the party is unable to pay such costs. Upon receipt of such letter, the Commission will consider the conditions of financial hardship, and, if the Commission determines that the conditions so warrant, the requesting party will be provided a copy of each transcript without charge.

(D) Point (4) of the motion of POWER is granted.

(E) Point (5) of the motion of POWER is denied, as to barring certain persons from being heard as a party and is moot with regard to indirect participation.

(F) The petition for rehearing of MDG is construed to be a part of the original submittal of that party in response to the notice of this rulemaking proceeding.

(G) The motion to dismiss of PSC is construed to be a part of the original submittal of that party in response to the notice of this rulemaking proceeding.

(H) The motion to terminate of CFA is construed to be a part of the original submittal of that party in response to the notice of this rulemaking proceeding.

(I) Any party wishing to respond in writing to any other submittal, whether orally or in writing, theretofore made in this proceeding may do so by filing the original and 14 copies of such written reply submittal with the Secretary not later than October 1, 1970, instead of September 21, 1970, as previously scheduled. Such submittal shall be in the form prescribed by the Commission's notice expanding this proceeding, issued July 17, 1970, and shall be served upon all parties to this proceeding. Any party unable to provide service on the other parties in this proceeding due to financial hardship should file with the Commission, under oath, a letter seeking leave to proceed in forma pauperis and demonstrating that the party is unable to pay such costs. Upon receipt of such letter, the Commission will consider the conditions of financial hardship, and, if the Commission determines that the conditions so warrant, may require the filing of only an original with the Commission. Further, the Commission shall, at its expense, serve all other parties with the filing made by the indigent party. Parties who waive their right to make a written submittal by making an oral presentation are deemed to have served all other parties with copies since the transcript is available to all parties.

By the Commission.

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

[F.R. Doc. 70-11650; Filed, Sept. 2, 1970; 8:48 a.m.]

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## [ 18 CFR Part 141 ]

[Docket No. R-392]

## ANNUAL REPORT FOR ELECTRIC UTILITIES AND LICENSEES

### Notice of Extension of Time

AUGUST 26, 1970.

Revisions in FPC Form No. 1, Annual Report for Electric Utilities and Licensees (Class A and B), for Reporting Year 1970.

On August 14, 1970, the American Gas Association filed a request for an extension of time to and including October 27, 1970, within which to file comments in the above-designated matter.

Upon consideration, notice is hereby given that the time is extended to and including September 28, 1970, within which any interested person may submit data, views, comments and suggestions in writing to the notice of proposed rulemaking (35 F.R. 11701) issued on July 14, 1970, in the above-designated matter.

GORDON M. GRANT, *Secretary.*

[F.R. Doc. 70-11625; Filed, Sept. 2, 1970; 8:46 a.m.]

# FEDERAL TRADE COMMISSION

## [ 16 CFR Part 254 ]

## PRIVATE VOCATIONAL AND HOME STUDY SCHOOLS

### Notice of Postponement of Hearing Date and Extension of Time for Submitting Views, Suggestions or Objections Concerning Proposed Guides

The Federal Trade Commission has postponed the public hearing for the consideration of Proposed Guides for Private Vocational and Home Study Schools until December 1, 1970. The original public hearing had been scheduled for September 15, 1970, as announced in a public notice published in the FEDERAL REGISTER on July 7, 1970, page 10911.

The rescheduled hearing will take place on December 1, 1970, at 10 a.m., e.s.t., in Room 532 of the Federal Trade Commission Building, Sixth and Pennsylvania Avenue NW., Washington, D.C. The hearing is being rescheduled at the request of several industry associations which have indicated a desire to appear at the public hearing but which will not be able to collect and prepare, by September 15, 1970, all the information they

wish to present for the Commission's consideration.

Any person desiring to orally present his views at the hearing should so inform the Assistant Director, Division of Industry Guidance, Federal Trade Commission, Washington, D.C. 20580, not later than November 24, 1970, and state the estimated time required for his oral presentation. Reasonable limitations upon the length of time allotted to any person may be imposed. In addition, all parties desiring to deliver a prepared statement at the hearing should file such statement with the Assistant Director, Division of Industry Guidance, on or before November 24, 1970. To the extent practicable, persons wishing to file written presentations in excess of two pages should submit 20 copies.

In addition, the Commission has extended from September 8, 1970, to November 9, 1970, the closing date for submission of written views on the proposed Guides.

Copies of the original notice of July 7, 1970, including the Proposed Guides may be obtained upon request to the Federal Trade Commission.

Issued: September 3, 1970.

By direction of the Commission.

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

[F.R. Doc. 70-11744; Filed, Sept. 2, 1970; 8:50 a.m.]

# POST OFFICE DEPARTMENT

## [ 39 CFR Part 151 ]

## POST OFFICE BOXES

### Proposed Rental Fees

Notice is hereby given of proposed rule making consisting of amendments to regulations set out in 39 CFR 151.3(c). It is proposed to increase post office box rental fees by approximately 20 percent, effective November 1, 1970. These fees have not been changed since 1958. Because costs have increased substantially since that date, it appears necessary to raise the fees in order to meet the increased costs. The amendments hereinafter stated, if adopted, will achieve the desired purpose.

Interested persons who desire to do so may submit written data, views, and arguments concerning the proposals to the Director, Office of Postal Rates, Bureau of Finance and Administration, Post Office Department, Washington, D.C. 20260, at any time prior to the 30th day following the date of publication of this notice in the FEDERAL REGISTER.

## PART 151—SERVICE IN POST OFFICES

In § 151.3 *Post office boxes,* make the following changes under paragraph (c) *Rental rates:*

1. In subparagraph (1) amend subdivision (ii) to read as follows:

(ii) *Schedule.* The quarterly box rent schedule for main post offices is as follows:

| Post Office groups | Rate per quarter | | | | | | |
|---|---|---|---|---|---|---|---|
| | Call boxes | | Lockboxes and drawers | | | | |
| | Size No. | | Size No. | | | | |
| | 1 | 2 | 1 | 2 | 3 | 4 | 5 |
| | Cubic-inch capacity | | Cubic-inch capacity | | | | |
| | To 225 | 225 to 500 | To 265 | 265 to 500 | | 1,000 to 2,000 | 2,000 and over |
| Offices with city carrier service: | | | | | | | |
| Group A | $2.70 | $3.60 | $5.40 | $7.20 | $9.60 | $12.00 | $14.40 |
| Group B | 1.80 | 2.70 | 3.60 | 5.40 | 7.20 | 9.00 | 10.80 |
| Group C | 1.35 | 1.80 | 2.70 | 3.60 | 5.40 | 7.20 | 9.00 |
| Group D | 1.00 | 1.35 | 2.05 | 2.70 | 3.60 | 5.40 | 7.20 |
| Group E | .80 | 1.00 | 1.45 | 1.80 | 2.70 | 3.60 | 5.40 |
| Offices without city carrier service: | | | | | | | |
| Group F | .60 | .80 | 1.10 | 1.35 | 1.80 | 2.70 | 3.60 |
| Group G | .45 | .60 | .85 | 1.10 | 1.35 | 1.80 | 2.70 |
| Group H | .25 | .40 | .60 | .80 | 1.10 | 1.35 | 1.80 |
| Group I | .20 | .25 | .45 | .60 | .80 | 1.10 | 1.35 |

2. In subparagraph (2) amend the tabular data under subdivision (iii) to read as follows:

| | Call boxes | | Lockboxes | | | | |
|---|---|---|---|---|---|---|---|
| | No. 1 | No. 2 | No. 1 | No. 2 | No. 3 | No. 4 | No. 5 |
| Per semester | $0.40 | $0.50 | $0.60 | $0.75 | $1.10 | $1.80 | $2.90 |
| Per quarter | .25 | .40 | .45 | .50 | .75 | 1.20 | 1.95 |

NOTE: The corresponding Postal Manual sections are 151.331b and 151.332c(2).

(5 U.S.C. 301, 39 U.S.C. 501, 708)

DAVID A. NELSON,
*General Counsel.*

[F.R. Doc. 70-11768; Filed, Sept. 2, 1970; 9:25 a.m.]

# Notices

## DEPARTMENT OF THE TREASURY

### Fiscal Service

[Dept. Circ. 570, 1970 Rev., Supp. No. 2]

### HAMILTON MUTUAL INSURANCE COMPANY OF CINCINNATI, OHIO

### Surety Company Acceptable on Federal Bonds

A Certificate of Authority as an acceptable surety on Federal bonds has been issued by the Secretary of the Treasury to the following company under sections 6 to 13 of Title 6 of the United States Code. An underwriting limitation of $360,000 has been established for the company.

*Name of company, location of principal executive office, and State in which incorporated:*

THE HAMILTON MUTUAL INSURANCE COMPANY OF CINCINNATI, OHIO

CINCINNATI, OHIO

OHIO

Certificates of Authority expire on June 30 each year, unless sooner revoked, and new Certificates are issued on July 1 so long as the companies remain qualified (31 CFR Part 223). A list of qualified companies is published annually as of July 1 in Department Circular 570, with details as to underwriting limitations, areas in which licensed to transact fidelity and surety business and other information. Copies of the Circular, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Audit Staff, Washington, D.C. 20226.

Dated: August 28, 1970.

[SEAL] H. A. RABON,
*Deputy Fiscal Assistant Secretary.*

[F.R. Doc. 70-11649; Filed, Sept. 2, 1970; 8:48 a.m.]

## DEPARTMENT OF THE INTERIOR

### Bureau of Indian Affairs

### PINE RIDGE RESERVATION, S. DAK.

### Ordinance Legalizing Introduction, Sale, or Possession of Intoxicants

AUGUST 27, 1970.

In accordance with authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2, and in accordance with the Act of August 15, 1953, Public Law 277, 83d Congress, first session (67 Stat. 586), I certify that the following ordinance relating to the application of the Federal Indian Liquor Laws on the Pine Ridge Reservation, S. Dak., was adopted on July 17, 1970, by the Oglala Sioux Tribal Council of the Oglala Sioux Tribe, which has jurisdiction over the area of Indian country included in the ordinance, reading as follows:

Whereas, during the previous administration, the Oglala Sioux Tribal Council enacted Tribal Ordinance No. 68-3, concerning liquor control and the establishment of a Tribal Liquor Enterprise on the Pine Ridge Reservation, and

Whereas, also during the past administration, the Oglala Sioux Tribal Council enacted Ordinance No. 70-01, amending Ordinance No. 68-3, to replace the Tribal Liquor Enterprise with the licensing of individuals for off-sale and on-sale of alcoholic beverages on the Pine Ridge Reservation, and

Whereas, Ordinance No. 70-01 did not become effective until its publication in the FEDERAL REGISTER on June 12, 1970, and

Whereas, no valid tribal licenses were issued under either ordinance, and

Whereas, the Oglala Sioux Tribe has received a resolution of the White Clay District reiterating its refusal to have liquor in its district or elsewhere on the reservation, and

Whereas, the Oglala Sioux Tribe has received a resolution of the Wounded Knee District expressing disapproval of liquor and its effects, and requesting the Tribal Council to rescind all ordinances permitting the licensing of liquor sales, and requesting the Treasurer to return all monies paid by persons applying for licenses, and

Whereas, the Oglala Sioux Tribe has received a resolution from the Porcupine District Council dated April 27, 1970, reiterating its opposition to the introduction of sale of liquor in Porcupine District and on the Pine Ridge Reservation, and demanding that the Oglala Sioux Tribal Council rescind all liquor ordinances,

Now, therefore be it ordained,

1. That Ordinance No. 68-3 and as amended by Ordinance No. 70-01 is hereby rescinded.

2. Effective date: This ordinance shall take effect on the date of its publication in the FEDERAL REGISTER.

LOUIS R. BRUCE,
*Commissioner of Indian Affairs.*

[F.R. Doc. 70-11635; Filed, Sept. 2, 1970; 8:47 a.m.]

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### Bureau of Land Management

[A 5480]

### ARIZONA

### Notice of Proposed Classification of Public Lands for Multiple-Use Management

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 described below. Publication of this notice has the effect of segregating the public land described below from appropriation under the agricultural land laws (43 U.S.C. Parts 7 and 9, 25 U.S.C. 334) and from sale under section 2455 of the Revised Statutes (43 U.S.C. 1171). All the described lands shall remain open to all other forms of appropriation, including the mining and mineral leasing laws. As used in this order, the term "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 lands proposed for classification in this notice are shown on maps on file and available for inspection in the Land Office, Bureau of Land Management, Federal Building, 230 North First Avenue, Phoenix, Ariz., and in the Lower Colorado River Office, Bureau of Land Management, 2450 Fourth Avenue, Yuma, Ariz.

3. The lands involved are located in Yuma and Mohave Counties and are described as follows:

GILA AND SALT RIVER MERIDIAN, ARIZONA

T. 19 N., R. 22 W.,
Secs. 12 and 24;
Sec. 34, lots 1 and 2, and E½NE¼.
T. 20 N., R. 21 W.,
Sec. 4, lots 1 to 4, inclusive, and S½;
Secs. 10 and 16;
Sec. 18, lots 1 to 4, inclusive, E½W½, and E½;
Secs. 20, 22, and 28;
Sec. 30, lots 1 to 4, inclusive, E½W½, and E½;
Secs. 32 and 34.
T. 19 N., R. 21 W.,
Sec. 3, lots 1 to 4, inclusive, S½N½, and S½;
Sec. 4, lots 1 to 4, inclusive, S½N½, and S½;
Sec. 5, lots 1 to 4, inclusive, S½N½, and S½;
Sec. 6, lots 1 to 7, inclusive, S½NE¼, and SE¼NW¼, E½SW¼, and SE¼;
Sec. 7, lots 1 to 4, inclusive, E½W½, and E½;
Secs. 8, 9, 10, 15, and 17;
Sec. 18, lots 1 to 4, inclusive, E½W½, and E½;
Sec. 19, lots 1 to 4, inclusive, E½W½, and E½;
Secs. 20, 21, 22, 27, 28, and 29;
Sec. 30, lots 1 to 4, inclusive, E½W½, and E½.
Sec. 31, lots 1 to 4, inclusive, E½W½, and E½;
T. 18 N., R. 21 W.,
Sec. 6, lots 1 to 7, inclusive, S½NE¼, SE¼NW¼, E½SW¼, and SE¼;
Sec. 7, E½;
Sec. 18, E½;
Sec. 19, NE¼, and E½SE¼.
T. 17 N., R. 21 W.,
Secs. 26 and 35.
T. 16 N., R. 21 W.,
Sec. 1, lots 1 to 4, inclusive, S½N½, and S½;
Sec. 3, lots 1 and 2, S½NE¼, and SE¼;
Sec. 10, W½NE¼, and NW¼SE¼;
Secs. 12, 13, 24, and 25;
Sec. 26, N½, and SE¼.
T. 15 N., R. 21 W.,
Sec. 1, N½.
T. 16½ N., R. 20½ W.,
Sec. 22, lots 1 to 5, inclusive, SE¼NE¼, and E½SE¼;

Sec. 23, lots 1 to 4, inclusive, S½N½, and S½;
Sec. 24, lots 1 to 4, inclusive, S½N½, and S½;
Secs. 25 and 26;
Sec. 27, lots 1 to 4, inclusive, and E½E½;
Sec. 34, lots 1 to 4, inclusive, and E½E½;
Sec. 35.

T. 16 N., R. 20½ W.,
Sec. 1, lots 1 to 4, inclusive, S½N½, and S½;
Sec. 3, lots 1 to 5, inclusive, SE¼NE¼, and E½SE¼;
Sec. 10, lots 1 to 4, inclusive, and E½E½;
Sec. 11, N½, N½SW¼, SE¼SW¼, and SE¼;
Secs. 12 and 13;
Sec. 14, NE¼, E½NW¼, and S½;
Sec. 15, lots 1 to 4, inclusive, and E½E½;
Sec. 22, lots 1 to 4, inclusive, and E½E½;
Secs. 23 to 26, inclusive;
Sec. 27, lots 1 to 4, inclusive, and E½E½.

T. 15 N., R. 20 W.,
Sec. 4, lots 1 to 4, inclusive, S½N½, and S½;
Sec. 5, lots 1 to 4, inclusive, S½N½, and S½;
Secs. 8, 9, 16, 20, 21, 28, 29, 32, and 33.

T. 14 N., R. 20 W.,
Sec. 3, lots 1 to 4, inclusive, S½N½, and S½;
Sec. 4, lots 1 to 4, inclusive, S½N½, and S½;
Sec. 5, lots 1 to 4, inclusive, S½N½, and S½;
Secs. 8, 9, and 10;
Sec. 26, N½N½, NW¼SE¼NW¼, N½SW¼NW¼, SW¼SW¼NW¼, N½SE¼SW¼NW¼, and W½SW¼SE¼SW¼NW¼.

T. 14 N., R. 19 W.,
Sec. 32, N½, SW¼, N½SE¼, N½S½SE¼, and SE¼SE¼SE¼.

T. 13 N., R. 19 W.,
Sec. 1, lots 1 to 4, inclusive, S½N½, and S½;
Sec. 2, lots 1 to 4, inclusive, S½N½, and S½;
Sec. 11, N½;
Sec. 12, NE¼, N½NW¼, and SE¼NW¼;
Sec. 20, S½;
Sec. 21, S½;
Secs. 27 and 28;
Sec. 29, E½;
Sec. 32, NE¼;
Sec. 33, N½ and SE¼;
Secs. 34 and 35.

T. 12 N., R. 19 W.,
Sec. 1, lots 1 to 4, inclusive, and S½;
Sec. 2, lots 1 to 4, inclusive, and S½;
Sec. 4, lots 1 and 2;
Sec. 12;
Sec. 13, N½;
Sec. 14, NE¼.

T. 10 N., R. 19 W.,
Sec. 23, less patented M.S. 4406 A;
Sec. 24, less patented M.S. 3710;
Sec. 25, less patented M.S. 3710;
Sec. 26.

T. 9 N., R. 19 W.,
Sec. 1, lots 1 to 4, inclusive, S½N½, and S½;
Sec. 2, lots 1 to 7, inclusive, S½NE¼, SE¼NW¼, E½SW¼, and SE¼;
Sec. 3, lot 7;
Sec. 11, lots 3 to 6, inclusive, E½, and NE¼NW¼;
Secs. 12 and 13;
Sec. 14, lots 5 to 8, inclusive, and E½;
Sec. 22, lot 5;
Sec. 23, lots 2, 3, and 4, E½, E½W½, and SW¼SW¼;
Secs. 24, 25, and 26;
Sec. 27, lots 5 to 8, inclusive, and E½SE¼;
Sec. 34, lots 5 to 8, inclusive, E½NE¼, SW¼NE¼, and SE¼;
Secs. 35 and 36.

T. 13 N., R. 18 W.,
Sec. 6, lots 1 to 7, inclusive, S½NE¼, SE¼NW¼, E½SW¼, and SE¼;
Sec. 7, lots 1 to 4, inclusive, E½W½, and E½;
Sec. 17, lots 1 to 4, inclusive, N½NE¼, W½, and S½SE¼;
Sec. 18, lots 1 to 4, inclusive, E½W½, and E½;
Sec. 19, lots 1 to 4, inclusive, E½W½, and E½;
Secs. 20 and 29;
Sec. 30, lots 1 to 4, inclusive, E½W½, and E½;
Sec. 31, lots 1 to 4, inclusive, E½W½, and E½;
Sec. 33.

T. 12 N., R. 18 W.,
Sec. 4, lots 1 to 4, inclusive, and S½;
Sec. 5, lots 1 to 4, inclusive, and S½;
Sec. 6, lots 1 to 6, inclusive, E½SW¼, and SE¼;
Sec. 7, lots 1 to 4, inclusive, E½W½, and E½;
Secs. 8, 9, 16, and 17;
Sec. 18, lots 1 to 4, inclusive, E½W½, and E½;
Sec. 20, N½ and SE¼;
Sec. 28.

T. 11 N., R. 17 W.,
Sec. 25;
Sec. 26, N½, N½SW¼, SE¼SW¼, and SE¼;
Sec. 36, lot 1, SE¼NE¼, N½SE¼, and SW¼SE¼.

T. 10 N., R. 17 W.,
Sec. 1, lots 1 to 7, inclusive, SW¼NW¼, W½SW¼, SE¼SW¼, S½SE¼, less patented M.S. 4619;
Sec. 2, lots 1 to 5, inclusive, S½N½, N½SW¼, SE¼SW¼, and SE¼;
Sec. 3, lots 1 to 7, inclusive, S½N½, and SW¼;
Sec. 10, lots 1 to 5, inclusive, W½, and SW¼SE¼;
Sec. 11, lots 1 to 4, inclusive, E½, and E½SW¼;
Sec. 12.

T. 11 N., R. 16 W.,
Sec. 25, N½, NW¼SW¼, and NE¼SE¼;
Sec. 26, N½ and N½S½;
Sec. 27, N½N½;
Sec. 29, W½NE¼ and NW¼;
Sec. 31, lots 5 to 9, inclusive, plus unpatentented M.C. in E½SE¼.

T. 10 N., R. 16 W.,
Secs. 1, 3, and 4;
Sec. 5, lot 1, NE¼, E½NW¼, SW¼NW¼, and S½;
Sec. 6, lots 1 to 6, inclusive, less patented M.S. 4619, SE¼NE¼, SE¼SW¼, and SE¼;
Sec. 7, lots 1 to 4, inclusive, E½W½, and E½;
Secs. 8 to 12, inclusive.

T. 11 N., R. 15 W.,
Secs. 28 and 29;
Sec. 30, lots 1 to 4, inclusive, E½W½, and E½;
Sec. 31, lot 4, N½NE¼, N½SE¼NE¼, NE¼NW¼, SE¼SW¼, and S½SE¼;
Secs. 32 and 33.

T. 10 N., R. 15 W.,
Secs. 3 and 4;
Sec. 5, NE¼;
Sec. 6, lots 1 to 4, inclusive, E½W½, and E½;
Sec. 8;
Sec. 9, SE¼;
Sec. 13, lots 1 to 4, inclusive, S½N½, and S½.

T. 10 N., R. 14 W.,
Sec. 1, lots 1 to 7, inclusive, SW¼NE¼, S½NW¼, SW¼, and W½SE¼;
Sec. 2, lots 1 to 4, inclusive, S½N½, and S½;
Sec. 3, lots 1 to 4, inclusive, S½N½, and S½;
Sec. 4, lots 1 to 4, inclusive, S½NE¼, SE¼NW¼, E½SW¼, and SE¼;
Sec. 5, lots 1 to 4, inclusive, SW¼NW¼, and S½SE¼;
Sec. 6, lots 1 to 5, inclusive, S½NE¼, and SE¼NW¼;
Sec. 7, lots 1 to 4, inclusive, E½W½, and E½;
Sec. 8;
Sec. 9, NE¼, E½NW¼, and S½;
Secs. 10 and 11;
Sec. 12, lots 1 to 4, inclusive, W½E½, and W½;
Sec. 13, lots 1 to 4, inclusive, W½E½, and W½;
Sec. 14, N½;
Sec. 15, N½;
Secs. 16 and 17;
Sec. 18, lots 1 to 4, inclusive, E½W½, and E½.

T. 11 N., R. 13 W.,
Sec. 1, lots 1 to 4, inclusive, S½N½, and S½, less patented M.S. 4400;
Sec. 2, lots 1 to 4, inclusive, S½N½, and S½;
Sec. 11, W½NE¼, W½, and SW¼SE¼, less patented M.S. 4400;
Sec. 12, NE¼, and N½NE¼NW¼, less patented M.S. 4400;
Sec. 14, NW¼ and NW¼SW¼;
Secs. 15 and 21;
Sec. 22, NW¼NE¼, N½NW¼, and SW¼NW¼;
Sec. 27, SW¼SW¼;
Sec. 28, W½NE¼, W½, and SE¼;
Sec. 33;
Sec. 34, NW¼NW¼.

T. 10 N., R. 13 W.,
Sec. 1, SE¼SE¼;
Sec. 4, lots 1 to 4, inclusive, S½N½, and W½SW¼;
Sec. 5, lots 1 to 4, inclusive, S½N½, and S½;
Sec. 6, lots 1 to 7, inclusive, S½NE¼, SE¼NW¼, E½SW¼, and SE¼;
Sec. 7, lots 1 to 5, inclusive, NE¼, E½W½, N½SE¼, and SE¼SE¼;
Sec. 8;
Sec. 9, W½NW¼, and S½;
Sec. 11, N½SE¼;
Sec. 12, E½NE¼, and S½;
Secs. 13, 14, and 15;
Sec. 16, E½, N½NW¼, and SW¼NW¼;
Sec. 17, lots 1 to 4, inclusive, E½, NE¼NW¼, and SE¼SW¼;
Sec. 18, lots 1 to 9, inclusive, E½W½, and SW¼SE¼.

T. 11 N., R. 12 W.,
Sec. 1, lots 1 to 4, inclusive, S½N½, and S½;
Sec. 2, lots 1 to 4, inclusive, S½N½, and S½;
Sec. 3, lots 1 to 4, inclusive, S½N½, and S½;
Sec. 4, lot 1, SE¼NE¼, and E½SE¼;
Sec. 5, lots 3 and 4, SW¼NE¼, S½NW¼, SW¼, and W½SE¼;
Sec. 6, lots 1 to 7, inclusive, S½NE¼, SE¼NW¼, E½SW¼, and SE¼;
Sec. 7, lot 1, N½NE¼, and NE¼NW¼;
Sec. 8, N½NW¼;
Sec. 10, N½NE¼ and SE¼NE¼;
Sec. 11, N½;
Sec. 12, N½ and NE¼SE¼;
Sec. 13, S½SE¼;
Sec. 14, SW¼SW¼;
Sec. 21, N½SE¼ and SE¼SE¼;
Sec. 22, NE¼NE¼, NW¼NW¼, S½N½, and S½;
Sec. 23, W½, W½SE¼, and SE¼SE¼;
Sec. 24, E½E½ and NW¼NE¼;
Sec. 27;
Sec. 33, NE¼NE¼, S½NE¼, E½SW¼, and SE¼;
Sec. 34.

T. 11 N., R. 11 W.,
Sec. 5, lots 1 to 4, inclusive, S½N½ and S½;
Sec. 6, lots 1 to 7, inclusive, S½NE¼, SE¼NW¼, E½SW¼, and SE¼;
Sec. 7, lots 1, 2, and 3, NE¼, E½NW¼, NE¼SW¼, and SE¼;
Sec. 8;

Sec. 18, lot 4, SE¼SW¼, and SW¼SE¼;
Sec. 19, lots 1 to 4, inclusive, E½W½, and E½;
Secs. 20 and 29;
Sec. 30, lots 1 and 2, E½, and E½W½;
Sec. 32.
T. 8 S., R. 20 W.,
Secs. 30 and 31, unsurveyed.
Sec. 32, partly unsurveyed.
T. 9 S., R. 20 W.,
Sec. 2, S½;
Sec. 3, lots 3 and 4, S½NW¼, and S½;
Sec. 4, lots 1 to 4, inclusive, S½N½, and S½;
Sec. 5, lots 1 to 4, inclusive, S½N½, and S½;
Sec. 6, lots 1 to 6, inclusive, S½NE¼, and SE¼;
Sec. 7, lots 1 to 4, inclusive, and E½;
Sec. 8, E½ and N½NW¼;
Secs. 9, 10, 15, 16, and 17;
Sec. 18, lots 1 to 4, inclusive, and E½;
Sec. 19, lots 3 and 4, S½NE¼ and SE¼;
Secs. 20, 21, and 22.
T. 8 S., R. 21 W.,
Sec. 3, lots 1 to 4, inclusive;
Sec. 4, lot 1;
Sec. 5, lots 2, 3, and 4, SW¼NE¼, S½NW¼, and SW¼;
Sec. 6, lots 1 to 7, inclusive, S½NE¼, SE¼NW¼, E½SW¼, and SE¼;
Sec. 7, lots 1 and 2, NE¼, E½NW¼, and N½SE¼;
Sec. 8, W½NW¼;
Secs. 10 and 11, unsurveyed;
Sec. 12, S½NE¼, W½, and SE¼, unsurveyed;
Secs. 13, 14, 15, secs. 22 to 26, inclusive, secs. 35 and 36, unsurveyed.

The above-described lands aggregate approximately 156,237.72 acres of public land.

4. For a period of 60 days from 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 State Director, Bureau of Land Management, Federal Building, Phoenix, Ariz. 85025.

5. A public hearing on the proposed classification will be held on Tuesday, September 29, 1970, at 1:30 p.m., in the Yuma City-County Library Auditorium, 350 South Third Avenue, Yuma, Ariz.

JOE T. FALLINI,
*State Director.*

AUGUST 13, 1970.

[F.R. Doc. 70-11668; Filed, Sept. 2, 1970; 8:49 a.m.]

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[R 2821]

## CALIFORNIA

### 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 43 CFR Parts 2410 and 2460, 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), and the lands described in paragraph 4 from appropriation under the mining law (30 U.S.C. ch. 2). 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 Imperial Counties are proposed for classification for multiple-use management.

