FEDERAL REGISTER

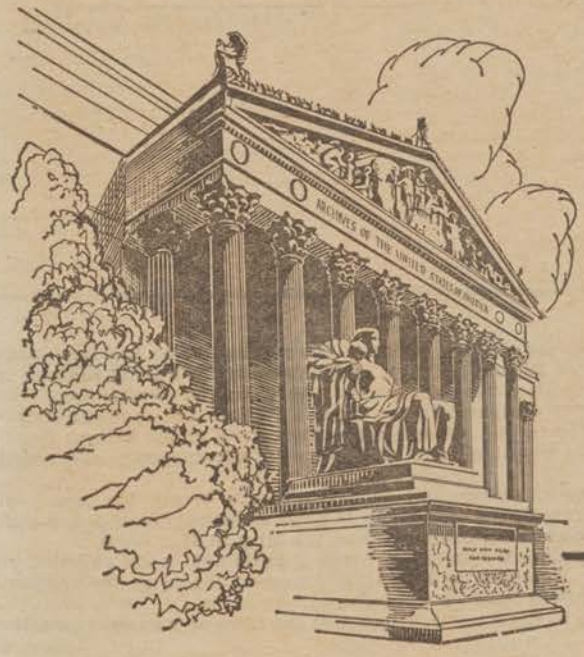
VOLUME 35 • NUMBER 177

Friday, September 11, 1970 • Washington, D.C.

Pages 14295–14370

Agencies in this issue—

Detailed list of Contents appears inside.



FEDERAL REGISTER

Area Code 202 Phone 962–8626

Published daily, Tuesday through Saturday (no publication on Sundays, Mondays, or on the day after an official Federal holiday), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., Ch. 15), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $2.50 per month or $25 per year, payable in advance. The charge for individual copies is 20 cents for each issue, or 20 cents for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended (44 U.S.C. 1510). The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER or the CODE OF FEDERAL REGULATIONS.

Contents

(Continued on next page)

List of CFR Parts Affected

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

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

5 CFR

213 (2 documents) ---------- 14299

7 CFR

729 ---------- 14299
813 ---------- 14299
946 ---------- 14300
993 ---------- 14300

PROPOSED RULES:

1001 ---------- 14324

9 CFR

76 (2 documents) ---------- 14301, 14302

14 CFR

71 (11 documents) ---------- 14303–14306

PROPOSED RULES:

71 (5 documents) ---------- 14325–14327
121 ---------- 14327

16 CFR

PROPOSED RULES:

427 ---------- 14328

18 CFR

610 ---------- 14306

24 CFR

41 ---------- 14307

29 CFR

870 ---------- 14314

33 CFR

126 ---------- 14315

43 CFR

PUBLIC LAND ORDERS:

4821 (amended by PLO 4890) ---- 14317
4886 ---------- 14316
4887 ---------- 14317
4888 ---------- 14317
4889 ---------- 14317
4890 ---------- 14317

47 CFR

2 ---------- 14317

PROPOSED RULES:

2 ---------- 14328
25 ---------- 14328
91 ---------- 14328
93 ---------- 14328

50 CFR

32 (14 documents) ---------- 14318–14322

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of Health, Education, and Welfare

Section 213.3316 is amended to show that the position of Director, Office of Environmental Health Affairs under the Assistant Secretary for Health and Scientific Affairs is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (9) is added to paragraph (h) of § 213.3316 as set out below.

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

* * * * *

(h) *Office of the Assistant Secretary for Health and Scientific Affairs.*

(9) Director, Office of Environmental Health Affairs.

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

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

[F.R. Doc. 70–12114; Filed, Sept. 10, 1970; 8:51 a.m.]

PART 213—EXCEPTED SERVICE

Executive Office of the President

Section 213.3303 is amended to show that 3 additional positions of Secretary to the Director, Office of Management and Budget, are excepted under Schedule C in lieu of 3 positions of Private Secretary to the Director, Bureau of the Budget. Effective on publication in the FEDERAL REGISTER, subparagraph (2) of paragraph (a) is revoked and subparagraph (3) of paragraph (h) is amended under § 213.3303 as set out below.

§ 213.3303 **Executive Office of the President.**

(a) *Bureau of the Budget.* * * *
(2) [Revoked]

* * * * *

(h) *Office of Management and Budget.* * * *

(3) Four Secretaries to the Director.

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

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

[F.R. Doc. 70–12115; Filed, Sept. 10, 1970; 8:51 a.m.]

Title 7—AGRICULTURE

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

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 6]

PART 729—PEANUTS

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

1970 PENALTY RATE AND MISCELLANEOUS AMENDMENTS

This amendment of the allotment and marketing quota regulations for peanuts of the 1969 and subsequent crops is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et seq.). The purposes of this amendment are as follows:

(1) Section 729.27: The criteria for application of the erroneous notice of allotment rule is broadened to include situations where the farm operator prior to planting the peanuts materially changes his position to enable him to produce the crop.

(2) Section 729.33: Cross reference to Part 718 added for the tolerance rate applicable to peanuts.

(3) Section 729.43: A new paragraph added to include the basic penalty rate for the 1970 crop of peanuts.

The marketing of peanuts of the 1970 crop is now underway and it is essential that the basic penalty rate for the 1970 crop be announced immediately. It is hereby determined and found that compliance with the notice, public procedure and 30-day effective date requirements of 5 U.S.C. 553 is impracticable and contrary to the public interest. Accordingly, this amendment shall become effective upon filing with the Director, Office of the Federal Register.

The regulations for determination of acreage allotments and marketing quotas for 1969 and subsequent crops of peanuts (33 F.R. 18351, 18981, 34 F.R. 14201, 19809, 35 F.R. 2860, 4391, 5031) is amended as follows:

1. Paragraph (a) of § 729.27 is amended to read as follows:

§ 729.27 **Erroneous notice of allotment.**

(a) If the county committee determines with the approval of the State executive director that (1) the official written notice of the farm acreage allotment issued by the State or county office for any farm erroneously stated the acreage allotment to be larger than the final effective allotment for the farm, and (2) the error was not so gross that the operator would reasonably be expected to question the acreage, and that the operator, relying upon such notice and acting in good faith (i) materially changes his position to enable him to produce the allotment crop (for example obligated expenditures of funds for land preparation, additional equipment and labor) or (ii) picked or threshed peanuts from acreage in excess of the finally approved effective farm allotment, the acreage allotment shown on the erroneous notice shall be considered the effective farm allotment.

* * * * *

2. Subparagraph (4) of paragraph (d) of § 729.33 is amended to read as follows:

§ 729.33 **Issuance of marketing cards.**

* * * * *

(d) *Excess penalty card.* * * *

(4) The excess penalty card issued for a farm shall be marked "Eligible for Price Support" if the farm operator certified the acreage to be within the effective farm allotment and a farm acreage check discloses that such allotment has been exceeded by not more than the applicable tolerance specified for peanuts under Part 718 of this chapter.

3. A new paragraph (c) is added to § 729.43 to read as follows:

§ 729.43 **Penalty rate.**

* * * * *

(c) *1970 crop.* The basic support price for peanuts for the marketing year beginning August 1, 1970, and ending July 31, 1971, is $255 per ton or 12.75 cents per pound. Therefore, the basic penalty rate for the 1970 crop of peanuts is 9.6 cents per pound.

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

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

Signed at Washington, D.C., on September 3, 1970.

CARROLL G. BRUNTHAVER,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 70–12121; Filed, Sept. 10, 1970; 8:52 a.m.]

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER B—SUGAR REQUIREMENTS AND QUOTAS

[Sugar Reg. 813.7 (Rescission)]

PART 813—ALLOTMENT OF SUGAR QUOTAS, DOMESTIC BEET SUGAR AREA

1970

This rescission of a regulation is issued under sec. 205(a) of the Sugar Act

of 1948, as amended (hereinafter called the Act), for the purpose of rescinding Sugar Regulation 813.7, as amended (35 F.R. 169, 4693, 10096), which established allotments of the sugar quota for the Domestic Beet Sugar Area for the calendar year 1970. It is hereby found and determined to be unnecessary to continue in effect the allotments of the 1970 sugar quota for the Domestic Beet Sugar Area and section 813.7 of this chapter is hereby rescinded.

Bases and Considerations. The 1970 Domestic Beet Sugar Area quota was initially allotted to individual processors when the quota was 3,215,667 short tons, raw value. The quota was increased to 3,597,000 tons as the result of several actions which increased the determination of consumption requirements for the calendar year 1970 from 10.8 to 11.6 million tons.

The effective inventory of beet sugar on January 1, 1970 totaled approximately 2,820,000 tons or 78.4 percent of the area's current 1970 quota of 3,597,000 tons. With such marketings and the 1970 crop production (part of which will not be produced until 1971) now estimated at about 3,300,000 tons, the effective inventory of all beet sugar processors on January 1, 1971 would be reduced about 300,000 tons and would be considerably less than 75 percent of potential 1971 marketings.

Since beet sugar processors normally carry over effective inventories of more than 80 percent of expected marketings for the following year, it is not likely that 1970 marketings for the area as a whole would exceed the current quota. Thus, it is now found that allotment of the 1970 quota is not necessary to fulfill or meet the objectives stated in section 205(a) of the Act, that it is unnecessary to continue in effect the allotments of such quota and § 813.7 of this chapter is hereby rescinded.

With the only west coast cane sugar refinery strikebound since June 1, marketings of California beet sugar have been quite heavy. Although the availability of California beet sugar rather than of marketing allotments is the primary limiting restricting factor, the rescission of allotments would permit some additional marketings of California produced beet sugar during the remaining summer period of short supply without placing the processors in the position of not being able to supply their regular customers in the closing months of the year.

(Secs. 205, 209, 403; 61 Stat. 926, as amended, 928, as amended, 932; 7 U.S.C. 1115, 1119, 1153)

Effective date. Because of the limited time remaining in 1970 to market sugar within the quota for the area, it is essential that processors be afforded as much time as possible to plan and to execute orderly marketings. Therefore, it is hereby determined and found that compliance with the notice, procedure, and effective date requirements of 5 U.S.C. 533 is unnecessary, impracticable, and contrary to the public interest and, this rescission of § 813.7 of this chapter (Sugar Regulation 813.7) shall be effective when published in the FEDERAL REGISTER.

Signed at Washington, D.C., on September 4, 1970.

CARROLL G. BRUNTHAVER,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 70-12122; Filed, Sept. 10, 1970; 8:52 a.m.]

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

PART 946—IRISH POTATOES GROWN IN WASHINGTON

Expenses and Rate of Assessment

Notice of rule making regarding the proposed expenses and rate of assessment to be made effective under Marketing Agreement No. 113 and Order No. 946 (7 CFR Part 946), regulating the handling of Irish potatoes grown in the State of Washington, was published in the FEDERAL REGISTER August 22, 1970 (35 F.R. 13454). This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.). The notice afforded interested persons an opportunity to file data, views, or arguments pertaining thereto not later than 15 days after its publication in the FEDERAL REGISTER. None was filed.

After consideration of all relevant matters, including the proposals set forth in the aforesaid notice which were recommended by the State of Washington Potato Committee, established pursuant to the said marketing agreement and order, it is hereby found and determined that:

§ 946.223 Expenses and rate of assessment.

(a) The expenses the Secretary finds may be necessary for the State of Washington Potato Committee to incur to perform its functions pursuant to Marketing Agreement No. 113 and this part during the fiscal year ending May 31, 1971, and for such other purposes as the Secretary may determine to be appropriate will amount to $10,050.

(b) The rate of assessment to be paid by each handler in accordance with the said marketing agreement and this part shall be one-tenth of 1 cent ($0.001) per hundredweight, or equivalent quantity, of potatoes handled by him, as the first handler thereof during said fiscal year: *Provided*, That potatoes for canning, freezing, and "other processing" as defined in the recent amendment to the act (Public Law 91-196) shall be exempt.

(c) Terms used in this section shall have the same meaning as when used in the said marketing agreement and this part.

It is hereby found that good cause exists for not postponing the effective date 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 fiscal year shall be applicable to all assessable potatoes from the beginning of such fiscal year, and (2) the current fiscal year began June 1, 1970, and the rate of assessment herein fixed will automatically apply to all assessable potatoes beginning with such date.

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

Dated: September 8, 1970.

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

[F.R. Doc. 70-12120; Filed, Sept. 10, 1970; 8:52 a.m.]

PART 993—HANDLING OF DRIED PRUNES PRODUCED IN CALIFORNIA

Salable and Reserve Percentages and Handler Reserve Obligation for 1970-71 Crop Year

Notice was published in the August 18, 1970, issue of the FEDERAL REGISTER (35 F.R. 13136) regarding proposals recommended by the Prune Administrative Committee to: (1) Establish salable and reserve percentages for California dried prunes of 63 percent and 37 percent, respectively, for the 1970-71 crop year; (2) eliminate the requirement in § 993.56 as to setaside reflecting average marketable content of receipts for the 1970-71 season, and in lieu thereof; (3) provide resultant setaside procedures for the required composition of each handler's reserve obligation for such season. The proposals were pursuant to the provisions 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 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 proposals, and comments were submitted by one person.

The percentages proposed in the notice were based on the Prune Administrative Committee's estimate at its marketing policy meeting of July 21, 1970, that California's 1970 dried prune production would be 180,000 tons. The Crop Reporting Board's estimate, as of August 1, 1970, also is 180,000 tons.

The Committee's proposal to eliminate the requirement in § 993.56 as to setaside

reflecting average marketable content of receipts for the 1970–71 season was based on its determination that this requirement is not essential to achieve program objectives for the crop of that season. On the basis of its proposed resultant setaside procedures for the 1970–71 season, as described in said notice, the Committee found that such procedures would assure that the trade demand for manufacturing prunes, as well as prunes for consumption as prunes, will be met.

After consideration of all relevant matter presented, including that in the notice, the comments submitted pursuant to the notice, the information and recommendations submitted by the Prune Administrative Committee, and other available information:

A. The Committee's proposal to eliminate the requirement in § 993.56 as to setaside reflecting the average marketable content of receipts for the 1970–71 season is hereby approved.

B. It is found that to establish the salable and reserve percentages and the required composition of each handler's reserve obligation for the 1970–71 crop year, as hereinafter set forth, will tend to effectuate the declared policy of the act.

Therefore, the salable and reserve percentages for prunes and handler reserve obligation for the 1970–71 crop year shall be as follows:

§ 993.206 Salable and reserve percentages for prunes and handler reserve obligation for the 1970–71 crop year.

(a) *Percentage.* The salable and reserve percentages for the 1970–71 crop year shall be 63 percent and 37 percent, respectively.

(b) *Reserve obligation.* The reserve obligation of each handler shall, in accordance with § 993.56, be a weight of natural condition prunes equal to the sum of the results of applying the reserve percentage to the natural condition weight of each lot of prunes received by him from producers and dehydrators, excluding the weight obligation of § 993.49(c), plus that diverted tonnage on diversion certificates credited to or held by the handler that were issued by the Committee in accordance with § 993.162. With respect to the reserve obligation incurred by the handler in connection with such receipt of prunes from a producer or dehydrator the handler shall hold the quantity of undersized prunes received from such producer or dehydrator necessary to meet the applicable reserve obligation referable to the total receipts from such producer or dehydrator. In the event the quantity of undersized prunes is insufficient to meet the applicable reserve obligation, or the handler has not received any undersized prunes from a producer or dehydrator, the remainder of the reserve obligation applicable to any such receipts of prunes which do not contain sufficient undersized prunes, and the reserve obligation applicable to any such receipts of prunes which do not contain any undersized prunes, shall be comprised of natural condition prunes, by variety and standard or substandard grade, and shall be consistent with the receipt by field pricing size categories other than undersized prunes: *Provided,* That a handler's reserve obligation with respect to all prunes received from producers and dehydrators shall be the weighted average size count of prunes exclusive of undersized prunes in all such lots within each such category, as computed from inspection analysis.

(c) *Field pricing size categories.* Undersized prunes, and other field pricing size categories by variety and grade expressed in minimum and maximum numbers of prunes per pound for each, are as follows:

Undersized prunes—Prunes which pass freely through a round opening twenty-three thirty-seconds of an inch in diameter;

Standard French prunes—33 or less, 34/50, 51/60, 61/70, 71/81, 82/101, 102/111, 112/121, and 122 or more;

Substandard French prunes—70 or less, 71/101, and 102 or more.

Standard Non-French prunes (except Robe de Sargent)—24 or less, 25/29, 30/33, 34/50, and 51 or more;

Substandard Non-French prunes (except Robe de Sargent)—51 or less, and 52 or more;

Standard Robe de Sargent—33 or less, 34/50, 51/60, and 61 or more; and

Substandard Robe de Sargent—61 or less, and 62 or more.

(d) *Delivery of prunes as undersized prunes.* At the request of the Committee pursuant to § 993.57, reserve prunes which pass freely through a round opening twenty-eight thirty-seconds of an inch in diameter and are delivered by a handler to the Committee or its designee shall be considered as the delivery of undersized prunes.

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 amended marketing agreement and this part require that salable and reserve percentages established for a particular crop year shall be applicable to all prunes received during the crop year by handlers from producers and dehydrators, excluding the weight obligation of § 993.49(c); and (2) the current crop year began on August 1, 1970, and the percentages established herein will apply automatically to such prunes beginning with such date.

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

Dated: September 3, 1970.

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

[F.R. Doc. 70-12039; Filed, Sept. 10, 1970; 8:47 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

[Docket No. 70-258]

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Areas Quarantined

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

In § 76.2, in paragraph (e)(17) relating to the State of Virginia, subdivision (ii) relating to Nansemond County is deleted and, subdivision (iii) relating to Nansemond and Isle of Wight Counties is amended to read:

(17) *Virginia.* * * *

(iii) The adjacent portions of Nansemond and Isle of Wight Counties bounded by a line beginning at the junction of U.S. Highway 17 and the west bank of the Nansemond River; thence, following the west bank of the Nansemond River in a southwesterly direction to Primary Highway 125; thence, following Primary Highway 125 in a southeasterly direction to Primary Highway 337; thence, following Primary Highway 337 in a southeasterly direction to the Nansemond-Chesapeake County line; thence, following the Nansemond-Chesapeake County line in a southwesterly direction to the Virginia-North Carolina State line; thence, following the Virginia-North Carolina State line in a westerly direction to Secondary Road 670; thence, following Secondary Road 670 in a northwesterly direction to U.S. Highway 13; thence, following U.S. Highway 13 in a northeasterly direction to Secondary Road 668; thence, following Secondary Road 668 in a northeasterly direction to U.S. Highway 13; thence, following U.S. Highway 13 in a generally northeasterly direction to Secondary Road 647; thence, following Secondary Road 647 in a northwesterly direction to Secondary Road 685; thence, following Secondary Road 685 in a northeasterly direction to Secondary Road 646; thence, following Secondary Road 646 in a northwesterly direction to U.S. Highway 58; thence, following U.S. Highway 58 in a southwesterly direction to Secondary

Road 647; thence, following Secondary Road 647 in a generally northwesterly direction to Secondary Road 610; thence, following Secondary Road 610 in a generally northwesterly direction to the Nansemond-Isle of Wight County line; thence, following the Nansemond-Isle of Wight County line in a northeasterly direction to Secondary Road 603; thence, following Secondary Road 603 in a northeasterly direction to Secondary Road 604; thence, following Secondary Road 604 in a generally southeasterly direction to U.S. Highway 460; thence, following U.S. Highway 460 in a southeasterly direction to the Nansemond River; thence, following the Nansemond River in a generally northeasterly direction to the Western Branch; thence, following the Western Branch in a northwesterly direction to Secondary Highway 603; thence, following Secondary Highway 603 in a northeasterly direction to Secondary Highway 602; thence, following Secondary Highway 602 in a northeasterly direction to Secondary Highway 600; thence, following Secondary Highway 600 in a southeasterly direction to Primary Highways 32, 10; thence, following Primary Highways 32, 10 in a southerly direction to the Nansemond-Isle of Wight County line; thence, following the Nansemond-Isle of Wight County line in a northeasterly direction to U.S. Highway 17; thence, following U.S. Highway 17 in a southeasterly direction to its junction with the west bank of the Nansemond River.

* * * * *

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

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

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

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

Done at Washington, D.C., this 4th day of September 1970.

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

[F.R. Doc. 70–12040; Filed, Sept. 10, 1970; 8:47 a.m.]

[Docket No. 70–260]

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Areas Quarantined

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

1. In § 76.2, in paragraph (e) (10) relating to the State of North Carolina, subdivision (iii) relating to Gates, Perquimans, and Chowan Counties is deleted, and a new subdivision (iii) relating to Currituck, Camden, Pasquotank, Perquimans, Chowan, Gates, and Dare Counties is added to read:

(10) *North Carolina.* * * *

(iii) That portion of the State of North Carolina comprised of all of Currituck, Camden, Pasquotank, Perquimans, Chowan, and Gates Counties and a portion of Dare County, and bounded by a line beginning at the junction of the Chowan River and the North Carolina-Virginia State line; thence, following the east bank of the Chowan River in a generally southeasterly direction to the Albermarle Sound; thence, following the north coast line of the Albermarle Sound in a generally northeasterly direction to Powells Point at the southern tip of Currituck County; thence, following the Currituck County coast line in a generally northeasterly direction to U.S. Highway 158; thence, following U.S. Highway 158 in a northeasterly direction to U.S. Business Highway 158; thence, following U.S. Business Highway 158 in an easterly direction to the Dare County-Atlantic Ocean coast line; thence, following the Atlantic Ocean coast line in a northwesterly direction to the North Carolina-Virginia State line; thence, following the North Carolina-Virginia State line in a westerly direction to its junction with the Chowan River.

* * * * *

2. In § 76.2, in paragraph (e) (17) relating to the State of Virginia, subdivisions (i) relating to Isle of Wight and Southampton Counties, (iii) relating to Nansemond and Isle of Wight Counties, (vi) relating to Southampton County, and (vii) relating to city of Virginia Beach County are deleted, and a new subdivision (i) relating to city of Virginia Beach, city of Chesapeake, city of Norfolk, city of Portsmouth, and to Nansemond, Isle of Wight, Southampton, Surry, Sussex, and Greensville Counties is added to read:

(e) * * *

(17) *Virginia.* (i) That portion of the State of Virginia comprised of all of city of Virginia Beach, city of Chesapeake, city of Norfolk, city of Portsmouth, and Nansemond, Isle of Wight, Southampton, Surry Counties, and portions of Sussex and Greensville Counties, and bounded by a line beginning at the junction of the Surry-Prince George County line and the James River; thence, following the south bank of the James River in a generally southeasterly direction along Cobham Bay, Batten Bay, the south coast line of Hampton Roads and Willoughby Bay to the city of Norfolk-Chesapeake Bay coast line; thence, following the city of Norfolk-Chesapeake Bay coast line in a southeasterly direction to the city of Virginia Beach-Chesapeake Bay coast line; thence, following the city of Virginia Beach-Chesapeake Bay coast line in a generally southeasterly direction to the city of Virginia Beach-Atlantic Ocean coast line; thence, following the city of Virginia Beach-Atlantic Ocean coast line in a southeasterly direction to the Virginia-North Carolina State line; thence, following the Virginia-North Carolina State line in a westerly direction to the Southampton-Greensville County line, also the Meherrin River; thence, following the north bank of the Meherrin River in a generally northwesterly direction to Interstate Highway 95; thence, following Interstate Highway 95 in a northeasterly direction to the Sussex-Prince George County line; thence, following the Sussex-Prince George County line in a northeasterly direction to the Surry-Prince George County line; thence, following the Surry-Prince George County line in a northeasterly direction to its junction with the James River.

* * * * *

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

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

The amendments quarantine all of Currituck, Camden, Pasquotank, Perquimans, Chowan, and Gates Counties and a portion of Dare County in North Carolina; all of city of Chesapeake, city of Norfolk, city of Portsmouth, city of Virginia Beach, and Nansemond, Isle of Wight, Southampton and Surry Counties and portions of Sussex and Greenville Counties in Virginia because of the existence of hog cholera. This action is deemed necessary to prevent further spread of the disease. The restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will apply

to the quarantined areas designated herein.

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

Done at Washington, D.C., this 8th day of September 1970.

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

[F.R. Doc. 70-12041; Filed, Sept. 10, 1970; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 70-CE-28]

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

Designation of Transition Area

On page 10366 of the FEDERAL REGISTER dated June 25, 1970, the Federal Aviation Administration published a supplemental notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Lansing, Ill.

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

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

This amendment shall be effective 0901 G.m.t., November 12, 1970.

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

Issued in Kansas City, Mo., on August 24, 1970.

DANIEL E. BARROW,
Acting Director, Central Region.

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

LANSING, ILL.

That airspace extending upward from 700 feet above the surface within a 5½-mile radius of the Chicago-Hammond Airport (latitude 41°32'20" N., longitude 87°32'05" W.); and within 3½ miles each side of the 228° radial of the Chicago Heights, Ill. VORTAC extending from the 5½-mile radius area to 11½ miles southwest of the VORTAC excluding the airspace within the Chicago, Ill. and Griffith, Ind., transition areas.

[F.R. Doc. 70-12068; Filed, Sept. 10, 1970; 8:48 a.m.]

[Airspace Docket No. 70-CE-33]

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

Alteration of Control Zone and Transition Area

On pages 10366 and 10367 of the FEDERAL REGISTER dated June 25, 1970, the Federal Aviation Administration published a notice of proposed rule making which would amend §§ 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the control zone and transition area at Devils Lake, N. Dak.

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

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

These amendments shall be effective 0901 G.m.t., November 12, 1970.

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

Issued in Kansas City, Mo., on August 24, 1970.

DANIEL E. BARROW,
Acting Director, Central Region.

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

DEVILS LAKE, N. DAK.