SAN BERNARDINO MERIDIAN

RIVERSIDE, SAN BERNARDINO AND IMPERIAL COUNTIES

T. 11 N., R. 20 E.,
Sec. 1, lots 7, 8, N½, E½SW¼, and SE¼;
Sec. 12, lots 2, 3, 4, 5, E½, and E½W½;
Sec. 13, lots 1, 2, 3, 4, E½, and E½W½;
Sec. 24, lots 1, 2, 3, E½, E½W½, and SW¼SW¼;
Sec. 25, lots 1, 2, N½, E½SW¼, and SE¼;
Sec. 36, lots 1 to 7, inclusive, NE¼, E½NW¼, NE¼SW¼, and N½SE¼.
T. 12 N., R. 20 E.,
Sec. 13, lot 1;
Sec. 24, lots 1 to 8, inclusive, SW¼NW¼, NE¼SW¼, and SW¼SE¼;
Sec. 25, lots 4 to 8, inclusive, NE¼NE¼, S½NW¼SW¼, and S½SW¼.
T. 9 N., R. 21 E.,
Sec. 1;
Sec. 2, lots 1, 2, 3, 4, S½NE¼, SE¼NW¼, NE¼SW¼, and SE¼;
Sec. 10, N½, N½S½, and portion S½S½ north of U.S. Highway 66;
Sec. 11;
Sec. 12, S½NE¼, NW¼NW¼, and portion of S½ north of U.S. Highway 66;
Sec. 14, portion of N½N½ north of U.S. Highway 66.
T. 10 N., R. 21 E.,
Sec. 2, lots 1, 2, 3, and 4;
Sec. 3, lots 1, 2, 3, and 4;
Secs. 10, 11, 12, 14, 15, 22, 23, and 24;
Sec. 25, E½, S½SW¼;
Secs. 26, 27, 34, and 35.
T. 11 N., R. 21 E.,
Sec. 3, lot 1;
Sec. 4, lots 1 to 11, inclusive, SW¼NW¼, NE¼SW¼, and SW¼SE¼;
Sec. 5, lots 1 to 12, inclusive;
Secs. 6 and 7;
Sec. 8, lots 1, 2, 3, 4, 5, and N½;
Sec. 9, lots 1 to 12, inclusive, and NE¼NE¼, W½NW¼, SE¼NW¼, E½SW¼, W½SE¼, and SE¼SE¼;
Sec. 10, lots 1 to 7, inclusive, S½NW¼, NE¼SW¼, NW¼SE¼, and S½SE¼;
Sec. 14, lots 1 to 8, inclusive, and W½NW¼;
Sec. 15, lots 1 to 8, inclusive, NE¼NE¼, and S½S½;
Sec. 16, lots 1, 2, 3, E½, E½NW¼, NE¼SW¼, S½SW¼, and SE¼;
Sec. 17, lots 8 to 13, inclusive;
Secs. 18 and 19;
Sec. 20, lots 2 to 6, inclusive, and N½;
Sec. 21, lots 8, 9, N½, E½SW¼, and SE¼;
Sec. 23, lots 1 to 10, inclusive, and NE¼NE¼;
Sec. 26, lots 1 to 8, inclusive, NE¼, and E½NW¼;
Sec. 28, lots 2, 3, 4, 5, E½, and E½W½;
Sec. 29, lots 1, 2, 3, and 4;
Secs. 30 and 31;
Sec. 32, lots 1 to 6, inclusive;
Sec. 35, lots 2 to 7, inclusive, and S½S½.
T. 12 N., R. 21 E.,
Sec. 19, lot 1;
Sec. 29, lot 1;
Sec. 30, lots 1 to 11, inclusive, SW¼NW¼, NE¼SW¼, and SW¼SE¼;
Sec. 31;
Sec. 32, lots 1 to 11, inclusive, SW¼NW¼, NE¼SW¼, and SW¼SE¼;
Sec. 33, lot 1.
T. 9 N., R. 22 E.,
Secs. 2, 3, 4, 6, 7, 8, 10, and 11;
Sec. 13, lots 2, 3, 4, 5, SW¼NW¼, and N½SW¼;
Secs. 14, 15, 18, 19, and 20;
Sec. 21, W½SW¼;
Secs. 22 and 23;
Sec. 24, N½SW¼NE¼, W½, and S½SE¼;
Secs. 26 to 35, inclusive.
T. 10 N., R. 22 E.,
Secs. 4, 5, 6, 8, 9, 18, 19, and 20;
Sec. 26, S½;
Secs. 28, 30, 31, 32, 34, and 35.
T. 8 N., R. 23 E.,
Sec. 4, lot 4, SW¼NW¼, SW¼, and SW¼SE¼;
Secs. 6, 7, and 8;
Sec. 15, W½SW¼;
Secs. 18 and 19;
Sec. 20, N½, and SW¼;
Sec. 22, NW¼NW¼, S½NW¼, SW¼, and W½SE¼;
Sec. 26, SW¼NW¼, NW¼SW¼, S½SW¼, and SW¼SE¼;
Secs. 27, 28, 30, 31, 32, 34, and 35.
T. 4 N., R. 24 E.,
Secs. 2 to 15, inclusive;
Sec. 17, W½NE¼, W½, SE¼;
Secs. 18, 22, 23, 24, 25, 26, 27, 34, and 35.
T. 5 N., R. 24 E.,
Secs. 28 to 33, inclusive.
T. 6 N., R. 24 E.,
Sec. 3, lots 3, 4, S½NW¼, and S½;
Secs. 4, 5, 6, 7, 8, and 10;
Sec. 16, SW¼SW¼;
Secs. 18, 19, 20, 22, 27, 28, 30, 31, 32, and 34.
T. 7 N., R. 24 E.,
Sec. 16, N½NW¼;
Secs. 18, 19, 20, 30, 31, and 32.
T. 1 N., R. 25 E.,
Sec. 2, portion NW¼, unsurveyed;
Sec. 3, N½, SW¼, and portion SE¼, unsurveyed;
Sec. 4;
Sec. 5, S½;
Sec. 6, S½;
Secs. 7, 8, and 9;
Sec. 16, NE¼NW¼;
Secs. 17 and 18.
T. 2 N., R. 25 E.,
Secs. 19, 20, 21, 22, and 23;
Sec. 24, NW¼;
Sec. 26, N½, and SW¼;
Secs. 27, 28, 29, and 36, unsurveyed;
Sec. 31, N½, and N½S½, unsurveyed;
Sec. 32, N½;
Sec. 33, N½.
T. 3 N., R. 25 E.,
Secs. 1, 2, 3, 10, 11, 12, 13, 14, 15, unsurveyed.
T. 2 N., R. 26 E.,
Sec. 10, S½;
Sec. 11, S½;
Secs. 12, 13, 14, and 15;
Sec. 18, lots 2 and 3, and E½NW¼;
Sec. 22, lots 3, 4, 5, E½, NW¼NW¼, E½NW¼, and E½SW¼;
Secs. 23 and 24;
Sec. 25, NW¼;
Sec. 26, N½, and SW¼;
Sec. 27, lots 5, 6, 7, 8, E½, and E½NW¼.
T. 3 N., R. 26 E.,
Sec. 5, lots 5, 7, 8, S½N½, S½;
Secs. 6, 7, 8, 9, 15, 17, 18, 19, and 20;
Secs. 22 to 28, inclusive;
Sec. 29, lots 1 to 6, inclusive, E½, E½NW¼, SE¼SW¼;
Sec. 30, lots 5 to 11, inclusive, W½E½, E½W½;
Secs. 31, 32, 33, 34, and 35.

T. 2 N., R. 27 E.,
Secs. 5 and 6;
Sec. 7, N½, and SW¼;
Sec. 8, N½.
T. 3 N., R. 27 E.,
Sec. 30, N½.
T. 9 S., R. 21 E.,
Secs. 5, 6, 7, and 8;
Secs. 17 and 18;
Sec. 19, NE¼, W½SE¼, SE¼SE¼, and SW¼;
Secs. 20 and 21;
Sec. 27;
Secs. 28 to 32, inclusive, partially unsurveyed;
Sec. 33, W½.
T. 10 S., R. 21 E.,
Secs. 4, 5, 6, and 7, NW¼;
Secs. 8, 18, 20, 28, 30, and 32.
T. 10½ S., R. 21 E.,
Secs. 31, 32, and 33.
T. 11 S., R. 21 E.,
Secs. 4, 6, 8, and 18;
Sec. 19, lots 1, 6, NE¼;
Secs. 20, 30, and 32.
T. 12 S., R. 21 E.,
Secs. 4, 6, and 8;
Sec. 17, S½;
Secs. 18, 19, 20, and 30.
T. 16 S., R. 21 E.,
Secs. 1 and 2;
Sec. 3, lots 1 and 2, NE¼, lot 2 and E½ lot 1 NW¼, lots 3 and 6;
Sec. 4, SE¼;
Sec. 5, lots 1 and 2 NE¼, lots 3 to 10, inclusive;
Sec. 10, W½;
Secs. 11, 12, and 13.
T. 13 S., R. 22 E.,
Secs. 18, 19, 29, 30, 31, 32, 33, 34, and 35.
T. 16 S., R. 22 E.,
Secs. 3 to 6, inclusive;
Sec. 7, lots 1 and 2 NW¼, lots 1 and 2 SW¼, E½.
T. 2 S., R. 23 E.,
Secs. 1 to 11, inclusive, unsurveyed;
Sec. 12, that portion west of the Colorado River Indian Reservation;
Sec. 13, that portion west of the Colorado River Indian Reservation;
Secs. 14, 15, and 17 to 23, inclusive, unsurveyed;
Sec. 24, lots 1 and 2, and W½NE¼ and W½, unsurveyed;
Secs. 26 to 34, inclusive, unsurveyed.
T. 3 S., R. 23 E.,
Secs. 3 to 9, inclusive;
Secs. 17 to 22, inclusive and 27 to 34, inclusive.
T. 4 S., R. 23 E.,
Secs. 3 to 9, inclusive, 17 to 22, inclusive, and 27 to 34, inclusive, partially unsurveyed.
T. 5 S., R. 23 E.,
Secs. 2 to 11, inclusive;
Sec. 14, W½;
Secs. 15 to 23, inclusive;
Sec. 27, NE¼SE¼;
Secs. 28, 29, and 30;
Sec. 31, lots 4, 5, 6, 7, NE¼, and N½SE¼;
Sec. 32, N½;
Sec. 33, N½ and SW¼NW¼.
T. 6 S., R. 23 E.,
Sec. 6, lot 1, NW¼NE¼, and NE¼NW¼.
T. 13 S., R. 23 E.,
Secs. 31, 32, 33, 34, and 38.
T. 14 S., R. 23 E.,
Secs. 3 to 10, inclusive;
Secs. 14 and 15;
Secs. 17 to 35, inclusive.
T. 14½ S., R. 23 E.,
Secs. 31 to 36, inclusive.
T. 15 S., R. 23 E.,
Secs. 1 to 12, inclusive;
Secs. 14, 15, 17, 18, 19, 20, 21, and 23.
T. 1 S., R. 24 E.,
Sec. 5, W½;
Sec. 15, lot 7, SE¼NW¼, N½SW¼NW¼, SE¼SW¼NW¼, N½NE¼SW¼, and SE¼NE¼SW¼;
Secs. 19, 30, and 31.
T. 2 S., R. 24 E.,
Sec. 6, all, less patented M.S. 5527.

The lands described above aggregate approximately 268,521 acres.

4. Publication of this notice has the effect of further segregating the following described lands from appropriation under the mining laws (30 U.S.C. Ch. 2), but not the mineral leasing laws.

SAN BERNARDINO MERIDIAN, CALIF.

RIVERSIDE, SAN BERNARDINO, AND IMPERIAL COUNTIES

*Picacho Recreation and Wildlife Area*

T. 13 S., R. 22 E.,
Secs. 18, 19, 29 to 33, inclusive;
Sec. 34, N½;
Sec. 35, N½.

*Whipple Mountain Recreation and Natural Area*

T. 3 N., R. 25 E.,
Sec. 3, W½ and SE¼;
Secs. 10 and 11;
Sec. 12, S½;
Secs. 13, 14, and 15.
T. 3 N., R. 26 E.,
Sec. 17, SW¼;
Secs. 18, 19, and 20;
Sec. 30, W½;
Sec. 31, W½.

*West Well Archaeological Sites*

T. 4 N., R. 24 E.,
Sec. 8, SE¼SE¼, and E½SW¼SE¼;
Sec. 17, E½W½NE¼.

The lands described above aggregate approximately 11,935 acres.

5. 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.

6. A public hearing on the proposed classification will be held on September 29, 1970, at 1:30 p.m. in the City-County Library Auditorium, 350 South Third Avenue, Yuma, Ariz.

J. R. PENNY,
*State Director.*

[F.R. Doc. 70-11667; Filed, Sept. 2, 1970; 8:49 a.m.]

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[BLM 066648]

## MICHIGAN

### Notice of Proposed Withdrawal and Reservation of Land

The Forest Service, U.S. Department of Agriculture, has filed an application, BLM 066648, for the withdrawal of the lands described below for addition to the Manistee National Forest, Michigan:

MICHIGAN MERIDIAN

T. 17 N., R., 12 W.,
Sec. 17, W½SW¼NW¼.
T. 14 N., R. 13 W.,
Sec. 5, S½SE¼NW¼, S½SW¼NE¼.

The area described contains 69.55 acres.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Eastern States Land Office, Bureau of Land Management, Department of the Interior, 7981 Eastern Avenue, Silver Spring, Md. 20910.

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 application 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.

DORIS A. KOIVULA,
*Manager.*

AUGUST 27, 1970.

[F.R. Doc. 70-11634; Filed, Sept. 2, 1970; 8:47 a.m.]

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[Montana 16260]

## MONTANA

### Notice of Proposed Classification of Public Lands for Multiple-Use Management

AUGUST 26, 1970.

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411-18), and to the regulations in 43 CFR Parts 2400 and 2460, 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 the described lands 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. 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 lands proposed for classification are located within the following described areas and are shown on maps on file in the Lewistown District Office, Bureau of Land Management, Lewistown, Mont., and on plats in the Land Office, Bureau of Land Management, Federal Building, Billings, Mont.

PRINCIPAL MERIDIAN MONTANA

FERGUS COUNTY

*Blacktail Creek Paleontological Site*

T. 13 N., R. 22 E.,
Sec. 6, W½SE¼;
Sec. 8, SW¼NW¼.
T. 14 N., R. 22 E.,
Sec. 33, N½SE¼;
Sec. 34, N½SW¼ and SE¼NE¼.

The public lands described above aggregate approximately 320 acres.

3. The public lands in the Blacktail Creek Paleontological Site, described above, are further proposed for designation as a "Class VI—historic and cultural site" 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 2071.

4. For a period of sixty (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, Lewistown, Mont. 59301.

5. If circumstances warrant, a public hearing will be held at a convenient time and place which will be announced.

EDWIN ZAIDLICZ,
*State Director.*

[F.R. Doc. 70-11633; Filed, Sept. 2, 1970; 8:47 a.m.]

[OR 6534]

## OREGON

### Notice of Proposed Classification of Public Land for Transfer Out of Federal Ownership

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411–18) and the regulations in 43 CFR 2450.3, it is proposed to classify the public lands described below for transfer out of Federal ownership. As used herein, "public land" means any land 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 is not otherwise withdrawn or reserved for Federal use or purpose.

2. Publication of this notice has the effect of segregating the described lands from all forms of disposal under the public land laws, including the mining laws except as to the form of disposal for which the lands are classified. However, publication does not alter the applicability of the public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral and vegetative resources, other than the mining laws.

3. It is proposed to classify the following public lands for disposal by exchange under section 8 of the Taylor Grazing Act of June 28, 1934 (48 Stat. 1272), as amended (43 U.S.C., sec. 315g):

WILLAMETTE MERIDIAN

T. 7 S., R. 4 E.,
Sec. 13, NW¼NW¼.
T. 8 S., R. 4 E.,
Sec. 9, S½ excluding the area of Mineral Survey No. 710.

The area described contains about 266.803 acres.

4. In accordance with 43 CFR 2201.1 and 2201.2, no application for an exchange will be accepted until the lands have been classified and the application is accompanied by a statement from the Salem District Manager, Bureau of Land Management, that the proposal appears feasible.

5. 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, 3550 Liberty Road South, Salem, Oreg. 97302.

For the State Director.

EDWARD G. STAUBER,
*Acting District Manager,*
*Salem, Oreg.*

[F.R. Doc. 70-11676; Filed, Sept. 2, 1970; 8:49 a.m.]

# DEPARTMENT OF COMMERCE

## Bureau of International Commerce

[Case 411]

### PIERRE M. STEVENS

### Order Denying Export Privileges

In the matter of Pierre M. Stevens, 32 West 72d Street, New York, N.Y. 10023; respondent.

By charging letter dated May 21, 1970, the above respondent was charged by the Director, Investigations Division, Office of Export Control with violations of the Export Control Act of 1949[1] and regulations thereunder. The charging letter was duly served and the respondent failed to answer, and pursuant to § 388.4(a) of the Export Control Regulations he was held to be in default.

The charging letter alleges in substance that on March 12, 1968, the respondent attempted to export from the United States electronic equipment valued at $13,000 without applying for or obtaining the required validated export license and further by falsely declaring in a Shipper's Export Declaration that the items being exported were personal effects and household goods valued at $750.

On May 28, 1968, an order temporarily denying export privileges was issued against the respondent to be effective until the completion of administrative compliance proceedings (33 F.R. 8356). This order is still in effect.

The case was referred to the Compliance Commissioner and evidence in support of the charges was presented to him. The Compliance Commissioner considered the evidence and has reported the findings of fact and findings that violations occurred, and he recommended that a sanction denying export privileges as hereinafter set forth be imposed.

After considering the record I confirm and adopt the findings of fact of the Compliance Commissioner which are as follows:

*Findings of fact.* 1. The respondent Pierre M. Stevens is a Belgian national and a resident of the city of New York. He has at times engaged in the procurement of commodities in the United States for export.

2. On February 23, 1968, the respondent ordered from the New York branch office of a U.S. manufacturer certain strategic electronic instruments valued at approximately $11,000. At the time the respondent placed the order he was advised that if the instruments ordered were to be exported a validated export license from the Department of Commerce would be required. The respondent paid for the instruments he ordered. The respondent signed a statement certifying that the items purchased would not be exported but would be used in electronic research.

3. On February 27, 1968, the respondent ordered from the New York branch office of a different manufacturer certain strategic electronic instruments valued at approximately $52,000. The respondent was advised that if the instruments ordered were to be exported a validated export license from the Department of Commerce would be required. The respondent paid $8,300 for instruments to be supplied by this firm under the first delivery.

4. On March 12, 1968, the respondent personally took possession of seven instruments—valued at $8,300—from the offices of the second supplier, had them crated and delivered to a forwarding agent for exportation on a vessel sailing from New York to Belgium on March 15, 1968.

5. On March 13, 1968, the respondent personally took possession of four instruments valued at $4,800, from the offices of the first supplier, had them crated and delivered to the said forwarding agent for exportation on the aforesaid vessel.

6. On instructions and information from respondent the freight forwarder prepared a Shipper's Export Declaration

[1] This Act has been succeeded by the Export Administration Act of 1969, Public Law 91–184, approved Dec. 30, 1969. 50 U.S.C. App. sec. 2401–2413. 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".

evidencing intended exportation by respondent of two boxes containing household goods and effects valued at $750. This document was to be used to support the exportation of the instruments referred to in Findings 4 and 5 and was presented to the Collector of Customs for authentication. The commodities were on the pier ready for loading on the vessel for exportation to Belgium.

7. Before the exportation was made the true nature of the commodities to be exported was discovered and also the falsity of the statements in the Shipper's Export Declaration. The respondent was at the pier when the commodities were being loaded and he was arrested.

8. The respondent was indicted on March 25, 1968, by a grand jury in the U.S. District Court for the Southern District of New York on three counts for violations of the Export Control Act and on one count under the False Statements Statute, 18 U.S.C. 1001 and 2. On February 2, 1970, the respondent pleaded guilty to the three counts under the Export Control Act. On March 16, 1970, he was sentenced to 1 year in prison on each of said counts to run consecutively. Execution of prison sentence was suspended and he was placed on probation for 3 years. In addition, respondent was fined $1,000 on each of said counts and the fine totaling $3,000 was paid.

Based on the foregoing I have concluded that respondent violated: (a) §§ 387.3 and 387.4 of the Export Control Regulations in that he attempted to export from the United States to Belgium certain commodities subject to the U.S. Export Control Regulations without having obtained from the Department of Commerce a validated export license that was required to authorize said export; and (b) § 387.5 of said regulations in that he caused false representations to be made to the U.S. Department of Commerce and U.S. Collector of Customs in connection with the preparation and use of an export control document in attempting to effect an export from the United States.

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 sanction that should be imposed is fair and just and designed 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 respondent on May 28, 1968 (33 F.R. 8356), but the terms and restrictions of said temporary order are continued in full force and effect.

II. Except as qualified in paragraph IV hereof, the respondent for the duration of export controls is hereby 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: (a) As a party or as a representative of a party to any validated export license application; (b) in the preparation or filing of any export license application or reexportation authorization, or document to be submitted therewith; (c) in the obtaining or using of any validated or general export license or other export control documents; (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; (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 respondent but also to his representatives, agents, and employees, and also to any person, firm, corporation, or other business organization with which he 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. Five years after the date of this order the respondent may apply to have the effective denial of his export privileges held in abeyance while he remains on probation. Such application as may be filed shall be supported by evidence showing respondent's compliance with the terms of this order and such disclosure of his employment and business associations and transactions as may be necessary to determine his compliance with this order. Such application will be considered on its merits and in the light of conditions and policies existing at that time. The respondent's export privileges may be restored under such terms and conditions as appear to be appropriate.

V. During the time when the respondent is prohibited from engaging in any activity within the scope of Part II hereof, 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, in any manner or capacity, on behalf of or in any association with the respondent, or whereby the respondent 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 (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance or otherwise service or participate in any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States.

Dated: August 27, 1970.

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

[F.R. Doc. 70-11620; Filed, Sept. 2, 1970; 8:46 a.m.]

## Business and Defense Services Administration

## CANISIUS COLLEGE

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

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

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

Docket No. 70-00541-33-46500. Applicant: Canisius College, 2001 Main Street, Buffalo, N.Y. 14208. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter A.B., Sweden.

Intended use of article: Research using the article, concerns the ultrastructural appearance of the gametes, sperms and eggs, of a variety of species including both invertebrates (decapod crustacea and insects) and vertebrates, especially amphibians. Information from this research will be used in courses in Cell Biology, Embryology and Cytogenetics.

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: Examination of the applicant's thin sections under the electron microscope will provide optimal information when such sections are uniform in thickness and have smoothly cut surfaces. Conditions for obtaining high quality sections depend to a large extent on the properties of the specimen being sectioned (e.g., hardness, consistency, toughness etc.), the properties of the embedding media and the geometry of the block. In connection with a prior case (Docket No. 69-00665-33-46500) which relates to the duty-free entry of an identical foreign article, the Department of Health, Education, and Welfare (HEW) advised that "Smooth cuts are obtained when the speed of cutting (among such [other] factors as knife edge condition and angle), is adjusted to the characteristics of the material being sectioned. The range of cutting speeds and a capability for the higher cutting speeds is, therefore, a pertinent characteristic of the ultramicrotome to be used for sectioning materials that experience has shown difficult to section." In connection

with another prior case (Docket No. 70-00077-33-46500) relating to the duty-free entry of an identical foreign article, HEW advised that "ultrathin sectioning of a variety of tissues having a wide range in density, hardness etc." requires a maximum range in cutting speed and, further, that "The production of ultrathin serial sections of specimens that have great variation in physical properties is very difficult."

The foreign article has a cutting speed range of 0.1 to 20 millimeters/second (mm/sec). The most closely comparable domestic instrument is the model MT-2B ultramicrotome manufactured by Ivan Sorvall, Inc. (Sorvall). The Sorvall Model MT-2B ultramicrotome has a cutting speed range of 0.09 to 3.2 mm/sec. We are advised by HEW in its memorandum of June 3, 1970, that a wide range of cutting speeds is pertinent to the applicant's research studies on the fertilization of the egg of the urodeles since (1) such studies require that a long series of uniform sections be obtained without loss of tissue which risks possible loss of the sperm and (2) the specimen is difficult to section, because the egg is large and is embedded in soft media. We, therefore, find that the Model MT-2B ultamicrotome 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.

EDWARD G. SMITH,
*Director, Office of Producer Goods, Business and Defense Services Administration.*

[F.R. Doc. 70-11600; Filed, Sept. 2, 1970; 8:45 a.m.]

## CORNELL UNIVERSITY ET AL.

### Notice of Applications for Duty-Free Entry of Scientific Articles

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

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

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

Docket No. 71-00055-33-46040. Applicant: Cornell University, 18 East Avenue, Ithaca, N.Y. 14850. Article: Electron microscope, Model Elmiskop 101. Manufacturer: Siemens A.G., West Germany. Intended use of article: The article will be used for studies on the structure of special thin graphite platelets to be used for substrates for very high resolution electron microscopy; biomolecular specimens, as molecular dispersions of enzymes, nucleic acids and the interaction of enzymes with nucleic acids; and also to study the resolution and contrast limits set by the various specimen preparative techniques such as negative and positive staining, shadowcasting and freeze etching. Application received by Commissioner of Customs: July 29, 1970.

Docket No. 71-00056-33-46040. Applicant: University of California Medical Center, Third and Parnassus, San Francisco, Calif. 94122. Article: Electron microscope, Model EM 300. Manufacturer: Philips Electronics NVD, The Netherlands. Intended use of article: The article will be used for research on a study of the relationship and interaction between the different tissues during the embryonogenesis; a study of isolated molecules by observing the ultrastructure of isolated macromolecules (proteins and nucleic acids) with relation to their biochemical activities; and for a project concerning the overall and subunit structure of proteins, and examining their interaction with other molecules, for example, nucleic acids (in the formation of chromosomes) or with other proteins (for example, in the formation of membranes). Application received by Commissioner of Customs: July 29, 1970.

Docket No. 71-00057-33-30950. Applicant: Purdue University, Lafayette, Ind. 47907. Article: Freeze-etching specimen preparation apparatus consisting of freeze unit, ultramicrotome, etching unit and coating unit. Manufacturer: Balzers High Vacuum Corp., Liechtenstein. Intended use of article: The article will be used for research on the structure of membraneous and fibrillar structures inside cells and the cell walls or outer layers. The projects involve the direct observation of fracture surfaces in cells and in isolated parts of the cell and also, modification of the original structure by removal or addition of components and study of the consequent modification in fracture pattern. Application received by Commissioner of Customs: July 29, 1970.

Docket No. 71-00058-33-46040. Applicant: Massachusetts General Hospital, Fruit Street, Boston, Mass. 02114. Article: Electron microscope, Model JEM-100B. Manufacturer: Japan Electron Optics Lab., Co., Ltd., Japan. Intended use of article: The article will be used for long on-going studies on the primary, secondary and tertiary organization of structural macromolecules, principally collagen and myosin. Detailed structural analyses of the collagen molecule and its supramolecular aggregation, similar studies on the structure of muscle proteins, and studies of the molecular structure and function of the myosin molecule are projects using the electron microscope as a major tool. Application received by Commissioner of Customs: July 29, 1970.

Docket No. 71-00059-33-46500. Applicant: Temple University Medical School, 3400 North Broad Street, Philadelphia, Pa. 19140. Article: Ultramicrotome, Model "OmU2". Manufacturer: C. Reichert Optische Werke A.G., Austria. Intended use of article: The article will be used to produce ultrathin sections for electron microscopic examination. The primary tissue involved will be the cells of the human malignant melanoma examined directly and at various intervals after tissue culture. Extremely thin sections are required in order to study the melanosome, a cytogenetic structural marker of benign and malignant melanocytes. Application received by Commissioner of Customs: July 29, 1970.

Docket No. 71-00060-33-77040. Applicant: The Salk Institute, Post Office Box 1809, San Diego, Calif. 92112. Article: Mass Spectrometer, Model CH-5. Manufacturer: Varian MAT G.m.b.H., West Germany. Intended use of article: The article will be used for research in population control. Intended applications include structure studies of small peptides, nucleotides and nucleosides and trace organic compounds, particularly those derived from the hypothalmus which regulates the various endocrine systems. Application received by Commissioner of Customs: July 29, 1970.

Docket No. 71-00061-33-46040. Applicant: Southern Illinois University, School of Dental Medicine, Edwardsville, Ill. 62025. Article: Electron microscope, Model EM 300. Manufacturer: Philips Electronics NVD, The Netherlands. Intended use of article: The article will be used for experiments involving the analysis of the subcellular particles isolated by ultracentrifugation from reproductive tissue and salivary glands as well as submicrosomal particles isolated from these specimens; histochemical techniques for the localization of enzyme systems associated with steroid biosynthesis and transformations; and for studies of crystallinity relationships in dental enamel and various dental materials. Application received by Commissioner of Customs: July 30, 1970.

Docket No. 71-00062-00-46050. Applicant: Brown University, 164 Angell Street, Providence, R.I. 02912. Article: Ion/electron image converter for an ion field microscope. Manufacturer: Twentieth Century Electronics, Ltd., United Kingdom. Intended use of article: The article is an accessory for an existing ion field microscope used for studies of atomic structure of compounds, metals and biological compounds. Application received by Commissioner of Customs: July 30, 1970.

Docket No. 71-00063-01-42900. Applicant: Columbia University, Department

of Chemistry, Broadway at 116th Street, New York, N.Y. 10027. Article: Superconducting Magnet. Manufacturer: Oxford Instrument Co., United Kingdom. Intended use of article: The article will be used in experiments on gaseous molecules such as OCS, $SO_2$, $H_2O$ etc. The phenomenon which the molecules exhibit is absorption of microwave energy due to transitions from one molecular rotational energy level to another. In the presence of an external magnetic field the frequencies at which such transitions occur change. This shift of the microwave absorption frequencies and its relation to molecular magnetism are to be studied. Application received by Commissioner of Customs: July 30, 1970.

Docket No. 71-00064-33-46500. Applicant: Veterans Administration Hospital, 4150 Clement Street, San Francisco, Calif. 94121. Article: Ultramicrotome, Model "OmU2". Manufacturer: C. Reichert Optische Werke A.G., Austria. Intended use of article: The article will be used to prepare sections for examination by electron and light microscope as part of research in the area of liver drug, lipid, sterol and steroid metabolism. Another study concerns the steroidogenesis by the adrenal cortex in a variety of animals, including man. Application received by Commissioner of Customs: July 31, 1970.

EDWARD G. SMITH,
*Director, Office of Producer Goods, Business and Defense Services Administration.*

[F.R. Doc. 70-11610; Filed, Sept. 2, 1970; 8:45 a.m.]

## CREIGHTON UNIVERSITY ET AL.

### Notice of Applications for Duty-Free Entry of Scientific Articles

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

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

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

Docket No. 71-00040-33-46500. Applicant: Creighton University School of Medicine, 2500 California Street, Omaha, Nebr. 68131. Article: Ultramicrotome, Model "OmU2". Manufacturer: C. Reichert Optische Werke A.G., Austria. Intended use of article: The article will be used for both thick and thin sectioning of normal and pathological specimens of soft and hard tissue (e.g., bone). The Research program will include cryo-ultramicrotomy for histochemical procedures. Application received by Commissioner of Customs: July 21, 1970.

Docket No. 71-00041-33-46500. Applicant: Northwestern University Medical School, Chicago Wesley Memorial Hospital, 303 East Chicago Avenue, Chicago, Ill. 60611. Article: Ultramicrotome, Model "OmU2". Manufacturer: C. Reichert Optische Werke A.G., Austria. Intended use of article: The article will be used to provide the thinnest possible ultrathin sections for research projects on correlative chemical and electron microscopic investigation of the various storage forms of ion, especially those located within membrane bound particles (hemosiderin); for an investigation of the factors leading to the types of membrane damage that results in pinocytosis-like activity of human erythrocytes; and for correlative light and electron microscopic studies of human tumors obtained by surgical procedures. Application received by Commissioner of Customs: July 22, 1970.

Docket No. 71-00045-33-46500. Applicant: William Beaumont Hospital, 3601 West 13 Mile Road, Royal Oak, Mich. 48072. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter A.B., Sweden. Intended use of article: The article will be used for ultrathin sectioning of several types of tissues in health and disease, and in normalcy and under experimental conditions. The ultrastructure of developing and transplanted thyroid tumors will be examined in an effort to relate the physiologic and biochemical changes to the structure of the cell organelles. The structure of isolated kidney tubules from drug-treated and untreated animals will be compared in order to gain some information on the metabolism and physiological and pharmacological properties of certain drugs. Application received by Commissioner of Customs: July 23, 1970.

Docket No. 71-00048-33-46040. Applicant: Boston University Biology Department, 2 Cummington Street, Boston, Mass. 02215. Article: Electron microscope, Model JEM-100B. Manufacturer: Japan Electron Optics Lab. Co., Ltd., Japan. Intended use of article: The article will be used for research concerning the aging of microcirculation, including changes in endothelial lining cells of small blood vessels, changes in smooth muscle of blood vessel walls and changes in elastic fibers and microfibrils of small blood vessels with age; for studies on blood platelets and thrombocytes related to the clotting and wound healing processes; and for studies on protozoa (Stentor) and demonstration of deoxyribonucleic acid (DNA) in the basal bodies of Stentor cells. Application received by Commissioner of Customs: July 24, 1970.

Docket No. 71-00049-33-46040. Applicant: East Tennessee State University, Johnson City, Tenn. 37601. 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, residency and graduate students in the techniques and applications of electron microscopy. The simplicity of operation is important as a teaching instrument. Application received by Commissioner of Customs: July 24, 1970.

Docket No. 71-00050-33-43400. Applicant: Research Foundation of the State University of New York, 3435 Main Street, Buffalo, N.Y. 14214. Article: Stepping micromanipulator with various stereotaxic frames. Manufacturer: AB Transvertex, Sweden. Intended use of article: The article will be used for recording extremely accurate and carefully controlled movements of microelectrodes in the brains of living, anesthetized animals. Research concerns the nervous system in all the applicant's investigations. Application received by Commissioner of Customs: July 24, 1970.

Docket No. 71-00051-33-46500. Applicant: Temple University School of Medicine, 3400 North Broad Street, Philadelphia, Pa. 19140. Article: Ultramicrotome, Model LKB 8800. Manufacturer: LKB Produkter A.B., Sweden. Intended use of article: The article will be used to produce ultrathin sections for electron microscopic examination. The primary tissue involved will be the cells of human malignant melanoma examined directly and at various intervals after tissue culture. Extremely thin sections are required in order to study the melanosome, a cytogenetic structural marker of benign and malignant melanocytes. Application received by Commissioner of Customs: July 24, 1970.

Docket No. 71-00052-58-46040. Applicant: College of William and Mary, Williamsburg, Va. 23185. Article: Electron microscope, Model EM 9S-2. Manufacturer: Carl Zeiss, Inc., West Germany. Intended use of article: The article will be used for research on the ultrastructure in marine red algae with the basic purpose of using ultrastructure as a criterion for the establishment of phylogenetic relationships among this group of plants. A graduate level course in cell biology of cytology will be offered to students to provide them with some experience in the use of an electron microscope. Application received by Commissioner of Customs: July 27, 1970.

Docket No. 71-00053-91-46040. Applicant: University of Hawaii, 3190 Maile Way, Plant Science Building, 305, Honolulu, Hawaii 96822. Article: Electron microscope, Model HS-8. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article will be used for research on the ultrastructure of tropical plants and their pathogens and on vectors of pathogens and on soil clay particles, largely by graduate students as an integral part of or as an adjunct to their thesis research. Also the electron microscope will be used as a teaching instrument in courses in the departments of the College of Tropical Agriculture and

the plant sciences division of the College of Arts and Sciences, requiring a simple type instrument that is easy to use and understand. Application received by Commissioner of Customs: July 27, 1970.

Docket No. 71-00054-65-46040. Applicant: Case Western Reserve University, 10900 Euclid Avenue, Cleveland, Ohio 44106. Article: Electron microscope, Model HU-650. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article will be used to study the structure of a wide range of materials, both organic (biological, polymeric) and inorganic (metallic, ceramic, glass, rock). The investigations concern the microscopic structure and how this relates to important properties such as the mechanical strength of alloys, ceramics, bone and tooth enamel or the functional characteristics of biological cell tissues. Educational purposes include a graduate course in Electron Microscopy, and undergraduate courses in Characterization of Materials and Advance Experimental Techniques in Materials.

Application received by Commissioner of Customs: July 27, 1970.

EDWARD G. SMITH,
*Director, Office of Producer Goods, Business and Defense Services Administration.*

[F.R. Doc. 70-11601; Filed, Sept. 2, 1970; 8:45 a.m.]

## DOWNSTATE MEDICAL CENTER, STATE UNIVERSITY OF NEW YORK

### 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. 70-00451-33-46500. Applicant: Downstate Medical Center, State University of New York, 450 Clarkson Avenue, Brooklyn, N.Y. 11203. Article: Ultramicrotome, Model LKB Ultrotome III. Manufacturer: LKB Produkter A.B., Sweden.

Intended use of article: The article will be used in a project studying the differentiation of embryonic pancreas in utero and in organ culture and would include light and electron microscopy of development, morphogenesis and differentiation of pancreas and electron microscope autoradiography to demonstrate differentiating processes such as variation of INA, RNA, and protein synthesis. Ultrathin sectioning is required for ultrastructural studies. Educational uses include pathology courses for graduate and medical 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: Examination of the applicant's thin sections under the electron microscope will provide optimal information when such sections are uniform in thickness and have smoothly cut surfaces. Conditions for obtaining high quality sections depend to a large extent on the properties of the specimen being sectioned (e.g., hardness, consistency, toughness etc.), the properties of the embedding media and the geometry of the block. In connection with a prior case (Docket No. 69-00665-33-46500) which relates to the duty-free entry of an identical foreign article, the Department of Health, Education, and Welfare (HEW) advised that "Smooth cuts are obtained when the speed of cutting (among such [other] factors as knife edge condition and angle), is adjusted to the characteristics of the material being sectioned. The range of cutting speeds and a capability for the higher cutting speeds is, therefore, a pertinent characteristic of the ultramicrotome to be used for sectioning materials that experience has shown difficult to section." In connection with another prior case (Docket No. 70-00077-33-46500) relating to the duty-free entry of an identical foreign article, HEW advised that "ultrathin sectioning of a variety of tissues having a wide range in density, hardness etc." requires a maximum range in cutting speed and, further, that "The production of ultrathin serial sections of specimens that have great variation in physical properties is very difficult". The foreign article has a cutting speed range of 0.1 to 20 millimeters/second (mm./sec.). The most closely comparable domestic instrument is the Model MT-2B ultramicrotome manufactured by Ivan Sorvall, Inc. (Sorvall). The Sorvall Model MT-2B ultramicrotome has a cutting speed range of 0.09 to 3.2 mm./sec. We are advised by HEW in its memorandum of May 7, 1970, that cutting speeds in excess of 4 mm./sec. are pertinent to the applicant's studies involving morphogenesis of early embryonic pancreas to mature pancreas as a range of tissue consistency is represented.

We, therefore, find that the Model MT-2B ultramicrotome is not of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used.

The Department of Commerce knows of no other 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.

EDWARD G. SMITH,
*Director, Office of Producer Goods, Business and Defense Services Administration.*

[F.R. Doc. 70-11602; Filed, Sept. 2, 1970; 8:45 a.m.]

## ILLINOIS INSTITUTE OF TECHNOLOGY

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

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

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

Docket No. 70-00381-33-46040. Applicant: Illinois Institute of Technology, Biology Department, 3101 South Dearborn, Chicago, Ill. 60616. Article: Electron microscope, Model Elmiskop 1A. Manufacturer: Siemens A.G., West Germany.

Intended use of article: The article will be used primarily for research by members of the staff of the Biology Department, and also for research and graduate training. Research activities center on cell biology and concern the configuration and association of molecular aggregates of the muscle proteins actin and myosin. Graduate training in research will train predoctoral and postdoctoral students in the methods and techniques used in the above research, with many of them participating in the research itself.

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. (Forgflo). 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 July 27, 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.

EDWARD G. SMITH,
*Director, Office of Producer Goods, Business and Defense Services Administration.*

[F.R. Doc. 70-11603; Filed, Sept. 2, 1970; 8:45 a.m.]

## LENOX HILL HOSPITAL

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

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

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

Docket No. 70-00551-33-46040. Applicant: Lenox Hill Hospital, 100 East 77th 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 in the Department of Pathology for a study of a virus present in oocysts of the avian malarial parasite, *Plasmodium gallinaceum* which infects *Aedes aegypti* mosquitoes. Another project involves the ultrastructural study of various renal glomerular disease taken from patient biopsies. Patient biopsies will be processed according to conventional techniques for ultrastructural tissue preparation.

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. (Forgflo). 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 July 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.

EDWARD G. SMITH,
*Director, Office of Producer Goods, Business and Defense Services Administration.*

[F.R. Doc. 70-11604; Filed, Sept. 2, 1970; 8:45 a.m.]

## LOUISIANA STATE UNIVERSITY

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

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

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

Docket No. 70-00547-33-46500. Applicant: Louisiana State University Medical College, 2542 Tulane Avenue, New Orleans, La. 70112. Article: Ultramicrotome, Model "OmU2". Manufacturer: C. Reichert Optische Werke A.G., Austria.

Intended use of article: The article will be used to cut ultrathin sections of plastic-embedded biological materials. Studies include embryonic chick tissues and a variety of cancer tissues, animal and human. Special attention will be given to the cell surface material. The ultramicrotome will also be used in graduate student research and in several courses.

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: Examination of the applicant's thin sections under the electron microscope will provide optimal information when such sections are uniform in thickness and have smoothly cut surfaces. Conditions for obtaining high quality sections depend to a large extent on the properties of the specimen being sectioned (e.g., hardness, consistency, toughness etc.), the properties of the embedding media and the geometry of the block. In connection with a prior case (Docket No. 69-00665-33-46500) which relates to the duty-free entry of an identical foreign article, the Department of Health, Education, and Welfare (HEW) advised that "Smooth cuts are obtained when the speed of cutting (among such [other] factors as knife edge condition and angle), is adjusted to the characteristics of the material being sectioned. The range of cutting speeds and a capability for the higher cutting speeds is, therefore, a pertinent characteristic of the ultramicrotome to be used for sectioning materials that experience has shown difficult to section." In connection with another prior case (Docket No. 70-00077-33-46500) relating to the duty-free entry of an identical foreign article, HEW advised that "ultrathin sectioning of a variety of tissues having a wide range in density, hardness, etc." requires a maximum range in cutting speed and, further, that "The production of ultrathin serial sections of specimens that have great variation in physical properties is very difficult". The foreign article has a cutting speed range of 0.1 to 20 millimeters/second (mm./sec.). The most closely comparable domestic instrument is the Model MT-2B ultramicrotome manufactured by Ivan Sorvall, Inc. (Sorvall). The Sorvall Model MT-2B ultramicrotome has a cutting speed range of 0.09 to 3.2 mm./sec. We are advised by HEW in its memorandum of June 3, 1970, that the applicant's studies of molecular architecture of cell surface during embryonic development and malignant transformation requires long series of ultrathin sections of soft embryonic chick tissue at stages from egg to advanced embryo involving various consistencies within one specimen as well as a variety of consistencies at different developmental stages. HEW further advises that cutting speeds in excess of 3.2 mm./sec. are pertinent to such studies.

We, therefore, find that the Model MT-2B ultramicrotome is not of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used.

The Department of Commerce knows of no other 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.

EDWARD G. SMITH,
*Director, Office of Producer Goods, Business and Defense Services Administration.*

[F.R. Doc. 70-11605; Filed, Sept. 2, 1970; 8:45 a.m.]

## MEDICAL COLLEGE OF OHIO AT TOLEDO

### 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. 70–00518–33–46500. Applicant: Medical College of Ohio at Toledo, Post Office Box 6190, Toledo, Ohio 43614. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produckter A.B., Sweden.

Intended use of article: The article will be used for sectioning a wide variety of tissues for electron microscopic examination, utilizing many different techniques. Lymphoid tissue (thymus, lymph nodes, spleen, and lymphoid tissue in the walls of the intestinal tract) from normal humans and patients with immune deficiency diseases will be studied to compare "normal" changes which occur with time with deviations from this pattern associated with the disease state.

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: Examination of the applicant's thin sections under the electron microscope will provide optimal information when such sections are uniform in thickness and have smoothly cut surfaces. Conditions for obtaining high quality sections depend to a large extent on the properties of the specimen being sectioned (e.g., hardness, consistency, toughness etc.), the properties of the embedding media and the geometry of the block. In connection with a prior case (Docket No. 69–00665–33–46500) which relates to the duty-free entry of an identical foreign article, the Department of Health, Education, and Welfare (HEW) advised that "Smooth cuts are obtained when the speed of cutting (among such [other] factors as knife edge condition and angle), is adjusted to the characteristics of the material being sectioned. The range of cutting speeds and a capability for the higher cutting speeds is, therefore, a pertinent characteristic of the ultramicrotome to be used for sectioning materials that experience has shown difficult to section." In connection with another prior case (Docket No. 70–00077–33–46500) relating to the duty-free entry of an identical foreign article, HEW advised that "ultrathin sectioning of a variety of tissues having a wide range in density, hardness etc." requires a maximum range in cutting speed and, further, that "The production of ultrathin serial sections of specimens that have great variation in physical properties is very difficult". The foreign article has a cutting speed range of 0.1 to 20 millimeters/second (mm./sec.). The most closely comparable domestic instrument is the Model MT–2B ultramicrotome manufactured by Ivan Sorvall, Inc. (Sorvall). The Sorvall Model MT–2B ultramicrotome has a cutting speed range of 0.09 to 3.2 mm./sec. We are advised by HEW in its memorandum of May 22, 1970, that cutting speeds in excess of 4 mm./sec. are pertinent since the applicant intends to section specimens with a "range in consistency of tissue, that may involve connective tissue and fat".

We, therefore, find that the Model MT–2B ultramicrotome is not of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used.

The Department of Commerce knows of no other 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.

EDWARD G. SMITH,
*Director, Office of Producer Goods, Business and Defense Services Administration.*

[F.R. Doc. 70–11606; Filed, Sept. 2, 1970; 8:45 a.m.]

## MEDICAL UNIVERSITY OF SOUTH CAROLINA

### 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. 70–00507–33–46500. Applicant: Medical University of South Carolina, 80 Barre Street, Charleston, S.C. 29401. Article: Ultramicrotome, LKB 8800A. Manufacturer: LKB Produkter, A.B., Sweden.

Intended use of article: The article will be used to obtain long chains of thin sections of equal thickness from well oriented intestinal mucosa and liver, from humans and animals. This material will be examined with the electron microscope to determine the cellular pathology in various disease and experimental states and to correlate ultrastructural findings with observed clinical and biochemical changes in an effort to better understand pathological processes.

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: Examination of the applicant's thin sections under the electron microscope will provide optimal information when such sections are uniform in thickness and have smoothly cut surfaces. Conditions for obtaining high quality sections depend to a large extent on the properties of the specimen being sectioned (e.g., hardness, consistency, toughness, etc.), the properties of the embedding media and the geometry of the block. In connection with a prior case (Docket No. 69–00665–33–46500) which relates to the duty-free entry of an identical foreign article, the Department of Health, Education, and Welfare (HEW) advised that "Smooth cuts are obtained when the speed of cutting (among such [other] factors as knife edge condition and angle), is adjusted to the characteristics of the material being sectioned. The range of cutting speeds and a capability for the higher cutting speeds is, therefore, a pertinent characteristic of the ultramicrotome to be used for sectioning materials that experience has shown difficult to section." In connection with another prior case (Docket No. 70–00077–33–46500), relating to the duty-free entry of an identical foreign article, HEW advised that "ultrathin sectioning of a variety of tissues having a wide range in density, hardness, etc." requires a maximum range in cutting speed and, further, that "The production of ultrathin serial sections of specimens that have great variation in physical properties is very difficult".

The foreign article has a cutting speed range of 0.1 to 20 millimeters/second (mm./sec.). The most closely comparable domestic instrument is the Model MT–2B ultramicrotome manufactured by Ivan Sorvall, Inc. (Sorvall). The Sorvall Model MT–2B ultramicrotome has a cutting speed range of 0.09 to 3.2 mm./sec. We are advised by HEW in its memorandum of May 22, 1970, that the widest possible range of cutting speeds is pertinent since the applicant intends to obtain a long series of equal thickness thin sections which vary in consistency such as sections of tissue treated in a manner that results in irregular deposition of heavy metal ions and sections through the tissue-embedding media interface.

We, therefore, find that the Model MT–2B ultramicrotome is not of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used.

The Department of Commerce knows of no other 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.

EDWARD G. SMITH,
*Director, Office of Producer Goods, Business and Defense Services Administration.*

[F.R. Doc. 70–11619; Filed, Sept. 2, 1970; 8:46 a.m.]

## MOUNT SINAI HOSPITAL OF CLEVELAND

### 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. 70-00623-33-46500. Applicant: The Mount Sinai Hospital of Cleveland, University Circle, Cleveland, Ohio 44106. Article: Ultramicrotome, Model LKB 8800. Manufacturer: LKB Produkter A.B., Sweden.

Intended use of article: The fine structure of pulmonary cells and their relationships at an alveolar level will be studied. Specific properties of the pulmonary cells to be investigated will be relating to the site of origin, release, and degradation of pulmonary surfactant. Studies at the ultrastructural level are needed to identify the intracellular loci important to the synthesis of lipid and pulmonary surfactant. These studies are to be extended in an attempt to determine the morphological relationships of the alveolar lining layer.

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: Examination of the applicant's thin sections under the electron microscope will provide optimal information when such sections are uniform in thickness and have smoothly cut surfaces. Conditions for obtaining high quality sections depend to a large extent on the properties of the specimen being sectioned (e.g., hardness, consistency, toughness, etc.), the properties of the embedding media and the geometry of the block. In connection with a prior case (Docket No. 69-00665-33-46500) which relates to the duty-free entry of an identical foreign article, the Department of Health, Education, and Welfare (HEW) advised that "Smooth cuts are obtained when the speed of cutting (among such [other] factors as knife edge condition and angle), is adjusted to the characteristics of the material being sectioned. The range of cutting speeds and a capability for the higher cutting speeds is, therefore, a pertinent characteristic of the ultramicrotome to be used for sectioning materials that experience has shown difficult to section." In connection with another prior case (Docket No. 70-00077-33-46500) relating to the duty-free entry of an identical foreign article, HEW advised that "ultrathin sectioning of a variety of tissues having a wide range in density, hardness, etc." requires a maximum range in cutting speed and, further, that "The production of ultrathin serial sections of specimens that have great variation in physical properties is very difficult". The foreign article has a cutting speed range of 0.1 to 20 millimeters/second (mm./sec.). The most closely comparable domestic instrument is the Model MT-2B ultramicrotome manufactured by Ivan Sorvall, Inc. (Sorvall). The Sorvall Model MT-2B ultramicrotome has a cutting speed range of 0.09 to 3.2 mm./sec. We are advised by HEW in its memorandum of June 24, 1970, that cutting speeds in excess of 4 mm./sec. are pertinent to the applicant's research studies on fine structure of pulmonary cells involving subcellular localization of lipid and surfactant synthesis, particularly since water soluble embedding media will be used. HEW cites as a precedent its prior recommendation relating to Docket No. 70-00203-33-46500 which conforms in many particulars to the captioned application.

We, therefore, find that the Model MT-2B ultramicrotome is not of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used.

The Department of Commerce knows of no other 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.

EDWARD G. SMITH,
*Director, Office of Producer Goods, Business and Defense Services Administration.*

[F.R. Doc. 70-11608; Filed, Sept. 2, 1970; 8:45 a.m.]

## NORTHEASTERN ILLINOIS STATE COLLEGE

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

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

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

Docket No. 70-00544-33-46500. Applicant: Northeastern Illinois State College, Bryn Mawr at St. Louis Avenue, Chicago, Ill. 60625. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter A.B., Sweden.

Intended use of article: The article will be used by a number of investigators on variety of tissues and cell organelles (e.g., lysosomal preparation, *Protozoa*, *Drosophila* ovaries, muscle and plant tissues). Studies of *Drosophila* oogenesis require serial sections since three-dimensional reconstructional analysis of cells will be performed. Students will be taught to use the ultramicrotome in a course entitled "An Introduction to Electron Microscopy."

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: Examination of the applicant's thin sections under the electron microscope will provide optimal information when such sections are uniform in thickness and have smoothly cut surfaces. Conditions for obtaining high quality sections depend to a large extent on the properties of the specimen being sectioned (e.g., hardness, consistency, toughness etc.), the properties of the embedding media and the geometry of the block. In connection with a prior case (Docket No. 69-00665-33-46500) which relates to the duty-free entry of an identical foreign article, the Department of Health, Education, and Welfare (HEW) advised that "Smooth cuts are obtained when the speed of cutting (among such [other] factors as knife edge condition and angle), is adjusted to the characteristics of the material being sectioned. The range of cutting speeds and a capability for the higher cutting speeds is, therefore, a pertinent characteristic of the ultramicrotome to be used for sectioning materials that experience has shown difficult to section." In connection with another prior case (Docket No. 70-00077-33-46500) relating to the duty-free entry of an identical foreign article, HEW advised that "ultrathin sectioning of a variety of tissues having a wide range in density, hardness etc." requires a maximum range in cutting speed and, further, that "The production of ultrathin serial sections of specimens that have great variation in physical properties is very difficult". The foreign article has a cutting speed range of 0.1 to 20 millimeters/second (mm./sec.). The most closely comparable domestic instrument is the Model MT-2B ultramicrotome manufactured by Ivan Sorvall, Inc. (Sorvall). The Sorvall Model MT-2B ultramicrotome has a cutting speed range of 0.09 to 3.2 mm./sec. We are advised by HEW in its memorandum of June 3, 1970, that cutting speeds in excess of 4 mm./sec. are pertinent to the applicant's enzyme extraction (lysosomal) studies since a soft embedding medium is required.

We, therefore, find that the Model MT-2B ultramicrotome is not of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used.

The Department of Commerce knows of no other 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.

EDWARD G. SMITH,
*Director, Office of Producer Goods, Business and Defense Services Administration.*

[F.R. Doc. 70-11607; Filed, Sept. 2, 1970; 8:45 a.m.]

## PUERTO RICO NUCLEAR CENTER

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

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

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

Docket No. 70-00578-33-46040. Applicant: Puerto Rico Nuclear Center, Bio-Medical Building, Caparra Heights Station, San Juan, P.R. 00935. Article: Electron microscope, Model HU-11E.

Manufacturer: Hitachi, Ltd., Japan.

Intended use of article: The article will be used for a study of radiation damage to the membranes of the central nervous system and cells, penetration of cells by trypanosoma cruzi, one virulent and the other avirulent; the effect of radiation on the latency of coxsakie virus in wild rats; and for a study of solid state phenomena in crystals.

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. (Forgflo). 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 July 31, 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.

EDWARD G. SMITH,
*Director, Office of Producer Goods, Business and Defense Services Administration.*

[F.R. Doc. 70-11609; Filed, Sept. 2, 1970; 8:45 a.m.]

## UNIVERSITY OF CALIFORNIA

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

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

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

Docket No. 70-00423-33-46500. Applicant: Unviersity of California, Davis, School of Medicine, Davis, Calif. 95616. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter A.B., Sweden.

Intended use of article: The article will be used for sectioning human breast tissue for electron microscopy. A study will be made of the normal human breast at all ages and correlate normal anatomical features at the subgross, light microscopic and electron microscopic level with those found in diseased states. The ultimate goal is to find out what comprises the precursor stages of cancer of the human breast.

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: Examination of the applicant's thin sections under the electron microscope will provide optimal information when such sections are uniform in thickness and have smoothly cut surfaces. Conditions for obtaining high quality sections depend to a large extent on the properties of the specimen being sectioned (e.g., hardness, consistency, toughness etc.), the properties of the embedding media and the geometry of the block. In connection with a prior case (Docket No. 69-00665-33-46500) which relates to the duty-free entry of an identical foreign article, the Department of Health, Education, and Welfare (HEW) advised that "Smooth cuts are obtained when the speed of cutting (among such [other] factors as knife edge condition and angle), is adjusted to the characteristics of the material being sectioned. The range of cutting speeds and a capability for the higher cutting speeds is, therefore, a pertinent characteristic of the ultramicrotome to be used for sectioning materials that experience has shown difficult to section." In connection with another prior case (Docket No. 70-00077-33-46500) relating to the duty-free entry of an identical foreign article, HEW advised that "ultrathin sectioning of a variety of tissues having a wide range in density, hardness, etc." requires a maximum range in cutting speed and, further, that "The production of ultrathin serial sections of specimens that have great variation in physical properties is very difficult". The foreign article has a cutting speed range of 0.1 to 20 millimeters/second (mm./sec.). The most closely comparable domestic instrument is the Model MT-2B Ultramicrotome manufactured by Ivan Sorvall, Inc. (Sorvall). The Sorvall Model MT-2B ultramicrotome has a cutting speed range of 0.09 to 3.2 mm./sec. We are advised by HEW in its memorandum of April 22, 1970, that cutting speeds greater than 4 mm./sec. are pertinent to the applicant's research studies involving breast tissue from which it is difficult to obtain ultrathin sections due to extensive variation in tissue density.

We, therefore, find that the Model MT-2B ultramicrotome is not of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used.

The Department of Commerce knows of no 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.

EDWARD G. SMITH,
*Director, Office of Producer Goods, Business and Defense Services Administration.*

[F.R. Doc. 70-11611; Filed, Sept. 2, 1970; 8:45 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. 70-00564-62-46500. Applicant: University of Illinois, Purchasing Division, 223 Administration Building, Urbana, Ill. 61801. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter A.B., Sweden.

Intended use of article: The article will be used for ultrastructural research on a variety of tissues and embeddings in the research program of the Department of Veterinary Biological Structure, investigations of muscle, bone, intestinal epithelium, and neuroendocrine organs will be 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: Examination of the applicant's thin sections under the electron microscope will provide optimal information when such sections are uniform in thickness and have smoothly cut surfaces. Conditions for obtaining high quality sections depend to a large extent on the properties of the specimen being sectioned (e.g., hardness, consistency, toughness etc.), the properties of the embedding media and the geometry of the block. In connection with a prior case (Docket No. 69-00665-33-46500) which relates to the duty-free entry of an identical foreign article, the Department of Health, Education, and Welfare (HEW) advised that "Smooth cuts are obtained when the speed of cutting (among such [other] factors as knife edge condition and angle), is adjusted to the characteristics of the material being sectioned. The range of cutting speeds and a capability for the higher cutting speeds is, therefore, a pertinent characteristic of the ultramicrotome to be used for sectioning materials that experience has shown difficult to section." In connection with another prior case (Docket No. 70-00077-33-46500) relating to the duty-free entry of an identical foreign article, HEW advised that "ultrathin sectioning of a variety of tissues having a wide range in density, hardness etc." requires a maximum range in cutting speed and, further, that "The production of ultrathin serial sections of specimens that have great variation in physical properties is very difficult". The foreign article has a cutting speed range of 0.1 to 20 millimeters/second (mm./sec.). The most closely comparable domestic instrument is the Model MT-2B ultramicrotome manufactured by Ivan Sorvall, Inc. (Sorvall). The Sorvall Model MT-2B ultramicrotome has a cutting speed range of 0.09 to 3.2 mm./sec. We are advised by HEW in its memorandum of June 18, 1970, that cutting speeds in excess of 4 mm./sec. are pertinent to the applicant's research studies involving the sectioning of a variety of tissue, particularly the soft tissue from neuroendocrine organs, in long series without loss of material as needed for three dimensional reconstructions. HEW cited as a precedent its prior recommendations relating to Docket Nos. 70-00203-33-46500 and 70-00056-33-46500, which conform in many particulars with the captioned application.

We, therefore, find that the Model MT-2B ultramicrotome is not of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used.

The Department of Commerce knows of no other 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.

EDWARD G. SMITH,
*Director, Office of Producer Goods, Business and Defense Services Administration.*

[F.R. Doc. 70-11612; Filed, Sept. 2, 1970; 8:45 a.m.]

## UNIVERSITY OF MAINE

### 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. 70-00486-92-46500. Applicant: University of Maine, Department of Zoology, Orono, Maine 04473. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LBK Produkter A.B., Sweden.

Intended use of article: The article will be used in preparing several different types of samples for electron microscopy. These include invertebrate tissues (coelenterates, echinoderms, and insects) being used in studies of development and genetics; specimens of Euglena being utilized in studies of chloroplast growth and replication; chicken fibroblast cultures infected with avian encephalomyelitis virus; and samples of woody plant tissue in studies of wood anatomy. Graduate students will be trained in ultrastructural technique in a course in problems in zoology.

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: Examination of the applicant's thin sections under the electron microscope will provide optimal information when such sections are uniform in thickness and have smoothly cut surfaces. Conditions for obtaining high quality sections depend to a large extent on the properties of the specimen being sectioned (e.g., hardness, consistency, toughness, etc.), the properties of the embedding media and the geometry of the block. In connection with a prior case (Docket No. 69-00665-33-46500) which relates to the duty-free entry of an identical foreign article, the Department of Health, Education, and Welfare (HEW) advised that "Smooth cuts are obtained when the speed of cutting (among such [other] factors as knife edge condition and angle), is adjusted to the characteristics of the material being sectioned. The range of cutting speeds and a capability for the higher cutting speeds is, therefore, a pertinent characteristic of the ultramicrotome to be used for sectioning materials that experience has shown difficult to section." In connection with another prior case (Docket No. 70-00077-33-46500), relating to the duty-free entry of an identical foreign article, HEW advised that "ultrathin sectioning of a variety of tissues having a wide range in density, hardness, etc." requires a maximum range in cutting speed and, further, that "The production of ultrathin serial sections of specimens that have great variation in physical properties is very difficult". The foreign article has a cutting speed range of 0.1 to 20 millimeters/second (mm./sec.). The most closely comparable domestic instrument is the Model MT-2B ultramicrotome manufactured by Ivan Sorvall, Inc. (Sorvall). The Sorvall Model MT-2B ultramicrotome has a cutting speed range of 0.09 to 3.2 mm./sec. We are advised by HEW in its memorandum of May 22, 1970, that the specimens which the applicant intends to section include very soft materials and, therefore, cutting speeds in excess of 4 mm./sec. are pertinent.

We, therefore, find that the Model MT-2B ultramicrotome is not of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used.

The Department of Commerce knows of no other 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.

EDWARD G. SMITH,
*Director, Office of Producer Goods, Business and Defense Services Administration.*

[F.R. Doc 70-11613; Filed, Sept. 2, 1970; 8:45 a.m.]

## UNIVERSITY OF NEBRASKA

### 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. 70-00510-33-46040. Applicant: University of Nebraska, College of Medicine, 42d and Dewey Avenue, Omaha, Nebr. 68105. Article: Electron microscope, Model EM 300. Manufacturer: Philips Electronics NVD, The Netherlands.

Intended use of article: The principal intended uses of the article will include training of graduate students, research work by staff members and the preparation of teaching materials to understand ultrastructural features of cells and tissues. Research projects concern a study of pathologic changes in the renal glomeruli of Alloxan-diabetic Rhesus monkeys by means of serial (annual) biopsies from the living animal and a study of the

nature of the deoxyribo-nuclease-labile infective units present in crude adenovirus stocks after heat shock.

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. (Forgflo). 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 July 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.

EDWARD G. SMITH,
*Director, Office of Producer Goods, Business and Defense Services Administration.*

[F.R. Doc. 70-11614; Filed, Sept. 2, 1970; 8:45 a.m.]

## UNIVERSITY OF PENNSYLVANIA

### 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. 70-00487-33-46500. Applicant: University of Pennsylvania, School of Medicine, 34th and Spruce Streets, Philadelphia, Pa. 19104. Article: Ultramicrotome, Model LKB 4800A. Manufacturer: LKB Produkter A.B., Sweden.

Intended use of article: The article will be used in a research project on the fine structure of cerebral tissues under normal and pathologic conditions. Brain biopsies from human patients, rodent brains, organotypic tissue cultures of CNS and fibroblast cultures of systemic metabolic disorders will be examined. These specimens are fixed for electron microscopy. The experiments will use various embedding. A course in neuropathology is given in order for students to become familiar with ultrastructural techniques including microscopy.

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: Examination of the applicant's thin sections under the electron microscope will provide optimal information when such sections are uniform in thickness and have smoothly cut surfaces. Conditions for obtaining high quality sections depend to a large extent on the properties of the specimen being sectioned (e.g., hardness, consistency, toughness etc.), the properties of the embedding media and the geometry of the block. In connection with a prior case (Docket No. 69-00665-33-46500) which relates to the duty-free entry of an identical foreign article, the Department of Health, Education, and Welfare (HEW) advised that "Smooth cuts are obtained when the speed of cutting (among such [other] factors as knife edge condition and angle), is adjusted to the characteristics of the material being sectioned. The range of cutting speeds and a capability for the higher cutting speeds is, therefore, a pertinent characteristic of the ultramicrotome to be used for sectioning materials that experience has shown difficult to section." In connection with another prior case (Docket No. 70-00077-33-46500), relating to the duty-free entry of an identical foreign article, HEW advised that "ultrathin sectioning of a variety of tissues having a wide range in density, hardness etc." requires a maximum range in cutting speed and, further, that "The production of ultrathin serial sections of specimens that have great variation in physical properties is very difficult".

The foreign article has a cutting speed range of 0.1 to 20 millimeters/second (mm./sec.). The most closely comparable domestic instrument is the Model MT-2B ultramicrotome manufactured by Ivan Sorvall, Inc. (Sorvall). The Sorvall Model MT-2B ultramicrotome has a cutting speed range of 0.09 to 3.2 mm./sec. We are advised by HEW in its memorandum of May 22, 1970, that the central nervous system tissues to be serially sectioned by the applicant include soft specimens in embeddings of softer than average consistency and, therefore, cutting speeds in excess of 4 mm./sec. are pertinent.

We, therefore, find that the Model MT-2B ultramicrotome is not of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used.

The Department of Commerce knows of no other 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.

EDWARD G. SMITH,
*Director, Officer of Producer Goods, Business and Defense Services Administration.*

[F.R. Doc. 70-11615; Filed, Sept. 2, 1970; 8:45 a.m.]

## UNIVERSITY OF TEXAS

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

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

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

Docket No. 70-00540-33-46500. Applicant: The University of Texas Medical School at San Antonio, 7703 Floyd Curl Drive, San Antonio, Tex. 78229. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter A.B., Sweden.

Intended use of article: The article will be used in projects which include examining the ultrastructure of the fallopian tube and of the uterine artery in various laboratory animals, and eventually in humans. The fallopian tubes of different laboratory animals will be obtained, both treated and untreated, fixed and serial sections of the areas believed to be the point at which the adrenergic nerves are located will be studied. The anatomic changes of the uterine artery will be correlated with changes in the chemical constituents of the wall (RNA, DNA, elastin and collagen) and with changes in the histochemistry.

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: Examination of the applicant's thin sections under the electron microscope will provide optimal information when such sections are uniform in thickness and have smoothly cut surfaces. Conditions for obtaining high quality sections depend to a large extent on the properties of the specimen being sectioned (e.g., hardness, consistency, toughness etc.), the properties of the embedding media and the geometry of the block. In connection with a prior case (Docket No. 69-00665-33-46500) which relates to the duty-free entry of an

identical foreign article, the Department of Health, Education, and Welfare (HEW) advised that "Smooth cuts are obtained when the speed of cutting, (among such [other] factors as knife edge condition and angle), is adjusted to the characteristics of the material being sectioned. The range of cutting speeds and a capability for the higher cutting speeds is, therefore, a pertinent characteristic of the ultramicrotome to be used for sectioning materials that experience has shown difficult to section." In connection with another prior case (Docket No. 70-00077-33-46500) relating to the duty-free entry of an identical foreign article, HEW advised that "ultrathin sectioning of a variety of tissues having a wide range in density, hardness etc." requires a maximum range in cutting speed and, further, that "The production of ultrathin serial sections of specimens that have great variation in physical properties is very difficult". The foreign article has a cutting speed range of 0.1 to 20 millimeters/second (mm./sec.). The most closely comparable domestic instrument is the Model MT-2B ultramicrotome manufactured by Ivan Sorvall, Inc. (Sorvall). The Sorvall Model MT-2B ultramicrotome has a cutting speed range of 0.09 to 3.2 mm./sec. We are advised by HEW in its memorandum of June 3, 1970, that cutting speeds above 3.2 mm./sec. are pertinent to the applicant's research studies on ovaducts which requires a long series of uniform serial sections of tissue embedded in media varying in harness.