Within a 5-mile radius of the Devils Lake Municipal Airport (latitude 48°06'55" N., longitude 98°54'30" W.); within 3½ miles each side of the Devils Lake VORTAC 134° radial extending from the 5-mile radius zone to 10 miles southeast of the VORTAC; within 3½ miles each side of the Devils Lake VORTAC 324° radial extending from the 5-mile radius zone to 10 miles northwest of the VORTAC; and within 3 nautical miles each side of the 026° bearing from the Devils Lake Municipal Airport extending from the 5-mile radius zone to 7 miles northeast of the airport. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

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

DEVILS LAKE, N. DAK.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Devils Lake Municipal Airport (latitude 48°06'55" N., longitude 98°54'30" W.); within 4½ miles southwest and 9½ miles northeast of the Devils Lake VORTAC 134° radial extending from the VORTAC to 18½ miles southeast of the VORTAC; within 4½ miles northeast and 9½ miles southwest of the Devils Lake VORTAC 324° radial extending from the VORTAC to 18½ miles northwest of the VORTAC; within 4½ miles southeast and 9½ miles northwest of the 026° bearing from the Devils Lake Airport extending from the airport to 18½ miles northeast of the airport; and that airspace extending upward from 1200 feet above the surface within a 17½ mile radius of the Devils Lake VORTAC.

[F.R. Doc. 70-12069; Filed, Sept. 10, 1970; 8:48 a.m.]

[Airspace Docket No. 70-CE-37]

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

Alteration of Control Zone and Transition Area

On pages 10367 and 10368 of the FEDERAL REGISTER dated June 25, 1970, the Federal Aviation Administration published a notice of proposed rule making which would amend §§ 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the control zone and transition area at Brainerd, Minn.

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

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

These amendments shall be effective 0901 G.m.t., November 12, 1970.

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

Issued in Kansas City, Mo., on August 24, 1970.

DANIEL E. BARROW,
Acting Director, Central Region.

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

BRAINERD, MINN.

Within a 5-mile radius of Brainerd-Crow Wing County Airport latitude 46°23'55" N., longitude 94°08'15" W.; within 2½ miles each side of the 043° bearing from the Brainerd-Crow Wing County Airport extending from the 5-mile radius zone to 5½ miles northeast of the airport; and within 2½ miles each side of the 313° bearing from the Brainerd-Crow Wing County Airport extending from the 5-mile radius zone to 5½ miles northwest of the airport. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

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

BRAINERD, MINN.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Brainerd-Crow Wing County Airport (latitude 46°23'55" N., longitude 94°08'15" W.); within 3 miles each side of the 120° radial of the Brainerd VORTAC extending from the 7-mile radius area to 7½ miles southeast of the VORTAC; within 3 miles each side of the 313° bearing from Brainerd-Crow Wing County Airport extending from

the 7-mile radius area to 7½ miles northwest of the airport; within 3 miles each side of the 198° bearing from Brainerd-Crow Wing County Airport, extending from the 5-mile radius area to 11½ miles south of the airport; and within 3 miles each side of the 043° bearing from the Brainerd-Crow Wing County Airport, extending from the 7-mile radius area to 7½ miles northeast of the airport; and that airspace extending upward from 1,200 feet above the surface within a 13-mile radius of the Brainerd VORTAC; within 9½ miles northwest and 4½ miles southeast of the 043° bearing from Brainerd-Crow Wing County Airport, extending from the 13-mile raidus area to 18½ miles northeast of the airport; within 9½ miles southwest and 4½ miles northeast of the 300° bearing from Brainerd-Crow Wing County Airport, extending from the 13-mile radius area to 18½ miles northwest of the airport; within 9½ miles east and 4½ miles west of the 198° bearing from Brainerd-Crow Wing County Airport, extending from the 13-mile radius to 23 miles south of the airport; and within 9½ miles northeast and 4½ miles southwest of the 120° radial of the Brainerd VORTAC, extending from the 13-mile radius area to 18½ miles southeast of the VORTAC.

[F.R. Doc. 70-12070; Filed, Sept. 10, 1970; 8:48 a.m.]

[Airspace Docket No. 70-SW-38]

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

Designation, Alteration and Revocation of Transition Areas

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to redescribe, alter, revoke, and designate controlled airspace within the State of New Mexico.

On June 20, 1970, a notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 10157) stating the Federal Aviation Administration proposed to designate the New Mexico transition area. On August 1, 1970, an amended proposal was published (35 F.R. 12349).

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

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., November 12, 1970, as hereinafter set forth.

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

NEW MEXICO

That airspace extending upward from 1,200 feet above the surface within the boundary of the State of New Mexico, excluding that airspace north of a line beginning on the Arizona/New Mexico State line at lat. 35°31'00" N., thence to lat. 35°52'00" N., long. 108°47'00" W., to lat. 35°47'30" N., long. 108°34'00" W., thence along long. 108°-34'00" W. to and along the north boundary of V-291N to and clockwise along the arc of a 46-mile-radius circle centered at the Albuquerque VORTAC to lat. 35°37'35" N., long. 106°24'48" W., to lat. 35°47'00" N., long. 106°15'00" W., to lat. 35°47'00" N., long. 105°50'00" W., thence along long. 105°-50'00" W. to and along the north boundary of V-19 to long. 105°16'30" W., to lat. 36°-00'00" N., long. 105°07'00" W., thence along lat. 36°00'00" N. to and along the north boundary of V-190 to the New Mexico/Texas State line, excluding R-5101, R-5107B, and the portion of R-5107A north of lat. 32°18'-00" N., excluding that airspace bounded by a line beginning on the Arizona/New Mexico State line at lat. 34°18'00" N., thence to the south boundary of V-264 at long. 108°54'00" W., thence along the south boundary of V-264 to and south along long. 107°00'00" W. to and along the northwest boundary of V-19 to lat. 33°35'00" N., to lat. 33°35'00" N., long. 107°20'00" W., to the northwest boundary of V-202 at long. 107°25'00" W., thence along the northwest boundary of V-202 to lat. 32°59'00" N., to lat. 32°35'00" N., long. 108°37'00" W., to the Arizona/New Mexico State line at lat. 32°25'00" N., thence along the State line to point of beginning, excluding that airspace south of V-66, and excluding that airspace below 11,500 feet MSL bounded by a line beginning at lat. 33°-57'00" N., long. 105°27'00" W., thence to lat. 33°12'50" N., long. 105°27'00" W., to lat. 33°10'20" N., long. 105°38'00" W., thence counterclockwise along the arc of a 35-mile-radius circle centered at lat. 32°51'04" N., long. 106°06'05" W. to and along long. 106°-04'00" W. to and along the south boundary of V-264 to long. 105°50'30" W., thence to point of beginning.

In § 71.181 (35 F.R. 2134), the following transition areas are revoked:

Columbus, N. Mex.
Corona, N. Mex.
Otto, N. Mex.

In § 71.181 (35 F.R. 2134), the 1,200-foot portions of the following transition areas are revoked:

Alamogordo, N. Mex.
Albuquerque, N. Mex.
Las Vegas, N. Mex.
Roswell, N. Mex.
Santa Fe, N. Mex.
Silver City, N. Mex.
Truth or Consequences, N. Mex.
Tucumcari, N. Mex.

In § 71.181 (35 F.R. 2134, 11617), the 1,200-foot portions of the following transition areas are revoked:

Clovis, N. Mex.
Hobbs, N. Mex.
Lubbock, Tex.
Midland, Tex.
Wink, Tex.

In § 71.181 (35 F.R. 308, 2134, 11617), the 1,200-foot portion of the Carlsbad, N. Mex., transition area is revoked.

In § 71.181 (35 F.R. 2134), the 1,200- and 8,500-foot portions of the Deming, N. Mex., transition area are revoked.

In § 71.181 (35 F.R. 2134, 11617), the 1,200- and 2,000-foot portions of the El Paso, Tex., transition area are revoked.

In § 71.181 (35 F.R. 2134), the following transition areas are amended by changing the last period to a comma and adding "excluding the portion within the State of New Mexico." thereto:

Gallup, N. Mex.
St. Johns, Ariz.
Zuni, N. Mex.

In § 71.181 (35 F.R. 2134), the San Simon, Ariz., transition area is amended by deleting "excluding the portion within the Cochise, Ariz. and Portal, Ariz. transition areas." and substituting "excluding the portion within the Cochise, Ariz., Portal, Ariz., and New Mexico transition areas." therefor.

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

Issued in Fort Worth, Tex., on August 28, 1970.

GEO. W. IRELAND,
Acting Director, Southwest Region.

[F.R. Doc. 70-12071; Filed, Sept. 10, 1970; 8:48 a.m.]

[Airspace Docket No. 70-CE-40]

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

Alteration of Control Zone and Transition Area

On page 10368 of the FEDERAL REGISTER dated June 25, 1970, the Federal Aviation Administration published a notice of proposed rule making which would amend §§ 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the control zone and transition area at Alliance, Nebr.

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

No objections have been received and the amendments as so proposed are hereby adopted, subject to the following change:

The latitude coordinate recited in the Alliance, Nebr., Municipal Airport, control zone and transition area alteration as "latitude 42°02'50" N." is changed to read "latitude 42°02'45" N.".

These amendments shall be effective 0901 G.m.t., November 12, 1970.

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

Issued in Kansas City, Mo., on August 24, 1970.

DANIEL E. BARROW,
Acting Director, Central Region.

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

ALLIANCE, NEBR.

Within a 5-mile radius of Alliance Municipal Airport (latitude 42°02'45" N., longitude 102°48'30" W.); within 2½ miles each side of the Alliance VOR 304° radial, extending from the 5-mile radius zone to 6 miles northwest of the VOR; within 2½ miles each side of the Alliance VOR 150° radial, extending from the 5-mile radius zone to 6 miles southeast of the VOR; and within 3 miles each side of the 142° bearing from Alliance Municipal Airport, extending from the 5-mile radius zone to 9 miles southeast of the airport. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

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

ALLIANCE, NEBR.

That airspace extending upward from 700 feet above the surface within a 10-mile radius of Alliance Municipal Airport (latitude 42°02'45" N., longitude 102°48'30" W.); and within 3 miles each side of the 142° bearing from Alliance Municipal Airport, extending

from the 10-mile radius area to 11 miles southeast of the airport; and that airspace extending from 1,200 feet above the surface within 4½ miles southwest and 9½ miles northeast of the 142° bearing from Alliance Municipal Airport, extending from the airport to 21½ miles southeast of the airport; within 4½ miles northeast and 9½ miles southwest of the Alliance VOR 304° radial, extending from the VOR to 18½ miles northwest of the VOR; within 4½ miles southwest and 9½ miles northeast of the Alliance VOR 150° radial, extending from the VOR to 18½ miles southeast of the VOR; and within 4 nautical miles each side of a line extending from Alliance Municipal Airport to Chadron, Nebr., Municipal Airport (latitude 42°50'10" N., longitude 103°05'50" W.), excluding the area which overlies the Scottsbluff, Nebr., transition area.

[F.R. Doc. 70-12072; Filed, Sept. 10, 1970; 8:48 a.m.]

[Airspace Docket No. 70-CE-44]

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

Alteration of Transition Area

On pages 10365 and 10366 of the FEDERAL REGISTER dated June 25, 1970, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition area at Minneapolis, Minn.

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

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

This amendment shall be effective 0901 G.m.t., November 12, 1970.

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

Issued in Kansas City, Mo., on August 24, 1970.

DANIEL E. BARROW,
Acting Director, Central Region.

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

MINNEAPOLIS, MINN.

That airspace extending upward from 700 feet above the surface within a 23-mile radius of Minneapolis-St. Paul International Airport (latitude 44°53'05" N., longitude 93°13'15" W.); within 5 miles north and 8 miles south of the Flying Cloud, Minnesota VOR 292° radial, extending from the 23-mile radius area to 12 miles west of the VOR; within 5 miles each side of the St. Paul, Minnesota VOR 037° radial, extending from the 23-mile radius area to 13 miles northeast of the VOR; and within a 6-mile radius of Airlake Industrial Airpark (latitude 44°37'40" N., longitude 93°13'40" W.); and that airspace extending upward from 1,200 feet above the surface within a 36-mile radius of Minneapolis-St. Paul International Airport; that airspace west of Minneapolis bounded on the south by V-26, on the northwest by V-148, and on east by the 36-mile radius area; and that airspace extending upward from 4,000 feet MSL southwest of Minneapolis bounded on the north by V-26S, on the northeast by a 36-mile radius circle centered on Minneapolis-St. Paul International Airport, on the southeast by V-219 and on the southwest by V-24; and that airspace extending upward from 6,000 feet MSL bounded by a line starting at the 36-mile radius area west of Minneapolis southwest along the northwest edge of V-148; then clockwise along a 70-mile radius arc from the Minneapolis-St. Paul International Airport to the southwest edge of V-55; then southeast along the southwest edge of V-55 to the north edge of V-78; then west along the north edge of V-78 to the 36-mile radius area, then counterclockwise along the 36-mile radius arc to the northwest edge of V-148; and that airspace extending upward from 8,000 feet MSL bounded on the southwest by the northwest edge of V-148; on the west by longitude 95°06'00" W.; on the north by latitude 46°13'00" N.; on the northeast by the southwest edge of V-55; on the southeast by the 70-mile radius arc.

[F.R. Doc. 70-12073; Filed, Sept. 10, 1970; 8:49 a.m.]

[Airspace Docket No. 70-SO-45]

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

Designation of Transition Area

On June 27, 1970, a notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 10526), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Statesboro, Ga., transition area.

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

Subsequent to publication of the notice, informal coordination with the Department of the Army disclosed that a potential hazard would exist between IFR departures at Statesboro Municipal Airport and extensive helicopter operations at Army stagefields east and southeast of Statesboro Municipal Airport. To eliminate this potential, coordination was effected with the airport operator who agreed to restrict IFR departures from utilizing Runway 13. This restriction permits the alteration of the transition area to exclude the portion which was required for these departures. The geographic coordinates (lat. 32°29'00" N., long. 81°44'-20" W.) for Statesboro Municipal Airport and (lat. 32°28'50" N., long. 81°44'-22" W.) for Statesboro Nondirectional Radio Beacon were obtained from Coast and Geodetic Survey. Additionally, the final approach bearing for NDB(ADF) RWY 13 Instrument Approach Procedure was refined by Coast and Geodetic Survey to the 326° bearing from the radio beacon. It is necessary to alter the description to reflect these changes. Since these amendments are either less restrictive or editorial in nature, notice and public procedure hereon are unnecessary and action is taken herein to alter the description accordingly.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., November 12, 1970, as hereinafter set forth.

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

STATESBORO, GA.

That airspace extending upward from 700 feet above the surface beginning at the intersection of a line 2 miles southeast of and parallel to Statesboro Municipal Airport (lat. 32°29'00" N., long. 81°44'20" W.) Runway 23 (southwest of the airport) centerline extended and the arc of a 5-mile-radius circle centered on Statesboro Municipal Airport, thence southwest along this line to and clockwise along the arc of an 8.5-mile-radius circle centered on Statesboro Municipal Airport, to and southwest along a line 2 miles southeast of and parallel to Runway 5 centerline extended, to and clockwise along the arc of a 5-mile-radius circle centered on Statesboro Municipal Airport, to point of beginning; within 3 miles each side of the 326° bearing from Statesboro RBN (lat. 32°28'50" N., long. 81°44'22" W.), extending from the 8.5-mile-radius area to 8.5 miles northwest of the RBN.

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

Issued in East Point, Ga., on August 31, 1970.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 70-12074; Filed, Sept. 10, 1970; 8:49 a.m.]

[Airspace Docket No. 70-SO-53]

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

Designation of Transition Area

On July 9, 1970, a notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 11034), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Dalton, Ga., transition area.

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

Subsequent to publications of the notice, the geographic coordinate (lat. 34°43'00" N., long. 84°52'00" W.) for Dalton Municipal Airport was obtained from Coast and Geodetic Survey. It is necessary to alter the description by adding the geographic coordinate for the airport. Since this amendment is editorial in nature, notice and public procedure hereon are unnecessary and action is taken herein to alter the description accordingly.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., November 12, 1970, as hereinafter set forth.

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

DALTON, GA.

That airspace extending upward from 700 feet above the surface within a 14.5-mile radius of Dalton Municipal Airport (lat. 34°43'00" N., long. 84°52'00" W.).

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

Issued in East Point, Ga., on August 28, 1970.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 70-12075; Filed, Sept. 10, 1970; 8:49 a.m.]

[Airspace Docket No. 70-WE-58]

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

Alteration of Transition Area

On July 22, 1970, a notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 11700) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Provo, Utah, transition area.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections. No objections have been received and the proposed amendment is hereby adopted without change.

Effective date. This amendment shall be effective 0901 G.m.t., November 12, 1970.

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

Issued in Los Angeles, Calif., on August 31, 1970.

ARVIN O. BASNIGHT,
Director, Western Region.

In § 71.181 (35 F.R. 2134) the description of the Provo, Utah, transition area is amended as follows:

Delete all before "that airspace extending upward from 1,200 feet above * * *" and substitute therefor "That airspace extending upward from 700 feet above the surface within 9.5 miles southwest and 4.5 miles northeast of the Provo VOR (latitude 40°13'09" N., longitude 111°43'28" W.) 328° and 148° radials extending from 25.5 miles northwest to 6.5 miles southeast of the VOR;".

[F.R. Doc. 70-12076; Filed, Sept. 10, 1970; 8:49 a.m.]

[Airspace Docket No. 70-SO-67]

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

Alteration of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Homestead, Fla., control zone.

The Homestead control zone is described in § 71.171 (35 F.R. 2054). In the description, an extension is predicated on Homestead VOR 046° radial. The Homestead VOR is scheduled to be decommissioned on August 30, 1970; therefore, it is necessary to alter the description to revoke this extension. Since this amendment lessens the burden on the public, notice and public procedure hereon are unnecessary and action is taken herein to amend the description accordingly.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., August 31, 1970, as hereinafter set forth.

In § 71.171 (35 F.R. 2054), the Homestead, Fla., control zone is amended as follows: "* * * within 2 miles each side of the Homestead VOR 046° radial, extending from the 5-mile-radius zone to the VOR * * *" is deleted.

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

Issued in East Point, Ga., on August 28, 1970.

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

[F.R. Doc. 70-12077; Filed, Sept. 10, 1970; 8:49 a.m.]

[Airspace Docket No. 70-SO-68]

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

Alteration of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Miami, Fla. (Tamiami Airport), control zone.

The Miami (Tamiami Airport) control zone is described in § 71.171 (35 F.R. 2054). In the description, a provision is made to designate the effective time of the control zone by NOTAM and as continuously published in the Airman's Information Manual. The Miami IFSS has been relocated to the Tamiami Airport and fulfills weather reporting and communications requirements for a full-time in lieu of a part-time control zone. It is necessary to alter the description to delete the proviso for a part-time control zone and permit a full-time control zone. This action increases the burden on the public; however, it is insignificant since night air traffic activity in this area is very light. Notice and public procedure hereon are unnecessary and action is taken herein to amend the description accordingly.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., September 1, 1970, as hereinafter set forth.

In § 71.171 (35 F.R. 2054), the Miami, Fla. (Tamiami Airport), control zone is amended as follows: "* * * This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual * * *." is deleted.

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

Issued in East Point, Ga., on August 28, 1970.

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

[F.R. Doc. 70-12078; Filed, Sept. 10, 1970; 8:49 a.m.]

Title 18—CONSERVATION OF POWER AND WATER RESOURCES

Chapter V—Federal Water Quality Administration, Department of the Interior

PART 610—DISCHARGE OF OIL

On July 24, 1970, notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 11908) which set forth the text of regulations, proposed as Part 610 relating to the discharge of those quantities of oil which will be harmful to the public health or welfare of the United States.

Pursuant to the above notice, a number of comments have been received from interested persons, and due consideration has been given to all relevant matter presented. In light of the preceding, a number of revisions have been made in the rules as proposed.

In accordance with the statement in the notice of proposed rule making, Part 610, as set forth below, is hereby adopted effective on publication.

Sec.
610.1 Definitions.
610.2 Applicability.
610.3 Discharge into navigable waters harmful.
610.4 Discharge into contiguous zone harmful.
610.5 Discharge prohibited.
610.6 Exception for vessel engines.
610.7 Dispersants.
610.8 Demonstration projects.
610.9 Notice.

AUTHORITY: The provisions of this Part 610 are issued under sec. 11(b)(3) of the Federal Water Pollution Control Act, as amended (84 Stat. 92; 33 U.S.C. 1161).

§ 610.1 Definitions.

As used in this part, the following terms shall have the meaning indicated below:

(a) "Oil" means oil of any kind or in any form, including, but not limited to, petroleum, fuel oil, sludge, oil refuse, oil mixed with ballast or bilge, and oil mixed with wastes other than dredged spoil;

(b) "Discharge" includes, but is not limited to, any spilling, leaking, pumping, pouring, emitting, emptying or dumping;

(c) "Vessel" means every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water other than a public vessel;

(d) "Public vessel" means a vessel owned or bare-boat chartered and operated by the United States, or by a State or political subdivision thereof, or by a foreign nation, except when such vessel is engaged in commerce;

(e) "United States" means the States, the District of Columbia, the Commonwealth of Puerto Rico, the Canal Zone, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands;

(f) "Person" includes an individual, firm, corporation, association, and a partnership;

(g) "Contiguous zone" means the entire zone established or to be established by the United States under article 24 of the Convention on the Territorial Sea and the Contiguous Zone;

(h) "Onshore facility" means any facility (including, but not limited to motor vehicles and rolling stock) of any kind located in, on, or under, any land within the United States other than submerged land;

(i) "Offshore facility" means any facility of any kind located in, on, or under, any of the navigable waters of the United States other than a vessel or public vessel;

(j) "Applicable water quality standards" means water quality standards adopted pursuant to section 10(c) of the Federal Act and State-adopted water quality standards for waters which are not interstate within the meaning of that Act.

(k) "Federal Act" means the Federal Water Pollution Control Act, as amended, 33 U.S.C. 466, et seq.

(l) "Sheen" means an iridescent appearance on the surface of water.

(m) "Sludge" means an aggregate of oil or oil and other matter of any kind in any form other than dredged spoil having a combined specific gravity equivalent to or greater than water.

§ 610.2 Applicability.

The regulations of this part apply to the discharge of oil into or upon the navigable waters of the United States, adjoining shorelines or into or upon the waters of the contiguous zone, prohibited by section 11(b) of the Federal Act.

§ 610.3 Discharge into navigable waters harmful.

For purposes of section 11(b) of the Federal Act, discharges of such quantities of oil into or upon the navigable waters of the United States or adjoining shorelines determined to be harmful to the public health or welfare of the United States, at all times and locations and under all circumstances and conditions, except as provided in section 610.6 of this part, include discharges which:

(a) Violate applicable water quality standards, or

(b) Cause a film or sheen upon or discoloration of the surface of the water or adjoining shorelines or cause a sludge or emulsion to be deposited beneath the surface of the water or upon adjoining shorelines.

§ 610.4 Discharge into contiguous zone harmful.

For purposes of section 11(b) of the Federal Act, discharges of such quantities of oil into or upon the waters of the contiguous zone determined to be harmful to the public health or welfare of the United States, at all times and locations and under all circumstances and conditions, except as provided in section 610.6 of this part, include discharges which:

(a) Violate applicable water quality standards in navigable waters of the United States, or

(b) Cause a film or sheen upon or discoloration of the surface of the water or adjoining shorelines or cause a sludge or emulsion to be deposited beneath the surface of the water or upon adjoining shorelines.

§ 610.5 Discharge prohibited.

As provided in section 11(b)(2) of the Federal Act, no person shall discharge or cause or permit to be discharged into or upon the navigable waters of the United States, adjoining shorelines, or into or upon the waters of the contiguous zone any oil, in harmful quantities as determined in sections 610.3 and 610.4 of this part, except as the same may be permitted in the contiguous zone under Article IV of the International Convention for the Prevention of Pollution of the Sea by Oil, 1954, as amended.

§ 610.6 Exception for vessel engines.

For purposes of section 11(b) of the Federal Act, discharges of oil from a properly functioning vessel engine are not deemed to be harmful; but such oil accumulated in a vessel's bilges shall not be so exempt.

§ 610.7 Dispersants.

Addition of dispersants or emulsifiers to oil to be discharged which would circumvent the provisions of this part is prohibited.

§ 610.8 Demonstration projects.

Notwithstanding any other provisions of this part, the Secretary of the Interior may permit the discharge of oil into or upon the navigable waters of the United States, adjoining shorelines, or into or upon the waters of the contiguous zone, in connection with research, demonstration projects, or studies relating to the prevention, control, or abatement of oil pollution.

§ 610.9 Notice.

Any person in charge of any vessel or onshore or offshore facility shall, as soon as he has knowledge of any discharge of oil from such vessel or facility in violation of section 610.5 of this part, immediately notify the U.S. Coast Guard of such discharge in accordance with such procedures as the Secretary of Transportation may prescribe.

Dated: September 9, 1970.

WALTER J. HICKEL,
Secretary of the Interior.

[F.R. Doc. 70-12180; Filed, Sept. 10, 1970; 8:52 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

Subtitle A—Department of Housing and Urban Development

PART 41—RELOCATION PAYMENTS

On June 3, 1970, notice of proposed rule making regarding regulations governing the making of relocation payments in connection with projects and programs assisted by the Department of Housing and Urban Development was published in the FEDERAL REGISTER (35 F.R. 8586). After consideration of all such relevant material as was presented by interested persons, the regulations as so proposed are hereby adopted, subject to the following changes:

1. Subparagraph (2) of paragraph (q) of § 41.2 is changed by inserting after the word "expenses" the phrase "except goodwill or profit."

2. Paragraph (s) of § 41.2 is redesignated paragraph (t), and paragraph (t) is redesignated paragraph (u). In lieu of the present paragraph (s), the following is inserted:

"(s) *Site occupant.* A family, individual, or business concern, as defined above."

3. In paragraph (s) (now redesignated paragraph (t)), of § 41.2, the phrase "subparagraph (2) of," following the word "under" in the proviso is deleted, and the word "four" is inserted in lieu of the words "third and fourth" in the last line.

4. Subparagraph (1) of paragraph (c) of § 41.4 is changed by inserting after the word "project" the phrase "and is displaced from such property."