We, therefore, find that the Model MT-2B ultramicrotome is not of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used.

The Department of Commerce knows of no other 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.

EDWARD G. SMITH,
*Director, Office of Producer Goods, Business and Defense Services Administration.*

[F.R. Doc. 70-11616; Filed, Sept. 2, 1970; 8:45 a.m.]

## UNIVERSITY OF WISCONSIN

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

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

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

Docket No. 70-00519-33-46500. Applicant: University of Wisconsin, 750 University Avenue, Madison, Wis. 53706. Article: Ultramicrotome Model LKB 8800A. Manufacturer: LKB Produkter A.B., Sweden.

Intended use of article: The article will be used for cutting ultrathin sections of lung, heart, liver, brain, muscles, kidney, adrenal, and homogenates of tissue. Other projects include studies on hypoxia and mitochondria; and studies at high altitude and the effect of anesthesia.

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: Examination of the applicant's thin sections under the electron microscope will provide optimal information when such sections are uniform in thickness and have smoothly cut surfaces. Conditions for obtaining high quality sections depend to a large extent on the properties of the specimen being sectioned (e.g., hardness, consistency, toughness, etc.), the properties of the embedding media and the geometry of the block. In connection with a prior case (Docket No. 69-00665-33-46500) which relates to the duty-free entry of an identical foreign article, the Department of Health, Education, and Welfare (HEW) advised that "Smooth cuts are obtained when the speed of cutting (among such [other] factors as knife edge condition and angle), is adjusted to the characteristics of the material being sectioned. The range of cutting speeds and a capability for the higher cutting speeds is, therefore, a pertinent characteristic of the ultramicrotome to be used for sectioning materials that experience has shown difficult to section." In connection with another prior case (Docket No. 70-00077-33-46500) relating to the duty-free entry of an identical foreign article, HEW advised that "ultrathin sectioning of a variety of tissues having a wide range in density, hardness, etc." requires a maximum range in cutting speed and, further, that "The production of ultrathin serial sections of specimens that have great variation in physical properties is very difficult". The foreign article has a cutting speed range of 0.1 to 20 millimeters/second (mm./sec.). The most closely comparable domestic instrument is the Model MT-2B ultramicrotome manufactured by Ivan Sorvall, Inc. (Sorvall). The Sorvall Model MT-2B ultramicrotome has a cutting speed range of 0.09 to 3.2 mm./sec. We are advised by HEW in its memorandum of June 3, 1970, that cutting speeds in excess of 4 mm./sec. are pertinent to the applicant's research studies involving the ultrathin serial sectioning of soft tissues such as lung.

We, therefore, find that the Model MT-2B ultramicrotome is not of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used.

The Department of Commerce knows of no other 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.

EDWARD G. SMITH,
*Director, Office of Producer Goods, Business and Defense Services Administration.*

[F.R. Doc. 70-11617; Filed, Sept. 2, 1970; 8:45 a.m.]

## VETERANS ADMINISTRATION HOSPITAL, OTEEN, N.C.

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

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

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

Docket No. 70-00589-33-46500. Applicant: Veterans Administration Hospital, Oteen, N.C. 28805. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter A.B., Sweden.

Intended use of article: The article will be used to produce sections of human and animal tissue obtained from various organs for research concerning ultrastructural characteristics of human lung diseases and for experimental studies on the ultrastructural of lung tissue of laboratory animals for the purpose of elucidating the etiology and pathogenesis of human lung diseases.

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: Examination of the applicant's thin sections under the electron microscope will provide optimal information when such sections are uniform in thickness and have smoothly cut surfaces. Conditions for obtaining high quality sections depend to a large extent on the properties of the specimen being sectioned (e.g., hardness, consistency, toughness etc.), the properties of the embedding media and the geometry of the block. In connection with a prior case (Docket No. 69-00665-33-46500) which relates to the duty-free entry of an identical foreign article, the Department of Health, Education, and Welfare (HEW) advised that "Smooth cuts are obtained when the speed of cutting, (among such [other] factors as knife edge condition and angle), is adjusted to the characteristics of the material being sectioned. The range of cutting speeds and a capability for the higher cutting

speeds is, therefore, a pertinent characteristic of the ultramicrotome to be used for sectioning materials that experience has shown difficult to section." In connection with another prior case (Docket No. 70-00077-33-46500) relating to the duty-free entry of an identical foreign article, HEW advised that "ultrathin sectioning of a variety of tissues having a wide range in density, hardness etc." requires a maximum range in cutting speed and, further, that "The production of ultrathin serial sections of specimens that have great variation in physical properties is very difficult". The foreign article has a cutting speed range of 0.1 to 20 millimeters/second (mm./sec.). The most closely comparable domestic instrument is the Model MT-2B ultramicrotome manufactured by Ivan Sorvall, Inc. (Sorvall). The Sorvall Model MT-2B ultramicrotome has a cutting speed range of 0.09 to 3.2 mm./sec. We are advised by HEW in its memorandum of June 24, 1970, that cutting speeds in excess of 4 mm./sec. are pertinent to the applicant's research studies involving the sectioning of lung tissue in long unbroken series of uniform thickness sections with minimum loss of material in nonuniform or defective sections. HEW cited as a precedent its prior recommendation relating to Docket No. 70-00203-33-46500 which conforms in many particulars with the captioned application.

We, therefore, find that the Model MT-2B ultramicrotome is not of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used.

The Department of Commerce knows of no other 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.

EDWARD G. SMITH,
*Director, Office of Producer Goods, Business and Defense Services Administration.*

[F.R. Doc. 70-11618; Filed, Sept. 2, 1970; 8:45 a.m.]

# DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

## Food and Drug Administration

[DESI 8048]

## LIDOCAINE OINTMENT

### Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following drugs:

1. Xylocaine Ointment (OTC); containing 2.5 percent lidocaine, and

2. Xylocaine Ointment (Rx); containing 5 percent lidocaine; both marketed by Astra Pharmaceutical Products, Inc., 7 Neponset Street, Worcester, Mass. 01606 (NDA 8-048).

The drugs are regarded as new drugs (21 U.S.C. 321(p)). The effectiveness classification and marketing status are described below.

I. LIDOCAINE OINTMENT 2.5 PERCENT (OTC)

A. *Effectiveness classification.* The Food and Drug Administration has considered the Academy report, as well as other available evidence, and concludes that lidocaine ointment 2.5 percent, an over-the-counter article, is possibly effective for the conditions for which it is recommended to the laymen, i.e., for the temporary relief of pain, burning, and itching due to minor burns, sunburn, nonpoisonous insect bites, minor skin irritations, and hemorrhoids.

B. *Marketing status.* Holders of previously approved new-drug applications and any person marketing any such drug without approval will be allowed 6 months from the date of publication of this announcement in the FEDERAL REGISTER to obtain and to submit in a supplemental or original new-drug application data to provide substantial evidence of effectiveness for those indications for which this drug has been classified as possibly effective. To be acceptable for consideration in support of the effectiveness of a drug, any such data must be previously unsubmitted, well-organized, and include data from adequate and well-controlled clinical investigations (identified for ready review) as described in § 130.12(a)(5) of the regulations published as a final order in the FEDERAL REGISTER of May 8, 1970 (35 F.R. 7250). Carefully conducted and documented clinical studies obtained under uncontrolled or partially controlled situations are not acceptable as a sole basis for the approval of claims of effectiveness, but such studies may be considered on their merits for corroborative support of efficacy and evidence of safety.

2. At the end of the 6-month period, any such data will be evaluated to determine whether there is substantial evidence of effectiveness for such uses. After that evaluation, the conclusions concerning this drug will be published in the FEDERAL REGISTER. If no studies have been undertaken or if the studies do not provide substantial evidence of effectiveness, procedures will be initiated to withdraw approval of the new-drug applications for such drugs, pursuant to section 505(e) of the Federal Food, Drug, and Cosmetic Act. Withdrawal of approval of the applications will cause any such drugs on the market to be new drugs for which an approval is not in effect.

II. LIDOCAINE OINTMENT 5 PERCENT (RX)

The Food and Drug Administration is prepared to approve new-drug applications and supplements to previously approved new-drug applications for this drug under conditions described below. Supplemental new-drug applications are required to revise the labeling in and to update previously approved applications providing for such drug. A new-drug application is required from any person marketing such drug without approval.

A. *Effectiveness classification.* The Food and Drug Administration has considered the Academy report, as well as other available evidence, and concludes that:

1. Lidocaine ointment 5 percent is effective for the indications described in the labeling conditions in paragraph II.C.

2. This drug is possibly effective for the control of itching, burning, and other unpleasant symptoms due to abrasions, herpes zoster, eczema, and similar conditions; hemorrhoids; fissures; postoperative anorectal conditions; nipple soreness; and for anesthesia of unbroken skin.

B. *Form of drug.* Lidocaine preparations are in ointment form suitable for topical administration.

C. *Labeling conditions.* 1. The label bears the statement "Caution: Federal law prohibits dispensing without prescription."

2. The drug is labeled to comply with all requirements of the act and regulations. Its labeling bears adequate directions for safe and effective use of the drug and is in accord with the guidelines for uniform labeling published in the FEDERAL REGISTER of February 6, 1970. The "Indications" section is as follows:

INDICATIONS

Lidocaine ointment is indicated for production of anesthesia of accessible mucous membranes of the oro-pharynx.

D. *Indications permitted during extended period for obtaining substantial evidence.* Those indications for which the drug is described in paragraph A above as possibly effective (not included in the labeling conditions in paragraph C) may continue to be used for 6 months following the date of this publication to allow additional time within which holders of previously approved applications or persons marketing the drug without approval may obtain and submit to the Food and Drug Administration data to provide substantial evidence of effectiveness.

E. *Marketing status.* Marketing of the drug may continue under the conditions described in paragraphs F and G of this announcement except that those indications referenced in paragraph D may continue to be used as described therein.

F. *Previously approved applications.* 1. Each holder of a "deemed approved" new-drug application (i.e., an application which became effective on the basis of safety prior to Oct. 10, 1962) for such drug is requested to seek approval of the claims of effectiveness and bring the application into conformance by submitting supplements containing:

a. Revised labeling as needed to conform to the labeling conditions described herein for the drug and complete current container labeling, unless recently submitted.

b. Updating information as needed to make the application current in regard to items 6 (components), 7 (composition), and 8 (methods, facilities, and controls) of the new-drug application

form FD–356H to the extent described for abbreviated new-drug applications, § 130.4(f), published in the FEDERAL REGISTER, April 24, 1970 (35 F.R. 6574). (One supplement may contain all the information described in this paragraph.)

2. Such supplements should be submitted within the following periods after the date of publication of this notice in the FEDERAL REGISTER:

a. 60 days for revised labeling—the supplement should be submitted under the provisions of § 130.9 (d) and (e) of the new-drug regulations (21 CFR 130.9) which permit certain changes to be put into effect at the earliest possible time.

b. 60 days for updating information.

3. Marketing of the drug may continue until the supplemental applications submitted in accord with the preceding subparagraphs 1 and 2 are acted upon: *Provided*, That within 60 days after the date of this publication, the labeling of the preparation shipped within the jurisdiction of the act is in accord with the labeling conditions described in this announcement. (It may continue to include the indications referenced in paragraph D for the period stated.)

G. *New applications.* 1. Any other person who distributes or intends to distribute such drug which is intended for the conditions of use for which it has been shown to be effective, as described under A above, should submit an abbreviated new-drug application meeting the conditions specified in § 130.4(f) (1) and (2) published in the FEDERAL REGISTER of April 24, 1970 (35 F.R. 6574). Such applications should include proposed labeling which is in accord with the labeling conditions described herein.

2. Distribution of any such preparation currently on the market without an approved new-drug application may be continued provided that:

a. Within 60 days from the date of publication of this announcement in the FEDERAL REGISTER, the labeling of such preparation shipped within the jurisdiction of the act is in accord with the labeling conditions described herein. (It may continue to include the indications referenced in paragraph D for the period stated.)

b. The manufacturer, packer, or distributor of such drug submits, within 60 days from the date of this publication, a new-drug application to the Food and Drug Administration.

c. The applicant submits within a reasonable time additional information that may be required for the approval of the application as specified in a written communication from the Food and Drug Administration.

d. The application has not been ruled incomplete or unapprovable.

H. *Unapproved use or form of drug.* 1. If the article is labeled or advertised for use in any condition other than those provided for in this announcement, it may be regarded as an unapproved new drug subject to regulatory proceedings until such recommended use is approved in a new-drug application or is otherwise in accord with this announcement.

2. If the article is proposed for marketing in another form or for a use other than the use provided for in this announcement, appropriate additional information as described in § 130.4 or § 130.9 (21 CFR 130.4, 130.9) may be required, including results of animal and clinical tests intended to show whether the drug is safe and effective.

A copy of the NAS–NRC report has been furnished to the firm referred to above. Any other interested person may obtain a copy by request to the appropriate office named below.

Communications forwarded in response to this announcement should be identified with the reference number DESI 8048 and be directed to the attention of the following appropriate office and addressed (unless otherwise specified) to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852:

Supplements (identify with NDA number): Office of Marketed Drugs (BD–200), Bureau of Drugs.

Original abbreviated new-drug applications (identify as such): Office of Marketed Drugs (BD–200), Bureau of Drugs.

All other communications regarding this announcement: Special Assistant for Drug Efficacy Study Implementation (BD–201), Bureau of Drugs.

Requests for NAS–NRC report: Press Relations Staff (CE–200), Food and Drug Administration, 200 C Street SW., Washington, D.C. 20204.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050–53, as amended; 21 U.S.C. 352, 355) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: August 19, 1970.

SAM D. FINE,
*Associate Commissioner for Compliance.*

[F.R. Doc. 70–11631; Filed, Sept. 2, 1970; 8:46 a.m.]

## Social Security Administration

## UNION OF SOVIET SOCIALIST REPUBLICS

### Notice of Finding Regarding Foreign Social Insurance or Pension System

Section 202(t)(1) of the Social Security Act (42 U.S.C. 402(t)(1)) prohibits payment of monthly benefits to aliens, subject to the exceptions described in sections 202(t)(2) through 202(t)(5) of the Social Security Act (42 U.S.C. 402(t)(2) through 402(t)(5)), for any month after they have been outside the United States for 6 consecutive calendar months.

Section 202(t)(2) of the Social Security Act (42 U.S.C. 402(t)(2)) provides that section 202(t)(1) shall not apply to any individual who is a citizen of a foreign country which the Secretary of Health, Education, and Welfare finds has in effect a social insurance or pension system which is of general application in such country and under which (A) periodic benefits, or the actuarial equivalent thereof, are paid on account of old age, retirement, or death, and (B) individuals who are citizens of the United States but not citizens of such foreign country and who qualify for such benefits are permitted to receive such benefits or the actuarial equivalent thereof while outside such foreign country without regard to the duration of the absence.

Pursuant to authority duly vested in the Commissioner of Social Security by the Secretary of Health, Education, and Welfare, and redelegated to him, the Director of the Bureau of Retirement and Survivors Insurance has approved a finding that the Union of Soviet Socialist Republics has a social insurance system of general application in effect which pays periodic benefits on account of old age, retirement, or death, but that under its social insurance system citizens of the United States, not citizens of the Union of Soviet Socialist Republics, who leave the Union of Soviet Socialist Republics, are not permitted to receive such benefits or their actuarial equivalent at the full rate without qualification or restriction while outside that country.

Accordingly, it is hereby determined and found that the Union of Soviet Socialist Republics has in effect a social insurance system which is of general application in that country and which meets the requirements of section 202(t)(2)(A) of the Social Security Act (42 U.S.C. 402(t)(2)(A)), but not the requirements of section 202(t)(2)(B) of the Act (42 U.S.C. 402(t)(2)(B)).

Subparagraphs (A) and (B) of section 202(t)(4) of the Social Security Act (42 U.S.C. 402(t)(4) (A) and (B)) provide that section 202(t)(1) shall not be applicable to benefits payable on the earnings record of an individual who has 40 quarters of coverage under social security or who has resided in the United States for a period or periods aggregating 10 years or more. However, the provisions of subparagraphs (A) and (B) of section 202(t)(4) shall not apply to an individual who is a citizen of a foreign country that has in effect a social insurance or pension system which is of general application in such country and which satisfies the provisions of subparagraph (A) of section 202(t)(2) but not the provisions of subparagraph (B) of section 202(t)(2).

By virtue of the finding herein, the provisions of subparagraphs (A) and (B) of section 202(t)(4) do not apply to citizens of the Union of Soviet Socialist Republics.

Dated: August 21, 1970.

HUGH F. MCKENNA,
*Director, Bureau of Retirement and Survivors Insurance.*

[F.R. Doc. 70–11656; Filed, Sept. 2, 1970; 8:48 a.m.]

# ATOMIC ENERGY COMMISSION

[Docket No. 50-255]

## CONSUMERS POWER CO.

### Order Extending Provisional Construction Permit Completion Date

By application dated August 24, 1970, as supplemented by letter dated August 26, 1970, Consumers Power Co. requested an extension of the latest completion date specified in Provisional Construction Permit No. CPPR-25. The permit authorizes Consumers Power Co. to construct a pressurized water nuclear reactor, designated as the Palisades Plant, on the applicant's site in Covert Township, Van Buren County, Mich.

Good cause having been shown for this extension pursuant to section 185 of the Atomic Energy Act of 1954, as amended, and § 50.55(b) of 10 CFR Part 50 of the Commission's regulations: *It is hereby ordered*, That the latest completion date specified in Provisional Construction Permit No. CPPR-25 is extended from September 1, 1970 to December 31, 1970.

Dated at Bethesda, Md., this 28th day of August 1970.

For the Atomic Energy Commission.

PETER A. MORRIS,
*Director,*
*Division of Reactor Licensing.*

[F.R. Doc. 70-11598; Filed, Sept. 2, 1970; 8:45 a.m.]

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[Docket No. 50-227]

## GULF GENERAL ATOMIC, INC.

### Notice of Issuance of Amendment to Construction Permit

The Atomic Energy Commission has issued, effective as of the date of issuance, Amendment No. 1 to Construction Permit No. CPRR-109 dated June 5, 1970. The permit authorized the construction of a TRIGA Mark III pulsing research reactor facility at the licensee's laboratory site at Torrey Pines Mesa near San Diego, Calif. The amendment authorizes the insertion of six fuel follower control rods into the reactor for preoperational testing purposes.

By letter dated August 13, 1970, Gulf General Atomic, Inc., requested authorization to install and test six fuel follower control rods prior to the Division of Compliance's final inspection as to the completion of construction. Possession of this fuel by Gulf General Atomic is authorized under License No. R-100. The amount of uranium-235 in the rods (about 360 grams) is less than 30 percent of the amount required for criticality. The fuel followers had been previously irradiated and some fission products are present therein. The reactor pool will contain sufficient water so that the fuel followers will be under water during testing. Also, all radiation monitoring, alarm and protection systems will be in operation. The operating organization has previously been determined to be technically competent and has handled fuel many times during the 5 years of operation of this facility. Approved procedures for the preoperational testing will be utilized and all relevant parts of the technical specifications of operating License R-100 will be followed. Therefore, this preoperational testing will pose no significant hazard to the public.

The Commission has found that the application for the amendment complies with the requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations published in 10 CFR Chapter I. The Commission has made the findings required by the Act and the Commission's regulations which are set forth in the amendment, and has concluded that the issuance of the amendment will not be inimical to the common defense and security or to the health and safety of the public.

Within fifteen (15) days from the date of publication of the notice in the FEDERAL REGISTER, the applicant may file a request for a hearing and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the Commission's rules of practice in 10 CFR Part 2. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this amendment, see (1) the licensee's application for license amendment dated August 13, 1970, and (2) the amendment to the construction permit, which are available for public inspection at the Commission's Public Document Room at 1717 H Street NW., Washington, D.C. Copies of Item 2 may be obtained upon request sent to the Atomic Energy Commisson, Washington, D.C. 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 24th day of August 1970.

For the Atomic Energy Commission.

DONALD J. SKOVHOLT,
*Assistant Director, for Reactor Operations, Division of Reactor Licensing.*

[F.R. Doc. 70-11599; Filed, Sept. 2, 1970; 8:45 a.m.]

# CIVIL AERONAUTICS BOARD

[Dockets Nos. 20244, 20336]

## ALOHA AIRLINES, INC., AND HAWAIIAN AIRLINES, INC.

### Notice of Oral Argument Regarding Subsidy Mail Rates

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled proceeding is assigned to be heard on September 16, 1970, at 10 a.m., e.d.s.t., in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the Board.

Dated at Washington, D.C., August 31, 1970.

[SEAL] THOMAS L. WRENN,
*Chief Examiner.*

[F.R. Doc. 70-11670; Filed, Sept. 2, 1970; 8:49 a.m.]

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[Docket No. 22461; Order 70-8-100]

## GOLDEN EAGLE AVIATION, INC.

### Order To Show Cause

Issued under delegated authority August 25, 1970.

The Postmaster General filed a notice of intent August 10, 1970, pursuant to 14 CFR Part 298, petitioning the Board to establish for the above captioned air taxi operator, a final service mail rate of 49.55 cents per great circle aircraft mile for the transportation of mail by aircraft between Poplar Bluff, Mo., and Jonesboro, Ark., via Cape Girardeau and St. Louis, Mo., and Little Rock and West Memphis, Ark., based on five round trips per week.

No protest or objection was filed against the proposed services during the time for filing such objections. The Postmaster General states that the Department and the carrier agree that the above rate is a fair and reasonable rate of compensation for the proposed services. The Postmaster General believes these services will meet postal needs in the market. He states the air taxi plans to initiate mail service with Beechcraft D-18 aircraft.

It is in the public interest to fix, determine, and establish the fair and reasonable rate of compensation to be paid by the Postmaster General for the proposed transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between the aforesaid points. Upon consideration of the notice of intent and other matters officially noticed, it is proposed to issue an order[1] to include the following findings and conclusions:

The fair and reasonable final service mail rate to be paid to Golden Eagle Aviation, Inc., in its entirety by the Postmaster General pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, shall be 49.55 cents per great circle aircraft mile between Poplar Bluff, Mo. and Jonesboro, Ark., via Cape Girardeau and St. Louis, Mo., and Little Rock and West Memphis, Ark., based on five round trips per week.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR Part

[1] This order to show cause is not a final action and is not regarded as subject to the review provisions of 14 CFR Part 385. These provisions will be applicable to final action taken by the staff under authority delegated in § 385.16(g).

302, 14 CFR Part 298, and 14 CFR 385.16(f):

*It is ordered*, That:

1. Golden Eagle Aviation, Inc., the Postmaster General, American Airlines, Inc., Braniff Airways, Inc., Delta Air Lines, Inc., Frontier Airlines, Inc., Ozark Air Lines, Inc., Texas International Airlines, Inc., and all other interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rate specified above for the transportation of mail by aircraft, the facilities used and useful therefore, and the services connected therewith as specified above as the fair and reasonable rate of compensation to be paid to Golden Eagle Aviation, Inc.;

2. Further procedures herein shall be in accordance with 14 CFR Part 302, and notice of any objection to the rate or to the other findings and conclusions proposed herein, shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after service of this order;

3. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final rate specified herein;

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307); and

5. This order shall be served upon Golden Eagle Aviation, Inc., the Postmaster General, American Airlines, Inc., Braniff Airways, Inc., Delta Air Lines, Inc., Frontier Airlines, Inc., Ozark Air Lines, Inc., and Texas International Airlines, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
*Secretary.*

[F.R. Doc. 70-11674; Filed, Sept. 2, 1970; 8:49 a.m.]

[Docket No. 21819]

## NORTHWEST-NORTHEAST MERGER CASE

### Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument on the above-entitled proceeding is assigned to be heard before the Board on September 23, 1970, at 10 a.m., e.d.s.t., in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C.

Dated at Washington, D.C., August 31, 1970.

[SEAL] THOMAS L. WRENN,
*Chief Examiner.*

[F.R. Doc. 70-11671; Filed Sept. 2, 1970; 8:49 a.m.]

[Docket No. 21774; Order 70-8-120]

## SATURN AIRWAYS, INC.

### Order Regarding Application for Exemption

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 31st day of August 1970.

On August 14, 1970, the U.S. Court of Appeals for the District of Columbia Circuit filed its decision in Conroy Aircraft Corporation v. Civil Aeronautics Board, No. 24,185, reversing Board Order 70-2-126, which granted Saturn Airways, Inc. (Saturn) an exemption to transport outsize cargo between Ireland and California pursuant to a charter agreement between Saturn and Lockheed Aircraft Corp. (Lockheed).[1]

The Court of Appeals concluded that under the circumstances of this case the Board "must examine antitrust factors and explicate its reasons for its ruling so that this Court may review the basis for the determination." It accordingly remanded the case to the Board for a redetermination of the exemption granted to Saturn. The Court further noted that it did not mean to suggest that the antitrust factors in the present case are "compelling or controlling," and left to the discretion of the Board the decision of whether a hearing is necessary to its determination.

The Board will vacate its Order 70-2-126, thus providing a clean slate for "a redetermination of the waiver granted to Saturn," as the Court directed.

However, we note that Saturn has already instituted service pursuant to the contract and in reliance on the Board's grant of exemption authority, and that Lockheed's manufacture of L-1011 aircraft is dependent upon continued delivery of Rolls Royce engines. Abrupt termination or prolonged uncertainty with regard to the status of Saturn's authority could cause considerable confusion and inconvenience to the parties,[2] and may well disrupt Lockheed's production as well as the ordinary business relationships between Lockheed and Rolls Royce. The practical effect may be to preclude Saturn from performing the contract, whatever the Board's final determination in this proceeding, and could effectively render the Board's further proceedings in this case moot.[3]

The Board finds that the disruption of Lockheed's production of L-1011 aircraft would be contrary to the public interest. We further find that the possible loss by Saturn of the contract in question prior to the Board's redetermination of Saturn's exemption authority would not be in the public interest, and that this factor is an unusual circumstance affecting Saturn's operations which renders the enforcement of sections 401 and 403 of the Act an undue burden on the carrier insofar as it would prevent Saturn from continuing to perform the service pending the Board's action pursuant to the Court's remand. For these reasons, and for the reasons heretofore stated in Order 70-2-126 whereby we found Saturn's exemption to be consonant with the standards of section 416(b) of the Act, we shall grant Saturn a new temporary exemption authorizing it to carry out its charter agreement with Lockheed for a period of 90 days from the date of this order. Such an exemption will permit it to complete the next six trips scheduled but will not affect the 211 trips scheduled to be performed under the agreement after December 1, 1970.[4]

The Board is of the opinion that, under the circumstances, and in fairness to all persons concerned, the Board's final decision should be issued as quickly as possible. However, we are not prepared to find at the present time that Saturn's exemption from statutory requirements would be in the public interest if Conroy's allegations were assumed to be true, and believe that we should reserve our decision until the record has been supplemented.

Specifically, the Board desires further information concerning the following points: (1) The basis for the identical average bid price per engine shipped over the contemplated life of the charter agreement by both Saturn and Conroy; (2) the timing and method of tender and receipt of both Saturn's and Conroy's final November bids and whether Lockheed had the opportunity to reveal either such bid to the other bidder before such other bid was submitted, or in fact did so; (3) the manner in which the bids of Conroy and Saturn were handled after receipt by Lockheed; (4) the criteria used by Lockheed in evaluating the bids of Conroy and Saturn and the reasons for awarding the contract of carriage to Saturn in view of Conroy's apparent lower price for the contemplated life of the contract; (5) the economic

[1] A copy of the Court's order is filed as part of the original document.

[2] Lockheed, e.g., would be required to procure replacement service on short notice pending Board action with respect to Saturn's exemption authority. It is doubtful whether any carrier now holding the requisite certificate authority is presently capable of providing the service required (see Order 70-2-126, Feb. 27, 1970, at 3), and it does not appear that Conroy or any other person is in a position to replace Saturn on short notice and for the interim period here in question.

[3] We note that Lockheed has the option of terminating the charter agreement with Saturn, if, among other things, Saturn's authority to perform the charter is canceled or rendered ineffective for any reason by governmental action.

[4] We think it is clear that the Board is empowered to take this action. See The City of Portland, Oregon v. Federal Maritime Commission, C.A.D.C. No. 24,182, slip opinion dated June 12, 1970, at 3-4. Nonetheless, we shall ask the Court to sanction the course we are following to the extent that it believes its permission is required.

justifications for the bid prices arrived at by Conroy and Saturn; (6) the nature and scope of the contemporaneous negotiations between Lockheed and Saturn for purchase of Hercules aircraft and for the charter contract, and whether, and to what extent there was bilateral reciprocity in the conclusion of the two agreements.

In order to obtain this and other relevant information the Board has decided upon the following expedited procedure, which we believe to be the quickest and most effective means of building a useful record: (1) Within 10 days after the effective date of this order Conroy and Saturn are directed to file and serve upon each other such affidavits and supporting documents, if available, addressed to the points outlined above as well as any other factual issues deemed material to a resolution of the questions of conspiracy and unlawful tie-in, as they care to file;[5] (2) 10 days thereafter each of them is directed to file and serve such rebuttal affidavits as they desire; (3) an additional 10 days later briefs to the Board may be filed analyzing and commenting on the record so developed. The briefs and state of the record will determine whether oral argument to the Board or other proceedings will be required, and we therefore reserve this decision.[6]

The Board will of course expect all parties to come forward with such evidence within their possession as will facilitate the quick resolution of the antitrust issues we have been ordered to consider. The Board contemplates that it will reach a decision within the 90-day period for which an exemption has been granted to Saturn, since it is our belief that the procedure we have established will serve to permit an appropriate disposition of the antitrust factors we have been directed to consider without an undue prolongation of the period of uncertainty or excessive expense and undue burdens on the parties.

Accordingly, pursuant to the Federal Aviation Act of 1958 and the order of the U.S. Court of Appeals for the District of Columbia Circuit in Conroy Aircraft Corporation v. Civil Aeronautics Board, No. 24,185, dated August 14, 1970, and subject to any necessary permission by the court:[7]

*It is ordered,* That:

1. Order 70-2-126 be and it hereby is vacated;

2. Saturn Airways, Inc., be and hereby is granted temporary exemption from sections 401 and 403 of the Act for a period of ninety (90) days from the date of this order authorizing it to perform such cargo charter flights for Lockheed, between points in the United Kingdom and points in California carrying Rolls Royce engines to be used on the Lockheed L-1011 aircraft, together with engine racks and associated equipment in which the propulsion systems are shipped, as are required by the agreement previously submitted in this docket;

3. The record in Docket 21774 be and hereby is reopened for the purpose of receiving additional evidence;

4. Saturn Airways, Inc., and Conroy Aircraft Corp. shall be and hereby are afforded an opportunity to file affidavits, supporting documents (or copies thereof) and briefs according to the schedule set forth in the above opinion and addressed to the matters delineated therein, and that all material filed with the Board shall be served on Lockheed Aircraft Corp. and the Antitrust Division of the Department of Justice as well as the named parties;

5. Lockheed Aircraft Corp. shall be and hereby is invited to participate in this reopened proceeding;

6. This order shall be served on the named parties, Lockheed Aircraft Corp., and the Antitrust Division of the Department of Justice.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
*Secretary.*

[F.R. Doc. 70-11675; Filed, Sept. 2, 1970; 8:49 a.m.]

[5] Moreover, we shall require that all such material filed be served on Lockheed and the Antitrust Division of the Department of Justice. Lockheed has a substantial stake in this matter, and we therefore invite it to participate in this proceeding in accordance with the procedure outlined above. Since the Board decision herein will have considerable impact on Lockheed, any failure to come forward with available evidence may be prejudicial to its interests. The Department of Justice has previously instituted an investigation of Conroy's allegations and we shall therefore keep it informed of developments herein.

[6] The limitations of the affidavit procedure relate primarily to the lack of demeanor evidence should credibility become a material issue, and the unavailability of cross-examination. These factors, in light of the record developed, will bear on our ultimate decision as to the desirability of further proceedings.

[7] The court's mandate has not yet been issued.

# POST OFFICE DEPARTMENT

## POST OFFICE BOXES

### Rental Fees and Payments

In the daily issue of Thursday, September 3, 1970 (35 F.R. 14003), the Department published a notice of proposed rule making which proposed an increase, effective November 1, 1970, in post office box rental fees of approximately 20 percent. Pending final decision on the proposed fee increases, box rental fees may be paid in advance only through December 31, 1970. Until further notice postmasters will not accept payments for rentals beyond the December quarter.

Box rents paid prior to the date of the publication of this notice in the FEDERAL REGISTER are not affected.

Since it would be contrary to the public interest to delay the effective date of the foregoing, this notice is effective upon publication in the FEDERAL REGISTER.

(5 U.S.C. 301, 39 U.S.C. 501, 708)

DAVID A. NELSON,
*General Counsel.*

[F.R. Doc. 70-11769; Filed, Sept. 2, 1970; 9:25 a.m.]

# FEDERAL COMMUNICATIONS COMMISSION

[FCC 70-930]

## USE OF SIRENS AND OTHER ALARMING SOUND EFFECTS IN COMMERCIAL AND OTHER ANNOUNCEMENTS

AUGUST 28, 1970.

The Commission has received complaints and comments from the general public, law enforcement officers, and other public safety officials, concerning the use of sirens and other alarming sound effects primarily in commercial and other announcements. As one complainant stated, "[t]he unexpected sound of a siren coming over a car radio can quite easily be confused for the real thing and can be and has been responsible for motorists making sudden gestures to yield to a nonexistent emergency vehicle." Another complainant stated that, "* * * citizens who are not closely associated with emergency work would perhaps react in a manner that could cause accidents, or become careless and fail to yield in an actual emergency." Still another complainant stated that, "[a]s an operator of an emergency vehicle using a siren, I have been told by motorists that they did not pay attention to the sounds of a siren or yield because they thought the sound was coming from the car radio."

The selection and presentation of advertising and other promotional material are, of course, the responsibility of licensees. However, in this selection process, licensees should take into account, under the public interest standard, possible hazards to the public. Accordingly, in making decisions as to acceptability of commercial and other announcements, licensees should be aware of possible adverse consequences of the use of sirens and other alarming sound effects. We do not refer to sound effects which are integral parts of dramatic programs.

Action by the Commission August 26, 1970.[1]

FEDERAL COMMUNICATIONS COMMISSION,

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

[F.R. Doc. 70-11657; Filed, Sept. 2, 1970; 8:48 a.m.]

# FEDERAL MARITIME COMMISSION

## KAWASAKI KISEN KAISHA, LTD., AND ALASKA STEAMSHIP CO.

### Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

[1] Commissioners Burch (Chairman), Bartley, Robert E. Lee, Cox, Johnson, H. Rex Lee, and Wells.

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. E. S. Anderson, Pacific Coast Manager, Kerr Steamship Co., Inc., 1 California Street, San Francisco, Calif. 94111.

Agreement No. 9892 between Kawasaki Kisen Kaisha, Ltd., and Alaska Steamship Co., provides for a through billing arrangement covering the transportation of "Refrigerated Fish Roe and Refrigerated Cargo, N.O.S." from ports in Alaska to ports in Japan with transshipment at Seattle, Wash., in accordance with the terms and conditions of the agreement.

Dated: August 31, 1970.

By order of the Federal Maritime Commission.

JOSEPH C. POLKING,
*Assistant to the Secretary.*

[F.R. Doc. 70-11677; Filed, Sept. 2, 1970; 8:50 a.m.]

## KAWASAKI KISEN KAISHA, LTD., AND FOSS ALASKA LINE, INC.

### Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. E. S. Anderson, Pacific Coast Manager, Kerr Steamship Co., Inc., 1 California Street, San Francisco, Calif. 94111.

Agreement No. 9893 between Kawasaki Kisen Kaisha, Ltd., and Foss Alaska Line, Inc., provides for a through billing arrangement covering the transportation of cargo from ports in Alaska to ports in Japan with transshipment at Seattle, Wash., in accordance with the terms and conditions of the agreement.

Dated: August 31, 1970.

By order of the Federal Maritime Commission.

JOSEPH C. POLKING,
*Assistant to the Secretary.*

[F.R. Doc. 70-11678; Filed, Sept. 2, 1970; 8:50 a.m.]

[Docket No. 70-1 (Sub. No. 1)]

## SEA-LAND SERVICE, INC.

### Increases in Rates in U.S. Pacific Coast/Puerto Rico Trade; Order of Investigation and Suspension

There recently have been filed with the Federal Maritime Commission by Sea-Land Service, Inc., to become effective September 1, 1970, the following pages to its Freight Tariff FMC-F No. 19, naming increased rates:

1st Revised Page 119.
1st Revised Page 120.
2d Revised Page 120.
2d Revised Page 154.

Upon consideration of said schedules, the Commission is of the opinion that the above designated tariff changes should be made the subject of a public investigation and hearing to determine whether they are unjust, unreasonable or otherwise unlawful under section 18(a) of the Shipping Act, 1916, and/or sections 3 and 4 of the Intercoastal Shipping Act, 1933, and good cause appearing therefore:

*It is ordered,* That pursuant to the authority of section 22 of the Shipping Act, 1916, and sections 3 and 4 of the Intercoastal Shipping Act, 1933, an investigation is hereby instituted into the lawfulness of said increased rates with a view to making such findings and orders in the premises as the facts and circumstances warrant.

*It is further ordered,* That pursuant to section 3, Intercoastal Shipping Act, 1933, the operation of the aforementioned pages is suspended and the use thereof be deferred to and including December 31, 1970, unless otherwise ordered by this Commission. In the event the matter hereby placed under investigation is further changed, amended or reissued upon termination of the suspension period before the investigation has been concluded, such changed, amended or reissued matter will be included in this investigation;

*It is further ordered,* That there shall be filed immediately with the Commission by Sea-Land Service, Inc., a consecutively numbered supplement to the aforesaid tariff which supplement shall bear no effective date, shall reproduce the portion of this order wherein the suspended matter is described and shall state that the aforesaid matter is suspended and may not be used until January 1, 1971, unless otherwise authorized by the Commission; and the rates and charges or other provisions heretofore in effect, and which were to be changed by the suspended matter, shall remain in effect during the period of suspension, and neither the matter suspended, nor the matter which is continued in effect as a result of such suspension, may be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission;

*It is further ordered,* That copies of this order shall be filed with the said tariff schedule in the Bureau of Domestic Regulation of the Federal Maritime Commission;

*It is further ordered,* That Sea-Land Service, Inc. be named as respondent in this proceeding;

*It is further ordered,* That this proceeding be assigned for public hearing before an examiner of the Commission's Office of Hearing Examiners and that the hearing be held at a date and place to be determined and announced by the presiding examiner;

*It is further ordered,* That (1) a copy of this order be forthwith served upon the respondent herein and published in the FEDERAL REGISTER; and (2) the said respondent be duly served with notice of time and place of the hearing.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies) having an interest in this proceeding and desiring to intervene therein, should notify the Secretary of the Commission promptly and file petitions for leave to intervene in accordance with Rule 5(1) of the Commission's rules of practice and procedure (46 CFR 502.72) with a copy to all parties to this proceeding.

By the Commission.

[SEAL] JOSEPH C. POLKING,
*Assistant to the Secretary.*

[F.R. Doc. 70-11679; Filed, Sept. 2, 1970; 8:50 a.m.]

# FEDERAL POWER COMMISSION

[Docket No. CP71-37]

## ARKANSAS LOUISIANA GAS CO.

### Notice of Application

AUGUST 26, 1970.

Take notice that Arkansas Louisiana Gas Co. (Applicant), Post Office Box 1734, Shreveport, La. 71102, filed in Docket No. CP71-37 an application under section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing a field sale of gas and the construction and operation of certain facilities to effect the sale, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell approximately 63 Mcf of natural gas per day at a price of $0.20 per Mcf to Texas Gas Transmission Corp. at the outlet of Beacon Gasoline Co.'s gasoline plant in Webster Parish, La., in accordance with a gas sales contract dated July 1, 1970, which is being contemporaneously filed as Applicant's FPC Gas Rate Schedule No. XFS-31.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 15, 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 or 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. 70-11621; Filed, Sept. 2, 1970; 8:46 a.m.]

[Docket No. RI69-260]

## HUMBLE OIL & REFINING CO. ET AL.

### Order Amending Order Making Successor Co-respondent

AUGUST 25, 1970.

By order issued June 26, 1970, in Docket No. G-2640, et al., a certificate of public convenience and necessity was granted pursuant to section 7(c) of the Natural Gas Act in Docket No. CI70-770 authorizing Petroleum Corporation of Texas (Operator) et al., to continue in part the sale of natural gas in interstate commerce to Texas Eastern Transmission Corp. theretofore authorized in Docket No. G-3073 to be made pursuant to Humble Oil & Refining Co. FPC Gas Rate Schedule No. 12. The rate under Humble's FPC Gas Rate Schedule No. 12 on the effective date of the assignment to Petroleum Corporation of Texas was in effect subject to refund in Docket No. RI69-260. In the form required by § 157.24(a) of the regulations under the Natural Gas Act, which accompanied the certificate application, Petroleum Corporation of Texas indicated that it intended to assume the total refund obligation from the time that the increased rate was made effective subject to refund. Accordingly, concurrently with the granting of the certificate, Petroleum Corporation of Texas was made a co-respondent in the proceeding pending in Docket No. RI69-260 and required to file an agreement and undertaking to assure the refund of all amounts collected by Humble and by itself in excess of the amount determined to be just and reasonable in said proceeding.

By letter of July 28, 1970, Petroleum Corporation of Texas advises that it intends to be responsible for the refund of only those amounts collected by itself subject to refund. By letter of August 3, 1970, Humble confirms that it intends to continue to remain responsible for the refund of those amounts collected prior to the date of the assignment. Prior to the date of issuance of the order granting the certificate and making Petroleum Corporation of Texas co-respondent, Petroleum Corporation of Texas had filed a general undertaking to assure the refunds of amounts collected by it in excess of amounts determined to be just and reasonable in proceedings under section 4(e) of the Natural Gas Act.

The Commission finds: It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the order making Petroleum Corporation of Texas co-respondent in the proceeding pending in Docket No. RI69-260 should be amended as hereinafter ordered.

The Commission orders: In lieu of the refund obligations imposed by the order issued June 26, 1970, in Docket No. G-2640 et al., Petroleum Corporation of Texas (Operator) et al., shall be responsible for the refund of only those amounts collected by itself pursuant to its FPC Gas Rate Schedule No. 33 on or after June 1, 1969, in excess of the amount determined to be just and reasonable in Docket No. RI69-260. Such refund shall be assured by the general undertaking of Petroleum Corporation of Texas on file with the Commission.

By the Commission.

[SEAL] KENNETH F. PLUMB,
*Acting Secretary.*

[F.R. Doc. 70-11623; Filed, Sept. 2, 1970; 8:46 a.m.]

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[Docket No. CI71-47, etc.]

## PHILLIPS PETROLEUM CO. ET AL.

### Notice of Applications

AUGUST 26, 1970.

Take notice that each applicant herein has filed an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale of natural gas in interstate commerce from the Permian Basin Area, all as more fully set forth in the applications which are on file with the Commission and open to public inspection. The Commission announced in its notice issued June 17, 1970, in Docket No. R-389 that it would accept for consideration applications by independent producers requesting issuance of certificates of public convenience and necessity for sales of natural gas from the Permian Basin Area notwithstanding that the stated rates may be in excess of the applicable Permian Basin Area ceiling rates established in Opinion Nos. 468 and 468-A (34 FPC 159 and 1068).

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 before the Commission without further notice on all applications for certificates in which no petition to intervene in opposition is filed within the time required if the Commission on its own review of the matter believes that a grant of a certificate is required by the public convenience and necessity. Where a petition for leave to intervene in opposition 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.

Any person desiring to be heard or to make any protest with reference to said applications should on or before September 24, 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.

GORDON M. GRANT,
*Secretary.*

| Docket No. and date filed | Applicant | Purchaser and location | Price per Mcf [1] | Pressure base |
|---|---|---|---|---|
| CI71-47..... A 7-21-70 | Phillips Petroleum Co., Bartlesville, Okla. 74004. | El Paso Natural Gas Co., Gomez Area, Pecos County, Tex. | 26.5 | 14.65 |
| CI71-112..... A 8-7-70 | Perry R. Bass, 12th Floor, Fort Worth National Bank Bldg., Fort Worth, Tex. 76102. | .....do..... | 26.5 | 14.65 |
| CI71-118..... A 8-10-70 | Pan American Petroleum Corp., Post Office Box 591, Tulsa, Okla. 74102. | .....do..... | 26.5 | 14.65 |
| CI71-138..... A 8-17-70 | Gulf Oil Corp., Post Office Box 1589, Tulsa, Okla. 74102. | .....do..... | 26.5 | 14.65 |

[1] Subject to upward and downward Btu adjustment.

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

[F.R. Doc. 70-11622; Filed, Sept. 2, 1970; 8:46 a.m.]

[Docket No. RI71-173, etc.]

## SHELL 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]

AUGUST 25, 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 October 12, 1970.

By the Commission.

[SEAL] KENNETH F. PLUMB,
*Acting Secretary.*

[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 Docket Nos. |
|---|---|---|---|---|---|---|---|---|---|---|---|
| RI71-173.. | Shell Oil Co..... | 358 | [1] 7 | Trunkline Gas Co. (South Pelto Block 23 Field, Offshore Louisiana) (Federal Domain). | $18,615 | 7-29-70 | 8-29-70 | 8-30-70 | 19.5 | 20.0 | |
| RI71-174.. | Union Oil Co., of California... | 42 | [2] 8 | Trunkline Gas Co. (Block 14 Field, Offshore Louisiana) (Federal Domain). | 17,335 | 8- 5-70 | 9- 5-70 | 9- 6-70 | 19.5 | 20.0 | |

*Pressure base is 15.025 p.s.i.a.
[1] Applies only to gas well gas sales from the Y sand reservoir.
[2] Includes documents required by Opinion No. 567. Applies only to gas well gas sales from the Tex(1)-1 and Tex(1)-Z reservoirs.

The proposed increases involve sales in the Federal Domain (Offshore Louisiana) and were submitted pursuant to Opinion No. 546-A with respect to gas well gas determined in accordance with Opinion No. 567 to qualify for a third vintage price. Shell's increase is from an initial rate under a temporary certificate which contains a condition prohibiting any increase in rate. We shall waive the condition in Shell's temporary certificate and shall suspend the proposed increases for 1 day from the expiration of the statutory notice period. Thereafter, the proposed rates may be collected, subject to refund, pending the outcome of Docket No. AR69-1.

Union requests a retroactive effective date of May 26, 1970 for its proposed increase. Good cause has not been shown for granting such request and it is denied.

[F.R. Doc. 70-11624; Filed, Sept. 2, 1970; 8:46 a.m.]

# FEDERAL RESERVE SYSTEM

## FIRST SECURITY CORP.

### Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)), by First Security Corp., which is a bank holding company located in Salt Lake City, Utah, for prior approval by the Board of Governors of the acquisition by applicant of 100 percent (less directors' qualifying shares) of the voting shares of First Security State Bank of Springville, Springville, Utah, a proposed new bank.

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

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

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

probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of San Francisco.

By order of the Board of Governors, August 27, 1970.

[SEAL] ELIZABETH L. CARMICHAEL,
*Assistant Secretary.*

[F.R. Doc. 70-11627; Filed, Sept. 2, 1970; 8:46 a.m.]

# SECURITIES AND EXCHANGE COMMISSION

[811-1919]

## TAURUS INV. CO., OREG., LTD.

### Notice of Proposal To Terminate Registration

AUGUST 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 Taurus Inv. Co., Oreg., Ltd. (Taurus) (O'Reilly, Anderson, Richmond & Adkins, 933 Pearl Street, Post Office Box 848, Eugene, Oreg. 97401), registered under the Act as a closed-end diversified management company, has ceased to be an investment company.

On August 4, 1969, Taurus filed a notification of registration under the Act. On September 10, 1969, Taurus filed an application pursuant to section 6(d) of the Act for an exemption from all provisions of the Act.

Taurus is a limited partnership. Presently, it has five general partners and four limited partners all of whom are individuals. The maximum number of limited partners is 25. Taurus represents that it has not made and has no plans to make a public offering of the 21 remaining limited partnership interests, which are provided for by the Partnership Agreement of Taurus.

Section 3(c)(1) of the Act provides, in pertinent part, that 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 is not an investment company within the meaning of the Act.

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 September 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 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 Pacific 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.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

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

[F.R. Doc. 70-11647; Filed, Sept. 2, 1970; 8:47 a.m.]

# INTERSTATE COMMERCE COMMISSION

[Notice 82]

## MOTOR CARRIER, BROKER, WATER CARRIER, AND FREIGHT FORWARDER APPLICATIONS

AUGUST 28, 1970.

The following applications are governed by Special Rule 247[1] of the Commission's general rules of practice (49 CFR 1100.247, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's General Policy Statement Concerning Motor Carrier Licensing Procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record.

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

No. MC 682 (Sub-No. 11), filed August 10, 1970. Applicant: BURNHAM VAN SERVICE, INC., Post Office Box 1125, Columbus, Ga. 31901. Applicant's representatives: Paul F. Sullivan, Suite 701, Washington Building, Washington, D.C. 20005, and Wade H. Tomlinson, Post Office Box 1125, Columbus, Ga. 31901. Authority sought to operate as a *common*

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

*carrier*, by motor vehicle, over irregular routes, transporting: *Household goods, as defined in Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, between points in the United States (except Alaska and Hawaii). NOTE: Applicant presently holds authority to serve all of the States involved. The purpose of this application is to eliminate gateways as well as to enable applicant to operate nonradially throughout the Continental United States. Applicant states that the requested authority cannot be tacked with its existing authority. It further states if the requested certificate is granted, it will agree to cancellation of its present certificates. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 2110 (Sub-No. 5), filed August 7, 1970. Applicant: BOWLUS TRUCKING CO., INC., 1000 Wolf Avenue, Fremont, Ohio 43420. Applicant's representative: Richard H. Brandon, 79 East State Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Automotive hubs, rotors, drums, automotive hub, rotor and drum assemblies, bearing cups, bearings, hub bolts, and coolants*, other than in bulk, between points in Rice Township, Sandusky County, Ohio, on the one hand, and, on the other, points in the Lower Peninsula of Michigan, under contract with Kelsey Wheel, Drum and Brake Division of Kelsey Hayes Co. of Romulus, Mich. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 2229 (Sub-No. 157), filed August 14, 1970. Applicant: RED BALL MOTOR FREIGHT, INC., 3177 Irving Boulevard, Post Office Box 47407, Dallas, Tex. 75247. Applicant's representative: J. W. Whittemore (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, commodities in bulk, household goods as defined by the Commission, commodities requiring special equipment, and those injurious or contaminating to other lading); (1) between Dallas, Tex., and Oklahoma City, Okla., from Dallas over Interstate Highway 35 and U.S. Highway 77 to Oklahoma City, and return over the same route, serving all intermediate points in Oklahoma, and serving the junction of U.S. Highway 377 and Interstate Highway 35 for the purpose of joinder only; (2) between Hugo, Okla., and Oklahoma City, Okla., from Hugo over U.S. Highway 271 to junction with Oklahoma Highway 3, thence over Oklahoma Highway 3 to Ada, Okla., thence over Oklahoma Highway 13 to junction with Oklahoma Highway 39, thence over Oklahoma Highway 39 to junction with U.S. Highway 77, thence over U.S. Highway 77 to Oklahoma City, and return over the same route, serving no intermediate points; (3) between Wichita Falls, Tex., and Oklahoma City, Okla., from Wichita Falls over U.S. Highway 277, the H. E. Bailey Turnpike and U.S. Highways 62 and 277 to Oklahoma City, and return over the same route, serving the intermediate point of Lawton, Okla.; (4) between Fort Worth, Tex., and junction U.S. Highway 377 and Interstate Highway 35, from Fort Worth over U.S. Highway 377 to junction of Interstate Highway 35 and return over the same route, serving no intermediate points, and serving the junction of U.S. Highway 377 and Interstate Highway 35 for the purpose of joinder only. NOTE: If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla., with continued hearings at Dallas, Wichita Falls, and Houston, Tex.

No. MC 2900 (Sub-No. 203), filed August 17, 1970. Applicant: RYDER TRUCK LINES, INC., 2050 Kings Road, Jacksonville, Fla. 32203. Applicant's representative: John Carter (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hardboard sheets, wood particle boards and plywood;* (1) from Catawba, S.C., to points in Alabama and Florida; and (2) from Silsbee, Tex., to points in Alabama, Louisiana, Mississippi, and Tennessee. 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., or Washington, D.C.

No. MC 3978 (Sub-No. 5), filed July 16, 1970. Applicant: SCHEER TRANSFER COMPANY, a corporation, Post Office Box 137, New Haven, Mo. 63068. Applicant's representative: Herman W. Huber, 101 East High Street, Jefferson City, Mo. 65101. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, and except dangerous explosives, household goods as defined in Practices of Motor Common Carriers of Household Goods, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between Berger, Mo., and its commercial zone, and the plantsite and industrial tract of the Zero Manufacturing Co., Inc., at or near Berger, Mo., and its commercial zone, from Berger over an unnumbered county road to plantsite and industrial tract of Zero Manufacturing Co., Inc., through Franklin and Gasconade Counties, to its junction with Missouri Highway 100, also, from said plantsite over an unnumbered county road to Berger, Mo., thence over Franklin County Road Z to its junction with Missouri Highway 100; thence westerly over Missouri Highway 100 from said junction to its junction with Missouri Highway 19; thence northerly over Missouri Highway 19 to its junction with U.S. Highway 40 (Interstate Highway 70) thence over U.S. Highway 40 (Interstate Highway 70) to Kansas City, and return over the above-described routes. NOTE: Applicant states that the authority proposed herein will not be tacked or joined with any authority presently held by applicant to perform any service between Kansas City, Mo.-Kans., and commercial zone, on the one hand, and, on the other St. Louis, Mo.-Ill., and commerical zone. If a hearing is deemed necessary, applicant requests it be held at Jefferson City or St. Louis, Mo.

No. MC 7228 (Sub-No. 37), filed August 10, 1970. Applicant: COAST TRANSPORT, INC., 1906 Southeast 10th Avenue, Portland, Oreg. 97214. Applicant's representative: Nick I. Goyak, 1408 Standard Plaza, Portland, Oreg. 97204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas;* (1) from Long Beach, Calif., and points in King County, Wash., to ports of entry on the international boundary line between the United States and Canada located at or near Blaine, Wash.; and (2) from Long Beach, Calif., to Port Angeles, Wash. NOTE: Common control may be involved. Applicant states that it intends to tack from points in Multnomah County, Oreg., and King County, Wash., to ports of entry on the international boundary line between the United States and Canada located at or near Blaine, Wash., and Port Angeles, Wash. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg., or Seattle, Wash.

No. MC 7381 (Sub-No. 13), filed August 14, 1970. Applicant: WEBB'S TRANSFER, INC., 219–225 Johnson Avenue, Suffolk, Va. 23434. Applicant's representative: John C. Bradley, 618 Perpetual Building, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Soap, cleaners, inedible grease, and fat products*, from Portsmouth, Va., to points in New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, West Virginia, Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Texas, Tennessee, Kentucky, Ohio, Indiana, Illinois, Wisconsin, Michigan, and the District of Columbia; and (b) *such commodities as are used by manufacturers of soap, cleaners, and fat products*, from points in the States named in (a) above to Portsmouth, Va., restricted to the transportation of shipments to or from sites of plants, warehouses, or other facilities of the Murro Chemical Co. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Richmond, Va.

No. MC 10345 (Sub-No. 90), filed July 29, 1970. Applicant: C & J COMMERCIAL DRIVEAWAY, INC., 1905 West Mount Hope Avenue, Lansing, Mich. Applicant's representative: Warren A. Goff, 2111 Sterick Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *New trucks*, in secondary movements, in truckaway service, from Pitcairn, Pa., to points in Pennsylvania, Ohio, and West Virginia; and (B) *new automobiles and news trucks*, in secondary movements, in

truckaway service, from Pitcairn, Pa., to points in Allegany and Garrett Counties, Md. Restriction: The operations authorized herein are restricted to traffic having an immediately prior movement by rail from plantsites in Canada of General Motors Products of Canada, Ltd. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 16672 (Sub-No. 12), filed August 13, 1970. Applicant: McGUIRE LUMBER AND SUPPLY, INC., Wylliesburg, Va. 23976. Applicant's representative: Francis J. Ortman, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Boards or sheets*, flat, made from wood chips, wood shavings, sawdust, or ground wood compressed with added resin binder, or from wood particle core, faced with wood flakes, edge-banded with wood or not edge-banded, from the plantsite of U.S. Plywood-Champion Papers, Inc., near South Boston, Va., to points in Virginia, West Virginia, Maryland, Delaware, New York, New Jersey, Pennsylvania, Connecticut, Rhode Island, Massachusetts, New Hampshire, Vermont, Maine, and the District of Columbia. NOTE: Applicant holds contract carrier authority under Docket No. MC 119182 Sub 1 and other subs, therefore, dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Richmond, Va., or Washington, D.C.

No. MC 19714 (Sub-No. 2), filed August 12, 1970. Applicant: EDRA HAULAGE, INC., 51–23 34th Street, Long Island City, N.Y. 10301. Applicant's representative: Bert Collins, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Groceries*, between Hicksville, Long Island, N.Y., on the one hand, and, on the other, New York, N.Y., points in Orange, Rockland, Westchester Counties, N.Y.; and Bergen, Hudson, Essex, Passaic, Union, Middlesex, Morris, Monmouth, Mercer, Somerset, Hunterdon, Sussex Counties, N.J.; Philadelphia and Bethlehem, Pa.; and points in Connecticut, under contract with Ronzoni-Macaroni Co., Inc. NOTE: Applicant states that it presently holds contract authority exclusively with the same shipper from New York, N.Y., to substantially the same area. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 29462 (Sub-No. 3), filed August 7, 1970. Applicant: LAMOIN D. THOMAS, doing business as THOMAS SUPREME SERVICE, Herculaneum, Mo. 63048. Applicant's representative: Thomas P. Rose, Jefferson Building, Jefferson City, Mo. 65101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts* as described in section A of appendix I to *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk), from points in Madison and St. Clair Counties, Ill., and St. Louis, Mo., to points in Bollinger, Butler, Cape Girardeau, Dunklin, Madison, Mississippi, New Madrid, Pemiscot, Perry, Ripley, St. Genevieve, Scott, and Stoddard Counties, Mo. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Jefferson City or St. Louis, Mo.

No. MC 29886 (Sub-No. 263), filed August 14, 1970. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample Street, South Bend, Ind. 46621. Applicant's representative: Charles Pieroni (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors* (except truck tractors), *tractor parts and attachments* thereof, from Romeo, Mich., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, those points in New York on and east of U.S. Highway 219 from the New York-Pennsylvania State line to its junction with U.S. Highway 62 at Hamburg, N.Y., on and east of U.S. Highway 62 from said junction to and including Niagara Falls, N.Y., North Carolina, those points in Pennsylvania on and east of U.S. Highway 219, Rhode Island, South Carolina, Vermont, Virginia, and those points in West Virginia on and east of U.S. Highway 219, and the District of Columbia. NOTE: Common control may be involved. Applicant states that it could tack with its presently held authority in Sub 109 at Batavia, N.Y., to serve the states of South Carolina, Georgia, Florida, and Alabama. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich., or Washington, D.C.

No. MC 36587 (Sub-No. 3), filed August 10, 1970. Applicant: HARRY J. PATTON AND CARLOS E. BREWER, a partnership, doing business as PATTON TRUCKING CO., Homer, Ill. 61849. Applicant's representative: Nolan C. Craver, Jr., 210 North Broadway, Urbana, Ill. 61801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand and gravel*, from points in Fountain and Warren Counties, Ind., to points in Piatt and De Witt Counties, Ill. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 40915 (Sub-No. 28), filed August 14, 1970. Applicant: BOAT TRANSIT, INC., Post Office Box 1403, Newport Beach, Calif. 92660. Applicant's representative: J. Max Harding, 605 South 14th Street, Post Office Box 2028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Yarn, carpets, carpet remnants*, from the plantsites and storage facilities utilized by Trend Mills, Inc., and Integrated Products, Inc. at or near Rome, Ga., to points in Montana 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 Atlanta, Ga.

No. MC 41951 (Sub-No. 12), filed August 12, 1970. Applicant: WHEATLEY TRUCKING, INC., 125 Brohawn Avenue, Cambridge, Md. 21613. Applicant's representative: M. Bruce Morgan, 201 Azar Building, Glen Burnie, Md. 21061. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer and fertilizer materials*, from Chesapeake, Va., to Seaford, Del., and Cambridge, Md. 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 44639 (Sub-No. 29), filed August 12, 1970. Applicant: L. & M. EXPRESS CO., INC., 220 Ridge Road, Lyndhurst, N.J. 07071. Applicant's representative: Herman B. J. Weckstein, 60 Park Place, Newark, N.J. 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel and materials and supplies* used in the manufacture of wearing apparel, between Wilson, N.C., and New York, N.Y. NOTE: Applicant states it will tack at New York, N.Y., to provide a through service to all points served by the applicant. If a hearing is deemed necessary, applicant requests it be held at Raleigh, N.C.

No. MC 51018 (Sub-No. 8), filed August 5, 1970. Applicant: THE BESL TRANSFER COMPANY, a corporation, 5550 Este Avenue, Cincinnati, Ohio 45232. Applicant's representatives: A. Alvis Layne, 915 Pennsylvania Building, Washington, D.C. 20004, and Timothy A. Garry, 18th Floor, Provident Tower, Cincinnati, Ohio 45202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Heavy machinery*, commodities which, because of their size or weight, require the use of special equipment, and *self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies* moving in connection therewith, (1)(a) between the junction of Interstate Highway 75 and 70, on the one hand, and, on the other, those points in Ohio on or south of U.S. Highway 21, serving the junction of Interstate Highways 75 and 70 for purpose of joinder only with the authority described in 1(b) below; (b) between the junction of Interstate Highways 75 and 70, on the one hand, and, on the other, points in Indiana, Illinois, Missouri, and Michigan; 2(a) between the junction of Interstate Highways 75 and 70, on the one hand, and, on the other, Marion and Lima, Ohio, and points in Cuyahoga, Medina, Lorain, Wayne, Summit, and Stark Counties, Ohio, serving the junction of Interstate Highways 75 and 70 for purposes of joinder only with the authority described in 2(b) below; (b) between the junction of Interstate Highways 75 and 70, on the one hand,

and, on the other, points in Indiana, Illinois, and Missouri, (3) between Marion and Lima, Ohio, points in Cuyahoga, Medina, Lorain, Wayne, Summit, and Stark Counties, Ohio, and those points in Ohio on or south of U.S. Highway 36 and on or west of U.S. Highway 23, on the one hand, and, on the other, points in Kentucky and those points in West Virginia on or south of Interstate Highway 64 between Huntington and Charleston and on or south of U.S. Highway 60 between Charleston and the West Virginia-Virginia State line, and (4) between those points in Ohio on or south of U.S. Highway 36 and on or west of U.S. Highway 68, on the one hand, and, on the other, points in Pennsylvania and New York. NOTE: Applicant intends to tack 1(a) with 1(b) above and 2(a) with 2(b) above. Applicant states it presently holds authority to perform the above service via Hamilton County, Ohio. Applicant requests no new authority, but seeks only to modify that gateway requirement. If a hearing is deemed necessary, applicant requests it be held at Cincinnati, Ohio, or Washington, D.C.

No. MC 51146 (Sub-No. 170), filed August 7, 1970. Applicant: SCHNEIDER TRANSPORT & STORAGE, INC., 817 McDonald Street, Green Bay, Wis. 54306. Applicant's representatives: D. F. Martin (same address as above), and Charles W. Singer, 33 North Dearborn Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by discount and department stores, from points in Connecticut, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, and Rhode Island, to points in Milwaukee, Ozaukee, Washington, and Waukesha Counties, Wis. NOTE: Applicant states that it will tack with its MC 51146 where feasible and with other authorities wherever possible. Applicant further states that no duplicating authority is sought. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 51146 (Sub-No. 171), filed August 7, 1970. Applicant: SCHNEIDER TRANSPORT & STORAGE, INC., 817 McDonald Street, Green Bay, Wis. 54306. Applicant's representative: D. F. Martin (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Paper and paper products*, from Chicago, and Elk Grove Village, Ill., to points in Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Ohio, Tennessee, and Wisconsin, and (b) *paper and paper products*, from Chicago Heights and Aurora, Ill., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia. NOTE: Applicant states that the requested authority can be tacked with MC 51146 and various subs where feasible. Applicant further states that it has various duplicative items of authority under various subs but does not seek duplicative authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis.