5. Subparagraph (2) of paragraph (b) of § 41.10 is changed by deleting the term "$5" following the word "exceed" and substituting in lieu thereof the term "$10," and by deleting the term "$10" following the designation "(ii)," and substituting in lieu thereof the term "$15."

6. Subparagraph (c) of § 41.12 is changed by inserting after the word "property" the phrase "settlement costs."

Effective date. These regulations are effective September 10, 1970.

NORMAN V. WATSON,
Acting Assistant Secretary for Renewal and Housing Management.

Subpart A—General

Sec.

AUTHORITY: The provisions of this Part 41 issued under section 114 of Housing Act of 1949 (42 U.S.C. 1465); sec. 404(a) of Housing and Urban Development Act of 1965 (42 U.S.C. 3074); sec. 107 of Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3307); sec. 15(8) of United States Housing Act of 1937 (42 U.S.C. 1415(8)); sec. 7(d) of Department of HUD Act (42 U.S.C. 3535(d)); Secretary's delegations of authority to Assistant Secretary for Renewal and Housing Management, 35 F.R. 2746 (sec. A, 6), 2747 (Low-Rent Public Housing Program), and 2748 (Renewal Assistance Program et al.), Feb. 7, 1970; and designation of Acting Assistant Secretary, 35 F.R. 4769, Mar. 19, 1970.

Subpart A—General

§ 41.1 Statement of applicable law.

(a) Section 305 of the Housing Act of 1956 (70 Stat. 1100, 42 U.S.C. 1456) amended title I of the Housing Act of 1949, by adding a new section 106(f), which provided that title I urban renewal projects may include the making of relocation payments subject to rules and regulations prescribed by the Housing and Home Finance Administrator. Section 106(f) was amended by section 304 of the Housing Act of 1957 (71 Stat. 300), section 409 of the Housing Act of 1959 (73 Stat. 673), and section 304 of the Housing Act of 1961 (75 Stat. 167). Section 310 of the Housing Act of 1964 amended title I by adding a new section 114 (78 Stat. 788, 42 U.S.C. 1465) and incorporated therein, with additional provisions, the former section 106(f) of title I, which was repealed (42 U.S.C. 1456(f)). Section 311(a) of the Housing and Urban Development Act of 1965 amended title I by adding a new section 117 (79 Stat. 478, 42 U.S.C. 1468), providing for grants for programs of code enforcement and providing that the provisions of section 114 shall be applicable to such programs. Section 514 of the Housing and Urban Development Act of 1968 (82 Stat. 525, 42 U.S.C. 1468a) amended title I by adding a new section 118, providing for grants for programs of interim assistance for slums and blighted areas and providing that the provisions of section 114 of title I shall be applicable to all activities assisted pursuant to section 118 to the same extent as if such activities were being carried out as part of an urban renewal project. Section 516 of the Housing and Urban Development Act of 1968 (82 Stat. 526, 42 U.S.C. 1465(c)) amended section 114(c) by expanding the relocation payments provisions applicable to the programs of the Department of Housing and Urban Development.

(b) Section 404(a) of the Housing and Urban Development Act of 1965 (79 Stat. 486, 42 U.S.C. 3074) provides that the provisions of section 114 (b), (c), and (d) of title I of the Housing Act of 1949 shall be applicable, to the extent not otherwise authorized by any other Federal law, to any federally assisted development program. Section 401 of the Housing and Urban Development Act of 1965 (79 Stat. 485, 42 U.S.C. 3071) defines development program to include any program established by or conducted under title II of the Housing Amendments of 1955 (69 Stat. 642, 42 U.S.C. 1491) (public facility loans); title VII of the Housing Act of 1961 (75 Stat. 183, 42 U.S.C. 1500) (open-space land, urban beautification, and historic preservation); and title VII of the Housing and Urban Development Act of 1965 (79 Stat. 489, 42 U.S.C. 3101) (grants for basic water and sewer facilities; grants for advance acquisition of land; and neighborhood facilities grants).

(c) Section 107 of the Demonstration Cities and Metropolitan Development Act of 1966 (80 Stat. 1255, 42 U.S.C. 3301) provides that relocation payments in the model cities program shall be made subject to the terms, conditions, and limitations of section 114 (b), (c), (d), and (e) of title I of the Housing Act of 1949.

(d) Section 15(8) of the United States Housing Act of 1937 (50 Stat. 888, 42 U.S.C. 1415(8)) provides that the terms, conditions, and limitations of section 114 (b), (c), and (d) of title I of the Housing Act of 1949 shall be applicable to relocation payments made in connection with low-rent public housing projects assisted by the Department of Housing and Urban Development.

§ 41.2 Definitions.

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

(a) *Actual direct loss of property.* Actual loss in the value of property (exclusive of goods or other inventory kept for sale) sustained by the site occupant by reason of the disposition or abandonment of the property resulting from the site occupant's displacement. A loss resulting from damage to the property while being moved is not included.

(b) *Agency.* (1) In an urban renewal area, the local public agency (LPA) authorized to undertake an urban renewal project being assisted under title I of the Housing Act of 1949 (42 U.S.C. 1450);

(2) In a code enforcement area or demolition grant area, the code agency;

(3) In an area receiving interim assistance, the city, other municipality, or county;

(4) In an area receiving assistance in the development, acquisition, or administration of low-rent housing or slum clearance projects by a local housing authority, the local housing authority (LHA);

(5) In an open-space area or an area receiving assistance pursuant to the historic preservation or urban beautification programs, a public body authorized to acquire real property in the locality to carry out these programs;

(6) In a neighborhood facilities grant area, a governmental entity authorized to carry out a project and to provide continuing control over the use of the project facilities;

(7) In an area receiving assistance for activities pursuant to the Public Facilities Loans Program, the Water and Sewer Facilities Grant Program, or the Advance Acquisition of Land Program, any public body or private nonprofit corporation authorized to acquire or utilize real property in the course of such programs; and

(8) In a model cities area, the municipality, county, or any local public body having general governmental powers.

(c) *Business concern.* A corporation, partnership, individual, or other private entity, including a nonprofit organization, engaged in some type of business, professional, or institutional activity necessitating fixtures, equipment, stock in trade, or other tangible property for the carrying on of the business, profession, or institution.

(d) *City.* Any municipality (or two or more municipalities acting jointly) or any county or other public body (or two or more acting jointly) having general governmental powers.

(e) *Code agency.* A city, other municipality, or county authorized to engage in code enforcement activities consisting of structural or other substantial repairs to, or alterations of, any building or other improvement on land, the demolition of any building or improvement, or a reduction in number of occupants of, or any other change in the use of, any parcel of real property, pursuant to the requirements of, or to comply with notice by a municipality of enforcement of, a zoning, building, or other municipal code or ordinance.

(f) *Family.* Two or more persons related by blood, marriage, or adoption, who are living together in a single dwelling unit.

(g) *Federal financial assistance contract.* (1) A contract for a loan, a grant, or a loan and grant, between the Federal Government and the LPA for an urban renewal project;

(2) A contract for a grant for concentrated code enforcement and public improvements between the Federal Government and a code agency;

(3) A contract for a grant for the demolition of unsafe structures between the Federal Government and the code agency;

(4) A contract for a grant for interim assistance to slums or blighted areas between the Federal Government and the city, other municipality, or county;

(5) An Annual Contributions Contract between the Federal Government and an LHA;

(6) A contract between the Federal Government and the public body authorized to acquire land for open-space use or for a historic preservation or urban beautification program under title VII of the Housing Act of 1961 (42 U.S.C. 1500);

(7) A contract between the Federal Government and a public body for a neighborhood facilities program grant under section 703 of the Housing and Urban Development Act of 1965 (42 U.S.C. 3103);

(8) A contract between the Federal Government and the public body for a public facility loan under title II of the Housing Amendments of 1955 (42 U.S.C. 1491–1497); a water and sewer facilities grant under title VII of the Housing and Urban Development Act of 1965 (42 U.S.C. 3101–3108); and advance acquisition of land under title VII of the Housing and Urban Development Act of 1965 (42 U.S.C. 3101–3108);

(9) A contract between the Federal Government and the city for the purpose of carrying out a comprehensive city demonstration program under title I of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3301).

(h) *HUD.* (1) Prior to November 9, 1965, the Housing and Home Finance Administrator; or

(2) On and after November 9, 1965, the Housing and Home Finance Administrator in the Department of Housing and Urban Development pending appointment of the Secretary of Housing and Urban Development, and thereafter the Secretary of Housing and Urban Development; or

(3) An employee duly authorized to perform the functions of such administrator or secretary.

(i) *Individual.* A person who is not a member of a family. An elderly individual is an individual 62 years of age or over at the time of displacement. A handicapped individual is an individual who has a physical impairment which is expected to be of long-continued and indefinite duration and which substantially impedes his ability to live independently.

(j) *LHA.* A local housing authority authorized to undertake a low-rent housing project assisted under the United States Housing Act of 1937 (42 U.S.C. 1401 et seq.).

(k) *LPA.* A local public agency authorized to undertake an urban renewal project being assisted under title I of the Housing Act of 1949 (42 U.S.C. 1450 et seq.).

(l) *Moving expenses*—(1) *Individual and families.* Costs of packing, storing (for a period of 1 year or less), carting, and insuring of property and incidental costs of disconnecting and reconnecting household appliances.

(2) *Business concerns.* Costs of dismantling, crating, storing (for a period of 1 year or less), transporting, insuring, reassembling, reconnecting, and reinstalling of property (including goods or other inventory kept for sale): *Provided,* That the cost of any additions, improvements, alterations, or other physical changes in or to any structure in connection with effecting such reassembly, reconnection, or reinstallation shall not be included unless the agency determines, with HUD concurrence, that such additions, improvements, alterations, or other physical changes are required by law or are otherwise necessary to the continued operation of the business.

(m) *Plan.* A duly approved plan, as it exists from time to time, for any program or project as defined in this part.

(n) *Project area.* An area which HUD has approved for a project or program in connection with (1) urban renewal; (2) concentrated code enforcement; (3) demolition; (4) interim assistance; (5) low-rent public housing or slum clearance; (6) open-space land; (7) historic preservation; (8) urban beautification; (9) neighborhood facilities development; (10) public facilities loans; (11) water and sewer facilities grants; (12) advance acquisition of land; (13) the area in which model cities activities are carried out; whichever is pertinent in the context.

(o) *Property.* Tangible personal property, excluding fixtures, equipment, and other property which under State or local law are considered real property, but including such items of real property as the site occupant may lawfully remove.

(p) *Public body.* A State, county, municipality, or other political subdivision, or an authority or agency which is a public legal entity.

(q) *Relocation payment.* A payment by an agency:

(1) To an individual or family, for reasonable and necessary moving expenses and any actual direct loss of property (for which reimbursement or compensation is not otherwise made);

(2) To a business concern, for its reasonable and necessary moving expenses except goodwill or profit and any actual direct loss of property (for which reimbursement or compensation is not otherwise made);

(3) To a small business concern, for its displacement (small business displacement payment);

(4) To or on behalf of a family or elderly individual for relocation adjustment prior to August 1, 1968 (relocation adjustment payment); or to or on behalf of a family or elderly or handicapped individual on or after August 1, 1968 (additional relocation payment),

(5) To an individual, family, or business concern for settlement costs (for which reimbursement or compensation is not otherwise made);

(6) To a family or individual to assist an owner-occupant of a one- or two-family dwelling to purchase and occupy a replacement dwelling (replacement housing payment).

(r) *Settlement costs.* (1) Recording fees, transfer taxes, and similar expenses incidental to conveying real property to the agency;

(2) Penalty costs for prepayment of any mortgage encumbering such real property; and

(3) The pro rata portion of real property taxes allocable to a period subsequent to the date of vesting of title, or the effective date of the acquisition of such real property by the agency, whichever is earlier.

(s) *Site occupant.* A family, individual, or business concern, as defined above.

(t) *Small business concern.* A business concern (other than a nonprofit organization) which during the base period had:

(1) Average annual net earnings before income taxes of less than $10,000; and

(2) In the case of displacements prior to June 15, 1966, average annual gross receipts or sales in excess of $1,500; or in the case of displacements on and after June 15, 1966, average annual gross receipts or sales in excess of $1,500 together with average annual net earnings before income taxes in excess of $500, or average annual gross receipts or sales in excess of $2,500.

Earnings for the purpose of this paragraph(s) include salaries, wages, or other compensation received by an owner of the concern or any member of his household related to him. The term "owner" as used in the previous sentence includes the sole proprietor in a sole proprietorship, the principal partners in a partnership, and the principal stockholders of a corporation, as determined by HUD. For purposes of this paragraph(s), the base period shall be the 2 tax years immediately preceding displacement (or, if the business concern is not in business that long, such other period as may be approved by HUD): *Provided,* That, if a business concern does not qualify as a small business concern under this paragraph based upon the 2 tax years immediately preceding displacement and the agency finds that its business activity during such period was not representative, the base period shall be the 4 tax years immediately preceding displacement.

(u) *Voluntary rehabilitation.* Structural or other substantial repairs to, or alterations to, or demolition of, any building or other improvement on land within a project area, undertaken by an owner in order to conform to the property rehabilitation standards set forth in the applicable plan.

§ 41.3 Relocation payments by the Agency.

(a) The Agency shall make relocation payments to or on behalf of eligible site occupants in accordance with and to the full extent permitted by the regulations in this part: *Provided,* That for each Federal financial assistance contract the agency may elect whether to make payments for moving expenses in excess of $25,000 in accordance with § 41.15(a)(2).

§ 41.4 Relocation adjustment payment; additional relocation payment; replacement housing payment.

(a) *Relocation adjustment payment.* A family or elderly individual who satisfies the pertinent eligibility conditions set forth in §§ 41.22, 41.23, 41.24, 41.25, 41.26, 41.27, 41.28, or 41.29 prior to August 1, 1968, is eligible for a relocation adjustment payment if the site occupant:

(1) Is unable to secure a suitable dwelling unit in (i) a low-rent housing project assisted under the U.S. Housing Act of 1937 (42 U.S.C. 1401 et seq.) or a State or local program found by HUD to have the same general purposes or (ii) a dwelling unit assisted under section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s(a)); and

(2) Has moved to a decent, safe, and sanitary dwelling.

(b) *Additional relocation payment.* A family or elderly or handicapped individual who satisfies the pertinent eligibility conditions of §§ 41.22, 41.23, 41.24, 41.25, 41.26, 41.27, 41.28, or 41.29, on or after August 1, 1968, is eligible for an additional relocation payment if the site occupant:

(1) Is unable to secure a suitable dwelling in (i) a low-rent housing project assisted under the United States Housing Act of 1937 (42 U.S.C. 1401 et seq.) or a State or local program found by HUD to have the same general purposes or (ii) a dwelling unit assisted under section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s(a)); and

(2) Has moved to a decent, safe, and sanitary dwelling.

An additional relocation payment not to exceed $500 in the first 12 months and $500 in the second 12 months may be made on a monthly basis, or on a lump-sum basis, or otherwise on other than a monthly basis in cases in which other than monthly payments are determined warranted by HUD.

(c) *Replacement housing payment.* A family or individual who satisfies the pertinent eligibility conditions of §§ 41.22, 41.23, 41.24, 41.25, 41.26, 41.27, 41.28, or 41.29, on or after August 1, 1968, is eligible for a replacement housing payment if the site occupant:

(1) Is the owner of real property acquired for a project and is displaced from such property;

(2) Has occupied a single- or two-family dwelling located on the real property for a period of not less than 1 year, prior to the initiation of negotiations for the acquisition of the real property;

(3) Does not receive the additional relocation payment provided for by § 41.4(b);

(4) Purchases and occupies a replacement dwelling within 1 year subsequent to the date on which he is required to move from the dwelling acquired for the project; and

(5) Does not receive a payment pursuant to the State law of eminent domain determined by HUD to have substantially the same purpose and effect as would a replacement housing payment, and to be a part of the cost of the project for which Federal financial assistance is available.

§ 41.5 Small business displacement payment.

A small business concern which satisfies the pertinent eligibility conditions of §§ 41.22, 41.23, 41.24, 41.25, 41.26, 41.27, 41.28, or 41.29 is eligible for a small business displacement payment if the concern:

(a) Is not part of an enterprise having two or more establishments outside the project area;

(b) Has filed with the Internal Revenue Service income tax returns for the base period, or has furnished such other evidence of earnings as may be approved by HUD; and

(c) Was doing business in the project area on the date of approval by the local governing body of the plan for the project area in which the small business concern is located, or on the date of the approval by the agency of an application for a Federal financial assistance contract for the project area, whichever is pertinent in the context.

§ 41.6 Notice of intention to move.

Except as provided in this § 41.6, no relocation payment for moving expenses or actual direct loss of property and no small business displacement payment shall be made to a business concern unless:

(a) The agency has received, at least 30 days but not earlier than 90 days prior to the moving date, written notice from the business concern of its intention to move or dispose of the property, which shall be described generally in the notice, and the date of such intended move or disposition; and

(b) The business concern has permitted, at all reasonable times, the inspection by or on behalf of the agency of such property at the site from which the business concern is displaced. For the purpose of this § 41.6, "moving date" shall mean the date on which the first item of such property is intended to be moved or disposed of. The agency may make a relocation payment notwithstanding nonreceipt of such timely notice only if the agency has determined that there was reasonable cause for the failure of the business concern to give such notice, and the agency has adequately verified the facts pertaining to the move or disposition and the requested relocation payment.

§ 41.7 Determining moving expenses of business concerns.

(a) *Submission of bids prior to moving date.* No claim for a relocation payment for moving expenses in excess of $500 shall be allowed for the costs incurred by a business concern unless the concern has submitted to the agency, at least 15 days prior to the commencement of the move, a bid from three reputable firms covering the moving costs involved. Whenever it is not feasible to obtain three bids for any category of work, a lesser number of bids shall be submitted, together with a written justification by the concern; and no relocation payment shall be allowed in such cases unless the agency has approved the justification. The agency, with HUD concurrence, may waive any requirement of this paragraph (a) for good cause.

(b) *Payment not to exceed low bid.* Payment to a business concern for moving expenses shall not exceed the amount of the low bid submitted in accordance with paragraph (a) of this section unless the bid requirement has been waived in accordance with paragraph (a) of this section.

§ 41.8 Determining actual direct loss of property.

(a) The amount of actual direct loss of any item of property claimed shall be determined as follows:

(1) The fair market value of the property for continued use at its location prior to the displacement shall be ascertained by an appraisal satisfactory to the agency, except as provided in subparagraph (2) of this paragraph.

(2) If the value of the property for which actual direct loss is claimed does not warrant the expenses of an appraisal, then its fair market value for such continued use shall be computed as follows: The original cost of the item to the claimant (exclusive of installation) multiplied by the figure obtained by dividing the period of the remaining useful life of the property at the date of removal by the period of the normal useful life of the property at the date of its acquisition by the claimant.

(3) The property shall be disposed of by a bona fide sale (as determined by the agency) at the highest price offered after reasonable efforts have been made over a reasonable period of time to interest prospective purchasers. A trade-in of the property may be considered a bona fide sale, and the trade-in allowance, exclusive of any amount of discount that would be allowed on the price of the property being acquired in the absence of the trade-in, shall be the amount realized upon the sale of the property.

(4) If the amount realized from the sale, after deducting ordinary and reasonable expenses of the sale, is less than the fair market value for such continued use, the difference between the net amount realized and the fair market value is the amount of actual direct loss of the property.

(b) If a bona fide sale is not effected because no offer is received for the property, after reasonable efforts have been made over a reasonable period of time to sell it, then its fair market value for continued use, ascertained as provided in this section, is the amount of actual direct loss of the property.

(c) No relocation payment shall be made for the cost of an appraisal secured by the agency to determine the amount of any actual direct loss of property, which cost shall be borne by the agency.

(d) No relocation payment shall be made for the cost of any appraisal made by or on behalf of a claimant subsequent to the appraisal required by § 41.8(c).

§ 41.9 **Outdoor advertising display.**

A business concern which is not displaced from a project area shall be eligible for a relocation payment for moving expenses with respect to its outdoor advertising displays required, in the determination of the agency, to be removed from the project area.

§ 41.10 **Fixed relocation payments to individuals and families.**

(a) *Schedule of fixed payments.* An agency may pay, to eligible individuals and families who elect to receive them, fixed amounts in lieu of payments for reasonable and necessary moving expenses and actual direct losses of property. Each agency intending to make fixed payments for moving expenses shall prepare a schedule (Form HUD–6142) of the fixed amounts which it proposes to pay. The schedule shall contain a statement indicating that the agency will permit eligible individuals and families so choosing to claim reimbursement for their actual moving expenses and actual direct loss of property.

(b) *Schedule provision.* (1) A proposed schedule of fixed payments to eligible individuals and families owning furniture shall provide for a graduated scale of payments related to the number of all rooms occupied or utilized by the claimant, except bathrooms, hallways, and closets, which payments shall not exceed the result obtained by multiplying a reasonable local average hourly moving rate (as determined by the agency, with HUD concurrence) by the number of hours allotted to moving personal effects.

(2) Fixed payments to eligible individuals and families not owning furniture, but owning furnishings, shall be the average hourly rate or $25, whichever is the lesser, calculated in accordance with the method prescribed in § 41.10 (b)(1): *Provided*, That fixed payments to eligible individuals or families not owning furniture or furnishings shall not exceed: (i) $10 for an individual, (ii) $15 for any family.

(c) *Administration of fixed payments.* Eligible individuals or families may be paid the amount provided in the schedule of fixed payments approved by HUD upon receipt of a properly completed claim. A fixed payment shall be in full settlement for the claimant's moving expense and any actual direct loss of property. If the joint occupants of a single dwelling unit in the project area move to two or more locations and consequently submit more than one claim, an eligible claimant for a fixed payment may be paid only his reasonable prorated share (as determined by the agency) of the total fixed payment applicable to such dwelling unit, and the total of fixed payments made to all such claimants moving from such dwelling unit shall not exceed the total fixed payment applicable to such dwelling unit.

§ 41.11 **Administration of relocation payments.**

(a) *Conditions for relocation payment.* The agency (or, if the agency is the municipality, the board or commission responsible for carrying out the federally assisted activities or, if there is no such board or commission, the principal executive officer of the municipality) shall approve a schedule (Form HUD–6148) of average annual gross rentals for standard housing in the locality for determining the amount of relocation adjustment payments and additional relocation payments in accordance with § 41.4 (a) and (b), and a separate schedule (Form HUD–6155) for determining the average price of standard sales housing in a locality, and any other conditions under which the agency will make relocation payments. The schedules and conditions shall be consistent with the regulations in this part and shall be available in written form to site occupants in the office of the agency.

(b) *Notice to site occupants.* The agency shall furnish, to all site occupants who occupy property within a project area (or the area of the federally assisted activities) and who are anticipated to be displaced, a notice or information statement advising the site occupant of (1) the availability of relocation payments to eligible site occupants, and (2) the office where the conditions under which relocation payments will be made are available for inspection.

(c) *Action on claim—finality.* The agency is initially responsible for determining the eligibility of a claim for, and the amount of, a relocation payment and shall maintain in its files complete and proper documentation supporting the determination. The determination on each claim shall be made or approved either by the governing body of the agency or by the principal executive officer of the agency or his duly authorized designee. The determination by the agency or any redetermination by HUD shall be final and conclusive with respect to the rights of any site occupant, and not subject to redetermination by any court or any other officer. Subject to the requirements of this paragraph (c), the agency may permit a third-party contractor responsible for relocation activities to examine and recommend action on a claim and to disburse funds in payment of a claim which has been approved by the agency.

(d) *Prompt payment.* A relocation payment shall be made by the agency as promptly as possible after a site occupant's eligibility has been determined in accordance with the regulations in this part.

(e) *Agency setoff against claim.* The agency may set off against the claim of an otherwise eligible site occupant any financial claim the agency may have against the site occupant arising out of the use of the real property.

(f) *Approval by HUD—business concerns.* No claim for a relocation payment for moving expenses or settlement costs, or both, shall be paid without the concurrence of HUD if the claim exceeds $10,000. No claim for a relocation payment for moving expenses which involves additions, improvements, alterations, or other physical changes, described in § 41.2(l)(2), shall be paid without the concurrence of HUD.

(g) *Temporary moves.* No relocation payment shall be made to a site occupant for a temporary move.

(h) *Reimbursement of relocation payments.* Relocation payments made in accordance with the regulations in this part and pursuant to a Federal financial assistance contract are reimbursable in full to the agency as a Federal grant.

(i) *Accounts and records.* Accounts and records shall be subject to inspection or audit at all reasonable times by HUD. Records pertaining to eligibility for relocation payments, including all claims, receipted bills, or other documentation in support of a claim, and records pertaining to action on a claim, shall be retained by the agency for not less than 3 years after the completion of the federally assisted activities.

§ 41.12 **Filing of claims.**

(a) *Form of claim.* To obtain a relocation payment, site occupants shall file written claims with the agency on the appropriate HUD forms.

(b) *Documentation in support of a claim.* A claim shall be supported by the following:

(1) If for moving expenses, except in the case of a fixed payment, a receipted bill or other evidence of such expenses. By prearrangement between the agency, the site occupant, and the mover, evidenced in writing, the claimant or the mover may present an unpaid moving bill to the agency, and the agency may pay the mover directly.

(2) If for actual direct loss of property, written evidence thereof, which may include appraisals, certified prices, copies of bills of sale, receipts, canceled checks, copies of advertisements, offers to sell, auction records, and such other records as may be appropriate to support the claim.

(3) In any other case, such documentation as may be required by the agency, which may include income tax returns, withholding or information statements, and proof of age.

(c) *Time for filing claims.* A claim for moving expenses, actual direct loss of property settlement costs, or a small business displacement payment shall be submitted to the agency within a period of 6 months after the displacement of the site occupant. A claim for a relocation adjustment payment or for an additional relocation payment shall be submitted within a period of 6 months after the displacement of the site occupant. A claim for a replacement housing payment shall be submitted within 18 months after the displacement of the claimant. The time limitations in this paragraph (c) may be waived by the agency for good cause with HUD concurrence.