No. MC 52579 (Sub-No. 126), filed August 12, 1970. Applicant: GILBERT CARRIER CORP., 1 Gilbert Drive, Secaucus, N.J. 07094. Applicant's representative: W. Abel (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wearing apparel*, loose, and on hangers; (2) *wearing apparel*, loose, on hangers, in mixed loads with wearing apparel in cartons or packages, and/or wearing apparel accessories and supplies used by wearing apparel stores, sought in (3) below; and (3) *wearing apparel* in cartons or packages, and/or *wearing apparel accessories and supplies* used by wearing apparel stores, in mixed loads with wearing apparel, loose, on hangers, sought in (2) above, between the terminal site of Gilbert Carrier Corp., at Secaucus, N.J., on the one hand, and, on the other, points in New Jersey, located in the New York, N.Y., commercial zone as defined by the Commission. NOTE: Applicant states that the requested authority can be tacked at Secaucus, N.J. with presently authorized authority under MC 52579 and subs. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Newark, N.J.

No. MC 56779 (Sub-No. 43), filed August 14, 1970. Applicant: BROWN TRANSPORT CORP., 125 Milton Avenue, SE., Atlanta, Ga. 30315. Applicant's representative: B. K. McClain (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment because of size or weight), serving Auburn, Bogart, and Winder, Ga., as off-route points in connection with applicant's authorized regular route operations between Atlanta and Athens, Ga. NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 61825 (Sub-No. 37), filed August 6, 1970. Applicant: ROY STONE TRANSFER CORPORATION, V.C. Drive, Collinsville, Va. 24078. Applicant's representative: George S. Hales, Post Office Box 872, Martinsville, Va. 24112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers and closures, and corrugated cartons*, from Bridgeton, N.J., Fairmont, W. Va., and Huntington, W. Va., to points in Virginia. NOTE: Common control may be involved. Applicant states no duplicate authority is being sought. It further states the authority sought could be joined at Lynchburg, Va., with the operating authority now held by applicant to perform a through service from Bridgeton, N.J., and Fairmont and Huntington, W. Va., to points in North Carolina, and Lynchburg, Va., is the gateway in both operations. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 71558 (Sub-No. 1), filed July 24, 1970. Applicant: BEALL'S EXPRESS, INC., 206 Boundary Avenue, Thurmont, Md. 21788. Applicant's representative: Charles E. Creager, Suite 523, 816 Easley Street, Silver Spring, Md. 20910. 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, commodities requiring special equipment, and those injurious or contaminating to other lading) (1) between Thurmont, Md., and Ringgold, Md., from Thurmont over Maryland Highway 77 to junction Maryland Highway 64, thence over Maryland Highway 64 to Ringgold, and return over the same route, serving all intermediate points, (2) between Thurmont, Md., and Pen Mar, Md., (a) from Thurmont over Maryland Highway 81 to Highfield, Md., thence over unnumbered Maryland highway to Pen Mar, and (b) from Thurmont over Maryland Highway 77 to junction Maryland Highway 64, thence over Maryland Highway 64 to junction unnumbered Maryland highway, and thence over unnumbered Maryland highway to Pen Mar, and return over the same routes in (2) (a) and (b) above, serving all intermediate points. NOTE: Applicant states that Pen Mar and Ringgold, Md., are presently named off-route points in its lead certificate. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 73165 (Sub-No. 284), filed August 10, 1970. Applicant: EAGLE MOTOR LINES, INC., 830 North 33d Street, Post Office Box 1348, Birmingham, Ala. 35201. 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: *Machinery, equipment, materials, and supplies* used in air, water, and sewage systems and installations, between points in Alabama on the one hand, and, on the other, 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 Birmingham, Ala.

No. MC 74321 (Sub-No. 40) (Amendment), filed June 25, 1970, published in the FEDERAL REGISTER issue of July 16, 1970, and republished as amended this issue. Applicant: B. F. WALKER, INC., 650–17th Street, Denver, Colo. 80202. Applicant's representative: Richard P. Kissinger, Post Office Box 1148, Austin, Tex. 78767. Authority sought to operate as a

*common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Antipollution systems and antipollution system parts*, from points in Tulsa and Osage Counties, Okla., to points in the United States (except Alaska and Hawaii), and (2) *materials, equipment, and supplies* used in the manufacture and processing of antipollution systems and antipollution system parts, from points in the United States (except Alaska and Hawaii) to points in Tulsa and Osage Counties, Okla. NOTE: The purpose of this republication is to include Osage County, Okla., in (1) and (2) above. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Tulsa, Okla.

No. MC 82492 (Sub-No. 43), filed August 13, 1970. Applicant: MICHIGAN & NEBRASKA TRANSIT CO., INC., 2109 Olmstead Road, Post Office Box 2853, Kalamazoo, Mich. 49003. Applicant's representatives: William C. Harris (same address as applicant) and Jack H. Blanshan, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper, paper products, plastic, and plastic products*, from Kalamazoo, Mich., and points within 50 miles thereof, to points in Kansas and Missouri. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If the hearing is deemed necessary, applicant requests it be held at Detroit or Lansing, Mich.

No. MC 82492 (Sub-No. 44), filed August 13, 1970. Applicant: MICHIGAN & NEBRASKA TRANSIT CO., INC., 2109 Olmstead Road, Post Office Box 2853, Kalamazoo, Mich. 49003. Applicant's representatives: William C. Harris (same address as applicant) and Jack H. Blanshan, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper, paper products, plastic, and plastic products*, from Kalamazoo, Mich., and points within 50 miles thereof, to points in Minnesota. 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 Detroit or Lansing, Mich.

No. MC 83539 (Sub-No. 292), filed August 12, 1970. Applicant: C & H TRANSPORTATION CO., INC., 1936–2010 West Commerce Street, Post Office Box 5976, Dallas, Tex. 75222. Applicant's representative: Thomas E. James, The 904 Lavaca Building, Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Heat treat equipment and parts therefor*, from the plantsite and warehouses of Pacific Scientific Co. at City of Commerce, Calif., 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 Los Angeles, Calif.

No. MC 83539 (Sub-No. 293), filed August 12, 1970. Applicant: C & H TRANSPORTATION CO., INC., 1936–2010 West Commerce Street, Post Office Box 5976, Dallas, Tex. 75222. Applicant's representative: Thomas E. James, 904 Lavaca Building, Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Drilling and tunneling equipment, truck, crawler or skid mounted, and parts and accessories therefor*, from Sante Fe Springs, Calif., to points in the United States (except California 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 Los Angeles, Calif.

No. MC 83539 (Sub-No. 294), filed August 12, 1970. Applicant: C & H TRANSPORTATION CO., INC., 1936–2010 West Commerce Street, Post Office Box 5976, Dallas, Tex. 75222. Applicant's representative: Thomas E. James, The 904 Lavaca Building, Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aircraft cargo and passengers handling equipment and machinery and attachments, and parts and accessories therefor*, from the plantsite and warehouses of Western Gear Corp. at Lunwood, Calif., to points in the United States (except California 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 Los Angeles, Calif.

No. MC 83539 (Sub-No. 295), filed August 12, 1970. Applicant: C & H TRANSPORTATION CO., INC., 1936–2010 West Commerce Street, Post Office Box 5976, Dallas, Tex. 75222. Applicant's representative: Thomas E. James, The 904 Lavaca Building, Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Heating units, storage units, and heating and storage units combined*, between Albuquerque, N. Mex., 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. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 85811 (Sub-No. 5), filed August 19, 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: *Iron and steel articles*, from Houston, Tex., to points in Arizona, Arkansas, Colorado, Illinois, Kansas, Kentucky, Louisiana, Mississippi, Missouri, New Mexico, Oklahoma, Tennessee, and Utah. NOTE: Applicant states it could tack at Houston to transport such of the commodities being sought in its pending Sub 4 conversion application which are also iron and steel articles, from points in Texas to points in the requested States. If a hearing is deemed necessary, applicant requests it be held at Houston, Tex.

No. MC 94350 (Sub-No. 274), filed August 12, 1970. Applicant: TRANSIT HOMES, INC., Post Office Box 1628, Haywood Road, Greenville, S.C. 29602. Applicant's representatives: Mitchell King, Jr. (same address as above), and Ames, Hill, and Ames, 666 11th Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings*, in sections, mounted on wheeled undercarriages, from points of manufacture in Troy, N.C., to points east of the Mississippi, including Louisiana and Minnesota. 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 95084 (Sub-No. 78), filed August 17, 1970. Applicant: HOVE TRUCK LINE, a corporation, Stanhope, Iowa 50246. Applicant's representative: Kenneth F. Dudley, 611 Church Street, Post Office Box 279, Ottumwa, Iowa 52501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Agricultural implements, farm machinery, farm equipment, industrial and material handling equipment;* and (2) *parts and attachments* for each of the above-named commodities, from Columbus, Miss.; Cordele, Ga.; and New Holstein, Wis.; to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., Kansas City, Mo., or Des Moines, Iowa.

No. MC 95540 (Sub-No. 785), filed August 10, 1970. Applicant: WATKINS MOTOR LINES, INC., 1120 West Griffin Road, Lakeland, Fla. 33801. Applicant's representative: Paul E. Weaver (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh fruit or vegetable salads, and prepared foods*, from Chicago, Ill., and Plymouth, Wis., to Birmingham, Ala., Jacksonville and Miami, Fla., and 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 Washington, D.C., or Chicago, Ill.

No. MC 95540 (Sub-No. 786), filed August 10, 1970. Applicant: WATKINS MOTOR LINES, INC., 1120 West Griffin

Road, Lakeland, Fla. 33801. Applicant's representative: Paul E. Weaver (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay*, in containers, from points in Thomas County, Ga., to points in Arkansas, Colorado, Connecticut, Florida, Indiana, Louisiana, Maine, Massachusetts, New Hampshire, Ohio, Rhode Island, Vermont, and Virginia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applican requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 95540 (Sub-No. 787), filed August 13, 1970. Applicant: WATKINS MOTOR LINES, INC., 1120 West Griffin Road, Lakeland, Fla. 33801. Applicant's representative: Paul E. Weaver, 1120 West Griffin Road, Lakeland, Fla. 33801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen concentrated coffee*, from points in Florida to points in Arkansas, Colorado, Connecticut, Idaho, Indiana, Kansas, Kentucky, Louisiana, Maine, Massachusetts, Michigan, Minnesota, Mississippi, Montana, Nebraska, Nevada, New Jersey, New York, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Dakota, Tennessee, Texas, Utah, Vermont, Washington, Wisconsin, and Wyoming. 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 Tampa, Fla., or Houston, Tex.

No. MC 95876 (Sub-No. 101), filed August 7, 1970. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Avenue, St. Cloud, Minn. 56301. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel pipe and valves, hydrants, fittings, and accessories* used in the installation thereof, from Savage, Minn., to points in 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 Minneapolis, Minn.

No. MC 96098 (Sub-No. 46), filed August 10, 1970. Applicant: MILTON TRANSPORTATION, INC., Rural Delivery No. 2, Post Office Box 207, Milton, Pa. 17847. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Printing paper, gummed paper, gummed paper tape, and paper backed with aluminum foil*, from Troy, Dayton, Urbana, and Franklin, Ohio, to points in Massachusetts, Rhode Island, Maryland, and the District of Columbia, under a continuing contract or contracts with St. Regis Paper Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 99069 (Sub-No. 3), filed August 6, 1970. Applicant: SOUTHGATE CORPORATION, doing business as SOUTHGATE TRUCKING COMPANY, 315 Dunmore Street, Post Office Box 850, Norfolk, Va. 23510. Applicant's representative: Harry C. Ames, Jr., 666 11th Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in Virginia, restricted to the transportation of traffic having a prior or subsequent movement in containers beyond the points authorized and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such traffic. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., Richmond or Norfolk, Va.

No. MC 103993 (Sub-No. 555), filed August 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: *Trailers* designed to be drawn by passenger automobiles, in initial movements, from points in Trumbull County, Ohio, to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Akron, Ohio.

No. MC 103993 (Sub-No. 556), filed August 12, 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: *Campers, travel trailers, canoes, and boats*, in truckaway service, from points in New Haven County, Conn., to all 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 New Haven, Conn.

No. MC 103993 (Sub-No. 557), filed August 12, 1970. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 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: *Buildings*, in sections, mounted on undercarriages, from points in Albany County, N.Y., 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 Albany, N.Y.

No. MC 103993 (Sub-No. 558), filed August 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: *Buildings*, in sections, mounted on undercarriages, from points in Monmouth County, N.J., 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 Trenton, N.J.

No. MC 105369 (Sub-No. 11), filed August 10, 1970. Applicant: N.Y. & N.J. FREIGHTWAYS, INC., 31–07 Starr Avenue, Long Island City, N.Y. 11101. Applicant's representative: Arthur J. Piken, 160–16 Jamaica Avenue, Jamaica, N.Y. 11432. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dental supplies, hospital supplies, textbooks, science laboratory apparatus and supplies, copying machines, other business machines, copying and other business machine equipment and supplies, cleaning compounds* (except in bulk), *printed matter* (except newspapers and magazines), *office supplies and equipment*, between New York, N.Y., and points in Hudson County, N.J., on the one hand, and, on the other, points in New Jersey (except points in Essex, Union, Hudson, Bergen, Passaic, Morris, and Middlesex Counties, N.J.), and points in Orange, Rockland, Ulster, and Dutchess Counties, N.Y. NOTE: Applicant states that the operating authority will be tacked at New York, N.Y., and at points in Hudson County. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 105566 (Sub-No. 20), filed August 12, 1970. Applicant: SAM TANKSLEY TRUCKING, INC., Post Office Box 1119, Cape Girardeau, Mo. 63701. Applicant's representative: Thomas F. Kilroy, 2111 Jefferson Davis Highway, Arlington, Va. 22202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Magazines or periodicals*, from Kokomo, Ind., to points in Oregon, Washington, Utah, California, Nevada, Idaho, Montana, and Arizona. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 106398 (Sub-No. 482) (Correction), filed June 5, 1970, published in the FEDERAL REGISTER issue of July 2, 1970, and republished as corrected this issue. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, Okla. 74151. Applicant's representatives: Irvin Tull (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: *Pipes, ducts, fittings, and couplings* used in heating, cooling, and air handling systems and *material, supplies, and accessories* used in the installation of such systems, from the plantsite of United Sheet Metal at Rockford, Ill., to points in the United States (except Alaska, Hawaii, North Dakota, Colorado, New Mexico, Texas, Oklahoma, Louisiana, Mississippi, Alabama, Georgia, Florida, South Carolina, and North Carolina). NOTE: Applicant states that the requested authority can be tacked with the authority pending to merge Whitehouse Trucking, Inc., in MC-F-10725 into National Trailer Convoy, Inc., 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. The purpose of this republication is to more clearly set forth the commodity description. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 106603 (Sub-No. 113), filed August 10, 1970. Applicant: DIRECT TRANSIT LINES, INC., 200 Colrain Street SW., Grand Rapids, Mich. 49508. Applicant's representative: Robert A. Sullivan, 1800 Buhl Building, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber products, plywood, millwork, and building materials*, from Grandville, Mich., to points in Illinois, Indiana, and Ohio. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant holds common carrier authority under MC 46240 and subs, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 106603 (Sub-No. 114), filed August 10, 1970. Applicant: DIRECT TRANSIT LINES, INC., 200 Colrain Street SW., Grand Rapids, Mich. 49508. Applicant's representative: Robert A. Sullivan, 1800 Buhl Building, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement and marble aggregate building tile and materials and supplies* used in the installation thereof, except shipments in bulk, from Flint, Mich., to points in Illinois, Indiana, and Ohio. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant holds contract carrier authority under MC 46240 and subs, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 107839 (Sub-No. 144), filed August 14, 1970. Applicant: DENVER-ALBUQUERQUE MOTOR TRANSPORT, INC., 770 East 51st Avenue, Denver, Colo. 80216. Applicant's representative: Edward T. Lyons, Jr., 420 Denver Club Building, Denver, Colo. 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, from Greeley and Denver, Colo., to points in Connecticut, Delaware, Illinois, Indiana, Maine, Maryland, Massachusetts, Michigan, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Virginia, West Virginia, Wisconsin, and the District of Columba. NOTE: Applicant states that the requested authority can be tacked with its presently held authority, but indicates it has no present intention to tack and therefore does not identify the points or territories which can be served through such 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 Denver, Colo.

No. MC 108053 (Sub-No. 100), filed August 10, 1970. Applicant: LITTLE AUDREY'S TRANSPORTATION COMPANY, INC., Post Office Box 129, 1520 West 23d Street, Fremont, Nebr. 68025, Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses* as described in sections A and C of the appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plantsite and warehouse facilities of Geo. A. Hormel & Co., Mitchell, S. Dak., to points in California, Oregon, Washington, Arizona, Utah, and Nevada, restricted to traffic originating at the plantsite and warehouse facilities of Geo. A. Hormel & Co., Mitchell, S. Dak. 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 Falls, S. Dak.

No. MC 108859 (Sub-No. 53), filed August 13, 1970. Applicant: CLAIRMONT TRANSFER CO., a corporation, 1803 Seventh Avenue North, Escanaba, Mich. 49829. Applicant's representatives: John L. Bruemmer, 121 West Doty Street, Madison, Wis. 53703, and Elmer J. Wery (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper and paper products, products* produced or distributed by manufacturers and converters of paper and paper products; and (2) *materials, supplies, and equipment* used in the manufacture and distribution of the commodities described in (1) above (except commodities in bulk, and commodities which because of size and weight, require the use of special equipment), between points in Marinette County, Wis., and the Upper Peninsula of Michigan (Alger, Baraga, Chippewa, Delta, Dickinson, Gogebic, Houghton, Iron, Keweenaw, Luce, Mackinac, Marquette, Menominee, Ontonagon, and Schoolcraft Counties), on the one hand, and, on the other, points in Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia. 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., or Chicago, Ill.

No. MC 109124 (Sub-No. 15), filed August 5, 1970. Applicant: SENTLE TRUCKING CORPORATION, 210 West Alexis Road, Toledo, Ohio 43612. Applicant's representative: James M. Burtch, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel roof decking and accessories* used in the installation thereof, from Oregon, Ohio, to points in Indiana, Illinois, Michigan, Pennsylvania, West Virginia, and New York. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 109689 (Sub-No. 218), filed August 3, 1970. Applicant: W. S. HATCH CO., a corporation, 643 South 800 West, Woods Cross, Utah 84087. Applicant's representative: Mark K. Boyle, 345 South State Street, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Liquid chemicals*, in bulk, from Needles, Calif., and points in Los Angeles and Orange Counties, Calif., to the plantsite of the Southern California Edison Co., Mohave Steam Electric Generating Plant, located in Clark County, Nev. (approximately 25 miles north of Needles, Calif.); (2) *dry chemicals*, in bulk, from Needles, Lucerne Valley, and Westend, Calif., and points in Los Angeles and Orange Counties, Calif., to the said plantsite of Southern California Edison Co., described in (1) above; and (3) *sodium chloride* (salt), from Amboy, Calif., and points in Los Angeles County, Calif., to the said plantsite of Southern California Edison Co., described in (1) and (2) above. 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.

No. MC 109994 (Sub-No. 35), filed August 13, 1970. Applicant: SIZER TRUCKING, INC., Box 97, East Highway 94, Rochester, Minn. 55901. Applicant's representative: Andrew R. Clark, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Juices, sauces, and concentrates thereof;* and (2) *fresh and frozen cranberries* when moving in mixed loads with (1) above, from Kenosha, Wis., to points in North Dakota, South Dakota, Nebraska, Kansas, Colorado, New Mexico, Oklahoma, Texas, Louisiana, Arkansas, Missouri, Iowa, Minnesota, Wisconsin, Illinois, Michigan, Indiana, Kentucky, Tennessee, Ohio, Mississippi, 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 Milwaukee, Wis., or Chicago, Ill.

No. MC 109994 (Sub-No. 36), filed August 13, 1970. Applicant: SIZER TRUCKING, INC., Box 97, East Highway 94, Rochester, Minn. 55901. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts, and articles distributed by meat packinghouses, and such commodities as are used by meat packers in the conduct of their business when destined to and for use by meat packers*, as described in sections A, C, and D of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, between Austin, Minn., and points in Cook County, Ill. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 110012 (Sub-No. 22), filed July 30, 1970. Applicant: G. B. C., INC., 707 North Liberty Hill Road, Post Office Box 68, Morristown, Tenn. 37814. Applicant's representative: Robert E. Joyner, 2111 Sterick Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) (1) *Fabrics*, from Paterson, N.J., High Point, N.C., and Greenville, S.C., to points in Knox County, Tenn.; (2) *Vinyl fabrics*, from Paterson, N.J., Mishawaka, Ind., and High Point, N.C., to points in Knox County, Tenn.; (3) *Stropor*, from Janesburg, N.J., to points in Knox County, Tenn., (4) *Cambric*, from Atlanta, Ga., to points in Knox County, Tenn.; (5) *Vinyl trim*, from Dearborn, Mich., to points in Knox County Tenn., (B) (1) *Cambric*, from Covington, Ky., to Morristown, Tenn., (2) *Walnut flour*, from Gravette, Ark., to Morristown, Tenn., (3) *Screws*, from Cythania, Ky., to Morristown, Tenn.; (4) *Masonite*, from Benton, Ark., and Waverly, Va., to Morristown, Tenn.; (5) *Plywood*, from Blountstown, Fla., Sumter, S.C., and Conway, S.C., to Morristown, Tenn., (6) *Cover*, from Gaffney, S.C., and Hickory, N.C., to Morristown, Tenn., (7) *Springs and webbing*, from Hickory, N.C., to Morristown, Tenn., (8) *Plastic welts, clips, and flexolators*, from High Point, N.C., to Morristown, Tenn., (9) *Wood squares*, from Dunn, N.C., to Morristown, Tenn., (10) *Denim*, from Asheville, N.C., to Morristown, Tenn., (C) *Glue*, from Charlotte, Fayetteville, High Point, and Greensboro, N.C., to Morristown, Tenn., and Bell County, Ky., and (D) *Materials used in the manufacture of furniture*, from points in North Carolina, to Morristown, Tenn. 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 Knoxville, Tenn., or Washington, D.C.

No. MC 111812 (Sub-No. 403), filed August 10, 1970. Applicant: MIDWEST COAST TRANSPORT, INC., 405½ East Eighth Street, Post Office Box 1233, Sioux Falls, S. Dak. 57101. Applicant's representatives: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102, and R. H. Jinks (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from the plantsites and warehouse facilities of Duffy Mott Co., Inc., at Bailey, Grawn, and Hartford, Mich., to points in Iowa, Minnesota, Missouri, Nebraska, South Dakota, North Dakota, Wisconsin and points in the Upper Peninsula of Michigan. Restricted to traffic originating at and destined to the named origins and destination States. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 111812 (Sub-No. 404), filed August 13, 1970. Applicant: MIDWEST COAST TRANSPORT, INC., 405½ East Eighth Street, Post Office Box 1233, Sioux Falls, S. Dak. 57101. Applicant's representative: R. H. Jinks (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, motion picture films, parts of motion picture projectors, advertising material and tickets, commodities in bulk, commodities requiring special equipment, those injurious or contaminating to other lading), from points in Massachusetts and Connecticut to Lakefield, Minn., and points within 25 miles of Lakefield. NOTE: Applicant states that the requested authority would be tacked at Lakefield, Minn., and points within 25 miles thereof, with presently held authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Sioux Falls, S. Dak.

No. MC 112520 (Sub-No. 220), filed August 5, 1970. Applicant: McKENZIE TANK LINES, INC., Post Office Box 1200, New Quincy Road, Tallahassee, Fla. 32302. Applicant's representative: W. Guy McKenzie, Jr., Post Office Box 1200, Tallahassee, Fla. 32302. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, from points in Dougherty County, Ga., to points in Florida. 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 Atlanta, Ga., or Tallahassee, Fla.

No. MC 112520 (Sub-No. 221), filed August 18, 1970. Applicant: McKENZIE TANK LINES, INC., Post Office Box 1200, New Quincy Road, Tallahassee, Fla. 32302. Applicant's representative: W. Guy McKenzie, Jr. (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, from points in Bay County, Fla., to points in Alabama. 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 Atlanta, Ga.

No. MC 112582 (Sub-No. 34), filed August 10, 1970. Applicant: T. M. ZIMMERMAN COMPANY, a corporation, Post Office Box 380, Chambersburg, Pa. 17201. Applicant's representative: John M. Musselman, Post Office Box 1146, 400 North Third Street, Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities including classes A and B explosives* (except household goods as defined by the Commission, livestock, and commodities in bulk), from points in New York, New Jersey, Delaware, Virginia, Maryland, Ohio, and the District of Columbia, to Letterkenny Army Depot, Franklin County, Pa. Restriction: The authority to be granted herein shall not be tacked or joined with any other authority held by carrier. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 112617 (Sub-No. 279), filed August 17, 1970. Applicant: LIQUID TRANSPORTERS, INC., Post Office Box 21395, Louisville, Ky. 40221. Applicant's representative: 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: *Liquid petroleum gas*, in bulk, in tank vehicles, from the terminal of Warren Petroleum Co. at or near Crossville, Ill., to points in Kentucky. NOTE: Applicant states that the requested authority cannot be tacked with is existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Evansville, Ind., or Louisville, Ky.

No. MC 113265 (Sub-No. 5), filed August 12, 1970. Applicant: ATLANTA-ASHEVILLE MOTOR EXPRESS, INC., 1268 Caroline Street NE., Atlanta, Ga. 30307. Applicant's representative: Paul

M. Daniell, 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except classes A and B explosives, household goods as defined by the Commission, and commodities in bulk in tank vehicles); (1) between Hollywood and Toccoa, Ga., over Georgia Highway 17, serving no intermediate points, and (2) between Toccoa and Gainesville, Ga., from Toccoa over U.S. Highway 123 to Cornelia, Ga., thence over U.S. Highway 23 to Gainesville, and return over the same route, serving no intermediate points. NOTE: Common control may be involved. Applicant states that it holds authority in MC 113265 Sub 2 to operate over route (1) above subject to restriction against handling Atlanta-Toccoa traffic. This application is in part to eliminate that restriction. No duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 113267 (Sub-No. 243), filed August 10, 1970. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 312 West Morris Street, Caseyville, Ill. 62232. Applicant's representative: Lawrence A. Fischer (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, packinghouse products and articles distributed by meat packinghouses* as described in sections A and C of the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, and *foodstuffs*, except meat and meat products as described above when transported in mixed truck loads with meat and meat products, from the plantsite and warehouse facilities of Geo. A. Hormel & Co., Tucker, Ga., to points in North Carolina, South Carolina, Alabama, Tennessee, Louisiana, Mississippi, Kentucky, and West Virginia, restricted to traffic originating at the named plantsite and warehouse facilities of Geo. A. Hormel & Co., Tucker, Ga., and destined to points in the named States. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Memphis, Tenn.

No. MC 113267 (Sub-No. 244), filed August 10, 1967. 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: *Agricultural chemicals*, other than in bulk, from the plantsite and warehouse facility of Monsanto Co., near Muscatine, Iowa (approximately 3½ miles south of Muscatine city limits), to points in Illinois, Indiana, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Pennsylvania, South Dakota, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Washington, D.C.

No. MC 113459 (Sub-No. 61), filed August 11, 1970. Applicant: H. J. JEFFRIES TRUCK LINE, INC., Post Office Box 94850, Oklahoma City, Okla. 73109. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Building, Dallas, Tex. 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tubing*, other than oilfield tubing, from Bossier City, La., Fort Collins, Colo., and Houston, Tex., to points in the United States (except Hawaii). NOTE: Applicant states that there are tacking possibilities, primarily in connection with its pending Sub 58 application to transport tubing between Tulsa, Okla., on the one hand, and, on the other, points in various states, but that the applicant herein does not propose to tack the authority sought herein. 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., or Fort Worth, Tex.

No. MC 113678 (Sub-No. 396), filed August 10, 1970. Applicant: CURTIS, INC., Post Office Box 16004, Stockyards Station, Denver, Colo. 80216. Applicant's representatives: Duane W. Acklie and Richard Peterson, Post Office Box 806, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen foods*, and (2) *commodities*, the transportation of which is partially exempt pursuant to the provisions of section 203(b)(6) of the Interstate Commerce Commission Acts when moving in the same vehicle and at the same time with frozen foods, from points in California to points in Colorado, Nebraska, Wyoming, South Dakota, and New Mexico. NOTE: Applicant states that it can provide the service proposed by tacking its Subs 203 and 274 at a point in Idaho. The purpose of this application is to eliminate the Idaho gateway. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 113678 (Sub-No. 397), filed August 10, 1970. Applicant: CURTIS, INC., Post Office Box 16004, Stockyards Station, Denver, Colo. 80216. Applicant's representatives: Duane W. Acklie and Richard Peterson, Post Office Box 806, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glassware*, not cut, from Dunkirk, Ind., to Denver, Colo. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 113678 (Sub-No. 398), filed August 10, 1970. Applicant: CURTIS, INC., Post Office Box 16004, Stockyards Station, Denver, Colo. 80216. Applicant's representatives: Duane W. Acklie and Richard Peterson, Box 806, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, from Ellensburg, Wash., to points in Nebraska, Colorado, Illinois, Michigan, California, and Oregon. NOTE: Applicant states that it does not intend to tack the requested authority, however, authority presently held could be tacked at Denver or Greeley, Colo., or York, Nebr., in order to serve points east or south thereof. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash., or Denver, Colo.

No. MC 114284 (Sub-No. 45), filed August 10, 1970. Applicant: FOX-SMYTHE TRANSPORTATION CO., a corporation, Post Office Box 82307, Stockyards Station, Oklahoma City, Okla. Applicant's representative: John E. Janders, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and dairy products*, as described in sections A and B of appendix I to the Report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Oklahoma City, Okla., to points in Arizona. NOTE: Applicant states that it presently holds the above sought authority and that the purpose of this application is to remove the clause "in peddle service only." 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 Oklahoma City, Okla.

No. MC 114323 (Sub-No. 15), filed August 19, 1970. Applicant: PAUL MARCKESANO AND SONS CO., INC., 36 Ferris Street, Brooklyn, N.Y. 11231. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Waste kiln dust*, in bulk, from Bayonne, N.J., and New York, N.Y., to points in New Jersey and New York. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 114457 (Sub-No. 91), filed August 10, 1970. Applicant: DART TRANSIT COMPANY, a corporation, 780 North Prior Avenue, St. Paul, Minn. 55104. Applicant's representative: Charles W. Singer, 33 North Dearborn Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766; *dairy products and dairy byproducts; and canned and frozen foods*, from St. Paul, Fairmont, and Twin Lakes, Minn., and Eau Claire,

Monroe and Portage, Wis., to points in Illinois, Indiana, Iowa, and Missouri and to St. Paul, Minn. NOTE: Applicant states that tacking is not intended, however, limited tacking opportunities exist under Sub 2 to specified points in Wisconsin and Upper Peninsula of Michigan. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Minneapolis, Minn.

No. MC 114552 (Sub-No. 48), filed August 10, 1970. Applicant: SENN TRUCKING COMPANY, a corporation, Post Office Box 333, Newberry, S.C. 29108. Applicant's representative: Frank A. Graham, Jr., 707 Security Federal Building, Columbia, S.C. 29201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Boards or sheets*, flat, consisting of sawdust or ground wood with added resin binder, from points in Bergen and Middlesex Counties, N.J., and Brooklyn, N.Y., to points in Alabama, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Maryland, Mississippi, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, Wisconsin, 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 Columbia, S.C., Charlotte, N.C., or Atlanta, Ga.

No. MC 114632 (Sub-No. 29), filed August 12, 1970. Applicant: APPLE LINES, INC., 225 South Van Epps Avenue, Madison, S. Dak. 57042. Applicant's representative: Robert A. Appelwick, Post Office Box 507, Madison, S. Dak. 57042. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural chemicals*, other than in bulk, from the plantsite and warehouse facility of Monsanto Co. near Muscatine, Iowa (approximately 3½ miles south of Muscatine City limits), to points in Illinois, Indiana, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Pennsylvania, South Dakota, and Wisconsin. 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 St. Louis, Mo., Chicago, Ill., or Kansas City, Mo.

No. MC 115162 (Sub-No. 201), filed August 10, 1970. Applicant: POOLE TRUCK LINE, INC., Post Office Drawer 500, Evergreen, Ala. 36401. Applicant's representative: Robert E. Tate (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from the plantsite, warehouses, and shipping facilities of Allied Paper Inc., at or near Jackson, Ala., to points in Indiana, Illinois, Michigan, Ohio, and Louisville, Ky., and St. Louis, Mo. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 115162 (Sub-No. 202), filed August 17, 1970. Applicant: POOLE TRUCK LINE, INC., Post Office Drawer 500, Evergreen, Ala. 36401. Applicant's representative: Robert E. Tate (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood and panels*, from Jamaica, Long Island, N.Y., to points in Georgia, Illinois, Indiana, Kentucky, Maryland, Michigan, Missouri, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 115331 (Sub-No. 286), filed August 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: *Liquid sugar*, in bulk, from the Tri-City Regional Port Complex located in Madison County, Ill., to points in Indiana, Iowa, Illinois, Kentucky, and Missouri. 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., or Washington, D.C.