§ 41.13 **Limitations on amount of relocation payments.**

(a) *Moving expenses and loss of property.*—(1) *Maximum amount—individuals and families.* The maximum relocation payment that may be made or recognized for moving expenses and actual

direct loss of property, for which reimbursement or compensation is not otherwise made, shall not exceed $200 in the case of individuals, families, or two or more unrelated individuals occupying the same dwelling unit.

(2) *Maximum amount—business concerns.* The maximum relocation payment that may be made or recognized in the case of a business concern for moving expenses and actual direct loss of property, for which reimbursement or compensation is not otherwise made, shall not exceed $3,000. If the total of the actual certified moving expenses incurred is greater than $3,000, and there is no claim for actual direct loss of property, the maximum relocation payment that may be made shall be:

(i) The total actual moving expenses or $25,000, whichever is less; or

(ii) At the sole option of the agency, $25,000 together with a portion of the actual moving expenses in excess of $25,000 representing the same percentage of the excess as the percentage of the cost of the project paid for by the Federal grant under the terms of the pertinent Federal financial assistance contract. The agency electing to pay on this basis must make a cash payment to the displaced business, equal to the remainder of its actual moving expenses in excess of $25,000, out of local funds not to be made up of amounts consisting of any portion of the local share of the project cost: *Provided,* That, in any locality in which an LPA elects to share in the actual moving expenses in excess of $25,000 in connection with an urban renewal project, the City conducting a model cities project shall be required to share in actual moving expenses in excess of $25,000 on the same percentage basis as actual moving expenses in excess of $25,000 are borne by the LPA carrying out such urban renewal project: *And provided further,* That an LHA may elect to pay actual moving expenses in excess of $25,000 by:

(*a*) Charging two-thirds of the amount in excess of $25,000 to project development funds, and one-third of such expenses to local funds; or

(*b*) Charging three-fourths of the amount in excess of $25,000 to project development funds, and the remaining one-fourth to local funds in a locality eligible for a three-fourths grant for an urban renewal project under section 103(a)(2)(B) of the Housing Act of 1949 (42 U.S.C. 1453(a)(2)(B)).

(3) *Maximum moving distance.* If a business concern moves beyond 100 miles from the boundary of the county, city, town, or village, as the case may be, in which the federally assisted activities are carried out, a relocation payment for its moving expenses may not be made in excess of the reasonable and necessary expenses for moving such distance of 100 miles.

(b) *Maximum amounts—small business displacement payment, relocation adjustment payment, additional relocation payment, and replacement housing payment—*(1) *Fixed amount—small business displacement payment.* A small business displacement payment shall be $2,500 for business concerns displaced on or after August 10, 1965.

(2) *Maximum amount—relocation adjustment payment.* The total relocation adjustment payment that may be made for a family or elderly individual shall be an amount not to exceed $500 which, when added to 20 percent of the annual income of the family or individual at the time of displacement, equals the average annual gross rental required for a decent, safe, and sanitary dwelling of modest standards adequate in size to accommodate the family or individual as determined by the agency.

(3) *Maximum amount—additional relocation payment.* The total additional relocation payment that may be made to a family or elderly or handicapped individual shall consist of monthly payments over a period not to exceed 24 months and shall be paid in an amount not to exceed $500 in the first 12 months and not to exceed $500 in the second 12 months (except as provided in § 41.4(b) of the regulations in this part) which, when added to 20 percent of the annual income of the family or individual at the time of displacement, shall be equal to the average annual gross rental required at such time to secure a decent, safe, and sanitary dwelling of modest standards adequate in size to accommodate the family or individual as determined by the agency.

(4) *Maximum amount—replacement housing payment.* The total replacement housing payment that may be made for a family or individual eligible for a replacement housing payment under § 41.4(c) of the regulations of this part shall not exceed the lesser of (i) $5,000, or (ii) an amount which, when added to the acquisition payment, shall be equal to the average price required for a purchase of a decent, safe, and sanitary dwelling of modest standards which is adequate in size to accommodate the displaced owner, reasonably accessible to public services and places of employment, and available on the private market.

§ 41.14 Condemnation proceedings and negotiated purchases.

Notwithstanding any other provision of the regulations in this part, in any State in which applicable law requires the inclusion in an award in eminent domain or in the purchase price paid for any property acquired by negotiation of an allowance for any of the expenses included within the definition of relocation payment in § 41.2(q), the portion of any judgment or any purchase price representing compensation for such expenses, if separately stated, shall be entitled to recognition as a relocation payment in an amount not to exceed the applicable dollar limitations in § 41.13: *Provided,* That the allowance for actual direct loss of property makes no compensation for loss of goodwill or profit.

§ 41.15 Waiver.

No section of the regulations in this part which does not otherwise provide for waiver shall be waived unless the Secretary, after reviewing any claim for payment, authorizes waiver of the pertinent section(s) of the regulations in this part with regard to such claim.

Subpart B—Requirements Relating to Specific Programs

§ 41.21 Statement of applicability.

The regulations in this subpart shall govern basic conditions of eligibility for a relocation payment for reasonable and necessary moving expenses and actual direct loss of property (and shall form the initial basis of eligibility for the relocation payments described in Subpart A of this part) as these pertain to the programs named in this subpart.

§ 41.22 Urban renewal and neighborhood development programs.

(a) *Displacement.* A site occupant is eligible for a relocation payment if the displacement of the site occupant is:

(1) From real property within the urban renewal area, on or after the date of execution of the pertinent Federal financial assistance contract, or the date of HUD approval of a budget for project execution activities resulting in the displacement (provided that in the latter case a Federal financial assistance contract for such contemplated project is thereafter executed); and

(2) Made necessary by (i) the acquisition of such real property by the LPA or any other public body, or (ii) code enforcement activities undertaken in connection with the urban renewal area, or (iii) a program of voluntary rehabilitation of buildings or other improvements in accordance with the Urban Renewal Plan, as further described in paragraphs (b) and (c) of this section.

(b) *Displacement made necessary by acquisition.* A site occupant on the date of execution of a Federal financial assistance contract (or HUD concurrence, prior to its approval of an application for loan and grant, in the commencement of a project execution activity) which contemplates acquisition of the property, regardless of when or if such acquisition takes place, and a site occupant of the property at the time of its acquisition may be deemed displaced by the acquisition upon vacating the property. For this purpose, acquisition means the obtaining by the LPA or other public body of title to, or the right to possession of, the real property. No claim based upon acquisition of real property by a public body other than the LPA shall be approved unless the LPA shall have determined that the site occupant was displaced by acquisition or in contemplation thereof. The determination shall be supported by a signed statement from the public body indicating (1) when it acquired or proposes to acquire the property occupied by the site occupant, and (2) whether it compensated or has agreed to compensate the claimant for moving expenses, actual direct loss of property, or settlement costs resulting from the displacement.

(c) *Displacement made necessary by code enforcement or voluntary rehabilitation.* The vacating by the site occupant of the real property after the happening of any of the following events shall be

deemed to be a displacement from the urban renewal project area made necessary by code enforcement or voluntary rehabilitation, as the case may be.

(1) In the case of code enforcement, the commencement of, or notice by the code agency of, code enforcement with respect to the real property, or the part thereof occupied by the site occupant which makes it necessary (as determined by the LPA) for the site occupant to vacate the real property.

(2) In the case of voluntary rehabilitation, the commencement of, or notice by the owner of the real property of the commencement of, voluntary rehabilitation of the building or other improvement, or the part thereof occupied by the site occupant which makes it necessary (as determined by the LPA) for the site occupant to vacate the real property.

(3) In the case of either code enforcement or voluntary rehabilitation, an increase or a notice of increase in rent for the rent period involved amounting to not less than 25 percent in the case of a business concern and not less than 10 percent in the case of an individual or family: *Provided*, That in the case of an individual or family the increase shall also result in a rent exceeding the standards established by the LPA for the displacees' ability to pay.

§ 41.23 Code enforcement or demolition grants.

(a) *General.* A site occupant is eligible for a relocation payment if the displacement is:

(1) From real property within the code enforcement or demolition grant project area on or after (i) the date of execution of a Federal financial assistance contract, or (ii) the date of HUD approval of a budget for a program of concentrated code enforcement, or (iii) the date of HUD approval of an application for a demolition grant: *Provided*, That in the case of approval of such budget or application a Federal financial assistance contract is thereafter executed for the area; and

(2) Made necessary by (i) code enforcement activities as further defined in paragraph (b) of this section, (ii) a program of voluntary rehabilitation of buildings or other improvements in accordance with the program of concentrated code enforcement and public improvement, as further defined in paragraph (c) of this section, (iii) acquisition of real property by the code agency or any other public body in connection with a federally assisted program of concentrated code enforcement and public improvement as further defined in paragraph (d) of this section, or (iv) demolition activities as further defined in paragraph (e) of this section.

(b) *Displacement made necessary by code enforcement.* The displacement of a site occupant from a code enforcement area is deemed made necessary by code enforcement if the vacation of the real property occurs on or after the commencement of code enforcement, or the receipt of notice by the site occupant that code enforcement will be required, with respect to the real property occupied by the site occupant under either of the following circumstances:

(1) The code enforcement cannot reasonably be undertaken without the vacation of the real property by the site occupant and the code agency so determines; or

(2) In the case of a tenant, the owner has increased the rent or has notified the tenant of an increase in rent amounting to not less than 25 percent in the case of a business concern and not less than 10 percent in the case of an individual or family: *Provided*, That in the case of an individual or family the increase shall also result in a rent exceeding the standards established by the code agency for displacees' ability to pay.

No claim based upon code enforcement shall be approved unless the code agency shall have determined that the site occupant was displaced by such activities.

(c) *Displacement made necessary by voluntary rehabilitation.* The displacement of a site occupant from a code enforcement area is deemed made necessary by voluntary rehabilitation:

(1) Upon the commencement of such rehabilitation of the building or other improvement, or the part thereof occupied by the site occupant which makes it necessary (as determined by the code agency) for the site occupant to vacate the real property; or

(2) In the case of a tenant, an increase or a notification of an increase in rent amounting to not less than 25 percent in the case of a business concern and not less than 10 percent in the case of an individual or family: *Provided*, That in the case of an individual or family the increase shall also exceed the standards established by the code agency for displacees' ability to pay.

(d) *Displacement made necessary by acquisition.* The displacement of a site occupant from a code enforcement project area is deemed made necessary by acquisition if the vacation of the real property occurs after the code agency or other public body acquiring the legal or equitable title or the right to possession has ordered the site occupant to vacate the real property. No claim based upon acquisition of real property by a public body other than the code agency shall be approved unless the code agency has determined that the site occupant was displaced by the acquisition or in contemplation thereof. The determination shall be supported by a signed statement from the public body indicating (1) when it acquired or proposes to acquire the property occupied by the site occupant, and (2) whether it compensated or has agreed to compensate the site occupant for moving expenses, actual direct loss of property, or settlement costs resulting from the displacement.

(e) *Displacement made necessary by demolition.* The displacement of a site occupant from a demolition grant project area is deemed made necessary by demolition if the vacation of the real property occurs after the code agency has ordered the real property to be vacated and demolished.

§ 41.24 Interim assistance areas.

(a) *Displacement.* A site occupant is eligible for a relocation payment if the displacement is:

(1) From private real property within the interim assistance project area on or after the date of execution of a Federal financial assistance contract or the date of HUD approval of a budget for a program of interim assistance: *Provided*, That in the latter case a Federal financial assistance contract is thereafter executed for the area; and

(2) Made necessary by (i) activities designed to improve private properties to the extent needed to eliminate the most immediate dangers to the public health and safety, as further defined in paragraph (b) of this section, (ii) acquisition of real property by the agency in connection with a federally assisted program of improvement of private properties, as further defined in paragraph (c) of this section, or (iii) demolition of structures determined to be structurally unsound or unfit for human habitation, and which constitute a public nuisance and serious hazard to the public health and safety, as further defined in paragraph (d) of this section.

(b) *Displacement made necessary by improvement of private properties.* The displacement of a site occupant from an interim assistance project area is deemed made necessary by improvement of private properties if the vacation of the private real property occurs on or after the commencement of improvement activities, or the receipt of notice by the site occupant that improvements will be required with respect to private real property occupied by the site occupant, and if:

(1) The improvement is necessary to eliminate the most immediate dangers to public health and safety, and the agency so determines, and the improvement cannot reasonably by undertaken without the vacation of the real property by the site occupant and the agency so determines. No claim based upon interim assistance involving improvement of private properties shall be approved unless the agency shall have determined that the claimant was displaced by such activities. The determination shall be supported by a statement by the agency giving the factual basis on which the determination was made; or

(2) In the case of a tenant, the owner has increased the rent, or has notified the tenant of an increase in rent, amounting to not less than 25 percent in the case of a business concern and not less than 10 percent in the case of an individual or family: *Provided*, That in the case of an individual or family the increase shall also result in a rent exceeding the standards established by the agency for displacees' ability to pay.

(c) *Displacement made necessary by acquisition.* The displacement of a site occupant from an interim assistance project area is deemed made necessary by acquisition if the vacation of the real property occurs after the agency has acquired legal or equitable title or the right to possession and has ordered the site occupant to vacate the real property.

(d) *Displacement made necessary by demolition of unfit structures.* The displacement of a site occupant from an interim assistance project area is deemed made necessary by demolition of unfit structures if the vacation of the real property occurs under the following circumstances:

(1) The structures occupying the real property are structually unsound or unfit for human habitation and constitute a public nuisance and serious hazard to the public health and safety, and the agency has so determined; and

(2) The vacation of the real property occurs after the agency has ordered the real property to be vacated and demolished.

§ 41.25 Low-rent public housing.

(a) *Displacement.* A site occupant is eligible for a relocation payment if the displacement of the site occupant is:

(1) From real property within the low-rent public housing project area on or after the date of execution of the pertinent annual contributions contract (or the date of tentative site approval by HUD, whichever date is later); and

(2) Made necessary by the acquisition of the real property by the LHA.

(b) *Displacement made necessary by acquisition.* A site occupant of real property within the low-rent public housing area on the date of execution of the applicable annual contributions contract (or the date of tentative site approval by HUD, whichever date is later), which contemplates acquisition of the property, regardless of when or if such acquisition takes place, and a site occupant of the property at the time of its acquisition may be deemed displaced by the acquisition upon vacating the property. For this purpose, acquisition means the obtaining by the LHA of title to, or the right to possession of, the real property.

§ 41.26 Open-space land, urban beautification, and historic preservation.

(a) *Moving expenses and actual direct loss of property.* A site occupant is deemed displaced by the acquisition of real property for open-space use, urban beautification, or historic preservation and is eligible for a relocation payment for moving expenses and actual direct loss of property if:

(1) The acquisition of real property necessitates its vacation; and

(2) The site occupant is (i) an occupant of the real property on the date of execution of a Federal grant contract authorizing the acquisition of the real property (or, if HUD concurrence is given for the acquisition of the real property prior to its approval of a Federal grant contract, the date of such HUD concurrence, provided that in the latter case a Federal grant contract for the project is thereafter executed) regardless of when or if such acquisition takes place, or (ii) the site occupant is an occupant of the real property at the time of its acquisition.

(b) *Settlement costs.* A site occupant is deemed eligible for a relocation payment for settlement costs if:

(1) He is the owner of the real property at the time of transfer of title to the agency; and

(2) If the transfer of title to the real property occurs on or after the date of execution of a Federal grant contract authorizing the acquisition of the real property (or, if HUD concurrence is given for the acquisition of the real property prior to its approval of a Federal grant contract, on or after the date of such HUD concurrence, provided that a Federal grant contract for the project is thereafter executed).

§ 41.27 Neighborhood facilities projects.

(a) *Moving expenses and actual direct loss of property.* A site occupant is deemed displaced by the project and is eligible for a relocation payment for moving expenses and actual direct loss of property if:

(1) The project necessitates vacation of real property by the claimant; and

(2) The site occupant is (i) an occupant of the real property on the date of execution of a Federal grant contract authorizing the project (or, if HUD concurrence is given for the commencement of project activities causing the displacement prior to HUD approval of a Federal grant contract, the date of such concurrence, provided that in the latter case a Federal grant contract for the project is thereafter executed), or (ii) the site occupant is the occupant of the real property on the date of its acquisition.

(b) *Settlement costs.* A claimant for settlement costs is eligible for a relocation payment if:

(1) He is the owner of the real property at the time of transfer to the agency or to a nonprofit agency under its control which is engaged in the carrying out of the project; and

(2) The transfer of title to the real property occurs on or after the date of execution of a Federal grant contract authorizing the acquisition of the real property (or, if HUD concurrence is given for the acquisition of the real property prior to its approval of a Federal grant contract, on or after the date of such HUD concurrence, provided that a Federal grant contract for the project is thereafter executed).

§ 41.28 Public facility loans; grants for basic water and sewer facilities; and grants for advance acquisition of land.

(a) *Displacement.* A site occupant is eligible for a relocation payment if:

(1) The site occupant is displaced from the real property within the project area on or after the date of the filing of an application for Federal financial assistance; and

(2) A Federal financial assistance contract is executed under title II of the Housing Amendments of 1955 (42 U.S.C. 1491–1497) or section 702 or 704 of the Housing and Urban Development Act of 1965 (42 U.S.C. 3102 or 3104); and

(3) The acquisition or use of such real property is determined by HUD to be necessary in connection with a project under the program; and

(4) The site occupant vacates after (i) the Agency acquires title to or use of the property in connection with the program; or (ii) the agency becomes entitled to possession of the real property pursuant to a proceeding in condemnation; or (iii) a binding contract for the purchase of the real property is entered into by the Agency and the owner of such real property if, in fact, the real property is not occupied by another occupant prior to acquisition of title to, or the right of possession of, the real property by the agency.

(b) *Settlement costs.* A claimant is eligible for a relocation payment for settlement costs if he is the owner of the real property at the time of the transfer of such real property to the agency.

§ 41.29 Model Cities.

A site occupant is eligible for relocation payment if the displacement of the site occupant is:

(a) From real property, on or after (1) the date of HUD approval of a comprehensive city demonstration program (or an amendment thereof) that identifies the undertaking resulting in the displacement as being carried out in connection with the program, or (2) such earlier date as may be approved by HUD for a specific undertaking upon the request of a city (provided that in both cases a Federal financial assistance contract is thereafter, or has been, executed and that in the latter case HUD subsequently aproves a comprehensive city demonstration program, or an amendment thereof, that identifies the undertaking as one being carried out in connection with the program); and

(b) On or after (1) receipt of a notice to vacate from the owner of the property (or of a notice of increase in rent for the rent period involved amounting to not less than 25 percent in the case of a business concern and not less than 10 percent in the case of an individual or family if in the latter case the increase results in a rent exceeding the standards established by the city for the displacees' ability to pay) or, in the case of an owner-occupant, the commencement of activities which make it necessary (as determined by the city) to vacate the property; or (2) such earlier date fixed by HUD on the basis of a determination that the move was reasonably in contemplation of a notice to vacate or an increase in rent as defined herein.

[F.R. Doc. 70–11892; Filed, Sept. 10, 1970; 8:50 a.m.]

Title 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 870—RESTRICTION ON GARNISHMENT

Procedure for Exemption for State-Regulated Garnishments

Pursuant to section 305 of the Consumer Credit Protection Act (CCPA) (82

Stat. 164; 15 U.S.C. 1675), § 870.52 of Title 29, Code of Federal Regulations, is hereby amended in the manner indicated below.

The amendment shall be effective upon publication in the FEDERAL REGISTER.

Section 870.52 is amended by adding thereto an additional paragraph, designated paragraph (c), which reads as follows:

§ 870.52 Application for exemption of State-regulated garnishments.

* * * * *

(c) Notice of the filing of an application for exemption shall be published in the FEDERAL REGISTER. Copies of the application shall be available for public inspection and copying during business hours at the national office of the Wage and Hour Division and in the regional office of the Wage and Hour Division in which the particular State is located. Interested persons shall be afforded an opportunity to submit written comments concerning the application of the State within a period of time to be specified in the notice.

(Sec. 305, 82 Stat. 164; 15 U.S.C. 1675)

Signed at Washington, D.C., this 4th day of September 1970.

ROBERT D. MORAN,
Administrator, Wage and Hour Division, U.S. Department of Labor.

[F.R. Doc. 70-12117; Filed, Sept. 10, 1970; 8:52 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of Transportation

SUBCHAPTER L—SECURITY OF WATERFRONT FACILITIES

[CGFR 70-101]

PART 126—HANDLING OF EXPLOSIVES OR OTHER DANGEROUS CARGOES WITHIN OR CONTIGUOUS TO WATERFRONT FACILITIES

Control of Transfer of Liquid Cargoes on Waterfront Facilities

1. A notice of proposed rule making was published in the FEDERAL REGISTER of February 28, 1970 (35 F.R. 3916) and in the Merchant Marine Council Public Hearing Agenda dated March 30, 1970 (CG-249). The proposed amendments were identified as Items PH 1-70 to PH 12-70. The Merchant Marine Council held a public hearing on March 30, 1970, in Washington, D.C. on these 12 items in accordance with the terms of the notice. Interested persons were given the opportunity to submit written comments both before and at the public hearing and to make oral comments concerning all the proposed amendments at the public hearing. At the conclusion of the public hearing, the Council at an executive session held on March 30, 1970, duly considered all the proposed amendments and the comments received.

2. This is the second of a series of documents which concern the amendments considered by the Council at the public hearing held on March 30, 1970. The first document related to the proposals designated as Item PH 11-70 and was published in the FEDERAL REGISTER of June 19, 1970 (35 F.R. 10111). This document concerns the proposal designated as Item PH 12-70 which involves a revision of 33 CFR 126.15(o) dealing with the control of the transfer of liquid cargoes on waterfront facilities. The remaining items of the March 30, 1970 Public Hearing Agenda will appear in subsequent documents.

3. Item PH 12-70 proposed to revise § 126.15(o) to provide a continuous control of the shoreside transfer operations involving bulk liquid and liquefied gas dangerous cargoes, in order to reduce the potential hazards involved. The controls proposed are consistent with comparable regulations for handling the transfer of these products on board the transporting vessels. These controls include the supervisions by trained, competent personnel, the posting of warning signs and the proper maintenance of the transfer system.

4. The Merchant Marine Council has recommended a number of changes in the proposals as a result of a study of the proposals and the submitted comments. The designations of the subdivisions following the paragraphs and subparagraphs have been changed to accord with designations prescribed by the Office of the Federal Register. The other significant changes recommended by the Council are as follows: (a) In paragraph (o)(1) the words "and surveillance" have been added after the word "control"; (b) Paragraph (o)(2)(1) has been amended to require warning signs that comply with 46 CFR 151.45-2(e)(1); (c) Paragraph (o)(2)(ii) has been amended to incorporate a prohibition against welding on the waterfront facility during the transfer of the cargo; (d) In paragraph (o)(4)(ii) the words "or in the vicinity" have been added to require that cargo transfer operations shall not commence or, if started, shall terminate if a fire occurs on the facility, or in the vicinity thereof; (e) Paragraph (o)(4)(iv) has been added to require that cargo transfer operations shall not commence or, if started, shall terminate if requested by the person in charge of the receiving end of the transfer operation; (f) In paragraphs (o)(2)(vi), (o)(3), (o)(5)(ii), and (o)(5)(ii)(d) the words "tank car or tank truck" have been added after the word "barge"; (g) Paragraph (o)(7)(ii) has been changed to require an annual test of the entire cargo pump system instead of an annual test of merely the cargo pump relief valves, as originally proposed; (h) Paragraph (o)(7)(v) has been rewritten to provide that cargo hose shall not be used with a cargo piping system whose maximum allowable working pressure exceeds that of the hose.

5. Accordingly, after due consideration of all the relevant matter, including the comments of the interested persons and the recommendations of the Merchant Marine Council, the Commandant, U.S. Coast Guard has approved the amendments set forth below.

6. Section 126.15(o) is revised to read as follows:

§ 126.15 Conditions for designation as designated waterfront facility.

* * * * *

(o) *Control of liquid cargo transfer systems.* When performing bulk liquid and liquefied gas dangerous cargo transfer operations, the waterfront facility cargo transfer system shall be subject to the following conditions:

(1) The cargo transfer system in use shall be under the continuous control and surveillance of the waterfront facility owner or operator or his assigned representative, who shall be considered as the person in charge of the shoreside transfer operation. The person in charge of the shoreside transfer operation must be trained in, and capable of performing competently, the necessary operations which relate to the transfer of the specific cargo. The Captain of the Port shall be furnished satisfactory documentary evidence to this effect.

(2) Prior to the transfer of cargo, the person in charge of the shoreside transfer operation shall insure that the following conditions exist:

(i) Warning signs are displayed on the facility at the point of transfer facing the shoreline, and facing each way along the shoreline, without obstruction, at all times during the coupling, transfer operation, and uncoupling. The warning signs shall conform to 46 CFR 151.45-2(e)(1).

(ii) Proper precautions are taken to insure that no repair work on the transfer system or receiving tanks is carried on during cargo transfer, and that the provisions of 33 CFR 126.15(c) are complied with.

(iii) Where fixed sumps or troughs are not installed, adequate pans or buckets are placed under cargo hose connections during coupling, uncoupling, and cargo transfer.

(iv) Suitable material is used in joints and in couplings when making connections to insure that they are tight and leak free.

(v) Sufficient bolts are used in bolted couplings to prevent leakage.

(vi) That the person in charge of transfer operations on the vessel (including a barge), tank car or tank truck reports ready for transfer of cargo.

(vii) Has in his possession a cargo information card for the specific cargo to be transferred. The information card shall conform to the specifications of 46 CFR 151.45-2(e)(3), and shall list all of the following items:

(*a*) Cargo identification characteristics.

(*b*) Emergency procedures.

(*c*) Fire fighting procedures.

(viii) Obtains a Declaration of Inspection from tank ships and assures

himself that the condition of the vessel is as stated in the Declaration of Inspection in accordance with 46 CFR 35.35–30.

(3) When transferring cargo to or from a vessel (including a barge), tank car, or tank truck, the person in charge of the shoreside transfer operation in addition to complying with the provisions of subparagraph (2) of this paragraph shall maintain a means of communications with the person in charge of transfer operations on board the vessel (including a barge), tank car, or tank truck, in order to provide immediate notification to secure the transfer system and cargo flow when necessary. Such communication may be by vocal, visual, or electronic means. If electronic means are used, the equipment shall be suitable for the hazard involved.