No. MC 115840 (Sub-No. 61), filed August 10, 1970. Applicant: COLONIAL FAST FREIGHT LINES, INC., 1215 West Bankhead Highway, Post Office Box 2169, Birmingham, Ala. 35201. Applicant's representatives: C. E. Wesley (same address as applicant), and E. Stephen Heisley, 666 11th Street NW., Washington, D.C. 20001. 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* (except in bulk), from points in Jefferson County, Ala., to points in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, Missouri, South Carolina, Tennessee, Texas, and Virginia. 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 Birmingham, Ala., Atlanta, Ga., or Montgomery, Ala.

No. MC 116073 (Sub-No. 131), filed August 14, 1970. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., 1825 Main Avenue, Post Office Box 919, Moorehead, Minn. 56560. Applicant's representative: Robert G. Tessar (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, and *buildings* in sections transported on wheeled undercarriages equipped with hitch ball connector, 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. If a hearing is deemed necessary, applicant requests it be held at Charlotte, N.C.

No. MC 117940 (Sub-No. 28), filed August 5, 1970. Applicant: NATIONWIDE CARRIERS, INC., Post Office Box 104, Maple Plain, Minn. 55359. 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: *Petroleum products*, in containers, from Houston and Beaumont, Tex., to points in Iowa, Illinois, Kansas, Minnesota, Missouri, Nebraska, South Dakota, and Wisconsin. NOTE: Applicant presently holds contract carrier authority under its permit No. MC 114789 Sub-1 and other subs, therefore dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Houston, Tex.

No. MC 118042 (Sub-No. 1), filed August 14, 1970. Applicant: POWELL L. EVERETT, doing business as EVERETT TRUCKING CO., Mount Vernon, Wash. Applicant's representative: Clyde H. MacIver, 3712 Seattle First National Bank Building, Seattle, Wash. 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned and packaged meat, fresh, frozen, and smoked*, between points in Washington, Oregon, 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 Seattle, Wash., Portland, Oreg., or San Francisco, Calif.

No. MC 118838 (Sub-No. 10), filed July 24, 1970. Applicant: GABOR TRUCKING, Detroit Lakes, Minn. Applicant's representative: Alan Foss, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Animal and poultry feed and animal and poultry feed ingredients*, between points in Minnesota, Iowa, Nebraska, North Dakota, South Dakota, and Wisconsin, on the one hand, and, on the other, ports of entry on the international boundary line between the United States and Canada located in Minnesota, North Dakota, and Montana, and (2) *dry fertilizer and dry fertilizer ingredients*, from ports of entry on the international boundary line between the United States and Canada located in Minnesota, North Dakota, and Montana to points in Minnesota: NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.,

No. MC 119422 (Sub-No. 46), filed August 13, 1970. Applicant: EE-JAY

MOTOR TRANSPORTS, INC., 15th and Lincoln, East St. Louis, Ill. 62204. Applicant's representative: Ernest A. Brooks II, 1301 Ambassador Building, St. Louis, Mo. 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid asphalt, road oils, and residual fuel oils*, in bulk, in tank vehicles, from St. Louis and Chesley Island (formerly Hog Island), near Arnold, Mo., to points in Illinois, Iowa, and Kentucky. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 119632 (Sub-No. 39) (Amendment), filed July 1, 1970, published in the FEDERAL REGISTER issue of July 23, 1970, and republished as amended this issue. 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: (1) *Mineral wool, rock wool, slag wool, glass wool and products thereof;* (2) *wall boards, composition boards, insulating boards;* (3) *insulating materials;* and (4) *materials and accessories* used in the installation of the commodities described in (1), (2), and (3) above; (a) between the plantsites and storage facilities of Keene Corp. in Chester, Delaware, and Montgomery Counties, Pa., on the one hand, and, on the other, points in Ohio, Indiana, Illinois, Kentucky, West Virginia, the Lower Peninsula of Michigan and those in New York on and west of U.S. Highway 15; and (b) between Huntington, Ind., on the one hand, and, on the other, points in Massachusetts, Rhode Island, Connecticut, and those points on Long Island, N.Y., outside of the commercial zone of New York, N.Y., as defined by the Commission. Applicant states that the requested authority cannot be tacked with its existing authority. The purpose of this republication is to add part (b) to the territorial scope of the application. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Columbus, Ohio.

No. MC 119789 (Sub-No. 35), filed August 14, 1970. Applicant: CARAVAN REFRIGERATED CARGO, INC., Post Office Box 6188, Dallas, Tex. 75222. Applicant's representative: James T. Moore (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Synthetic fibers*, from Waynesboro, Va., 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 Washington, D.C., or Dallas, Tex.

No. MC 120181 (Sub-No. 4), filed August 14, 1970. Applicant: MAIN LINE HAULING CO., INC., Box C, St. Clair, Mo. 63077. Applicant's representative: Robert L. Hawkins, Jr., 312 East Capitol Avenue, Jefferson City, Mo. 65101. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading); (a) between St. Clair, Mo., and Memphis, Tenn., from St. Clair over Interstate Highway 44 and U.S. Highway 66 to Cuba, Mo., thence over Missouri Highway 19 to Steelville, Mo., thence over Missouri Highway 8 to junction Missouri Highway 21, thence over Missouri Highway 21 to Ironton, Mo., thence over Missouri Highway 72 to junction U.S. Highway 61 at Jackson, Mo., thence over U.S. Highway 61 to junction Interstate Highway 55 at Cape Girardeau, Mo., thence over Interstate Highway 55 and U.S. Highway 61 to Memphis, Tenn., and return over the same route, serving St. Clair and Steelville, Mo., and all intermediate points, and Memphis, Tenn.; and (b) between St. Clair, Mo., and Memphis, Tenn., over Missouri Highways 30, 47 and 21 to Ironton, Mo., thence over Missouri Highway 72 to junction U.S. Highway 61 at Jackson, Mo., thence over U.S. Highway 61 to junction Interstate Highway 55 at Cape Girardeau, Mo., thence over Interstate Highway 55 and U.S. Highway 61 to Memphis, Tenn., and return over the same route, serving St. Clair, Mo., and all intermediate points between St. Clair, Mo., and Potosi, Mo., and Memphis, Tenn. NOTE: If a hearing is deemed necessary, applicant requests it be held at Jefferson City, or St. Louis, Mo.

No. MC 121107 (Sub-No. 7), filed August 11, 1970. Applicant: PITT COUNTY TRANSPORTATION COMPANY, INC., Post Office Box 207, Farmville, N.C. 27828. Applicant's representative: Harry Ross, 848 Warner Building, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products* (except in bulk), from Baltimore, Md., and Bradford, Pa., to points in North Carolina on and east of U.S. Highway 301. 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 Raleigh, N.C., or Washington, D.C.

No. MC 123294 (Sub-No. 19), filed August 10, 1970. Applicant: WARSAW TRUCKING CO., INC., 1102 West Winona Avenue, Warsaw, Ind. Applicant's representative: Martin J. Leavitt, 1800 Buhl Building, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Insulating materials;* (1) from the plantsite of the Keene Industrial Insulating Corp. at Huntington, Ind., to points in Alabama, Arkansas, Florida, Georgia, Iowa, Kansas, Louisiana, Minnesota, Mississippi, Missouri, Nebraska, North Carolina, North Dakota, Oklahoma, South Carolina, South Dakota, Tennessee, Texas, and Wisconsin; (2) from the plantsite of the Keene Industrial Insulation Corp. at Kalamazoo, Mich., to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Mississippi, Missouri, Nebraska, North Carolina, North Dakota, Ohio, Oklahoma, South Carolina, South Dakota, Tennessee, Texas, and Wisconsin, and (3) from the plantsite of the Celotex Corp. at Lagro, Ind., to points in Alabama, Arkansas, Florida, Georgia, Iowa, Kansas, Louisiana, Minnesota, Missouri, Mississippi, Nebraska, North Carolina, North Dakota, Oklahoma, South Carolina, South Dakota, Tennessee, Texas, and Wisconsin. NOTE: Applicant states the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Detroit, Mich.

No. MC 124078 (Sub-No. 450), filed August 14, 1970. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28th Street, Milwaukee, Wis. 53246. Applicant's representative: Richard H. Prevette (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime*, in bulk, in tank vehicles, from Genoa, Carey, Gibsonburg, and Woodville, Ohio, to Carteret and Jersey City, N.J.; Dolton, Ill., and Washington, Pa. 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 Columbus, Ohio.

No. MC 124154 (Sub-No. 38), filed August 10, 1970. Applicant: WINGATE TRUCKING COMPANY, INC., Post Office Box 645, Albany, Ga. 31702. Applicant's representative: Monty Schumacher, Suite 310, 2045 Peachtree Road NE., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ground clay and fuller's earth*, from points in Thomas County, Ga., to points in Georgia, Florida, Alabama, Tennessee, South Carolina, North Carolina, Louisiana, Arkansas, Virginia, Ohio, Indiana, Colorado, Connecticut, Massachusetts, Rhode Island, Mississippi, Texas, 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 Atlanta, Ga., or Chicago, Ill.

No. MC 124154 (Sub-No. 39), filed August 10, 1970. Applicant: WINGATE TRUCKING COMPANY, INC., Post Office Box 645, Albany, Ga. 31702. Applicant's representative: Monty Schumacher, 2045 Peachtree Road NE., Suite 310, Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Chemicals;* (a) from McIntosh, Ala., to points in Illinois, Indiana, Iowa, Kansas, Louisiana, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, Texas, and Wisconsin; and (b) from St. Gabriel, La., to McIntosh, Ala.; and (2) *agricultural chemicals and agricultural chemical materials*, in containers, from St. Gabriel, La., to points in

Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin. NOTE: Applicant states that tacking possibilities exists with its Sub-Nos. 19, 27, and 35. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 124170 (Sub-No. 19), filed August 17, 1970. Applicant: FROSTWAYS, INC., 2450 Scotten, Detroit, Mich. 48209. 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: *Such merchandise as is dealt in by wholesale or retail food business houses*, in connection therewith, *equipment, materials, and supplies* used in the conduct of such business, in vehicles equipped with mechanical refrigeration, between Columbus, Ohio, and points in Michigan. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, or Detroit, Mich.

No. MC 124211 (Sub-No. 151), filed July 30, 1970. Applicant: HILT TRUCK LINE, INC., 1415 South 35th Street, Post Office Drawer 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: *Cleaning compounds, deodorants; fabric fresheners, softeners, and preservatives; health and beauty aids; polish and waxes; promotional matter; rust removers; soaps; and toilet preparations*, from points in Hardin County, Iowa, to points in the United States west of U.S. Highway 61, 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 Des Moines, Iowa, or Omaha, Nebr.

No. MC 124423 (Sub-No. 5), filed August 17, 1970. Applicant: JET MESSENGER SERVICE, INC., Post Office Box 99, Metuchen, N.J. 08840. 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: *Drugs, medicines, chemicals, materials, equipment, supplies, and records* used in connection with the research, manufacture, and/or distribution thereof, between Rahway, N.J., on the one hand, and, on the other, Baltimore, Md.; South Danville, Pa.; Elkton, Va.; Pittsburgh and Riverside, Pa.; and Washington, D.C. 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 Newark, N.J., or New York, N.Y.

No. MC 124456 (Sub-No. 3), filed August 14, 1970. Applicant: B & R TUG AND BARGE, INC., 400 Norton Building, Seattle, Wash. 98104. Applicant's representative: William M. Crawford (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, in cargo vans or containers and empty cargo van or containers, between wharfages and docks at Nome, Alaska, on the one hand, and, on the other, points within 5 miles of the city limits of Nome, Alaska. 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 Seattle, Wash., or Nome, Alaska.

No. MC 124546 (Sub-No. 4), filed August 11, 1970. Applicant: VELTMAN TERMINAL CO., a corporation, Post Office Box 54582, Los Angeles, Calif. 90054. Applicant's representative: Herbert Burstein, 30 Church Street, New York, N.Y. 10007. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by retail department stores, between Buena Park and Los Angeles, Calif., and between Buena Park and Los Angeles, Calif., on the one hand, and, on the other, the stores and warehouses of the J. C. Penney Co., Inc., located in Fresno, Kern, Kings, Los Angeles, Orange, Riverside, San Bernardino, San Diego, Santa Barbara, Tulare, and Ventura Counties, Calif., under continuing contract with J. C. Penney Co., Inc. Common control may be involved. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Los Angeles, Calif.

No. MC 124679 (Sub-No. 36), filed August 10, 1970. Applicant: C. R. ENGLAND & SONS, INC., 228 West Fifth South, Salt Lake City, Utah 84101. Applicant's representative: Daniel B. Johnson, 1111 E Street NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Footstuffs* in vehicles equipped with mechanical refrigeration, from Brentwood, Md., to points in Ohio, Pennsylvania, New York, New Jersey, Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont. NOTE: Applicant presently holds contract carrier authority under its No. MC-128813 Sub-Nos. 2 and 4, therefore dual operations may be involved. Applicant states that no tacking is intended although tacking is possible with its Sub-No. 35 if granted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 124952 (Sub-No. 8), filed August 10, 1970. Applicant: RUSSELL F. HASINBILLER, doing business as R & H TRANSPORT, Box 28, Craigville, Ind. 46731. Applicant's representative: Donald W. Smith, 900 Circle Tower, Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Materials and supplies* used in the manufacture and distribution of nonalcoholic beverages, from points in Wisconsin, Michigan, Ohio, Illinois, Kentucky, and St. Louis, Mo., to the plantsite of Steury Bottling Co., Inc., at Bluffton, Ind., under contract with Steury Bottling Co., Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 125035 (Sub-No. 22), filed August 13, 1970. Applicant: RAY E. BROWN TRUCKING, INC., 1132 55th Street NE., North Canton, Ohio 44721. Applicant's representative: Fred H. Zollinger, 800 Cleve-Tusc Building, Canton, Ohio 44702. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Ice cream, ice cream confections, ice confections, and ice water confections*, from Hamilton, Ohio, to Pittsburgh, Pa., under contract with Sealtest Foods, Division of Kraftco Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Cleveland, Ohio, Pittsburgh, Pa., or Columbus, Ohio.

No. MC 125285 (Sub-No. 7), filed August 14, 1970. Applicant: SKYLINE EXPRESS, INC., 1703 Highway Two, Duluth, Minn. 55810. Applicant's representative: E. L. Newville (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dry commodities*, in bulk, between points in Iowa, Minnesota, Michigan (Upper Peninsula), Montana, North Dakota, South Dakota, and Wisconsin, restricted to traffic having a prior or subsequent movement by rail and/or water; (2) *calcium chloride, calcium chloride and sodium chloride mixed, cement, lime, and mineral filler*, in containers, in straight or mixed shipments or in combined shipments with other authorized commodities, from Duluth, Minn., and Superior, Wis., to points in Iowa, Michigan (Upper Peninsula), Minnesota, North Dakota, South Dakota, Montana, and Wisconsin; (3) *salt*, in containers or blocks, in straight or mixed shipments or when moving in combined shipments with other authorized commodities, from Duluth, Minn., to points in Iowa, Michigan (Upper Peninsula), North Dakota, South Dakota, and Montana; and (4) *cement*, in bulk, from Duluth, Minn., to points in Michigan (Upper Peninsula), and Wisconsin. 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 Madison, Wis., or Minneapolis, Minn.

No. MC 125433 (Sub-No. 19), filed August 10, 1970. Applicant: F-B TRUCK LINE COMPANY, a corporation, 1891 West 2100 South, Salt Lake City, Utah 84119. Applicant's representatives: Martin J. Rosen, 140 Montgomery Street, San Francisco, Calif. 94104, and David J. Lister (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper, pulpboard,*

*paperboard, fiberboard, and articles manufactured therefrom;* between the plantsites and warehouse facilities of Fibreboard Corp. at Antioch, San Jose, and Stockton, Calif., on the one hand, and, on the other, points in Idaho, Montana and Utah. NOTE: Applicant presently has pending an application for contract carrier authority under its docket No. MC 133128 (Sub-No. 2), therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif., or Salt Lake City, Utah.

No. MC 125440 (Sub-No. 8), filed August 7, 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: (1) *Concrete planks*, on flatbeds, and *materials and supplies* used in connection with the erection and installation thereof (except commodities in bulk), from Morrisville, Pa., to points in New Jersey, New York, Pennsylvania, Delaware, Maryland, and the District of Columbia; and (2) *materials and supplies* (except in bulk), from the above-named destination States to Morrisville, Pa. Restriction: The proposed service to be under contract with Strescon Industries, 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 125821 (Sub-No. 5), filed August 10, 1970. Applicant: WACO C. ARANT, doing business as ARANT TRUCKING COMPANY, Route 4, Paducah, Ky. 42001. Applicant's representative: Herbert S. Melton, Jr., Post Office Box 1407, Paducah, Ky. 42001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Confectionery products, advertising supplies, and display materials related thereto*, from Paducah, Ky., to Phoenix, Ariz.; Los Angeles, San Francisco, Berkeley, and San Leandro, Calif. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn., or Louisville, Ky.

No. MC 125918 (Sub-No. 9), filed August 7, 1970. Applicant: JOHN A. DI MEGLIO, White Horse Pike, Ancora, N.J. 08037. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Brick*, from Somerville, N.J., to points in Connecticut, New Jersey, New York, Pennsylvania, and Rhode Island, under continuing contract with New Jersey Shale Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 125918 (Sub-No. 10), filed August 7, 1970. Applicant: JOHN A. DI MEGLIO, White Horse Pike, Ancora, N.J. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Concrete building units*, from Primos, Pa., to points in Connecticut, Delaware, Maryland, New Jersey, and New York, under a continuing contract with Building Units, Inc., Primos, Pa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 126276 (Sub-No. 32), filed August 5, 1970. Applicant: FAST MOTOR SERVICE, INC., 12855 Ponderosa Drive, Palos Heights, Ill. 60463. Applicant's representative: Robert H. Levy, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers, metal container ends, and accessories, materials, supplies, and equipment* used in the manufacture, sale, and distribution of metal containers and metal container ends, from the plant and warehouse sites of National Can Corp. located at Marion, Ohio; Hamilton, Ohio; Cleveland, Ohio; Baltimore, Md.; Millis, Mass.; Cambridge, Md.; Chicago, Ill.; Gary, Ind.; Danbury, Conn.; Detroit, Mich.; Eden, N.Y.; Edison, N.J.; Fairless, Pa.; Green Bay, Wis.; Hanover, Pa.; Lenexa, Kans.; New York, N.Y.; Rockford, Ill.; points in Colorado, New Mexico, Texas, Oklahoma, Kansas, Nebraska, North Dakota, South Dakota, Minnesota, Wisconsin, Iowa, Illinois, Missouri, Arkansas, Louisiana, Mississippi, Alabama, Georgia, Florida, Tennessee, South Carolina, North Carolina, Virginia, Kentucky, West Virginia, Indiana, Michigan, Ohio, Pennsylvania, Maryland, Delaware, Maine, District of Columbia, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, Vermont, and New Hampshire, under contract with National Can Corp. NOTE: Applicant has a common carrier application pending under MC 134612, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 126276 (Sub-No. 34), filed August 10, 1970. Applicant: FAST MOTOR SERVICE, INC., 12855 Ponderosa Drive, Palos Heights, Ill. 60463. Applicant's representative: Robert H. Levy, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper cups and plates and plastic lids, cups, knives, forks, and spoons*, from the plants and warehouse facilities of Continental Can Co., at Three Rivers, Mich.; to Bayonne and Pennsauken, N.J.; New York, N.Y., and points in its commercial zone; Syracuse, N.Y.; Philadelphia, Pa.; Columbia, Md.; Alexandria, Va.; Providence, R.I.; Boston and Worcester, Mass., under contract with Continental Can Co. NOTE: Applicant presently has pending an application for common carrier authority under its docket No. MC 134612, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 126427 (Sub-No. 9), filed August 14, 1970. Applicant: PALMER TRANSPORTATION, INC., Chester, N.Y. 10918. Applicant's representative: Edward M. Alfano and John L. Alfano, 2 West 45th Street, New York, N.Y. 10036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Liquid sugar, invert sugar, dextrose, corn syrup, syrups, and blends or mixtures thereof*, in bulk, in tank vehicles, from New York, and Yonkers, N.Y., to points in Delaware, Maryland, New York, and Pennsylvania (except Williamsport, Milton, Berwick, Hazelton, Kingston, Scranton, and Wilkes-Barre, Pa.; and (2) *returned, refused, and rejected shipments of liquid sugar, invert sugar, dextrose, corn syrup, syrups, and blends or mixtures thereof*, in bulk, in tank vehicles, from points in Delaware, Maryland, New York, and Pennsylvania (except Williamsport, Milton, Berwick, Hazelton, Kingston, Scranton and Wilkes-Barre, Pa., to New York and Yonkers, N.Y. 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 New York, N.Y.

No. MC 126822 (Sub-No. 38), filed July 27, 1970. Applicant: PASSAIC GRAIN AND WHOLESALE COMPANY, INC., Passaic, Mo. 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*, from Hereford, 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 Denver, Colo., or Kansas City, Mo.

No. MC 126822 (Sub-No. 39), filed August 10, 1970. Applicant: PASSAIC GRAIN AND WHOLESALE COMPANY, INC., Post Office Box 23, Passaic, Mo. 64777. Applicant's representatives: Tom 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: *Cotton, jute, sisal, and polypropylene twine and rope, and sisal products* (except sisal cloth), from Chicago, Ill., Davenport, Iowa, Duluth, Minn., Tulsa, Okla., Green Bay, La Crosse and Milwaukee, Wis., to points in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Montana, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Wisconsin, and Wyoming. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Chicago, Ill.

No. MC 127042 (Sub-No. 63), filed August 13, 1970. Applicant: HAGEN, INC., 4120 Floyd Boulevard, Post Office Box 6, Leeds Station, Sioux City, Iowa 51108. Applicant's representative: Joseph W. Harvey (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen potatoes and frozen potato products*, from Grand Forks, N. Dak., to points in Minnesota, Wisconsin, Illinois, Missouri, Kansas, Iowa, Nebraska, South Dakota, Wyoming, and Montana. 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., or Minneapolis, Minn.

No. MC 127042 (Sub-No. 64), filed August 13, 1970. Applicant: HAGEN, INC., 4120 Floyd Boulevard, Post Office Box 6, Leeds Station, Sioux City, Iowa 51108. Applicant's representative: Joseph W. Harvey (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Soap, toilet preparations, and cleaning compounds*, from Eldora, Iowa, to points in California, Arizona, Nevada, Oregon, Washington, Utah, Idaho, Montana, Wyoming, Colorado, Kansas, Nebraska, North Dakota, South Dakota, Minnesota, Missouri, Wisconsin, Illinois, Indiana, and Michigan. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Minneapolis, Minn.

No. MC 128772 (Sub-No. 3), filed August 10, 1970. Applicant: STAR BULK TRANSPORT, INC., 827 North Front Street, New Ulm, Minn. 56073. Applicant's representative: Charles E. Nieman, 1160 Northwestern Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cheese, including cheese foods*, from the Borden Dairy Co. in Plymouth, Wis., and the L. D. Schreiber Cheese Co. in Green Bay, Wis., to the plantsite of Pace Dairy Foods, in Rochester, Minn., and outdated, refused, or rejected merchandise on return; (2) *cheese, including cheese foods, butter, cheese trim, fondue mix, and related items* from the plantsite of Pace Dairy Foods, at Rochester, Minn., to Kroger warehouse and dairy facilities located at East Point, Ga.; Charleston, W. Va.; Springdale, Woodlawn, Solon, and Port Columbus, Ohio; Irving, Tex.; Livonia, Mich.; Fort Wayne, Ind.; Grand Rapids, Mich.; Houston, Tex.; Indianapolis, Ind.; Kansas City, Mo.; Little Rock, Ark.; Salem, Va.; Hazelwood, Mo.; and outdated, refused, or rejected merchandise on return.

(3) *Cheese, including cheese food, butter, cheese trim, fondue mix, and related items* from the plantsite of Pace Dairy Foods at Rochester, Minn., to Fort Worth, Tex.; Burlington, Iowa; Birmingham, Ala.; Detroit and Grand Rapids, Mich.; Weymouth, Norton, and Worcester, Mass.; Hazelton, Pa.; Norfolk and Richmond, Va.; Pawtucket, R.I.; South Portland, Maine; Middletown and Rochester, N.Y.; Dallas, Houston, and San Angelo, Tex.; St. Louis, Mo.; Toledo, Ohio; Elizabeth, N.J.; Los Angeles, Calif.; Elk Grove, Ill.; Milwaukee, Wis.; and outdated, refused, or rejected merchandise on return; (4) *cheese trim*, from the plantsite of Pace Dairy Foods in Rochester, Minn., to the plantsite of the Borden Co. in Plymouth, Wis., and L. D. Schreiber, in Greenbay, Wis.; and (5) *cheese, including cheese food, cellulose film* (transparent sheets of film such as commonly used for wrapping purposes), in rolls or sheets, *fondue mix, fiberboard, paper, paperboard, or pulp-board containers*, flat or folded flat, corrugated, and such other supplies as are normally used in the manufacturing, packaging, and distribution of cheese products, from points and places in the States of Illinois, Iowa, and Wisconsin to the plantsite of Pace Dairy Foods, Rochester, Minn.; under contract with The Kroger Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis or St. Paul, Minn.

No. MC 129742 (Sub-No. 7), filed August 14, 1970. Applicant: TRANS CANADIAN COURIERS LTD., 20 Morse Street, Rotonto, Ontario, Canada. Applicant's representative: John M. Delany, 2 Nevada Drive, Lake Success, N.Y. 11040. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Business papers, records and audit and accounting media of all kinds*, between Detroit, Mich., on the one hand, and on the other, the port of entry on the United States-Canada boundary line, located near Detroit, Mich., and (2) *Radiopharmaceuticals, radioactive drugs and medical isotopes*, between Detroit, Mich., on the one hand, and, on the other, the port of entry on the United States-Canada boundary line, located near Detroit, Mich., restricted to shipments having an immediately prior or subsequent movement by air. NOTE: Applicant states that the requested authority cannot be tacked with its presently held authority. Applicant holds contract motor carrier authority in MC 129456 and Subs. Dual operations and common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich., or New York, N.Y.

No. MC 129923 (Sub-No. 3), filed August 10, 1970. Applicant: SHIPPERS TRANSPORTS, INC., 2000 Wheeler Street, West Memphis, Ark. 72301. Applicant's representative: Edward G. Grogan, 2020 First National Bank Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay, crude, crushed, ground, or pulverized*, in bags, barrels, or boxes or packages (but not in bulk or tank vehicles), from Quality, Ga., to points in Alabama, Arkansas, Florida, Iowa, Indiana, Illinois, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Texas, Virginia, West Virginia, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 129944 (Sub-No. 4) (Amendment), filed May 7, 1970, published in the FEDERAL REGISTER issue of June 11, 1970, and republished as amended this issue. Applicant: THREE-B FREIGHT SERVICE, INC., 3973 Riverside Drive, Chino, Calif. 91710. Applicant's representative: Milton W. Flack, 1813 Wilshire Boulevard, Suite 400, Los Angeles, Calif. 90057. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New household appliances and new household furnishings*, from points in California, bounded by a line beginning at junction U.S. Highway 66 and Grand Avenue, near Glendora, Calif., thence south on Grand Avenue, to junction U.S. Highway 60, thence east on U.S. Highway 60 to junction California Highway 71, thence southeast on California Highway 71 to junction California Highway 91, thence east on California Highway 91 to Hammer Avenue, in Corona, Calif., thence north on Hammer Avenue, to River Road, thence north on River Road to Archibald Avenue, thence north on Archibald Avenue, to U.S. Highway 66, thence west on U.S. Highway 66 to point of beginning, including points on the indicated portions of the highways specified; to Brawley, El Centro, Calexico, Banning, and Winterhaven, Calif. under contract with McMahan's Furniture Stores. NOTE: Applicant holds common carrier authority under MC 126944, therefore dual operations may be involved. The purpose of this republication is to add Banning as a destination point. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 133065 (Sub-No. 13), filed August 13, 1970. Applicant: ECKLEY TRUCKING AND LEASING, INC., Mead, Nebr. 68041. Applicant's representative: Frederick J. Coffman, 521 South 14th Street, Post Office Box 806, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Forest products and those commodities normally used and distributed by wholesale forest product yards*, (a) from forest product mills at or near Anaconda, Barber, Cascade, Corvallis, Darby, Missoula, Thompson, Falls, Dillon, Polson, Bonner, Dover, Nathan, Townsend, Superior, Deer Lodge, Columbia Falls, Kalispell, Philipsburg, and Plains, Mont.; Aberdeen, Coeur d' Alene, Lewiston, Sandpoint, Kellogg, Meridian, North Fork, Jaype, St. Maries, and Emmett, Idaho; Aberdeen, Seattle, Everett, Spokane, Tacoma, and Hoquiam, Wash.; and Portland, Baker, Foster, Sweet Home, Dallas, Culp Creek, Molalla, The Dalles, Hood River, Gardiner, Vaughan, Lebanon, Philomath, Eugene, Riddle, Grants Pass, and Roseburg, Oreg., to points in Kansas, Nebraska, and Missouri on and west of U.S. Highway 65; and (b) between the plantsite of Mid-West Lumber Co. at Lincoln, Nebr., and

points in Kansas, Missouri, South Dakota, Minnesota, Iowa, and Illinois, under contract with Mid-West Lumber Co. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Lincoln, or Omaha, Nebr.

No. MC 133240 (Sub-No. 8), filed August 10, 1970. Applicant: WEST END TRUCKING CO., INC., 530 Duncan Avenue, Jersey City, N.J. 07306. Applicant's representative: Charles J. Williams, 47 Lincoln Park, Newark, N.J. 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel*, in cartons, between New York, N.Y., and Sacaucus, N.J., on the one hand, and, on the other, Lansing, Frazer, and Okemos, Mich., Rocky Mount, N.C., and Decatur, Ga. Restriction: The authority sought herein is restricted to a transportation service to be performed under a contract or continuing contract with Holly Stores, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Newark, N.J., or New York, N.Y.

No. MC. 133240 (Sub-No. 9), filed August 12, 1970. Applicant: WEST END TRUCKING CO., INC., 530 Duncan Avenue, Jersey City, N.J. 07306. Applicant's representative: Charles J. Williams, 47 Lincoln Park, Newark, N.J. 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes,, transporting: *Wearing apparel*, in cartons, between New York, N.Y., Secaucus, N.J., and Atlanta, Ga., on the one hand, and, on the other, points in Texas, under a continuing contract with Holly Stores, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Newark, N.J., or New York, N.Y.

No. MC 133424 (Sub-No. 3), filed August 10, 1970. Applicant: AARON COPE, doing business as AARON COPE TRUCKING COMPANY, 101 North Oakhill Drive, McMinnville, Tenn. 37110. Applicant's representative: Walter Harwood, 1822 Parkway Towers, Nashville, Tenn. 37219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand*, from the plant and facilities of Cumberland Mountain Sand Co., at or near Hillsboro, Tenn., to points in Alabama, Georgia, Mississippi, Louisiana, Arkansas, Missouri, Illinois, Indiana, Kentucky, Ohio, West Virginia, Virginia, North Carolina, and South Carolina. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 133581 (Sub-No. 5), filed August 10, 1970. Applicant: HOLDT POTATO COMPANY, INC., Rural Route No. 2, Red Cloud, Nebr. 68970. Applicant's representative: Frederick J. Coffman, 521 South 14th Street, Post Office Box 806, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cheese*, from the plantsites and storage warehouse facilities of Oxford Cheese Co. at Oxford, Nebr.; Ravenna Cheese Co. at or near Ravenna, Nebr.; and Ord Cheese Co. at or near Ord, Nebr.; to points in Arizona, California, Kansas, Missouri, New Mexico, and Oklahoma, under continuing contract with Don Pauly Cheese, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Lincoln, Nebr., or Manitowoc, Wis.