(4) The person in charge of the shoreside transfer system shall not start cargo transfer operations or, if started, shall discontinue transfer under any of the following conditions:

(i) During severe electrical storms.

(ii) If a fire occurs on the facility or in the vicinity.

(iii) If a break occurs in the cargo transfer system.

(iv) If requested by the person in charge of the receiving end of the transfer operation.

(5) The person in charge of the shoreside transfer operation shall control the shoreside operation as follows:

(i) When transferring cargo from a facility:

(*a*) Supervise the operation of cargo system valves;

(*b*) Notify the person in charge of the receiving end of the transfer that the facility is ready to start the transfer;

(*c*) In coordination with the person in charge of the receiving end of the transfer operation, start the transfer of cargo slowly;

(*d*) Maintain cargo connections to prevent leakage;

(*e*) Observe operating pressure in the cargo system; and

(*f*) Stand ready to secure the transfer system when necessary or when requested to do so by the person in charge of the receiving end of the transfer operation.

(ii) When transferring cargo from a vessel (including a barge), tank car, or tank truck to the facility:

(*a*) Supervise the operation of cargo system valves;

(*b*) Maintain cargo connections to prevent leakage;

(*c*) Observe rate of flow for the purpose of avoiding overflow of tanks or overload of the transfer system; and

(*d*) Secure the transfer system only after advising the person in charge of transfer operations aboard the vessel (including a barge), tank car, or tank truck of intent to do so.

(6) When transfer operations are completed, the hoses on the waterfront facility shall be drained and the piping shall be secured to prevent cargo spillings.

(7) Cargo handling equipment shall be maintained in good operating condition at all times.

(i) Cargo hose shall not be used in a transfer operation in which the pressure is such that leakage of cargo occurs through the body of the hose.

(ii) Cargo pump systems shall be tested at least once each year to determine that they function satisfactorily at or below the maximum allowable pressure of the safety relief valves, cargo piping or hose, or maximum pump output pressure.

(iii) Cargo pump pressure gages shall be calibrated at least once a year.

(iv) The cargo hose and piping shall be hydrostatically tested at least once each year to 1½ times its maximum allowable working pressure. The maximum allowable working pressure shall be stenciled on the cargo hoses and piping.

(v) Cargo hose shall not be used with a cargo piping system whose maximum allowable working pressure exceeds that of the hose. The maximum allowable working pressure of a system is defined as the setting of the associated relief valves or the maximum available pressure including hydraulic shock of a system without relief valves.

(vi) Relief valve operation shall be checked at the time of each system hydrostatic test.

(vii) The dates and results of all testing shall be recorded, and made available to the Captain of the Port upon request. Records may be kept in a log book; or on metal tags attached to the apparatus; or by some similar means.

(viii) The escape piping of cargo system relief valves shall return the product to the supply or other suitable receiver.

(ix) At facilities where incompatible cargoes are handled, the hoses and systems shall be suitably marked to specify the allowance products.

(8) In case of emergencies nothing in these regulations shall be construed to prevent the person in charge of the shoreside transfer operation from pursuing the most effective action in his judgment to rectify the conditions causing the emergency.

(Sec. 1, 40 Stat. 220, as amended, sec. 6(b)(1), 80 Stat. 937; 50 U.S.C. 191, 49 U.S.C. 1655(b)(1); E.O. 10173, as amended, 15 F.R. 7005, 3 CFR, 1950 Supp., 49 CFR 1.46(b) (35 F.R. 4959))

Effective date. These amendments shall become effective 30 days following the date of publication in the FEDERAL REGISTER.

Dated: September 4, 1970.

T. R. SARGENT,
Vice Admiral, U.S. Coast Guard,
Acting Commandant.

[F.R. Doc. 70–12082; Filed, Sept. 10, 1970; 8:49 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 4886]

[Wyoming 11221]

WYOMING

Opening of Lands Subject to Section 24 of the Federal Power Act

By virtue of the authority contained in section 24 of the Federal Power Act of June 10, 1920, 41 Stat. 1075, as amended, 16 U.S.C. section 818 (1964), it is ordered as follows:

In DA–1–Nebraska, the Federal Power Commission determined that the power value of the following described lands, withdrawn in Powersite Reserve No. 408, dated December 26, 1913, will not be injured or destroyed by restoration to location, entry, or selection under appropriate public land laws, subject to the provisions of section 24 of the Federal Power Act, supra:

SIXTH PRINCIPAL MERIDIAN

T. 33 N., R. 27 W.,
Sec. 4, lots 10 and 13;
Sec. 5, lot 6;
Sec. 8, lots 1, 4, 5, and 8;
Sec. 9, lots 1 and 3.

The areas described aggregate 253.70 acres in Cherry County.

At 10 a.m. on October 9, 1970, the lands will be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, the requirements of applicable law, and the provisions of section 24 of the Federal Power Act, supra. All valid applications received at or prior to 10 a.m. on October 9, 1970, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

The lands have been and continue to be open to applications and offers under the mineral leasing laws, and to location under the U.S. mining laws.

The lands are located about a mile from Valentine, Nebr., and are contiguous to the Niobrara River. Vegetation in the area consists of several species of trees, shrubs and grasses; soils are moderately deep and sandy.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Cheyenne, Wyo.

HARRISON LOESCH,
Assistant Secretary of the Interior.

SEPTEMBER 3, 1970.

[F.R. Doc. 70–12028; Filed, Sept. 10, 1970; 8:46 a.m.]

[Public Land Order 4887]

[Sacramento 3661]

CALIFORNIA

Partial Revocation of National Forest Withdrawal

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Departmental Order of October 26, 1906, withdrawing lands within the Trinity National Forest (now the Six Rivers National Forest), for ranger stations, is hereby revoked so far as it affects the following described land:

SIX RIVERS NATIONAL FOREST

HUMBOLDT MERIDIAN

Ranger Station No. 3

T. 6 N., R. 4 E.,
Sec. 34, S½SW¼, S½SE¼.

The area described contains 160 acres in Humboldt County.

2. At 10 a.m. on October 9, 1970, the land shall be open to such forms of disposition as may by law be made of national forest lands.

HARRISON LOESCH,
Assistant Secretary of the Interior.

SEPTEMBER 3, 1970.

[F.R. Doc. 70-12042; Filed, Sept. 10, 1970; 8:47 a.m.]

[Public Land Order 4888]

[Wyoming 23845]

WYOMING

Partial Revocation of Reclamation Withdrawal

By virtue of the authority contained in section 3 of the Act of June 17, 1902, 32 Stat. 388, as amended and supplemented, 43 U.S.C. section 416 (1964), it is ordered as follows:

1. The order of the Bureau of Reclamation dated May 27, 1948, concurred in by the Bureau of Land Management on August 17, 1948, withdrawing lands for the Missouri River Basin Project, is hereby revoked so far as it affects the following described land:

SIXTH PRINCIPAL MERIDIAN

T. 49 N., R. 92 W.,
Sec. 7, lot 5;
Sec. 18, lot 5.

The area described contains 41.69 acres in Big Horn County.

The tract is crossed by the Big Horn Canal. Topography is rolling foothills paralleling the Big Horn River. Vegetation consists mainly of a sagebrush grassland association of low carrying capacity.

2. At 10 a.m. on October 9, 1970, the public lands shall be open to the operation of the public land laws generally, including the mining laws, subject to valid existing rights, the provisions of existing withdrawals and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on October 9, 1970, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing. The lands have been and will continue to be open to applications and offers under the mineral leasing laws.

Inquiries concerning the land should be addressed to the Manager, Land Office, Bureau of Land Management, Cheyenne, Wyo.

HARRISON LOESCH,
Assistant Secretary of the Interior.

SEPTEMBER 3, 1970.

[F.R. Doc. 70-12043; Filed, Sept. 10, 1970; 8:47 a.m.]

[Public Land Order 4889]

[Oregon 5011 (Wash.)]

WASHINGTON

Addition to Matia Island National Wildlife Refuge

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

Subject to valid existing rights, the following described public land is hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, and reserved as an addition to the Matia Island National Wildlife Refuge:

PUFFIN ISLAND

WILLAMETTE MERIDIAN

T. 38 N., R. 1 W.,
Portions of secs. 28 and 33, unsurveyed.

The area described contains about 10 acres in San Juan County.

The withdrawal made by this order does not alter the jurisdiction of the U.S. Coast Guard over the lands for lighthouse purposes as provided for by an Executive order of July 15, 1875.

HARRISON LOESCH,
Assistant Secretary of the Interior.

SEPTEMBER 3, 1970.

[F.R. Doc. 70-12044; Filed, Sept. 10, 1970; 8:47 a.m.]

[Public Land Order 4890]

[Nevada 047420]

NEVADA

Amendment of Public Land Order No. 4821

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

Public Land Order No. 4821 of May 15, 1970, revoking Departmental Order of March 21, 1919, as to certain lands embraced in Stock Driveway Withdrawal No. 76 (Nevada No. 20), is hereby amended to include in the revocation the following described land:

MOUNT DIABLO MERIDIAN

T. 4 N., R. 50 E.,
Sec. 16, E½.

The area described aggregates approximately 320 acres in Nye County.

2. At 10 a.m. on October 9, 1970, the land shall be open to the operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law and procedures. All valid applications received at or prior to 10 a.m. on October 9, 1970, shall be considered as simultaneoulsy filed at that time. Those received thereafter shall be considered in the order of filing.

The land has been and continues to be open to applications and offers under the mineral leasing laws, and to location under the U.S. mining laws.

Inquiries concerning the land should be addressed to the Manager, Land Office, Bureau of Land Management, Reno, Nev. 89502.

HARRISON LOESCH,
Assistant Secretary of the Interior.

SEPTEMBER 3, 1970.

[F.R. Doc. 70-12045; Filed, Sept. 10, 1970; 8:47 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 18307; RM-1286]

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

Miscellaneous Amendments

In the matter of amendment of Parts 2, 81, and 83—to establish a schedule of dates, technical standards, frequencies, and other requirements for the use of single sideband radiotelephony on frequencies below 4000 kc/s in the Maritime Services, and to make other incidental rule changes, except in Alaska and the Great Lakes.

In the appendix to the first report and order in the above-entitled matter, released on June 16, 1970, FCC 70-608, published at 35 F.R. 10212, § 2.106 Footnote (201) should be corrected to read as follows:

* * * * *

(201) The frequency of 2182 kHz is the international distress and calling frequency for radiotelephony. The conditions for the use of the band 2170–2194 kHz are prescribed in Article 35.

Released: September 2, 1970.

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

[F.R. Doc. 70-12098; Filed, Sept. 10, 1970; 8:50 a.m.]

Title 50—WILDLIFE AND FISHERIES

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

PART 32—HUNTING

Certain National Wildlife Refuges in California

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 California.

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 motor 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.

Ducks, geese, coots, gallinules, and snipe may be hunted on the following refuge areas:

Clear Lake National Wildlife Refuge (Headquarters: Tule Lake National Wildlife Refuge, Route 1, Box 74, Tulelake, Calif. 96134).

Special conditions: 1. Boats with or without motors are permitted. Sculling and air-thrust boats are prohibited.

2. Leaving boats, decoys, or other hunting equipment in other than designated areas is prohibited. Boats, decoys, or other equipment so left 1 hour after close of shooting time will be subject to removal and impoundment. The expense of the removal shall be paid for by the person owning or claiming ownership of the property. Such property is subject to sale or other disposal after 3 months, in accordance with section 203m of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C., sec. 484m) and regulations issued thereunder.

Colusa National Wildlife Refuge, Route 1, Box 311, Willows, Calif. 95988.

Delevan National Wildlife Refuge, Route 1, Box 311, Willows, Calif. 95988.

Lower Klamath National Wildlife Refuge (Headquarters: Tule Lake National Wildlife Refuge, Route 1, Box 74, Tulelake, Calif. 96134).

Special conditions: 1. A 100-yard wide retrieving zone is established immediately within the exterior refuge boundary and at certain locations between the open and closed areas as designated on the hunting map. A hunter may enter the retrieving zone to retrieve dead or crippled birds which he has shot, providing he does not carry weapons. Possession of firearms in the retrieving zone or closed portion of the refuge is prohibited, except that unloaded firearms may be carried only along established routes of travel through the zone or closed area when necessary to reach or leave the hunting area.

2. Boats, with the exception of air-thrust boats, are permitted with or without motors. Sculling is prohibited. All motor vehicles, including land-water vehicles, are restricted to established roads open to the public.

3. Leaving boats, decoys, or other hunting equipment in other than designated areas is prohibited. Boats, decoys, or other equipment left 1 hour after close of shooting time will be subject to removal and impoundment. The expense of the removal shall be paid for by the person owning or claiming ownership of the property. Such property is subject to sale or other disposal after 3 months, in accordance with section 203m of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C., sec. 484m) and regulations issued thereunder.

Merced National Wildlife Refuge, Post Office Box 1439, Alturas, Calif. 96101.

Modoc National Wildlife Refuge, Post Office Box 1439, Alturas, Calif. 96101.

Sacramento National Wildlife Refuge, Route 1, Box 311, Willows, Calif. 95988.

Salton Sea National Wildlife Refuge, Post Office Box 247, Calipatria, Calif. 92233.

San Luis National Wildlife Refuge, Post Office Box 2176, Los Banos, Calif. 93635.

Sutter National Wildlife Refuge, Route 1, Box 311, Willows, Calif. 95988.

Tule Lake National Wildlife Refuge, Route 1, Box 74, Tulelake, Calif. 96134.

Special conditions: 1. A 100-yard retrieving zone is established immediately within the exterior refuge boundary and at certain locations between the open and closed areas as designated on the hunting map. A hunter may enter the retrieving zone to retrieve dead or crippled birds which he has shot, providing he does not carry weapons. Possession of firearms in the retrieving zone or closed portion of the refuge is prohibited, except that unloaded firearms may be carried only along established routes of travel through the zone or closed area when necessary to reach or leave the hunting area.

2. Boats, with the exception of air-thrust boats, are permitted with or without motors. Sculling is prohibited.

3. Leaving boats, decoys, or other hunting equipment in other than designated areas is prohibited. Boats, decoys, or other equipment left 1 hour after close of shooting time will be subject to removal and impoundment. The expense of the removal shall be paid for by the person owning or claiming ownership of the property. Such property is subject to sale or other disposal after 3 months, in accordance with section 203m of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C., sec. 484m) and regulations issued thereunder.

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

Upland game may be hunted on the following refuge areas:

Colusa National Wildlife Refuge, Route 1, Box 311, Willows, Calif. 95988.

Delevan National Wildlife Refuge, Route 1, Box 311, Willows, Calif. 95988.

Merced National Wildlife Refuge, Post Office Box 854, Merced, Calif. 95340.

Sacramento National Wildlife Refuge, Route 1, Box 311, Willows, Calif. 95988.

Sutter National Wildlife Refuge, Route 1, Box 311, Willows, Calif. 95988.

Ring-necked pheasant may be hunted on the following refuge areas:

Lower Klamath National Wildlife Refuge (Headquarters: Tule Lake National Wildlife Refuge, Route 1, Box 74, Tulelake, Calif. 96134).

Special condition: Additional refuge area designated by special posting will be open to hunting December 5 and 6 of the State pheasant hunting season.

Tule Lake National Wildlife Refuge, Route 1, Box 74, Tulelake, Calif. 96134.

Special condition: Additional refuge area designated by special posting will be open to hunting December 5 and 6 of the State pheasant hunting season.

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

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

Clear Lake National Wildlife Refuge (Headquarters: Tule Lake National Wildlife Refuge, Route 1, Box 74, Tulelake, Calif. 96134).

Special conditions: 1. Antelope only may be hunted.

2. Only five permittees shall be allowed on the Peninsula ("U") section of the refuge at any one time. This area will be open to the taking of antelope only on the following dates: August 29 and 30 and September 5, 6, and 7, 1970. Entrance to this area will be granted at the gate entrance located on the Clear Lake Road on a first come-first served basis. This check station will be open from 6 a.m. to 1 hour after sundown. The antelope take from the Peninsula will be limited to a specific number based on the buck population taken just prior to the hunting season. This area of the refuge will be closed when this quota is reached, even though the season may still be open.

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.

SEPTEMBER 1, 1970.

[F.R. Doc. 70-12022; Filed, Sept. 10, 1970; 8:45 a.m.]

PART 32—HUNTING

Certain National Wildlife Refuges in Nevada

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 Nevada.

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 refuges:

Fallon National Wildlife Refuge, Post Office Box 592, Fallon, Nev. 89406.

Pahranagat National Wildlife Refuge, Post Office Box 440, Las Vegas, Nev. 89101.

Special condition: The use of motors on boats is not permitted.

Ruby Lake National Wildlife Refuge, Ruby Valley, Nev. 89833.

Special condition: Waterfowl only may be hunted.

Stillwater Wildlife Management Area, Post Office Box 592, Fallon, Nev. 89406.

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

Upland game may be hunted on the following refuge areas:

Fallon National Wildlife Refuge, Post Office Box 592, Fallon, Nev. 89406.

Pahranagat National Wildlife Refuge, Post Office Box 440, Las Vegas, Nev. 89101.

Charles Sheldon Antelope Range, Nev. (Headquarters: Post Office Box 111, Lakeview, Oreg. 97630).

Stillwater Wildlife Management Area, Post Office Box 592, Fallon, Nev. 89406.

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

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

Desert National Wildlife Range, 1500 North Decatur Boulevard, Las Vegas, Nev. 89108.

Special condition: Desert bighorn sheep only.

Charles Sheldon Antelope Range, Nev. (Headquarters: Post Office Box 111, Lakeview, Oreg. 97630).

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 28, 1970.

[F.R. Doc. 70-12023; Filed, Sept. 10, 1970; 8:45 a.m.]

PART 32—HUNTING

Certain National Wildlife Refuges in Oregon

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 Oregon.

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 birds may be hunted on the following refuge areas:

Deer Flat National Wildlife Refuge, Snake River Sector (Headquarters: Deer Flat National Wildlife Refuge, Route 1, Box 335, Nampa, Idaho 83651).

Hart Mountain National Antelope Refuge, Post Office Box 111, Lakeview, Oreg. 97630.

Ducks, geese, and coots may be hunted on the following refuge areas:

Baskett Slough National Wildlife Refuge, Route 1, Box 709, Dallas, Oreg. 97338.

Special conditions: 1. Hunting is permitted on Wednesdays, Saturdays, and Sundays from opening shooting time each day until 12 m. from the first Wednesday in December until the end of the waterfowl season.

2. A Federal permit is required and will be issued on an advance reservation basis. Application for reservation will be accepted between October 1 and October 31, 1970, by mail only.

Cold Springs National Wildlife Refuge, Hermiston, Oreg. (Headquarters: Umatilla National Wildlife Refuge, Post Office Box 239, Umatilla, Oreg. 97882.)

McKay Creek National Wildlife Refuge, Pendleton, Oreg. (Headquarters: Umatilla National Wildlife Refuge, Post Office Box 239, Umatilla, Oreg. 97882.)

Special condition: Hunting will be permitted on Wednesdays, Saturdays, and Sundays each week.

Umatilla National Wildlife Refuge, Post Office Box 239, Umatilla, Oreg. 97882.

Special condition: Hunting will be permitted on Wednesdays, Saturdays, Sundays, and November 26, 1970.

Upper Klamath National Wildlife Refuge (Headquarters: Tule Lake National Wildlife Refuge, Route 1, Box 74, Tulelake, Calif. 96134).

Special condition: Sculling and air-thrust boats are prohibited.

William L. Finley National Wildlife Refuge, Route 2, Box 208, Corvallis, Oreg. 97330.

Special conditions: 1. Hunting is permitted on Wednesdays, Saturdays, and Sundays from opening shooting time each day until 12 noon, from the first Wednesday in December until the end of the waterfowl season.

2. A Federal permit is required and will be issued on an advance reservation basis. Application for reservation will be accepted between October 1 and October 31, 1970, by mail only.

3. Hunters must shoot from assigned blind sites only.

4. Each hunter will be limited to the use of ten (10) shells per day.

Ducks, geese, coots, and common snipe may be hunted on the following refuges:

Klamath Forest National Wildlife Refuge (Headquarters: Tule Lake National Wildlife Refuge, Route 1, Box 74, Tulelake, Calif. 96134).

Special condition: Sculling and air-thrust boats are prohibited.

Malheur National Wildlife Refuge, Post Office Box 113, Burns, Oreg. 97720.

Special condition: Use of motors on boats is prohibited.

Mourning doves and band-tailed pigeons may be hunted on the following refuge areas:

Ankeny National Wildlife Refuge, Route 1, Box 198, Jefferson, Oreg. 97352.

Special condition: All hunters must check in and out of the refuge daily by use of self-service permits.

Baskett Slough National Wildlife Refuge, Route 1, Box 709, Dallas, Oreg. 97338.

Special condition: All hunters must check in and out of the refuge daily by use of self-service permits.

William L. Finley National Wildlife Refuge, Route 2, Box 208, Corvallis, Oreg. 97330.

Special condition: All hunters must check in and out of the refuge daily by use of self-service permits.

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

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

Deer Flat National Wildlife Refuge, Snake River Sector (Headquarters: Deer Flat National Wildlife Refuge, Route 1, Box 335, Nampa, Idaho 83651).

Hart Mountain National Antelope Refuge, Post Office Box 111, Lakeview, Oreg. 97630.

Pheasant, quail, and partridge may be hunted on the following refuge areas:

Cold Springs National Wildlife Refuge, Hermiston, Oreg. (Headquarters: Umatilla National Wildlife Refuge, Post Office Box 239, Umatilla, Oreg. 97882).

Malheur National Wildlife Refuge, Post Office Box 113, Burns, Oreg. 97720.

Special condition: Hunting will be permitted during the period November 14 through November 22, 1970, on the upland game hunting area and during State seasons running concurrently with the waterfowl season on the waterfowl hunting area.

McKay Creek National Wildlife Refuge, Pendleton, Oreg. (Headquarters: Umatilla National Wildlife Refuge, Post Office Box 239, Umatilla, Oreg. 97882).

Special condition: Hunting is permitted on Wednesdays, Saturdays, and Sundays each week.

Umatilla National Wildlife Refuge, Post Office Box 239, Umatilla, Oreg. 97882.

Special condition: Hunting will be permitted on Wednesdays, Saturdays, Sundays, and November 26, 1970.

Pheasant and quail may be hunted on the following refuge areas:

Ankeny National Wildlife Refuge, Route 1, Box 198, Jefferson, Oreg. 97352.

Special conditions: 1. No hunting permitted after November 8, 1970.

2. All hunters must check in and out of the refuge daily by use of self-service permits.

3. Hunters on the area served by each registration station will be limited to 100 at any one time.

Baskett Slough National Wildlife Refuge, Route 1, Box 709, Dallas, Oreg. 97338.

Special conditions: 1. No hunting permitted after November 8, 1970.

2. All hunters must check in and out of the refuge daily by use of self-service permits.

3. Hunters on the area served by each registration station will be limited to 100 at any one time.

William L. Finley National Wildlife Refuge, Route 2, Box 208, Corvallis, Oreg. 97330.

Special conditions: 1. No hunting permitted after November 8, 1970.

2. All hunters must check in and out of the refuge daily by use of self-service permits.

3. Hunters on the area served by each registration station will be limited to 100 at any one time.

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

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

Deer Flat National Wildlife Refuge, Snake River Sector (Headquarters: Deer Flat National Wildlife Refuge, Route 1, Box 335, Nampa, Idaho 83651).

Hart Mountain National Antelope Refuge, Post Office Box 111, Lakeview, Oreg. 97630.

Deer may be hunted on the following refuge areas:

Baskett Slough National Wildlife Refuge, Route 1, Box 709, Dallas, Oreg. 97338.

Special conditions: 1. All hunters must check in and out of the refuge daily by use of self-service permits.

2. The use of rifles is prohibited.
3. The season is not to extend beyond November 8, 1970.

Malheur National Wildlife Refuge, Post Office Box 113, Burns, Oreg. 97720.

Special conditions: 1. The season is September 19 through September 21, 1970.
2. Bow and arrow only may be used.

William L. Finley National Wildlife Refuge, Route 2, Box 208, Corvallis, Oreg. 97330.

Special conditions: 1. All hunters must check in and out of the refuge daily by use of self-service permits.
2. The use of rifles is prohibited.
3. The season is not to extend beyond November 8, 1970.

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 28, 1970.

[F.R. Doc. 70-12024; Filed, Sept. 10, 1970; 8:45 a.m.]

PART 32—HUNTING

Certain National Wildlife Refuges in Washington

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 Washington.

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 except doves and pigeons may be hunted on the following refuge areas:

Columbia National Wildlife Refuge, Post Office Drawer B, Othello, Wash. 99344.

McNary National Wildlife Refuge, Post Office Box 19, Burbank, Wash. 99383.

Special condition: Hunters are required to park vehicles in designated parking areas.

Special conditions (Ringold Division):
1. Hunting will be permitted on Wednesdays, Saturdays, and Sundays, and November 26, 1970, December 25, 1970, and January 1, 1971.
2. Hunters may not enter the area earlier than 1 hour before start of shooting time and must be off the area 1 hour after close of shooting time.
3. Hunters will be required to evacuate the area immediately if an alarm is sounded to warn of radiological hazard from the AEC Plant.

Ridgefield National Wildlife Refuge, Post Office Box 467, Ridgefield, Wash. 98642.

Special conditions: 1. Hunting will be permitted on Wednesdays, Saturdays, and Sundays, November 26, 1970, and January 1, 1971.
2. A Federal permit, available from the refuge office, is required to enter the public hunting area. Permits will be issued by mail for advance reservations. Only one reservation may be held by a hunter at any one time.
3. Hunters must shoot from assigned blinds drawn at the check-in station.

Toppenish National Wildlife Refuge, Route 1, Box 210-BB, Toppenish, Wash. 98948.

Conboy Lake National Wildlife Refuge, Glenwood, Wash. (Headquarters: Toppenish National Wildlife Refuge, Route 1, Box 210-BB, Toppenish, Wash. 98948.)

Umatilla National Wildlife Refuge, Post Office Box 239, Umatilla, Oreg. 97882.

Willapa National Wildlife Refuge, Ilwaco, Wash. 98624.

Special condition: Hunting on Riekkola Tract is permitted on Wednesdays, Saturdays, and Sundays, and November 26, 1970, and January 1, 1971.

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

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

Columbia National Wildlife Refuge, Post Office Drawer B, Othello, Wash. 99344.

Special conditions: 1. Open to the hunting of rabbits in addition to game birds.
2. Upland game birds may be hunted during State seasons running concurrently with the waterfowl season.

McNary National Wildlife Refuge, Post Office Box 19, Burbank, Wash. 99323.

Special conditions: 1. Hunting will be restricted to pheasants only on McNary National Wildlife Refuge proper. The pheasant hunting area will be open during the first 21 days of the State season, and the waterfowl hunting area through the State season for taking pheasant.
2. Hunters are required to park vehicles in designated parking areas.

Special conditions (Ringold Division):
1. Hunting will be restricted to Wednesdays, Saturdays, and Sundays, and November 26, 1970, December 25, 1970, and January 1, 1971.
2. Hunters may not enter the area earlier than 1 hour before start of shooting time and must be off the area 1 hour after close of shooting time.
3. Hunters must leave the area immediately if an alarm is sounded to warn of radiological hazard from the AEC Plant.
4. Hunters are required to park vehicles in designated parking areas.

Ridgefield National Wildlife Refuge, Post Office Box 467, Ridgefield, Wash. 98624.

Special conditions: 1. Hunting for pheasant and rabbits only in conjunction with waterfowl hunting will be permitted. The restriction on shooting from blinds only will apply.
2. Hunting will be restricted to Wednesdays, Saturdays, and Sundays, and November 26, 1970, and January 1, 1971.
3. A Federal permit is required to enter the public hunting area.

Toppenish National Wildlife Refuge, Route 1, Box 210-BB, Toppenish, Wash. 98948.

Special condition: Rabbits may be hunted during the State season concurrent with the waterfowl season.

Conboy Lake National Wildlife Refuge, Glenwood, Wash. (Headquarters: Toppenish National Wildlife Refuge, Route 1, Box 210-BB, Toppenish, Wash. 98948.)

Special condition: Cottontail rabbit and snowshoe hare may be hunted during the State season concurrent with the waterfowl season.

Umatilla National Wildlife Refuge, Umatilla, Oreg. 97882.

Willapa National Wildlife Refuge, Ilwaco, Wash. 98624 (Leadbetter Point Addition).

Special condition: Pheasant only may be hunted.

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

Deer hunting is permitted on the following refuge areas:

Columbia National Wildlife Refuge, Post Office Drawer B, Othello, Wash. 99344.

Conboy Lake National Wildlife Refuge, Glenwood, Wash. (Headquarters: Toppenish National Wildlife Refuge, Route 1, Box 210-BB, Toppenish, Wash. 98948.)

Umatilla National Wildlife Refuge, Umatilla, Oreg. 97882.

Bear, deer, and elk may be hunted on the following refuge area:

Willapa National Wildlife Refuge, Ilwaco, Wash. 98624.

Special conditions: 1. Archery hunting only is permitted.
2. Hunters shall report at such check stations as may be established upon entering and leaving the area.

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 28, 1970.

[F.R. Doc. 70-12025; Filed, Sept. 10, 1970; 8:45 a.m.]

PART 32—HUNTING

Upper Souris National Wildlife Refuge, N. Dak.

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 refuge areas.

NORTH DAKOTA

UPPER SOURIS NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Upper Souris National Wildlife Refuge, N. Dak., is permitted on all areas except those designated as closed. The open areas, comprising 31,800 acres are delineated on maps available at refuge headquarters, Foxholm, N. Dak., and from 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 regulations covering the hunting of deer subject to the following conditions:

(1) The open season for hunting deer on the refuge is from noon November 6 to sunset November 15, 1970, c.s.t.

(2) The refuge shall be closed to all vehicular travel except the main public roads.

(3) Regular gun license permits the taking of white-tailed deer with forked antlers on at least one side. Hunters with Special Unit III-A licenses may take

white-tailed deer of any age or sex. 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 November 15, 1970.

JOHN M. DAHL,
Refuge Manager, Upper Souris National Wildlife Refuge, Foxholm, N. Dak.

SEPTEMBER 1, 1970.

[F.R. Doc. 70-12026; Filed, Sept. 10, 1970; 8:45 a.m.]

PART 32—HUNTING

Flint Hills National Wildlife Refuge, Kans.

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.

KANSAS

FLINT HILLS NATIONAL WILDLIFE REFUGE

Public hunting of deer with firearms on the Flint Hills National Wildlife Refuge, Kans., is permitted from December 5 through December 13, 1970, inclusive, but only on the area designated by signs as open to hunting. This open area, comprising 5,165 acres, is delineated on maps available at refuge headquarters, Burlington, Kans., 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 covering the hunting of deer subject to the following special condition:

(1) Vehicle access shall be restricted to designated parking areas and existing roads.

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 13, 1970.

LYLE A. STEMMERMAN,
Refuge Manager, Flint Hills National Wildlife Refuge, Burlington, Kans.

AUGUST 28, 1970.

[F.R. Doc. 70-12052; Filed, Sept. 10, 1970; 8:47 a.m.]

PART 32—HUNTING

Flint Hills National Wildlife Refuge, Kans.

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.

KANSAS

FLINT HILLS NATIONAL WILDLIFE REFUGE

The public hunting of squirrels, cottontail rabbits, bobwhite quail, and greater prairie chickens on the Flint Hills National Wildlife Refuge, Kans., is permitted from September 1, 1970, through August 30, 1971, inclusive, but only on the area designated by signs as open to hunting. This open area, comprising 5,165 acres, is delineated on maps available at refuge headquarters, Burlington, Kans., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N.M. 87103. Hunting shall be in accordance with all applicable State regulations governing the hunting of squirrels, cottontail rabbits, bobwhite quail, and greater prairie chickens.

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 1, 1971.

LYLE A. STEMMERMAN,
Refuge Manager, Flint Hills National Wildlife Refuge, Burlington, Kans.

AUGUST 28, 1970.

[F.R. Doc. 70-12053; Filed, Sept. 10, 1970; 8:47 a.m.]

PART 32—HUNTING

Flint Hills National Wildlife Refuge, Kans.

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.

KANSAS

FLINT HILLS NATIONAL WILDLIFE REFUGE

Public hunting of deer with bow and arrows on the Flint Hills National Wildlife Refuge, Kans., is permitted from October 1 through November 30, 1970, inclusive, but only on the area designated by signs as open to hunting. This open area, comprising 5,165 acres, is delineated on maps available at refuge headquarters, Burlington, Kans., 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 covering the hunting of deer subject to the following special conditions:

(1) Vehicle access shall be restricted to designated parking areas and existing roads.

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 November 30, 1970.

LYLE A. STEMMERMAN,
Refuge Manager, Flint Hills National Wildlife Refuge, Burlington, Kans.

AUGUST 28, 1970.

[F.R. Doc. 70-12054; Filed, Sept. 10, 1970; 8:47 a.m.]

PART 32—HUNTING

Lostwood National Wildlife Refuge, N. Dak.

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

Public hunting of deer on the Lostwood National Wildlife Refuge, N. Dak., is permitted only on the area designated by signs as open to hunting during the period November 6 through 15, 1970. This open area, comprising 25,300 acres, is delineated on a map 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 roads and trails are closed to vehicles.

2. A 1-square-mile area around the headquarters complex will be closed to hunting and marked by "Closed Area" signs.

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 January 1, 1971.

RALPH W. WEIER,
Refuge Manager, Lostwood National Wildlife Refuge, Lostwood, N. Dak.

SEPTEMBER 2, 1970.

[F.R. Doc. 70-12055; Filed, Sept. 10, 1970; 8:47 a.m.]

PART 32—HUNTING

Tishomingo National Wildlife Refuge, Okla.

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.

OKLAHOMA

TISHOMINGO NATIONAL WILDLIFE REFUGE

Public hunting of quail on the Tishomingo National Wildlife Refuge, Okla., is permitted only on the area designated by signs as open to hunting. This open area, comprising 3,170 acres, is delineated on maps available at refuge headquarters, Tishomingo, Okla., 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 quail subject to the following special conditions:

(1) The open season for hunting quail on the refuge extends from sunrise to 12m, November 21, 1970, through January 14, 1971, inclusive, on Tuesdays, Thursdays, and Saturdays.

(2) Dogs may be used for the purpose of hunting and retrieving.

(3) A Federal permit is not required to enter the public hunting area, but hunters, upon entering and leaving, shall report at designated checking stations as may be established for the regulation of the hunting activity and shall furnish information pertaining to their hunting, as requested.

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 15, 1971.

ERNEST S. JEMISON,
Refuge Manager, Tishomingo National Wildlife Refuge, Tishomingo, Okla.

AUGUST 27, 1970.

[F.R. Doc. 70-12056; Filed, Sept. 10, 1970; 8:47 a.m.]

PART 32—HUNTING

Tishomingo National Wildlife Refuge, Okla.

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.

OKLAHOMA

TISHOMINGO NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Tishomingo National Wildlife Refuge, Okla., is permitted only on the area designated by signs as open to hunting. This open area, comprising 3,170 acres, is delineated on maps available at refuge headquarters, Tishomingo, Okla., and from the office of 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 covering the hunting of deer subject to the following special conditions:

(1) Deer hunting will be allowed only in Zone 2.

(2) Not more than 15 archery hunters per day, and not more than 10 gun hunters per day will be admitted to the hunting area.

(3) The archery deer hunting season on the refuge is from October 17 to November 8, 1970, inclusive. Shooting hours are from daylight to 12 m. on Tuesdays, Thursdays, Saturdays, and Sundays. The gun deer hunting season on the refuge is from November 14 to November 29, 1970, inclusive. Shooting hours are from daylight to 12 m. on Tuesdays, Saturdays, and Sundays.

(4) Zones 1 and 3 of the area open to hunting is excluded.

(5) A Federal permit is not required to enter the public hunting area for the hunting of deer, but hunters, upon entering and leaving, shall report at designated checking stations as may be established for the regulation of the hunting activity and shall furnish information pertaining to their hunting, as requested.

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 November 30, 1970.

ERNEST S. JEMISON,
Refuge Manager, Tishomingo National Wildlife Refuge, Tishomingo, Okla.

AUGUST 27, 1970.

[F.R. Doc. 70-12057; Filed, Sept. 10, 1970; 8:47 a.m.]

PART 32—HUNTING

Pathfinder National Wildlife Refuge, Wyo.

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.

WYOMING

PATHFINDER NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Pathfinder National Wildlife Refuge, Wyo., is permitted on the entire refuge in accordance with dates and areas designated in the Wyoming 1970 orders regulating deer hunting. Portions of the refuge lying in Area No. 11 will be open October 1 through October 14, 1970. Portions of the refuge lying within Area No. 14A will be open September 15 through September 25, 1970, and October 15 through October 25, 1970. This open area, comprising 16,807 acres, is composed of four separate units and is delineated on maps available at refuge headquarters in Walden, Colo., and from the office of 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 covering the hunting of deer.

The provisions of this 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 October 25, 1970.

V. CARROL DONNER,
Refuge Manager, Pathfinder National Wildlife Refuge, Walden, Colo.

SEPTEMBER 1, 1970.

[F.R. Doc. 70-12058; Filed, Sept. 10, 1970; 8:47 a.m.]

PART 32—HUNTING

Pathfinder National Wildlife Refuge, Wyo.

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.

WYOMING

PATHFINDER NATIONAL WILDLIFE REFUGE

Public hunting of antelope on the Pathfinder National Wildlife Refuge, Wyo., is permitted on the entire refuge in accordance with dates and areas designated in the Wyoming 1970 orders regulating antelope hunting. Portions of the refuge lying in Area No. 23 will be open from September 15 through September 25, 1970. Portions of the refuge lying in Area No. 55 will be open from September 25 through October 15, 1970. This open area, comprising 16,807 acres, is composed of four separate units and is delineated on maps available at refuge headquarters in Walden, Colo., and from the office of 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 covering the hunting of antelope.

The provisions of this 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 October 15, 1970.

V. CARROL DONNER,
Refuge Manager, Pathfinder National Wildlife Refuge, Walden, Colo.

SEPTEMBER 1, 1970.

[F.R. Doc. 70-12059; Filed, Sept. 10, 1970; 8:47 a.m.]

PART 32—HUNTING

National Elk Refuge, Wyo.

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.

WYOMING

NATIONAL ELK REFUGE

Public hunting of elk on the National Elk Refuge, Wyo., is permitted from October 24, 1970, through November 13, 1970, only on the area designated by signs as open to hunting. This open area, comprising 18,247 acres, is delineated on maps available at refuge headquarters, Jackson, Wyo., 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 covering the hunting of elk subject to the following special conditions:

(1) A special permit is required in addition to a valid 1970 State Elk Hunting license. Sixty special permits shall be issued to applicants by drawing at refuge headquarters at 12:30 p.m. on Friday, October 23, 1970, and every Friday thereafter through November 6, 1970. Permits are good for 1 week only.

(2) Access to the refuge shall be only through the main gate east of refuge headquarters in Jackson.

(3) Motorized vehicle travel in the hunting area is restricted to the roads designated by appropriate signs and delineated on maps available at refuge headquarters. This is interpreted to mean that motor vehicles may not leave designated roadways for the purpose of loading or picking up a kill.

(4) Persons without permits may accompany special permit holders in the same vehicle but only permit holders are allowed to possess a firearm.

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 November 13, 1970.

Dated: September 2, 1970.

DON E. REDFEARN,
Refuge Manager, National Elk Refuge, Jackson, Wyo.

[F.R. Doc. 70-12060; Filed, Sept. 10, 1970; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 1001]

[Docket No. AO–14–A49]

MILK IN THE MASSACHUSETTS-RHODE ISLAND-NEW HAMPSHIRE MARKETING AREA

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

Notice is hereby given of a public hearing to be held at the New Hampshire Highway Hotel, Concord, N.H., beginning at 9:30 a.m., October 7, 1970, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Massachusetts-Rhode Island-New Hampshire marketing area.

The hearing is called pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

The purpose of the hearing is to receive evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

The proposal relative to a redefinition of the marketing area raises the issue whether the provisions of the present order would tend to effectuate the declared policy of the Act, if they are applied to the marketing area as proposed to be redefined and, if not, what modifications of the provisions of the order would be appropriate.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by Cabot Farmers' Cooperative Creamery Co., Inc.; Concord Dairy; Connecticut Valley Dairy, Inc.; Milton Cooperative Dairy Corporation; New England Milk Producers' Association; Northern Farms Cooperative, Inc.; Producers Dairy Co., Brockton; Producers Dairy, Inc., Nashua; Richmond Cooperative Association, Inc.; St. Albans Cooperative Creamery, Inc.; United Farmers of New England, Inc.; and White River Valley Dairies, Inc.

Proposal No. 1. Expand the presently defined marketing area to include the following territory: In the Commonwealth of Massachusetts, Franklin County (except the towns of Orange, New Salem, and Warwick). In the State of Vermont, Windham County (except the towns of Dover, Jamaica, Londonderry, Somerset, Stratton, Wardsboro, and Windham), and Windsor County (except the towns of Andover, Barnard, Bethel, Bridgewater, Cavendish, Ludlow, Plymouth, Rochester, Royalton, Stockbridge, and Weston). In the State of New Hampshire, Sullivan County, that part of Cheshire County not presently included in the defined marketing area, and the cities and towns of Alexandria, Canaan, Enfield, Grafton, Hanover, Lebanon, and Orange, in Grafton County.

Proposed by Idlenot Farm Dairy, Inc.

Proposal No. 2. A. If the defined marketing area is extended to include additional territory within the Commonwealth of Massachusetts, then include in such defined area the cities and towns of Orange, New Salem, and Warwick in Franklin County, and Athol, Petersham, Phillipston, and Templeton in Worcester County, all in Massachusetts.

B. If the defined marketing area is extended to include territory in the State of Vermont, then include in such defined marketing area the cities and towns of Landgrove, Peru, and Winhall in Bennington County; Dover, Jamaica, Londonderry, Stratton, Wardsboro, and Windham, in Windham County; and Andover, Baltimore, Bridgewater, Cavendish, Ludlow, Plymouth, and Weston, in Windsor County, all in Vermont.

C. If the defined marketing area is not extended as indicated in A and B of this proposal, then delete from the presently defined marketing area the cities and towns of Keene, Sullivan, Roxbury, Marlborough, Nelson, and Harrisville, all in Cheshire County, N.H.

Proposed by Billings Dairy:

Proposal No. 3. In addition to the territory proposed to be added to the defined marketing area as set forth in Proposal No. 1, include also the following: In the Commonwealth of Massachusetts, the towns of Orange, New Salem, and Warwick, in Franklin County. In the State of Vermont, the cities and towns of Bradford, Corinth, Fairlee, Newbury, Randolph, Strafford, Thetford, Topsham Tunbridge and West Fairlee, in Orange County; Barnard, Bethel, Bridgewater, Plymouth, Pomfret, Royalton, and Sharon in Windsor County. In the State of New Hampshire, the cities and towns of Haverhill, Lyme, Orford, and Piermont, in Grafton County.

Proposed by Weeks Dairy, Inc.

Proposal No. 4. In addition to the territory proposed to be added to the defined marketing area as set forth in Proposal No. 1, include also the cities and towns of Campton, Dorchester, Ellsworth, Groton, Hebron, Lyme, Rumney, Thornton, Warren, Waterville, and Wentworth, all in Grafton County, N.H.

Proposed by Cabot Farmers' Cooperative Creamery Co., Inc.; Milton Cooperative Dairy Corp.; Richmond Cooperative Association, Inc.; St. Albans Cooperative Creamery, Inc.; United Farmers of New England, Inc.; and White River Valley Dairies, Inc.

Proposal No. 5. Delete § 1001.10 (Producer-handler definition) and substitute in lieu thereof a provision which would exempt any handler with respect to "own farm milk" production up to a maximum daily average of 1,500 quarts. To qualify for this exemption on "own farm milk", such handler must provide as his own enterprise, and at his own risk, the maintenance, care and management of the dairy herd and other resources and facilities which he uses to produce such milk processed and packaged at his own plant and distributed therefrom.

Proposal No. 6. Amend § 1001.37 (Supply plants) to shift the specified pool supply plant qualifying months of July through November to August through December and make necessary conforming changes, as follows:

A. The provisions "December through June" and "July through November", where they appear in § 1001.11 (Dairy farmer for other markets) are changed to "January through July" and "August through December", respectively.

B. In § 1001.37, the introductory text of paragraphs (b) and (c), and paragraphs (c)(3) and (d) are revised to read:

§ 1001.37 Supply plants.

* * * * *

(b) For the month of August it is a plant from which at least 15 percent, and for any month of September through December it is a plant from which at least 25 percent of its total receipts of milk from dairy farmers' farms is shipped as fluid milk products, other than as diverted milk:

* * * * *

(c) For any month of August through December, it is one of a group of plants which meets the conditions specified in this paragraph.

* * * * *

(3) To qualify as a pool supply plant under this paragraph in December of any year, the plant, considered individually, shall have met the shipping requirements specified in paragraph (b) of this section in one of the months of August through November of that year.

* * * * *

(d) For any month of January through July, it is a plant from which at least 15 percent of its total receipts of milk from dairy farmers' farms is shipped as fluid milk products, other than as diverted milk, to plants in accordance with paragraph (b) (1) or (2) of this section, or it is a plant which meets the requirements for automatic

pool plant status specified in this paragraph. The automatic pool plant status of a plant shall be revoked for any month for which the market administrator has received the handler's written request for revocation on or before the 16th day of that month. In that event the plant shall not have automatic pool plant status in any subsequent month of the current January through July period.

(1) The plant was a pool supply plant in each of the preceding months of August through December; or

(2) The plant was a pool supply plant under this order or the Connecticut Federal order in at least two of the preceding months of August through December and would have been such a plant in all other months in that period had it not been a pool plant under the New York-New Jersey Federal order, and a greater quantity of its receipts from dairy farmers' farms during the August through December period was pooled under this order than under the Connecticut Federal order.

* * * * *

Proposal No. 7. A. Amend § 1001.36 (Cooperative association plants located in the marketing area), and/or § 1001.37 (Supply plants), as necessary to provide that a plant operated by a cooperative association handler may continue pool plant status under the order for the month, if at least 10 percent of total milk receipts from dairy farmers' farms at such plant was shipped to pool distributing plants in accordance with paragraphs (b) (1) or (2) of § 1001.37 in each of 12 consecutive months ending with the current month. This provision shall not apply, however, in any month during August through December in which a "call provision" has been issued by the market administrator as provided in proposal 7B.

B. Add a "call provision" to the order which will provide that in any month during August through December and upon prior determination and notice issued by the market administrator, the minimum applicable shipping percentage specified in paragraph (b) of § 1001.37 may be increased as necessary to satisfy market needs for fluid milk in such month and shall apply uniformly to all pool supply plant operators.

Proposal No. 8. Amend § 1001.57 to revise the assignment sequence as follows:

§ 1001.57 Additional assignments to Class I milk.

(a) At pool distributing plants, assign to Class I milk the quantities in bulk fluid milk products received from pool plants located in the nearby plant zone, or in Zones 4 through 14.

(b) Assign to Class I milk the quantities received from other handlers' pool plants in bulk fluid milk products not assigned under paragraph (a) of this section for which classification as Class II has not been requested by both handlers.

(c) Assign to Class I milk the quantities received in milk from producers and from cooperative associations in their capacity as handlers under § 1001.9 (d), except that at pool distributing plants assign to Class I milk 80 percent of such receipts.

(d) Assign to Class I milk the quantities received from the handler's pool plants in bulk fluid milk products not assigned under paragraph (a) of this section.

(e) Assign to Class I milk the quantities received in milk from producers and from cooperative associations in their capacity as handlers under § 1001.9(d) not assigned under paragraph (c) of this section.

(f) At pool distributing plants, assign to Class I milk the quantities received from plants located outside the New England States and beyond zone 40 in pool milk other than producer milk, if the fluid milk products received are not classified and priced under any Federal order.

(g) Assign to Class I milk the quantities received from other handlers' pool plants in bulk fluid milk products not assigned under paragraph (b) of this section for which classification as Class II milk has been requested by both handlers.

(h) At pool plants other than pool distributing plants, assign to Class I milk the quantities in bulk fluid milk products received from regulated plants or handlers under other Federal orders, if such receipts are classified and priced under the other order as Class I milk or the equivalent thereof or in accordance with their assignment under this part.

Proposed by H. P. Hood and Sons:

Proposal No. 9. Amend § 1001.57 (c) and paragraphs (e), (f), and (g) are unchanged but redesignated as (f), (g), and (h), respectively, and a new paragraph (e) is added to read as follows:

§ 1001.57 Additional assignments to Class I milk.

* * * * *

(c) Assign to Class I milk the quantities received in milk from producers and from cooperative associations in their capacity as handlers under § 1001.9(d), except that at pool distributing plants assign to Class I milk 80 percent of the quantities in such receipts.

* * * * *

(e) At pool distributing plants, assign to Class I milk the remaining quantities received in milk from producers and from cooperative associations in their capacity as handlers under § 1001.9(d).

Proposed by Massachusetts Cooperative Milk Producers Federation, Inc.:

Proposal No. 10. Amend § 1001.27 (Diverted milk) by substituting one of the following alternatives in lieu of the first sentence of paragraph (c):

A. "Milk moved, as described in paragraphs (a) and (b) of this section, during the months of August through March from dairy farmers' farms to nonpool plants in excess of 25 percent of the total quantity of producer milk received (including diversions) by the handler during the month shall not be diverted milk.";

B. "Milk moved, as described in paragraphs (a) and (b) of this section, from dairy farmers' farms to nonpool plants located outside the nearby plant zone in excess of 25 percent of the total quantity of producer milk received (including diversions) by the handler during the month shall not be diverted milk.";

C. "Milk moved, as described in paragraphs (a) and (b) of this section, from dairy farmers' farms to nonpool plants in excess of 25 percent of the total quantity of producer milk received (including diversions) by the handler during the month shall not be diverted milk: *Provided*, That such percentage limitation shall not apply during the months of April through July to milk moved by diversion to nonpool plants from pool distributing plants."

Proposed by the Dairy Division, Consumer and Marketing Service:

Proposal No. 11. Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, 230 Congress Street, Room 403, Boston, Mass. 02110; or from the Hearing Clerk, Room 112–A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250 or may be there inspected.

Signed at Washington, D.C., on September 4, 1970.

G. R. GRANGE,
Acting Administrator.

[F.R. Doc. 70–12119; Filed, Sept. 10, 1970; 8:52 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 70–EA–35]

AREA LOW ROUTES

Proposed Designation

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate two area navigation (RNAV) low routes to be used between airports in the New York, N.Y., and Washington, D.C., metropolitan areas.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice

may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

Amendments to Parts 71 and 75 of the Federal Aviation Regulations were published in the FEDERAL REGISTER on July 1, 1970 (35 F.R. 10653), which established regulatory basis for the designation of specific area high and area low routes. The area low routes proposed herein would provide properly equipped aircraft with additional means of navigation between New York and Washington.

If this action is taken, Part 71 of the Federal Aviation Regulations would be amended by designating the following area low routes:

Waypoint name	VOR/DME description	Geographical coordinates
1. V700R:		
Park Ridge, N.J.	HUO 142.0°M/38.0 NM	Latitude 40°59'33" N., longitude 73°57'39" W.
Paterson, N.J.	HUO 155.0°M/34.0 NM	Latitude 40°57'01" N., longitude 74°09'08" W.
Chester, Pa.	RBV 266.0°M/57.5 NM	Latitude 39°57'50" N., longitude 75°42'17" W.
Dayton, Md.	EMI 187.0°M/16.0 NM	Latitude 39°13'41" N., longitude 76°58'22" W.
2. V701R:		
Church Hill, Md.	ENO 271.0°M/24.0 NM	Latitude 39°10'29" N., longitude 76°01'32" W.
Sharptown, Md.	CYN 264.0°M/46.5 NM	Latitude 39°35'58" N., longitude 75°23'45" W.
Columbus, N.J.	CYN 323.0°M/22.0 NM	Latitude 40°04'01" N., longitude 74°46'53" W.
Robbinsville, N.J.	VORTAC	Latitude 40°12'08" N., longitude 74°29'44" W.