No. MC 133689 (Sub-No. 10), filed August 10, 1970. Applicant: OVERLAND EXPRESS, INC., 651 First Street SW., New Brighton, Minn. 55112. Applicant's representatives: James F. Sexton (same address as above) and Charles W. Singer, 33 North Dearborn Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and/or cold storage facilities utilized by Wilson Sinclair Co., at Albert Lea, Minn., to points in Connecticut, Delaware, the District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont, restricted to traffic originating at the above-specified plantsite and/or cold storage facilities and destined to the above-specified destinations. NOTE: Applicant presently holds contract carrier authority under its No. MC 76025 and subs thereunder, 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 133689 (Sub-No. 11), filed August 10, 1970. Applicant: OVERLAND EXPRESS, INC., 651 First Street SW., New Brighton, Minn. 55112. Applicant's representatives: James F. Sexton (same address as above), and Charles W. Singer, 33 North Dearborn Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), and foodstuffs from Austin, Minn., 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 plants and storage facilities of Geo. A. Hormel Co. at Austin, Minn. NOTE: Applicant now holds contract carrier authority under its permit No. MC 76025 and subs, therefore dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 133725 (Sub-No. 5), filed August 10, 1970. Applicant: SAME DAY TRUCKING CO., INC., 400 Newark Avenue, Piscataway, N.J. 08854. Applicant's representative: Paul J. Keeler, Post Office Box 253, South Plainfield, N.J. 07080. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Tailpipes, exhaust pipes, shock absorbers, brake parts, mufflers, and automotive parts and materials* used in the installation of such commodities, from North Brunswick, N.J., to Baltimore, Md., points in New York (except New York, N.Y., and except points in Nassau and Suffolk Counties, N.Y.), and points in Pennsylvania (except Philadelphia, Pa.), under contract with Midas International Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Newark, N.J.

No. MC 133876 (Sub-No. 2), filed August 10, 1970. Applicant: NORTHWESTERN TRADING COMPANY, INC., Post Office Box 173, Milton-Freewater, Oreg. 97862. Applicant's representative: Paul E. Hochelle, Terminal Sales Building, Room 423, Portland, Oreg. 97205. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Frozen vegetables*, between Milton-Freewater, Oreg., and Walla Walla, Wash., under contract with Lynden Umatilla Division, Western Farmers Association. NOTE: If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 134189 (Sub-No. 2), filed August 11, 1970. Applicant: HARRY F. ANDRESS, doing business as: H & B TRUCKING, COMPANY, Rural Delivery No. 5, Post Office Box 694, Stroudsburg, Pa. 18360. Applicant's representative: Kenneth R. Davis, 999 Union Street, Taylor, Pa. 18517. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Periodical publications and related items and documents*, from East Stroudsburg, Pa., to New York and Fort Washington, N.Y., and Parsippany, N.J.; and (2) *materials, supplies, and equipment* used in the printing of periodical publications, from New York and Fort Washington, N.Y., and Parsippany, N.J., to East Stroudsburg, Pa., under a continuing contract with Hughes Printing Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 134364 (Sub-No. 1), filed August 13, 1970. Applicant: A.F. & SONS, INC., 509 Liberty Street, Syracuse, N.Y. 13402. Applicant's representative: Walter Kobos, 1016 Kehoe Drive, St. Charles, Ill. 60174. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, packinghouse products, meat byproducts and articles distributed by meat packinghouses* as set forth in sections A and C, in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, and foodstuffs except meat and meat products as described above, when transported in mixed truckloads with meat products (restricted against commodities in bulk and hides), from Austin, Minn., 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 plantsite and warehouse facilities of Geo. A. Hormel & Co. at Austin, Minn., and destined to the above-named States. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Chicago, Ill.

No. MC 134370 (Sub-No. 3), filed August 13, 1970. Applicant: OSBORNE TRUCKING CO., INC., 1008 Sierra Drive, Riverton, Wyo. 82501. Applicant's representative: Robert S. Stauffer, 3539 Boston Road, Cheyenne, Wyo. 82001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feldspar*, from Bonneville, Wyo., to points in Arkansas, Colorado, Kansas, Oklahoma, Illinois, Indiana, Ohio, New York, Missouri, Louisiana, Texas, West Virginia, Pennsylvania, Wisconsin, and Utah. NOTE: Applicant holds contract carrier authority under Docket No. MC 133741 and Subs 1 and 3, therefore, dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Rapid City, S. Dak., or Casper or Cheyenne, Wyo.

No. MC 134533 (Sub-No. 1), filed August 13, 1970. Applicant: MID-NORTH FURNITURE TRANSPORT, INC., 1175 South Cleveland, St. Paul, Minn. 55116. Applicant's representative: Mark Hertz (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from St. Paul, Minn., to points in Minnesota, North Dakota, South Dakota, Wisconsin, and those points on and north of U.S. Highway 30 in Iowa, under contract with Mid-North Furniture Distributing Center. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Chicago, Ill.

No. MC 134548 (Sub-No. 1), filed July 30, 1970. Applicant: ZENITH TRANSPORT LTD., 2040 Alpha Avenue, Burnaby 2, British Columbia, Canada. Applicant's representative: D. W. Crowe-Swords (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Bananas*, and (2) *fresh fruit and vegetables otherwise exempt under section 203(b)(6) of the Interstate Commerce Act*, when moving in the same vehicle and at the same time as bananas, from points in California and Washington to ports of entry on the international boundary line between the United States and Canada located in Washington, Idaho, and Montana. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash., or San Francisco, Calif.

No. MC 134583 (Sub-No. 1), filed August 14, 1970. Applicant: AAA TRANSFER & STORAGE, INC., 5 Jefferson Place NW., Post Office Drawer AA, Fort Walton Beach, Fla. 32548. Applicant's representative: Alan F. Wohlstetter, Denning and Wohlstetter, 1 Farragut Square South, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in Escambia, Santa Rosa, and Okaloosa Counties, Fla.; Baldwin, Escambia, and Covington Counties, Ala., including the city of Mobile, Ala., restricted to shipments having a prior or subsequent movement beyond said points in containers, and further restricted to pickup and delivery services incidental to and in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such shipments. 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 does not specify a location.

No. MC 134619 (Sub-No. 1) (Correction), filed June 1, 1970, published in the FEDERAL REGISTER issue of June 25, 1970, corrected and republished as corrected, this issue. Applicant: CLIFFORD R. FELTON, Rural Delivery No. 2, Latrobe, Pa. 15650. Applicant's representative: John A. Pillar, 2310 Grant Building, Pittsburgh, Pa. 15219. NOTE: The purpose of this republication is to show operation as a *contract carrier*, in lieu of common carrier as shown in previous publication. The rest of the application remains the same.

No. MC 134701 (Sub-No. 2), filed August 10, 1970. Applicant: ROBERT WITHERS, doing business as ROBERT WITHERS TRUCKING, 6045 Vine Vale, Maywood, Calif. 90270. Applicant's representative: William S. Richards, 900 Walker Bank Building, Salt Lake City, Utah 84111. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bananas and agricultural products* otherwise exempt under section 203(b)(6) of the Interstate Commerce Act, when moving with bananas, from points in California and Arizona, to the port of entry on the international boundary line between the United States and Canada, located at or near Sweetgrass, Mont., under contract with Horne and Pitfield Foods, Ltd. NOTE: If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah.

No. MC 134740 (Sub-No. 1), filed August 19, 1970. Applicant: JACK BAULOS, INC., 10605 Avenue E, Chicago, Ill. 60617. Applicant's representative: Albert A. Andrin, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by retail drug stores, from the warehouse facilities of DeKoven Drug Co. at Elk Grove Village, Ill., to points in Indiana, Wisconsin, Tennessee, Nebraska, Texas, North Carolina, South Carolina, Ohio, Kentucky, and Illinois, under contract with DeKoven Drug Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 134745 (Sub-No. 2) (Amendment), filed July 28, 1970, published in the FEDERAL REGISTER issue of August 20, 1970, and republished as amended, this issue. Applicant: E. N. AND C. C. CURTIS, a partnership, doing business as CURTIS BROTHERS TRUCKING COMPANY, Route 6, Box 221 E, Falmouth, Va. 22401. Applicant's representative: Daniel B. Johnson, 716 Perpetual Building, 1111 E Street NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips, bark, wooden stakes and props, saw dust and shavings*, from Fredericksburg, Va., and points in Carolina, King George and Spotsylvania Counties, Va., to points in Pennsylvania, Maryland, New Jersey, Delaware, West Virginia, Ohio, and New York. NOTE: Applicant holds contract carrier authority under MC 133045 (Sub-No. 2), therefore, dual operations may be involved. Applicant states that no duplicating authority is being sought. The purpose of this republication is to broaden the scope of the application by adding the States New Jersey, Delaware, West Vrginia, Ohio, and New York as destination points. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 134791 (Sub-No. 2), filed August 14, 1970. Applicant: WALKIE & SONS, LTD., 3330 East 54th Avenue, Denver, Colo. 80216. Applicant's representative: John P. Thompson, 450 Capitol Life Building, Denver, Colo. 80203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (a) *Foodstuffs* (except frozen foods and meats in vehicles equipped with mechanical refrigeration), and (b) *packaging materials* (containers), between points in the contiguous United States lying in and west of Michigan, Indiana, Illinois, Missouri, Arkansas, and Louisiana, under a continuing contract with Red Seal, Snack Foods Division, Pet, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 134848 (Sub-No. 1), filed August 10, 1970. Applicant: NATIONWIDE EXPRESS, INC., 8315 Beechnut, Houston, Tex. 77036. Applicant's representative: Pat H. Robertson, Suite 401 First National Life Building, Austin, Tex. 78701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cleaning, bleaching, scouring, and washing products* manufactured and/or shipped by the Clorox Co.; (1) from Houston, Tex., and points in its commercial zone, to points in Louisiana, Mississippi, and points in that part of Arkansas south of U.S. Highway 40, and (2) from Atlanta, Ga., and points in its commercial zone, to points in Alabama, Mississippi; points in those parts of Kentucky and Tennessee west of U.S. Highway 431, excluding Nashville, Tenn.; points in that part of Louisiana east of the Mississippi River; points in that part

of Arkansas on and east of a line beginning at the Arkansas-Missouri State line near Corning, Ark., and extending southwesterly along U.S. Highway 67 to junction U.S. Highway 65; thence along U.S. Highway 65 southeasterly to the Arkansas-Louisiana State line near Readland, Ark. (except Little Rock, Ark., and points in its commercial zone as defined by the Commission), under contract with the Clorox Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Houston, Tex., or Atlanta, Ga.

No. MC 134864, filed August 10, 1970. Applicant: CRONER & BUEHRMANN, INC., 226 Jackson Street, Brooklyn, N.Y. 11211. Applicant's representative: Alvin Altman, 1776 Broadway, New York, N.Y. 10019. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Drugstore and hospital supplies and equipment*, from New York, N.Y., to points in Connecticut, Maryland, New Jersey, and Pennsylvania, and *empty tote* boxes, on return, under contract with S–P Drug Co., Inc., Brooklyn, N.Y. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 134868, filed August 17, 1970. Applicant: COIN DEVICES CORP., 68 Broad Street, Elizabeth, N.J. 07201. Applicant's representative: Robert B. Pepper, 174 Brower Avenue, Edison, N.J. 08817. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Coins, currency, silver, and gold bullion, and rare metals*, between points in New Jersey on the one hand, and on the other, points in Connecticut, Delaware, Illinois, Indiana, Maine, Maryland, Massachusetts, New Hampshire, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Virginia, West Virginia, Washington, D.C., and California; (2) *coupons and insurance premiums*, between points in New Jersey, on the one hand, and, on the other, points in Delaware, Maryland, New York, Pennsylvania, and Washington, D.C.; (3) *checks* between points in New Jersey, on the one hand, and, on the other, points in Connecticut, Delaware, Maryland, Massachusetts, New Hampshire, New York, Pennsylvania, Virginia, and Washington, D.C., and (4) *negotiable and nonnegotiable securities*, between points in New Jersey and New York. NOTE: If a hearing is deemed necessary, applicant requests it be held at Newark, N.J., or New York, N.Y.

No. MC 134869, filed August 17, 1970. Applicant: AINSWORTH VAN LINES, INC., 804 Southwest Second Street, Oklahoma City, Okla. Applicant's representative: Rufus H. Lawson, Post Office Box 75124, 106 Bixler Building, 2400 Northwest 23d Street, Oklahoma City, Okla. 73107. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, 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 Oklahoma. NOTE: If a hearing is deemed necessary, applicant requests it be held at Oklahoma City or Tulsa, Okla.

### APPLICATION FOR WATER CARRIERS

No. W–431 (Sub-No. 12) (SIOUX CITY AND NEW ORLEANS BARGE LINES, INC. Extension—MISSISSIPPI RIVER SYSTEM 2), filed August 11, 1970. Applicant: SIOUX CITY AND NEW ORLEANS BARGE LINES, INC., 7745 Carondelet, St. Louis, Mo. 63105. Applicant's representative: Eldon S. Olson, Southern Building, 15th and H Streets NW., Washington, D.C. 20005. By application filed August 11, 1970, applicant seeks revision of its present sixth amended certificate and order No. W–431 so as to authorize it to perform the following additional service over the routes and between the ports and points indicated: Operation as a *common carrier* by water in interstate or foreign commerce, by non-self-propelled vessels with the use of separate towing vessels in the transportation of *commodities generally*, and by towing vessels in the performance of general towage; (a) between ports and points along the Illinois Waterway below and including the Lake Michigan Ports between and including Waukegan, Ill., and Michigan City, Ind., on the one hand, and points and ports listed in (b), (c), (d), and (e) listed below on the other hand; (b) between ports and points along the Ohio River below Pittsburgh, Pa., the Allegheny River below Kittanning, Pa., the Monongahela River below and including Fairmont, W. Va., on the one hand, and ports and points listed in (a), (c), (d), and (e) on the other hand; (c) between ports and points along the Mississippi River below and including Minneapolis, Minn., and Port Sulphur, La., the St. Croix River below and including Stillwater, Minn.; the Minnesota River below its headwaters on the one hand, and points and ports listed in (a), (b), (d), and (e) on the other hand; (d) between ports and points along the Tennessee River below and including Knoxville, Tenn., and its tributaries, the Cumberland River and its tributaries below and including Carthage, Tenn., the Green River and its tributaries below its headwaters on the one hand and ports and points listed in (a), (b), (c), and (e) on the other hand; and (e) ports and points along the Gulf Intracoastal Waterway from Birmingport, Ala., to and including Brownsville, Tex., and all tributaries and connecting ship channels, The Pearl, and West Pearl Rivers, the Trinity River to the head of navigation, the Port Allen Route between Baton Rouge, La., and the Gulf Intracoastal Waterway on the one hand, and points and ports listed in (a), (b), (c), and (d) on the other hand. All the above in addition the ports and points which the applicant is presently authorized to serve pursuant to its sixth amended certificate and order No. W–431 dated October 10, 1969.

No. W 1250 (GULF ALASKA SHIPPING CORPORATION Common Carrier Application), filed August 10, 1970. Applicant: GULF ALASKA SHIPPING CORPORATION, 610 Bank of the Southwest Building, Houston, Tex. 77002. Application of Gulf Alaska Shipping Corp., filed August 10, 1970, for a permit to institute a new operation as a *common carrier*, by water, in interstate or foreign commerce, in year round operations, in the transportation of *general commodities;* (1) Regular routes: Between Houston, Tex., and New Orleans, La.; and Portland, Oreg., and Seattle, Wash.; and (2) Irregular routes: between Brownsville, Corpus Christi, Galveston, and Sabine, Tex.; Lake Charles and Baton Rouge, La.; Mobile, Ala.; Pensacola and Tampa, Fla.; Astoria, Coos Bay, Tillamook, Newport (Yaquina Bay), and Gardiner (Westchester Bay), Oreg.; and Bellingham (and Blaine), Tacoma, Everette, Anacortes, Longview, Vancouver, Olympia, Grays Harbor, Willapa, and Port Angeles, Wash.

### APPLICATION FOR BROKERAGE LICENSES

No. MC 12720 (Sub-No. 2), filed August 7, 1970. Applicant: TRAVEL & TOUR SERVICE, INC., 722 North Third Street, Milwaukee, Wis. 53203. Applicant's representative: William C. Dineen, 412 Empire Building, 710 North Plankinton Avenue, Milwaukee, Wis. 53203. For a license (BMC–5) to engage in operations as a *broker* at Milwaukee, Wis., in arranging for transportation in interstate or foreign commerce of *passengers and their baggage*, both as individuals and in groups, in charter and special operations, beginning and ending at points in Wisconsin; and points in Cook and Lake Counties, Ill., and Hennepin and Ramsey Counties, Minn., and extending to points in the United States.

No. MC 12797 (Sub-No. 3), filed August 10, 1970. Applicant: PRESLEY TOURS, INC., R.F.D. No. 1, Makanda, Ill. Applicant's representative: Melvin N. Routman, 306–308 Reisch Building, Springfield, Ill. 62701. For a license (BMC–5) to engage in operations as a *broker* at Makanda, Ill., in arranging for transportation in interstate or foreign commerce of *passengers and their baggage*, in groups, in round trip, all expense sightseeing tours, beginning and ending at points in Illinois (except Chicago) and extending to points in the United States including Alaska and Hawaii. NOTE: No arrangements proposed relative to the transportation of express or newspapers.

No. MC 130125, filed August 17, 1970. Applicant: DOROTHY H. GOUGH, doing business as GOUGH TOURS, Post Office Box 5827, Winston-Salem, N.C. 27103. Applicant's representative: Carl D. Downing, 2412 Wachovia Building, Winston-Salem, N.C. 27101. For a license (BMC 5) to engage in operations as a *broker* at Winston-Salem, N.C., in arranging for transportation in interstate or foreign commerce, of *passengers and their baggage*, both as individuals and in groups, in special and charter operations, beginning, and ending at points in Forsyth, Guilford, Davidson, and Rockingham Counties, N.C., and extending to points in the United States.

APPLICATION IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

No. MC 1693 (Sub-No. 4) filed August 12, 1970. Applicant: P. J. FLYNN, INC., Jacobus Avenue, South Kearny, N.J. 07032. Applicant's representative: Robert J. Lyon (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Clay, colors, and minerals*, from South Kearny (Hudson County) and South Plainfield (Union County), N.J., to points in Nassau County, N.Y., under contract with Whittaker, Clark & Daniels, Inc., New York, N.Y.

MOTOR CARRIER OF PASSENGERS

No. MC 134818, filed July 31, 1970. Applicant: WILLIAM SMEESTER, doing business as IRON MOUNTAIN-KINGSFORD COACHES, 516 South Avenue, Kingsford, Mich. 49801. Applicant's representative: Michael J. Anuta, 960 First Street, Menominee, Mich. 49858. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: (1) Over regular routes, *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, between Menominee, Mich., and Marinette, Wis., as follows: Beginning at the corner of First Street and 10th Avenue in the city of Menominee, Mich., thence west on 10th Avenue and Interstate Bridge (U.S. Highway 41) to Dunlap Square in Marinette, Wis., thence west on Hall Avenue to Minnesota Street, thence south on Minnesota Street to Carney Avenue, thence east on Carney Avenue to Pierce Avenue, thence south on Pierce Avenue to Logan Avenue, thence east on Logan Avenue to Shore Drive, thence south on Shore Drive to University Drive, thence east on University Drive to West Bay Shore Street, thence north on West Bay Shore Street to Ogden Street, thence west on Ogden Street to Hosmer Street, thence south on Hosmer Street to Main Street, thence west on Main Street to Dunlap Square, thence to point of beginning in Menominee, Mich., serving all intermediate points; and (2) Over irregular routes, *passengers and their baggage*, in charter operations, beginning and ending at Menominee, Mich., and Marinette, Wis., and extending to points in Michigan and Wisconsin.

By the Commission.

[SEAL] JOSEPH M. HARRINGTON,
*Acting Secretary.*

[F.R. Doc. 70-11583; Filed, Sept. 2, 1970; 8:45 a.m.]

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[Ex Parte No. 252 (Sub-No. 1); 337 I.C.C. 217]

## INCENTIVE PER DIEM CHARGES, 1968

### Institution of Court Actions

AUGUST 31, 1970.

Court actions entitled as shown below have been instituted involving the above-entitled proceedings. On August 28, 1970, the Honorable William A. McCrae, Jr., entered temporary restraining orders which ordered that the,

defendant Interstate Commerce Commission and its officers, agents, and employees be and they are hereby restrained from enforcing or attempting to enforce that part of the order of the Commission dated April 28, 1970, directing plaintiff to observe, enforce, and obey, commencing September 1, 1970, the rules and regulations set forth in Appendix B to the report of the Commission, decided April 28, 1970.

The court actions are entitled as follows:

No. 70-574-Civ.-J, Florida East Coast Railway Company v. United States of America and Interstate Commerce Commission, and;
No. 70-577-Civ.-J, Seaboard Coast Line Railroad Company v. United States of America and Interstate Commerce Commission.

Before the U.S. District Court for the Middle District of Florida, Jacksonville Division.

On August 31, 1970, the court amended its restraining orders to include the following provisions:

2. During the pendency of this review proceeding, the Commission's order of April 28, 1970, shall not be enforced or attempted to be enforced either against the plaintiffs or for their benefit.

3. That the plaintiffs shall for record purposes keep a subsidiary ledger such as described in Accounting Series Circular No. 142 of the Commission, and, based upon accounting information therein contained and contained in ledgers of other railroads kept in conformance with said circular, shall distribute such sums to and receive such sums from other such railroads as may be appropriate, if so ordered by final decision of this Court.

JOSEPH M. HARRINGTON,
*Acting Secretary.*

[F.R. Doc. 70-11687; Filed, Sept. 2, 1970; 8:45 a.m.]

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[Notice 142]

## MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

AUGUST 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 48213 (Sub-No. 31 TA), filed August 25, 1970. Applicant: C. E. LIZZA, INC., Rural Delivery No. 6, Lincoln Highway West, Post Office Box 447, Latrobe, Pa. 15650, Greensburg, Pa. 15601. Applicant's representative: John A. Pillar, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cloth wall covering, and materials, equipment, and supplies*, used in the manufacture and distribution thereof, between Pittston Township, Luzerne County, Pa., and Buchanan, N.Y., for 180 days. Supporting shipper: American Cyanamid Co., Wayne, N.J. 07470. Send protests to: Frank L. Calvary, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 2111 Federal Building, 1000 Liberty Avenue, Pittsburgh, Pa. 15222.

No. MC 107295 (Sub-No. 425 TA), filed August 24, 1970. Applicant: PRE-FAB TRANSIT CO., Post Office Box 146, 100 South Main Street, Farmer City, Ill. 61842. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Doors*, from Union, Mo., to points in Alabama, Arkansas, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Nebraska, Ohio, Oklahoma, Pennsylvania, Tennessee, Texas, and Wisconsin; and (2) *Hardboard*, from Union, Mo., to points in Illinois, Indiana, Michigan, Ohio, and Pennsylvania, for 180 days. Supporting shipper: Permaneer Corporation, Post Office Box 470, Union, Mo. 63084. Send protests to: Harold Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 476, 325 West Adams Street, Springfield, Ill. 62704.

No. MC 109637 (Sub-No. 371 TA), filed August 25, 1970. Applicant: SOUTHERN TANK LINES, INC., 10 West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular route, transporting: *Animal and vegetable oils, and blends thereof; oil foots sediments; and monoglyceride, diglyceride and triglyceride*, in bulk, in tank vehicles, between the plantsite and storage facilities of Glidden-Durkee, Division of SCM Corp., located about 12 miles southwest of Joliet, Will County, Ill., on the one hand, and on the other, points in Arkansas, California, Delaware, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Tennessee, Virginia, West Virginia, and Wisconsin, restricted to traffic originating at or destined to the named plant and storage facilities, for 180 days. Supporting shipper: Glidden-Durkee, Division of SCM Corp., 2333 Log and Boulevard, Chicago, Ill. 60647. Send protests to: Ross A. Davis, District

Supervisor, Interstate Commerce Commission, Bureau of Operations, 900 U.S. Customhouse, Philadelphia, Pa. 19106.

No. MC 112148 (Sub-No. 51 TA) filed August 21, 1970. Applicant: POWERS TRANSPORTATION, INC., Post Office Box 147, Highway 71 East, Storm Lake, Iowa 50588. 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 Estherville, Iowa, and Sioux Falls, S. Dak., to points in Connecticut, Maine, Maryland, Massachusetts, Michigan, New Jersey, New York, Pennsylvania, and Rhode Island, for 150 days. Supporting shipper: John Morrell & Co., 1400 North Weber Avenue, Sioux Falls, S. Dak. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 304 Post Office Building, Sioux City, Iowa 51101.

No. MC 112520 (Sub-No. 222 TA), filed August 25, 1970. Applicant: McKENZIE TANK LINES, INC., New Quincy Road, Post Office Box 1200, Tallahassee, Fla. 32302. Applicant's representative: Sol A. Proctor, 1729 Gulf Life Tower, Jacksonville, Fla. 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fuel oil*, in bulk, from Bay Harbor, Fla., to Mobile, Ala., and Moss Point, Miss., for 180 days. Supporting shipper: International Paper Co., Post Office Box 2328, Mobile, Ala. 36601. Send protests to: District Supervisor G. H. Fauss, Jr., Interstate Commerce Commission, Bureau of Operations, Box 35008, 400 West Bay Street, Jacksonville, Fla. 32202.

No. MC 116314 (Sub-No. 16 TA), filed August 25, 1970. Applicant: MAX BINSWANGER TRUCKING, 13846 Alondra Boulevard, Santa Fe Springs, Calif. 90670. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pozzolan*, in bulk from Panaca, Nev., to points in San Diego, Los Angeles, Orange, San Bernardino, Riverside, Kern, Imperial, and Ventura Counties, Calif., for 180 days. Supporting shipper: Western Chemical & Manufacturing Co., 3270 East Washington Boulevard, Los Angeles, Calif. 90023. Send protests to: John E. Nance, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 7708, Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 119226 (Sub-No. 78 TA), filed August 25, 1970. Applicant: LIQUID TRANSPORT CORP., 3901 Madison Avenue, Indianapolis, Ind. 46227. Applicant's representative: Don A. Thorne, 3901 Madison Avenue, Indianapolis, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and vegetable oils, and blends thereof, oil foot sediments; and monoglyceride and diglyceride and triglyceride*, in bulk, in tank vehicles, between Glidden-Durkee plantsite located 12 miles southwest of Joliet, Ill., and points in Arkansas, California, Delaware, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Tennessee, Virginia, West Virginia, and Wisconsin, for 180 days. Supporting shipper: Glidden-Durkee, Division of SCM Corp., 2333 Logan Boulevard, Chicago, Ill. 60647. Send protests to: James W. Habermehl, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 802 Century Building, 36 South Pennsylvania Street, Indianapolis, Ind. 46204.

No. MC 124211 (Sub-No. 155 TA), filed August 25, 1970. Applicant: HILT TRUCK LINE, INC., Post Office Box H, 14th Avenue and 35th Street, Council Bluffs, Iowa 51501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Omaha, Nebr., to points in Kansas and Missouri, for 150 days. Supporting shipper: Breakstone Sugar Creek Foods, a division of Kraftco Corp., 1401 Jones Street, Omaha, Nebr. (Kenneth W. Keltner). Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 705 Federal Office Building, Omaha, Nebr. 68102.

No. MC 127411 (Sub-No. 1 TA), filed August 25, 1970. Applicant: KERDELL WITTMIER, doing business as WITTMIER TRUCKING SERVICE, Napoleon, N. Dak. 58561. Applicant's representative: Gordon O. Hoberg, Napoleon, N. Dak. 58561. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Beer, malt beverages, and soft drinks*, from St. Louis, Mo., and Minneapolis, Minn., to Ashley, N. Dak., for 180 days. Supporting shipper: Walter E. Hoerth, Ashley, N. Dak. Send protests to: J. H. Ambs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Post Office Box 2340, Fargo, N. Dak. 58102.

No. MC 128293 (Sub-No. 2 TA), filed August 21, 1970. Applicant: ACTRON CORPORATION, 52 Northern Avenue, Boston, Mass. 02110. Applicant's representative: Neal Holland, 225 Franklin Street, Boston, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from Sudbury, Mass., to points in Maine, Massachusetts, Rhode Island, and Connecticut, and to points in New Hampshire on and south of U.S. Highway 4 (including Portsmouth, N.H.) and on and east of U.S. Highway 3. No transportation for compensation on return, for 180 days. Supporting shippers: There are approximately (9) statements of support attached to the application, which may be examined here at the Interstate Commerce Commission, in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: District Supervisor Harold G. Danner, Interstate Commerce Commission, Bureau of Operations, John F. Kennedy Federal Building, Government Center, Boston, Mass. 02203.

No. MC 134879 TA, filed August 25, 1970. Applicant: SIERRA GROWTH CORPORATION, doing business as SIERRA TRUCKING, 725 North Main Street, Las Vegas, Nev. 89101. Applicant's representative: Richard W. Bunker (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen and/or fresh food products*, for human consumption, in individual shipments of 5,000 pounds, or less, from Los Angeles, Calif., to Las Vegas, Nev., Nellis Air Force Base, Nev., and to Mercury, Nev., and *refused or rejected shipments*, on return, for 180 days. Supporting shippers: There are approximately (6) 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: Daniel Augustine, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 222 East Washington Street, Carson City, Nev. 89701.

By the Commission.

[SEAL] JOSEPH M. HARRINGTON,
*Acting Secretary.*

[F.R. Doc. 70-11664; Filed, Sept. 2, 1970; 8:49 a.m.]

[Notice 582]

## MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 31, 1970.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-72258. By order of August 26, 1970, the Motor Carrier Board, on reconsideration, approved the transfer to Contractors Transport Corp., a Virginia corporation, Arlington, Va., certificate No. MC 61445 issued July 19, 1968, to Contractors Transport Corp., a District of Columbia corporation, Arlington, Va., authorizing the transportation of: Various commodities of a general commodity nature, between specified points and areas in Maryland, Washington, D.C., and Virginia. Daniel B. Johnson, 1111 E Street NW., Washington, D.C. 20004, attorney for applicants.

No. MC–FC–72259. By order of August 26, 1970, the Motor Carrier Board, on reconsideration, approved the transfer to Contractors Transport Corp., a Virginia corporation, Arlington, Va., certificate No. MC 58913 issued September 27, 1968, to Potomac Transport Co., a corporation, Springfield, Va., authorizing the transportation of: Various commodities of a general commodity nature, between specified points and areas in Maryland, Washington, D.C., Virginia, Pennsylvania, and West Virginia. Daniel B. Johnson, 1111 E Street NW., Washington, D.C. 20004, attorney for applicants.

No. MC–FC–72307. By order of August 28, 1970, the Motor Carrier Board approved the transfer to Dunlap Bus Lines, Inc., Post Office Box 428, Paris, Tenn. 38242, of the operating rights in certificates Nos. MC–111118, and MC–111118 (Sub-No. 1), issued February 6, 1950, and August 19, 1954, respectively, to S. B. Dunlap, doing business as Dunlap Bus Line, Post Office Box 428, Paris, Tenn., authorizing the transportation of passengers and their baggage, and express, mail and newspapers, in the same vehicle with passengers, between Paris, Tenn., and Dresden, Tenn., over Tennessee Highway 54; and between Union City, Tenn., and Jacks Creek, Tenn., over Tennessee Highway 22, and return over the same routes, with service authorized to and from all intermediate points; and passengers and their baggage, and express and newspapers, in the same vehicle with passengers, between Dresden, Tenn., and Memphis, Tenn., serving all intermediate points, but with service at Memphis, Brownsville, and points intermediate thereto restricted to traffic originating at, destined to, or interchanged at Dresden or at points intermediate between Dresden and Brownsville, over Tennessee Highways 54 and 70, and return over the same route.

No. MC–FC–72334. By order of August 28, 1970, the Motor Carrier Board approved the transfer to Francis P. Cmiel, doing business as Francis P. Cmiel Beverage Transporter, R.F.D. No. 1, Columbus, Pa., 16405, of the operating rights in certificate No. MC 125248 issued September 10, 1964, to Francis P. Cmiel and Marian E. Cmiel, a partnership, doing business as F & M Cmiel, Columbus, Pa., authorizing the transportation of malt beverages and soft drinks from and to specified points in Pennsylvania and New York. Frank G. McKnight, 108 South Center Street, Corry, Pa. 16407, attorney for transferee.

[SEAL] JOSEPH M. HARRINGTON,
*Acting Secretary.*

[F.R. Doc. 70–11665; Filed, Sept. 2, 1970; 8:49 a.m.]

## CUMULATIVE LIST OF PARTS AFFECTED—SEPTEMBER

**The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during September.**

### 3 CFR



### 7 CFR



### 8 CFR



### 9 CFR



### 12 CFR



### 14 CFR



### 14 CFR—Continued



### 16 CFR



### 18 CFR



### 19 CFR



### 20 CFR



### 21 CFR



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### 50 CFR