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

Issued in Washington, D.C., on September 1, 1970.

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

[F.R. Doc. 70-12062; Filed, Sept. 10, 1970; 8:48 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 70-WE-40]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate a transition area at Big Piney, Wyo.

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

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

A VOR approach procedure has been developed for Big Piney Municipal Airport, Wyo., utilizing the Big Piney VOR 134° T (118°M) radial for the procedure turn, final approach and holding radial. The proposed 700-foot transition area is required to provide controlled airspace protection for the instrument approach procedure. The proposed 1,200-foot portion of the transition area will provide controlled airspace protection for aircraft executing the established holding procedure while transitioning to/from the airway structure or continental control area.

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

In § 71.181 (35 F.R. 2134) the following transition area is added:

BIG PINEY, WYO.

That airspace extending upward from 700 feet above the surface within 5.5 miles southwest and 9.5 miles northeast of the Big Piney VOR 134° and 314° radials, extending from 4.5 miles northwest to 19 miles southeast of the VOR, and that airspace extending upwards from 1,200 feet above the surface within 9 miles southwest and 13.5 miles northeast of the Big Piney 134° and 314° radials, extending from 11.5 miles northwest to 24.5 miles southeast of the VOR.

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

Issued in Los Angeles, Calif., on August 31, 1970.

ARVIN O. BASNIGHT,
Director, Western Region.

[F.R. Doc. 70-12063; Filed, Sept. 10, 1970; 8:48 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 70-CE-82]

TRANSITION AREA

Proposed Alteration

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

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

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

Since designation of the Kenosha, Wis., transition area, one new and one amended instrument approach procedure have been developed for the Kenosha Municipal Airport. In addition, the criteria for designation of transition areas have been changed. Accordingly, it is necessary to alter the Kenosha transition area to adequately protect aircraft executing the above procedures and to comply with the new transition area criteria.

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

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

KENOSHA, WIS.

That airspace extending upward from 700 feet above the surface within a 5½-mile radius of Kenosha Municipal Airport (latitude 42°35'30" N., longitude 87°55'15" W.),

and within 3 miles each side of the 332° bearing from Kenosha Municipal Airport, extending from the 5½-mile radius area to 8 miles northwest of the airport, excluding the portions which overlie the Chicago, Ill., and Milwaukee, Wis., 700-foot floor transition areas.

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

Issued in Kansas City, Mo., on August 21, 1970.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 70-12064; Filed, Sept. 10, 1970; 8:48 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 70-CE-84]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to designate a transition area at Millard, Nebr.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is comtemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

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

A new public use instrument approach procedure has been developed for the Millard, Nebr., Municipal Airport, utilizing a State-owned radio beacon located on the airport as a navigational aid. Consequently, it is necessary to provide controlled airspace protection for aircraft executing this new approach procedure by designating a transition area at Millard, Nebr. The new procedure will become effective concurrently with the designation of the transition area. IFR air traffic at this location will be controlled by the Omaha RAPCON and the Chicago Air Route Traffic Control Center.

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

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

MILLARD, NEBR.

That airspace extending upward from 700 feet above the surface within a 6½-mile radius of the Millard Municipal Airport (41° 11'45" N., longitude 96°06'45" W.); and within 3 miles each side of the 314° bearing from the Millard Municipal Airport extending from the 6½-mile radius area to 8 miles northwest of the airport; and that airspace extending upward from 1,200 feet above the surface within 9½ miles southwest and 4½ miles northeast of the 314° bearing from the Millard Municipal Airport extending from the airport to 18½ miles northwest of the airport excluding the portions which overlie the Omaha and Lincoln, Nebr., transition areas.

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

Issued in Kansas City, Mo., on August 21, 1970.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 70-12065; Filed, Sept. 10, 1970; 8:48 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-CE-88]

CONTROL ZONE

Proposed Designation; Withdrawal of Notice

In a notice of proposed rule making published in the FEDERAL REGISTER on September 16, 1969 (34 F.R. 14437), a proposal to designate a control zone at Gary, Ind., was set forth.

Subsequent to the publication of this notice, it has been determined that the weather reporting requirement for designation of a control zone at Gary, Ind., cannot be met at this time. Consequently, notice is hereby given that the proposal contained in Airspace Docket No. 69-CE-88 (34 F.R. 14437), is withdrawn. When all requirements for a control zone designation at Gary, Ind., have been met, a new proposal will be issued.

This withdrawal of the notice of proposed rule making is made under the authority of section 307(a) of the Federal Aviation Act (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Kansas City, Mo., on August 24, 1970.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 70-12066; Filed, Sept. 10, 1970; 8:48 a.m.]

[14 CFR Part 121]

[Docket No. 10562; Notice 70-35]

FLIGHT ATTENDANTS

Notice of Proposed Rule Making

The Federal Aviation Administration is considering amending Part 121 of the Federal Aviation Regulations to increase, from 44 to 50, the seating capacity for which one flight attendant is required on large passenger-carrying airplanes in operations under Part 121.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, GC-24, 800 Independence Avenue SW., Washington, D.C. 20590. All communications received on or before November 10, 1970, will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Parts 123 and 135 incorporate the flight attendant requirements in Part 121 by references in §§ 123.27 and 135.2. Therefore, this proposed amendment would affect operations under Part 123, Certification and Operations: Air Travel Clubs Using Large Airplanes, and under Part 134, Air Taxi Operators and Commercial Operators of Small Aircraft, when Part 135 certificate holders use large, passenger-carrying airplanes.

Paragraph (a) of § 121.391 states the number of flight attendants that must be carried on board passenger-carrying airplanes used in operations under Part 121. One flight attendant is required for airplanes having a seating capacity of more than 9 but less than 45 passengers. Two flight attendants are required for airplanes having a seating capacity of more than 44 but less than 100 passengers. One additional flight attendant is required for each unit (or part of a unit) of 50 passenger seats above a seating capacity of 99 passengers.

The Air Transport Association of America has petitioned the Administrator to amend § 121.391(a) to require one flight attendant for airplanes having a seating capacity of more than 9 but less than 51 and one additional flight attendant for each unit (or part of a unit) of 50 passenger seats above a seating capacity of 50 passengers. The ATA contends on behalf of its members that there is no longer a justification for using a different ratio of passenger seats to flight attendants for smaller aircraft as compared to larger aircraft.

The requirement for two flight attendants on airplanes having a seating capacity of 45 or more passengers was first

adopted in 1962. The requirement specified the minimum number of flight attendants which appeared necessary for the proper performance of the safety functions related to the normal and emergency operation of the aircraft, including emergency evacuation and decompression.

Since the adoption of the requirement specifying one flight attendant for 44 passengers, numerous changes in aircraft safety requirements have been made, principally through the FAA's crashworthiness program. We believe these changes allow the ratio of passengers to flight attendants for airplanes having a seating capacity of 50 or less to be increased to 50:1.

The changes in crashworthiness and passenger evacuation standards for transport category airplanes include improved emergency exit access, exterior exit markings, more efficient emergency exits, escape slides that erect within 10 seconds after opening the exit, and fire resistance standards for cabin and cockpit materials. The changes also include a 90 second evacuation demonstration requirement and a requirement that at least the number of flight attendants used in the demonstration must be carried. Notice 69–33, which was published in the FEDERAL REGISTER on August 12, 1969 (34 F.R. 13036), proposes additional crashworthiness requirements concerning use of seat belts and shoulder harnesses, stowage of carry-on baggage, and the securing of galley equipment, serving carts, and crew baggage to prevent injury to passengers.

In view of these improvements in the crashworthiness and passenger evacuation requirements for large airplanes operated under Part 121, the FAA believes the requested amendment is justified.

In response to the ATA's petition, Exemption No. 1108 was granted to eight air carriers on April 16, 1970. The exemption changes the passenger capacity/flight attendant ratio from 44:1 to 50:1 until completion of rule-making action on the requested amendment. That exemption expires on December 31, 1970.

In consideration of the foregoing, it is proposed to amend paragraph (a) of § 121.391 of the Federal Aviation Regulations as follows:

§ 121.391 Flight attendants.

(a) Each certificate holder shall provide at least the following flight attendants on each passenger-carrying airplane used:

(1) For airplanes having a seating capacity of more than nine but less than 51 passengers—one flight attendant.

(2) For airplanes having a seating capacity of more than 50 but less than 101 passengers—two flight attendants.

(3) For airplanes having a seating capacity of more than 100 passengers—two flight attendants plus one additional flight attendant for each unit (or part of a unit) of 50 passenger seats above a seating capacity of 100 passengers.

* * * * *

This amendment is proposed under the authority of sections 313(a), 601, and 604 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1424), and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on September 3, 1970.

HARRY A. TURNPAUGH,
Acting Director,
Flight Standards Service.

[F.R. Doc. 70–12067; Filed, Sept. 10, 1970; 8:48 a.m.]

FEDERAL TRADE COMMISSION

[16 CFR Part 427]

UNORDERED MERCHANDISE

Notice of Cancellation of Public Hearing and Opportunity To Submit Data, Views, or Arguments Regarding Proposed Trade Regulation Rule

On June 19, 1970, the Federal Trade Commission issued a notice of public hearing and opportunity to submit data, views, or arguments regarding a proposed Trade Regulation Rule relating to the shipment of unordered merchandise. Since section 3009 of the Postal Reorganization Act makes further action in this area unnecessary, the Commission cancels the notice and hearing in the above proceeding.

Further, notice is given that, in connection with the shipment of unordered merchandise, the Commission considers section 3009 of the Postal Reorganization Act as the proper interpretation of section 5 of the Federal Trade Commission Act. Thus, regardless of the enacted effective date, the Commission announces that it will move to enforce the Federal Trade Commission Act in accordance with the provisions of section 3009. These provisions are:

Section 3009. *Mailing of unordered merchandise.* (a) Except for (1) free samples clearly and conspicuously marked as such, and (2) merchandise mailed by a charitable organization soliciting contributions, the mailing of unordered merchandise or of communications prohibited by subsection (c) of this section constitutes an unfair method of competition and an unfair trade practice in violation of section 45(a)(1) of title 15.

(b) Any merchandise mailed in violation of subsection (a) of this section, or within the exceptions contained therein, may be treated as a gift by the recipient, who shall have the right to retain, use, discard, or dispose of it in any manner he sees fit without any obligation whatsoever to the sender. All such merchandise shall have attached to it a clear and conspicuous statement informing the recipient that he may treat the merchandise as a gift to him and has the right to retain, use, discard, or dispose of it in any manner he sees fit without any obligation whatsoever to the sender.

(c) No mailer of any merchandise mailed in violation of subsection (a) of this section, or within the exceptions contained therein, shall mail to any recipient of such merchandise a bill for such merchandise or any dunning communications.

(d) For the purposes of this section, "unordered merchandise" means merchandise mailed without the prior expressed request or consent of the recipient.

Issued: September 11, 1970.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 70–12161; Filed, Sept. 10, 1970; 8:52 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 2, 91, 93]

[Docket No. 18932; RM–1135, RM–1068]

ALLOCATION AND ASSIGNMENT OF FREQUENCIES

Order Extending Time for Filing Comments

1. The National Association of Manufacturers (NAM) has requested a 30-day extension of time for filing comments in the above-captioned matter.

2. In support of its request, NAM stated: "* * * the National Association of Manufacturers has an intense interest in the use of flea power for industrial purposes and is most anxious to submit information which will assist the Commission in its consideration of this very important subject.

"The Spectrum Subcommittee of the NAM has the responsibility of considering the technical aspects of the instant proposal. Due to the size of this Committee and the fact that its members are located in many areas of the country, additional time is needed to collect and collate technical data which we hope will be of assistance to the Commission in its consideration of this proposal."

3. The circumstances upon which the NAM request is based appear to warrant grant of a 30-day extension of the comment period. *Accordingly, it is ordered,* Pursuant to § 0.331(b)(4) of the Commission's rules, that the time for filing comments in this proceeding is extended to October 15, 1970, and the time for filing reply comments is extended to October 26, 1970.

Adopted: September 3, 1970.

Released: September 4, 1970.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] JAMES E. BARR,
Chief, Safety and Special Radio Services Bureau.

[F.R. Doc. 70–12097; Filed, Sept. 10, 1970; 8:50 a.m.]

[47 CFR Part 25]

ESTABLISHMENT OF DOMESTIC COMMUNICATION – SATELLITE FACILITIES BY NONGOVERNMENTAL ENTITIES

Dates for Filing of Applications and Comments

CROSS REFERENCE: For a document relating to dates for filing comments on a notice of proposed rule making which was published at 35 F.R. 5351 regarding the establishment of domestic communication-satellite facilities by nongovernmental entities, see F.R. Doc. 70–12013, Federal Communications Commission, Notices section.

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

[452.53]

"MONTEREY" CHEESE

Tariff Classification

The Bureau has tentatively concluded, based on recent detention orders issued by the Food and Drug Administration with respect to the identity and labeling of a cheese imported from New Zealand labeled "Monterey," that the tariff classification of such cheese must be changed from the provision for "other cheese" in item 117.85, Tariff Schedules of the United States (TSUS), with duty at 14 percent ad valorem, to the provision for "Cheddar cheese" in item 117.15, TSUS, with duty at 15 percent ad valorem. Such classification will also change the quota applicable to such cheese from that for "other cheese" in item 950.10D, TSUS, to the one for "Cheddar cheese" in item 950.08A, TSUS.

Approximately 7½ million pounds of the merchandise in question entered the United States between January 1969 and July 1970 labeled as "Monterey" cheese and was passed as such by the Food and Drug Administration and the Bureau of Customs. The Bureau considered it appropriate and necessary to classify the merchandise as "Monterey" cheese for the following reasons, among others:

(1) It fulfilled the existing standards for "Monterey" cheese established by the Food and Drug Administration; and

(2) Under the regulations of the Food and Drug Administration, the merchandise could not legally be:

(a) Moved in the commerce of the United States labeled as "Cheddar" cheese; or

(b) Produced into an end product labeled as "American" or "American-type" cheese, a designation applicable to cheese derived from "Cheddar" and certain other cheeses, but excluding "Monterey" cheese.

Primarily for the above reasons, the Bureau concluded that the cheese in question was not subject to the quota restrictions for "Cheddar cheese" in item 950.08A, TSUS, or for "American-type" cheese in item 950.08B, TSUS, and classified it as "other cheese" in item 117.85, TSUS, for duty purposes and in item 950.10D, TSUS, for quota purposes.

The detention orders issued by the Food and Drug Administration were based on organoleptic analysis by members of the Food Technology Branch of that Administration, conclude that the product is misbranded as "Monterey cheese," and require that the product be labeled "Cheddar cheese" before it can be imported.

Pursuant to section 16.10a(d), Customs Regulations (19 CFR 16.10a(d)), notice is hereby given that there is under review in the Bureau of Customs the existing established and uniform practice of classifying "Monterey" cheese from New Zealand under the provision for other cheese and substitutes for cheese in item 117.85, TSUS, with duty at the current rate of 14 percent ad valorem and subject to the quota limitations for other cheese in item 950.10D, TSUS.

Consideration will be given to any relevant data, views, or arguments pertaining to the correct classification of this merchandise which are submitted in writing to the Commissioner of Customs, Washington, D.C. 20226, and received not later than 7 days from the date of publication of this notice. No hearing will be held.

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

Approved: September 3, 1970.

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[F.R. Doc. 70-12130; Filed, Sept. 9, 1970; 11:23 a.m.]

Internal Revenue Service

ROBERT L. DARON

Notice of Granting of Relief

Notice is hereby given that Robert L. Daron, 309 Centennial Avenue, Hanover, Pa. 17331, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on October 13, 1962, in the Adams County Court, Gettysburg, Pa., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Robert L. Daron because of such conviction, to ship, transport or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Robert L. Daron to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Robert L. Daron's application and:

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

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

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

Signed at Washington, D.C., this 27th day of August 1970.

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

[F.R. Doc. 70-12085; Filed, Sept. 10, 1970; 8:49 a.m.]

CHARLES LINDY OBERLIN

Notice of Granting of Relief

Notice is hereby given that Charles Lindy Oberlin, 1836 Villa Street, Racine, Wis., has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on December 6, 1968, in the Dallas County Circuit Court, Fordyce, Ark., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Charles L. Oberlin because of such conviction, to ship, transport or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer or collector. In addition, under Title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Charles L. Oberlin to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Charles L. Oberlin's application and:

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

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's

record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

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

Signed at Washington, D.C., this 27th day of August 1970.

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

[F.R. Doc. 70-12087; Filed, Sept. 10, 1970; 8:50 a.m.]

RUDOLPH HANNIBAL PORTER

Notice of Granting of Relief

Notice is hereby given that Rudolph Hannibal Porter, 1600 West Boston Boulevard, Detroit, Mich., has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on January 10, 1944, by a General Court Martial convened at Fort Huachuca, Ariz., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Rudolph H. Porter because of such conviction, to ship, transport or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer or collector. In addition, under Title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Rudolph H. Porter to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Rudolph H. Porter's application and:

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

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

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

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

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

[F.R. Doc. 70-12083; Filed, Sept. 10, 1970; 8:49 a.m.]

GERALD LLOYD SHANNON

Notice of Granting of Relief

Notice is hereby given that Gerald Lloyd Shannon, 1308 Ford Street, Ogdensburg, N.Y. 13669, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on June 5, 1939, in the St. Lawrence County Court, Canton, N.Y., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Gerald Lloyd Shannon because of such conviction, to ship, transport or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer or collector. In addition, under Title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Mr. Shannon to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Gerald Lloyd Shannon's application and:

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

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

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

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

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

[F.R. Doc. 70-12086; Filed, Sept. 10, 1970; 8:49 a.m.]

GOMER GAZA WALKER

Notice of Granting of Relief

Notice is hereby given that Gomer Gaza Walker, Route No. 1, Box 139, Patrick Springs, Va. 24133, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on April 7, 1953, in the Henry County Circuit Court, Martinsville, Va., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Mr. Walker because of such conviction, to ship, transport or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Mr. Walker to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Gomer Gaza Walker's application and:

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

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

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

Signed at Washington, D.C., this 1st day of September 1970.

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

[F.R. Doc. 70-12088; Filed, Sept. 10, 1970; 8:50 a.m.]

NORMAN G. ZACHARY

Notice of Granting of Relief

Notice is hereby given that Norman G. Zachary, 20252 Van Dyke, near 8-Mile Road, Detroit, Mich. 48234, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on January 13, 1959, in the District Court for the Eastern Judicial District of Michigan, Detroit, Mich., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Mr. Zachary, because of such conviction, to ship, transport or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Norman G. Zachary to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Mr. Zachary's application and:

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

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

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

Signed at Washington, D.C., this 27th day of August 1970.

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

[F.R. Doc. 70-12084; Filed, Sept. 10, 1970; 8:49 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

SUPERINTENDENT OF MISSISSIPPI CHOCTAW AGENCY

Delegation of Authority

SEPTEMBER 2, 1970.

This notice is published in exercise of the authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2 (32 F.R. 13938).

This delegation is issued under the authority delegated to the Commissioner by the Secretary in section 25 of Secretarial Order 2508 (10 BIAM 2.1).

10 BIAM 4, published at page 637 in the January 16, 1969, issue of the FEDERAL REGISTER (34 F.R. 637) and amended at page 6935 in the April 25, 1969, issue of the FEDERAL REGISTER (34 F.R. 6935), is being amended by revising section 4.1 to delegate to the Superintendent of the Mississippi Choctaw Agency the same authorities that were delegated to the Superintendents of the Cherokee, Seminole, and Miccosukee Agencies. This amendment is being made to implement the transfer of administrative jurisdiction over the Mississippi Choctaw Agency from the Muskogee Area Office to the Central Office which was effective September 1, 1970.

As amended, 10 BIAM 4.1 reads as follows:

4.1 *Authorities.* The authorities of the Secretary of the Interior delegated to the Commissioner in Secretarial Order 2508 (10 BIAM 2) are hereby redelegated to the Superintendents of the Cherokee, Miccosukee, Seminole, and Mississippi Choctaw Agencies.

This notice shall be effective upon publication in the FEDERAL REGISTER.

HAROLD D. COX,
Acting Commissioner.

[F.R. Doc. 70-12029; Filed, Sept. 10, 1970; 8:46 a.m.]

Bureau of Land Management

[R 2755]

CALIFORNIA

Notice of Proposed Classification of Public Lands for Transfer Out of Federal Ownership

SEPTEMBER 2, 1970.

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1412), and to the regulations in 43 CFR, Parts 2410 and 2460, it is proposed to classify the public lands described in paragraph 3 for transfer out of Federal ownership by State Indemnity Selection (43 U.S.C. 851, 852), to facilitate the State Park program in the Redrock Canyon area.

2. Publication of this notice has the effect of segregating the following described public lands from all forms of disposal under the public land laws, including the mining and mineral leasing laws, except the form of disposal for which it is proposed to classify the lands.

3. The below-described lands proposed to be classified for disposal are located in Kern County. The proposal has been discussed and analyzed in detail with the county and with other agencies, groups, and individuals. Maps and other information are available for inspection in the Bakersfield District Office.

MOUNT DIABLO MERIDIAN

T. 29 S., R. 37 E.,
Sec. 21, lot 16;
Sec. 22, lots 13 to 16, inclusive;
Sec. 23, lots 1, 2, and 7 to 16, inclusive;
Sec. 24, lots 1 to 16, inclusive;
Sec. 25, all;
Sec. 26, all;
Sec. 27, lots 1 to 4, inclusive, and S½N½;
Sec. 28, lots 1, 8, 9, and 16;
Sec. 33, lot 1;
Sec. 34, lots 1 to 4, inclusive;
Sec. 35, NE¼NE¼ and S½NE¼.
T. 29 S., R. 38 E.,
Sec. 19, lots 1 to 4, inclusive, E½, E½NW¼, and E½SW¼.
T. 30 S., R. 37 E.,
Sec. 1, lots 5 to 20, inclusive;
Sec. 2, E½SE¼NE¼, SW¼NW¼, W½SW¼, W½NE¼SW¼, SE¼SW¼, and E½SE¼;
Sec. 3, lots 5, 6, and 7;
Sec. 4, lot 5, SE¼NE¼, and E½SE¼;
Sec. 10, W½W½, E½SW¼, and S½SE¼;
Sec. 11, lots 2 to 10, inclusive;
Sec. 12, E½, E½NW¼, NW¼NW¼, N½SW¼, and SE¼SW¼;
Sec. 14, W½NE¼, SE¼NE¼, NW¼, and N½S½;
Sec. 15, lots 1, 2, 3, 4, W½NE¼, SE¼NW¼, E½SW¼, SW¼SW¼, and W½SE¼;
Tract 44, lots a, b, and c.

The public lands aggregate approximately 7,163.92 acres, and are all located in Kern County.

4. For a period of 60 days from the date of publication of this notice in the FEDERAL REGISTER, all persons who wish to submit comments, suggestions, or objections in connection with the proposed classification may present their views in writing to the District Manager, Room 311, Federal Building, 800 Truxtun Avenue, Bakersfield, Calif. 93301.

5. A hearing on the proposed classification will be held if sufficient public interest is shown.

E. J. PETERSEN,
Acting State Director.

[F.R. Doc. 70-12046; Filed, Sept. 10, 1970; 8:47 a.m.]

[Sacramento 785]

CALIFORNIA

Notice of Termination of Proposed Withdrawal and Reservation of Lands

SEPTEMBER 3, 1970.

Notice of a Bureau of Indian Affairs, U.S. Department of the Interior, Application Sacramento 785, for withdrawal and reservation of lands for an addition to the Washoe Indian Reservation was published as F.R. Doc. 67-10339 on page 12728 of the issue for September 2, 1967. The applicant agency has canceled its application for the following described lands:

MOUNT DIABLO MERIDIAN

T. 12 N., R. 19 E.,
Sec. 36, lots 5, 6, and 9, and that unpatented portion of lot 7 lying within the NW¼SW¼.

The area described aggregates approximately 105 acres in Alpine County.

Therefore, pursuant to the regulations contained in 43 CFR Part 2300 (formerly 43 CFR Part 2311) such lands at 10 a.m. on October 12, 1970, will be relieved of the segregative effect of the above mentioned application.

ELIZABETH H. MIDTBY,
Chief, Lands Adjudication Section.

[F.R. Doc. 70-12048; Filed, Sept. 10, 1970; 8:47 a.m.]

[C-10992]

COLORADO

Notice of Classification of Public Lands for Multiple-Use Management

SEPTEMBER 2, 1970.

Notice of classification published as F.R. Doc. 70-10905 appearing in the issue for August 20, 1970, at pages 13317-13320 is hereby corrected as follows:

SIXTH PRINCIPAL MERIDIAN, COLORADO

T. 11 S., R. 99 W.,
Sec. 2, NW¼SE¼ is corrected to read: NE¼SE¼.

UTE PRINCIPAL MERIDIAN, COLORADO

T. 1 N., R. 1 W.,
Sec. 14, N½SW¼ and SE¼ is corrected to read:
N½, N½SW¼, and SE¼.

E. I. ROWLAND,
State Director.

[F.R. Doc. 70-12027; Filed, Sept. 10, 1970; 8:46 a.m.]

[C-10844]

COLORADO

Notice of Classification of Public Lands for Transfer Out of Federal Ownership

SEPTEMBER 4, 1970.

Notice of classification published as F.R. Doc. 70-10938 appearing in the issue for August 20, 1970 at pages 13316-13317 is hereby corrected as follows:

T. 3 N., R. 86 W.,
Sec. 14, lots 12, 15, 18 and 19 is corrected to read:
Sec. 15, lots 12, 15, 18 and 19.
T. 7 N., R. 88 W.,
Sec. 5, SE¼, SE¼ is corrected to read: SE¼SE¼.
T. 4 N., R. 86 W.,
Sec. 33, NW¼SE¼ is corrected to read: NW¼SE¼.
T. 6 N., R. 87 W.,
Sec. 13, S½NE½ is corrected to read: S½NE¼.

The following land is deleted from the notice of classification:

T. 3 N., R. 89 W.,
Sec. 5, lots 7 and 8;
Sec. 6, lot 10.

J. ELLIOTT HALL,
Acting State Director.

[F.R. Doc. 70-12047; Filed, Sept. 10, 1970; 8:47 a.m.]

[Montana 16312]

MONTANA

Notice of Proposed Withdrawal and Reservation of Lands

SEPTEMBER 3, 1970.

The Forest Service, U.S. Department of Agriculture, has filed application M 16312 for the withdrawal of national forest land described below from mineral location and entry under the mining laws but not from leasing under the mineral leasing laws, subject to existing valid claims.

The applicant desires the land to protect 12 existing fire lookouts from mineral location and entry.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 316 North 26th Street, Billings, Mont. 59101.

The Department's regulation (43 CFR 2351.4(c)) provides that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utiliziation of the lands for the purpose 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.

The lands involved in the plication are:

PRINCIPAL MERIDIAN, MONTANA

LOLO NATIONAL FOREST

East Spread Lookout

T. 16 N., R. 12 W.,
Sec. 12, W½NW¼SE¼NE¼ and E½NE¼SW¼NE¼.

Morrell Mountain Lookout

T. 17 N., R. 14 W.,
Sec. 34, SW¼SE¼NE¼NE¼, SE¼SW¼NE¼NE¼, NE¼NW¼SE¼NE¼, and NW¼NE¼SE¼NE¼.

Sliderock Mountain Lookout

T. 10 N., R. 16 W.,
Sec. 25, SE¼NE¼SW¼.

Mormon Peak Lookout

T. 11 N., R. 20 W.,
Sec. 7, SE¼SW¼SW¼NW¼, SW¼SE¼SW¼NW¼, NE¼NW¼NW¼SW¼, and NW¼NE¼NW¼SW¼.

Blue Mountain Lookout

T. 12 N., R. 21 W.,
Sec. 12, SW¼SW¼NE¼NW¼, SE¼SE¼NW¼NW¼, NE¼NE¼SW¼NW¼, and NW¼NW¼SE¼NW¼.

Edith Peak Lookout

T. 16 N., R. 21 W.,
Sec. 34, S½SW¼NW¼NW¼ and N½NW¼SW¼NW¼.

West Fork Butte Lookout

Unsurveyed, but which probably will be when surveyed:
T. 11 N., R. 22 W.,
Sec. 6, E½NW¼SE¼SW¼ and W½NE¼SE¼SW¼.

Plateau Mountain Lookout

T. 14 N., R. 23 W.,
Sec. 4, SE¼SW¼NW¼.

Stark Mountain Lookout

T. 15 N., R. 24 W.,
Sec. 1, SE¼SW¼NE¼.

Williams Peak Lookout

T. 14 N., R. 25 W.,
Sec. 24, SE¼SW¼NE¼ and NE¼NW¼SE¼.

Landowner Mountain Lookout

T. 15 N., R. 26 W.,
Sec. 30, W½W½SE¼SW¼ and E½E½ of lot 7.

Thompson Peak Lookout

T. 16 N., R. 26 W.,
Sec. 5, SW¼ of lot 1 and NW¼SE¼NE¼.

The areas described aggregate 150 acres in Granite, Missoula, Powell, and Mineral Counties, Mont.

EUGENE H. NEWELL,
Land Office Manager.

[F.R. Doc. 70-12049; Filed, Sept. 10, 1970; 8:47 a.m.]

[New Mexico 9508]

NEW MEXICO

Notice of Termination of Proposed Withdrawal and Reservation of Lands

SEPTEMBER 3, 1970.

Notice of a Bureau of Reclamation application, New Mexico 9508, for withdrawal and reservation of lands for reclamation purposes in connection with the Pecos River Basin Water Salvage Project, was published as F.R. Doc. 69-7149 on page 9572 of the issue for June 18, 1969. The applicant agency has canceled its application involving the lands described below. Therefore, pursuant to the regulations contained in 43 CFR Part 2300, such lands, at 10 a.m. on September 21, 1970, will be relieved of the segregative effect of the above-mentioned application.

NEW MEXICO PRINCIPAL MERIDIAN

T. 21 S., R. 27 E.,
Sec. 33, NW¼SE¼NE¼.

The area described aggregates 10 acres in Eddy County.

MICHAEL T. SOLAN,
Land Office Manager.

[F.R. Doc. 70-12050; Filed, Sept. 10, 1970; 8:47 a.m.]

[Utah 12146]

UTAH

Notice of Proposed Withdrawal and Reservation of Lands

SEPTEMBER 3, 1970.

The Forest Service, U.S. Department of Agriculture, has filed an application,

Utah 12146, for the withdrawal of the lands described below, from all forms of appropriation except operation of the mining and mineral leasing laws.

The stated purpose of the withdrawal is to extend the boundaries of the Wasatch National Forest and to place these lands under Forest Service administration to protect their high watershed values as part of the Salt Lake City municipal watershed.

These lands were acquired from private ownership by the Department of Defense and were formerly a part of Fort Douglas Military Reservation. Their jurisdiction will be transferred from General Services Administration to the Forest Service.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Post Office Box 11505, Salt Lake City, Utah 84111.

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.

The lands involved in the application are:

SALT LAKE MERIDIAN

T. 1 S., R. 1 E.,
Sec. 2, SE¼SW¼, S½SE¼, aggregating 120 acres.

R. D. NIELSON,
State Director.

[F.R. Doc. 70-12051; Filed, Sept. 10, 1970; 8:47 a.m.]

DEPARTMENT OF COMMERCE

Business and Defense Services Administration

HERBERT H. LEHMAN COLLEGE 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. 71-00085-63-46500. Applicant: Herbert H. Lehman College, Bedford Park Boulevard West, Bronx, N.Y. 10468. Article: Ultramicrotome, Model LKB 8800A. 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 use will be for studying the blue-green algae. One of the projects concerns the three dimensional reconstruction of certain inclusions. Research is also being conducted on studies of polyphosphate bodies in blue-green algae. Application received by Commissioner of Customs: August 11, 1970.

Docket No. 71-00086-65-46040. Applicant: University of Cincinnati, Department of Materials Science and Metallurgical Engineering, Cincinnati, Ohio 45221. Article: Electron microscope, Model JEM 200. Manufacturer: Japan Electron Optics Lab. Co., Ltd., Japan. Intended use of article: The article will be used for teaching and research in materials science, metallurgical engineering and metallurgy, especially the high temperature refractory metals such as tungsten, tantalum, molybdenum, and columbium and their alloys. The nature and types of defects which appear in the substructure of metals and alloys as a result of plastic deformation, radiation effects, quenching and other metal thermo-mechanical processing will be studied. Application received by Commissioner of Customs: August 12, 1970.

Docket No. 71-00087-33-78095. Applicant: State University of New York at Buffalo, 3435 Main Street, Buffalo, N.Y. 14214. Article: Two Model 124 Spectrophotometers and two Model 165 Recorders. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article will be used as a teaching instrument for undergraduate students. Measurements of enzyme activity including kinetic experiments will be made. A wide range of enzymes will be investigated, at times there will be problems of identifying whether more than one enzyme is involved, so sensitivity and reproducibility are essential. Application received by Commissioner of Customs: August 12, 1970.

Docket No. 71-00088-33-46500. Applicant: Massachusetts General Hospital, Gastrointestinal Unit, Boston, Mass. 02114. Article: Ultramicrotome, Model LKB 8800A, and accessories. Manufacturer: LKB Produkter A.B., Sweden. Intended use of article: The article will be used for research involving the study of gastrointestinal and hepatic tissues and the localization in these tissues of (1) endogenous enzymatic activity, (2) activity of exogenously administered enzymatic material, and (3) macromolecules through use of immunocytochemical techniques. A major part of the projects will be localizing these specific macromolecular materials in thin sections prepared for electron microscopy. Application received by Commissioner of Customs: August 12, 1970.

Docket No. 71-00089-33-46040. Applicant: The Wistar Institute of Anatomy and Biology, 36th Street at Spruce, Philadelphia, Pa. 19104. Article: Electron microscope, Model HS 8. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article will be used for the training of postdoctoral fellows, graduate students and staff members in techniques of electron microscopy, and, to examine preparations made during the research of various staff scientists. Application received by Commissioner of Customs: August 12, 1970.

Docket No. 71-00090-33-46040. Applicant: The Wistar Institute of Anatomy and Biology, 36th Street at Spruce, Philadelphia, Pa. 19104. Article: Electron microscope, Model HU 11 F. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article will be used for research concerning a study of human cells aging in tissue culture; studies on cells incorporating a novel sterol into their membranes; a study of the connections between cells; and for a study of virus infections, in cells. Application recevied by Commissioner of Customs: August 12, 1970.

Docket No. 71-00091-33-43780. Applicant: The Massachusetts General Hospital, Fruit Street, Boston, Mass. 02114. Article: Total Hip Joint Replacements, 10 each. Manufacturer: Protek Ltd., Switzerland. Intended use of article: The purposes for which the articles are intended to be used are for a study and

scientific assessment of hip reconstructions, using total hip replacement in contrast to previously existing modes of reconstructive hip surgery. Application received by Commissioner of Customs: August 12, 1970.

Docket No. 71-00092-33-43780. Applicant: Ochsner Foundation Hospital, 1516 Jefferson Highway, New Orleans, La. 70121. Article: Ionescu-Ross-Wooler Fascia Lata Valve Supports (Heart Valve Supports). Manufacturer: Hypodermic Services, United Kingdom. Intended use of article: The article will be used in heart surgery as a vital part of heart valve replacement, when totally artificial valve is not desirable. Application received by Commissioner of Customs: August 12, 1970.

Docket No. 71-00093-33-46500. Applicant: New York University Medical Center, 550 First Avenue, New York, N.Y. 10016. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter A.B., Sweden. Intended use of article: The article will be used for research concerning the secretory dynamics of exocrine glands; the morphology of penicillin allergy reactions; and for cytodifferentiation of steriod secreting cells. Application received by Commissioner of Customs: August 13, 1970.

Docket No. 71-00094-75-44500. Applicant: University of California, Los Alamos Scientific Laboratory, Post Office Box 9900, Los Alamos, N. Mex. 87544. Article: Research Metallograph, Model MM-5RT. Manufacturer: Ernest Leitz G.m.b.H., West Germany. Intended use of article: The article will be used for a study of radiation effects, mechancial stress, the microstructural properties and parameters of materials and their relationship to temperature and other factors. Application received by Commissioner of Customs: August 14, 1970.

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

[F.R. Doc. 70-12116; Filed, Sept. 10, 1970; 8:52 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary

STATEMENT OF ORGANIZATION AND FUNCTIONS AND DELEGATIONS OF AUTHORITY

Section 1-000, Part 1 of the Statement of Organization and Functions and Delegations of Authority has been revised and renumbered to read as follows:

SEC. 1.10 *Creation of the Department.* The Department of Health, Education, and Welfare was created by Reorganization Plan No. 1 of 1953. Under provisions of the Act approved April 1, 1953 (67 Stat. 18), the Plan became effective on April 11, 1953. The Plan abolished the Federal Security Agency, created by Reorganization Plan No. 1, 1939 and transferred all functions of the Federal Security Administrator to the Secretary of Health, Education, and Welfare and all components of the Agency to the Department.

SEC. 1.20 *Department organization.* A. The Department consists of the Office of the Secretary and the following operating agencies:

Environmental Health Service.*
Food and Drug Administration.*
Health Services and Mental Health Administration.*
National Institutes of Health.*
Office of Education.
Social and Rehabilitation Service.
Social Security Administration.

B. *Federally aided corporations.* 1. The Secretary has certain statutory responsibilities for the administration of Federal appropriations to the American Printing House for the Blind (Louisville, Ky.), 20 Stat. 467 (1879); Reorganization Plan No. II of 1939; 20 U.S.C. 101, 102, 104.

2. The Secretary has certain statutory responsibilities for the supervision of public business relating to Gallaudet College (Washington, D.C.), 36 Stat. 1422 (1911), 31 D.C. Code 1022; Reorganization Plan No. IV of 1940; 68 Stat. 266 (1954), 31 D.C. Code 1031.

3. The Secretary has certain statutory responsibility for visiting and inspection of Howard University and for the control and supervision of Federal appropriations to Howard University, 14 Stat. 438 (1867); Reorganization Plan No. IV of 1940; 20 U.S.C. 121, 122, 123.

SEC. 1.30 *Field organization.* A. The 10 Department Regions, their headquarters, and their boundaries are as follows:

1. *Region I, Boston, Mass.* Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont.

Region II, New York, N.Y. New Jersey, New York, Puerto Rico, and the Virgin Islands.

Region III, Philadelphia, Pa. Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, and West Virginia.

Region IV, Atlanta, Ga. Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee.

Region V, Chicago, Ill. Illinois, Indiana, Michigan, Minnesota, Ohio, and Wisconsin.

Region VI, Dallas, Tex. Arkansas, Louisiana, New Mexico, Oklahoma, and Texas.

Region VII, Kansas City, Mo. Iowa, Kansas, Missouri, and Nebraska.

Region VIII, Denver, Colo. Colorado, Montana, North Dakota, South Dakota, Utah, and Wyoming.

Region IX, San Francisco, Calif. Arizona, California, Hawaii, Nevada, American Samoa, Guam, and responsibility for administration of certain programs in Wake Island and the Trust Territory of the Pacific.

Region X, Seattle, Wash. Alaska, Idaho, Oregon, and Washington.

*These operating agencies together constitute the Public Health Service.

2. Each Regional Office is headed by a Regional Director who is the Secretary's representative within the Region.

3. The following operating agencies have representatives in the Regional Offices who are under the general administrative supervision of the Regional Director but receive program direction from the appropriate headquarters office:

Environmental Health Service.
Facilities Engineering and Construction Agency.
Food and Drug Administration.
Health Services and Mental Health Administration.
Office of Education.
Office of Child Development.
Office for Civil Rights.
Office of State Merit Systems.
Social and Rehabilitation Service.
Office of Surplus Property Utilization.
Social Security Administration.

B. In addition to the Regional Offices the following operating agencies administer various major field installations:

Environmental Health Service.
Food and Drug Administration.
Health Services and Mental Health Administration.
Social Security Administration.

Dated: September 3, 1970.

SOL ELSON,
Acting Assistant Secretary for Administration.

[F.R. Doc. 70-12094; Filed, Sept. 10, 1970; 8:50 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RI71-228, etc.]

ASHLAND OIL, INC., 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]

SEPTEMBER 2, 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

[1] Does not consolidate for hearing or dispose of the several matters herein.

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]

[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.

(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 29, 1970.

By the Commission.

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

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[3] Rate in effect	Cents per Mcf[3] Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI71-228	Ashland Oil, Inc	117	7	Phillips Petroleum Co. (Hugoton Field, Sherman County, Tex., RR. District No. 10).	$10,000	8-10-70	10- 1-70	10- 2-70	11.4780	12.6975	RI70-28.
		118	6	Phillips Petroleum Co. (Hugoton Field, Hansford County, Tex., RR. District No. 10).	1,829	8-10-70	10- 1-70	10- 2-70	10.7607	11.9803	RI70-28.
RI71-229	Pan American Petroleum Corp	57	23	Phillips Petroleum Co. (Hugoton Field, Dallam, Hansford, and Sherman Counties, Tex., RR. District No. 10, and Guymon Hugoton Field, Texas County, Okla., Panhandle Area).	68,978	8-10-70	9-13-70	9-14-70	11.7526	12.6975	RI70-28.
					20,725	8-10-70	9-13-70	9-14-70	11.5961	12.4972	RI70-28.
RI71-230	Humble Oil & Refining Co	376	3	Kansas Nebraska Natural Gas Co. (Syracuse Field, Hamilton County, Kans.).	1,110	8-10-70	10- 1-70	10- 2-70	12.5	13.5	
RI71-231	Southern Union Production Co	27	3	Southern Union Gathering Co. (acreage in San Juan County, N. Mex., San Juan Basin).	33	8-12-70	8-12-70	8-13-70	13.0	13.0551	
	do	28	3	do	18	8-12-70	8-12-70	8-13-70	13.0	13.0551	
					6,853				13.0	15.0636	
	do	29	6	do	174	8-12-70	8-12-70	8-13-70	13.0	13.0551	
					23,843				13.0	15.0636	
	do	30	6	do	7,764	8-12-70	8-12-70	8-13-70	13.0	15.0636	
	do	31	4	do	638	8-12-70	8-12-70	8-13-70	13.0	13.0551	
RI71-232	Texaco, Inc	224	9	Southern Union Gathering Co. (Basin Dakota Field, San Juan County, N. Mex., San Juan Basin).	1,733	8-17-70	8-17-70	8-18-70	13.0	15.0636	

[3] All rates are at a pressure base of 14.65 p.s.i.a.

[F.R. Doc. 70-11931; Filed, Sept. 10, 1970; 8:45 a.m.]

[Dockets Nos. RI71-226, RI71-227]

GETTY 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]

SEPTEMBER 2, 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

[1] Does not consolidate for hearing or dispose of the several matters herein.

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.

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.

(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 29, 1970.

By the Commission.

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

[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.

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[3] Rate in effect	Cents per Mcf[3] Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI71-226	Getty Oil Co., Post Office Box 1404, Houston, Tex. 77001, Attention: Mr. A. M. Mouser.	56	26	Tennessee Gas Pipeline Co., a division of Tenneco Inc. (Grand Isle Block 43 Field, Offshore Louisiana) (Disputed Zone).	$9,934	8-6-70	8-6-70	8-7-70	19.5	20.0	
RI71-227	Mobil Oil Corp., Post Office Box 1774, Houston, Tex. 77001.	268	12	Transcontinental Gas Pipe Line Corp. (Vermilion Block 131) Offshore Louisiana) (Federal Domain).	54,750	8-12-70	9-12-70	9-13-70	19.0	20.0	
	do	176	31	Transcontinental Gas Pipe Line Corp. (West Cameron Block 110 Field, Offshore Louisiana) (Federal Domain).	22,265	8-13-70	9-13-70	9-14-70	19.0	20.0	

[3] All rates are computed on a pressure base of 15.025 p.s.i.a.

[F.R. Doc. 70-11934; Filed, Sept. 10, 1970; 8:45 a.m.]

[Docket No. G-10833, etc.]

MARINE PROPERTIES, INC., ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

AUGUST 27, 1970.

Take notice that each of the applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before September 25, 1970, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commisson's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicants to appear or be represented at the hearing.

GORDON M. GRANT, *Secretary.*

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
G-10833 E 7-29-70	Marine Properties, Inc. & David Crow (successor to H. T. Shalett & David Crow), 460 Oil & Gas Bldg., New Orleans, La. 70112.	Southern Natural Gas Co., Bear Creek Field, Bienville Parish, La.	[4] 16.75	15.025
G-11569 D 7-6-70	Murphy H. Baxter (Operator) et al., 1402 Southwest Tower, Houston, Tex. 77002 (partial abandonment).	Phillips Petroleum Co., Azalea Field, Midland County, Tex.	(5)	----------
CI60-66 E 8-7-70	Clinton Oil Co, (Operator) et al. (successor to Humble Oil & Refining Co.), 211 North Water St., Wichita, Kans. 67202.	El Paso Natural Gas Co., Figure Four Canyon Unit, Sublette County, Wyo.	[6] 19.6463	15.025
CI63-138 E 8-6-70	Lawrence Tenk (successor to Calk, Inc.), Post Office Box 588, Ottawa, Kans. 66067.	United Fuel Gas Co., Union District, Clay County, W. Va.	25.0	15.325
CI63-470 8-6-70 [4]	Mobil Oil Corp., Post Office Box 1774, Houston, Tex. 77001.	Natural Gas Pipeline Co. of America, La Gloria Field, Jim Wells and Brooks Counties, Tex.	16.7295	14.65
CI63-572 C 8-13-70 [2]	Arthur N. Rupe (formerly Arthur N. Rupe, d.b.a. Artex Oil Co.), 8300 Santa Monica Blvd., Los Angeles, Calif. 90069.	Equitable Gas Co., acreage in Lewis County, W. Va.	28.0	15.325
CI64-470 D 8-10-70	Sun Oil Co., 1608 Walnut St., Philadelphia, Pa. 19103 (partial abandonment).	Natural Gas Pipeline Co. of America, Willamar Field, Willacy County, Tex.	(5)	----------
CI65-739 D 8-7-70	Shell Oil Co., 1 Shell Plaza, Houston, Tex. 77002 (partial abandonment).	Michigan Wisconsin Pipe Line Co., Kings Bayou Field, Cameron Parish, La.	Uneconomical	----------
CI69-1163 C 8-12-70	Southern Union Production Co. (Operator) et al., Fidelity Union Tower, Dallas, Tex. 75201.	Arkansas Louisiana Gas Co., Deep Willow Springs Field, Gregg County, Tex.	[7] 14.9727	14.65

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
CI71-69 A 7-23-70	American Pipeline Inc., Post Office Drawer O, San Antonio, Tex. 78211.	Natural Gas Pipeline Co. of America, Los Mogotes Field, Zapata County, Tex.	[8] 17.8	14.65
CI71-100 A 7-27-70	Colonial Gas Co., 1596 Kanawha Blvd., E. Charleston, W. Va. 25311.	Consolidated Gas Supply Corp., Ravenswood District, Jackson County, W. Va.	28.0	15.325
CI71-103 (G-12932) E 8-3-70	Monterey Pipeline Co. (successor to Humble Oil & Refining Co.[9]), 1700 Commerce Bldg., New Orleans, La. 70112.	United Fuel Gas Co., West Gueydan Field, Vermilion Parish, La.	18.5 [10] 19.5	15.025
CI71-104 (CP61-290) E 8-3-70	Monterey Pipeline Co., (successor to Humble Oil & Refining Co.[9]).	United Fuel Gas Co., Duson Field, Lafayette Parish, La.	19.82	15.025
CI71-105 (G-15109) E 8-3-70	do [9]	United Gas Pipe Line Co., Sunrise Field, Terrebonne Parish, La.	18.5	15.025
CI71-106 (G-11872) (G-15110) E 8-3-70	do [9]	Southern Natural Gas Co., Coffee Bay Field, Lafourche Parish, La.	18.5 [10] 19.5 [10] 20.0	15.025
CI71-107 (CP62-27) E 8-3-70	do [9]	Florida Gas Transmission Co., Pecaniere Field, St. Landry Parish, La.	21.08	15.025
CI71-108 (G-10377) E 8-3-70	do [9]	Southern Natural Gas Co., Lake Enfermer Field, Lafourche Parish, La.	18.5	15.025
CI71-109 B 8-6-70	Humble Oil & Refining Co., Post Office Box 2180, Houston, Tex. 77001.	Panhandle Eastern Pipe Line Co., Northwest Dombey Field, Texas County, Okla.	[11]	----
CI71-110 A 8-6-70	Steeple Oil & Gas Corp., 508 Broadway National Bank Bldg., San Antonio, Tex. 78209.	United Gas Pipe Line Co., Seely Field, Bee County, Tex.	18.0	14.65
CI71-111 A 8-7-70	Sentinel Resources Corp., 601 Wall Towers West, Midland, Tex. 79701.	Natural Gas Pipeline Co. of America, Seven Oaks Area, Polk County, Tex.	[12] 19.0816	14.65
CI71-113 A 8-7-70	Ashland Oil, Inc. (Operator) et al., Post Office Box 18695, Oklahoma City, Okla. 73118.	Western Transmission Corp., Browning Area, Carbon County, Wyo.	15.0	14.65
CI71-114 (G-16439) F 8-3-70	George Mitchell & Associates, Inc. (successor to Phillips Petroleum Co.), 12th Floor, Houston Club Bldg., Houston, Tex. 77002.	Natural Gas Pipeline Co. of America, Boonsville (Bend Congl. Gas) Field, Wise County, Tex.	[13] 17.3138	14.65
CI71-116 A 8-7-70	W. B. Osborn, Jr. (Operator) et al., Post Office Box 6767, San Antonio, Tex. 78209.	Panhandle Eastern Pipe Line Co., acreage in Major County, Okla.	[14] 20.0	14.65
CI71-117 A 8-7-70	Edwin L. Cox (Operator), 3800 First National Bank Bldg., Dallas, Tex. 75202.	Texas Gas Transmission Corp., acreage in St. Mary Parish, La.	21.25	15.025
CI71-119 A 8-10-70	Herbert L. Coppock et al., Post Office Box 511, Amarillo, Tex. 79105.	Pioneer Gas Production Co., and Oklahoma Natural Gas Gathering Corp., Ringwood Field, Major County, Okla.	15.0	14.65
CI71-120 A 8-10-70	Commonwealth Gas Corp., 801 Union Bldg., Charleston, W. Va. 25325.	United Fuel Gas Co., Ripley and Ravenswood Districts, Jackson County, W. Va.	30.0	15.325
CI71-121 A 8-7-70	Burk Gas Corp., 800 Oil & Gas Bldg., Wichita Falls, Tex.	Northern Natural Gas Co., acreage in Beaver County, Okla.	[13] 20.0	14.65
CI71-122 B 8-10-70	Cities Service Oil Co., Post Office Box 300, Tulsa, Okla. 74102.	Pennzoil United, Inc., Peytona-Emmons Field, Boone County, W. Va.	Uneconomical	----
CI71-123 A 8-6-70	Pennzoil United, Inc., Post Office Drawer 1588, Parkersburg, W. Va. 26101.	United Fuel Gas Co., Rocky Fork Field, Kanawha County, W. Va.	28.0	15.325
CI71-124 B 8-10-70	Gulf Oil Corp., Post Office Box 1589, Tulsa, Okla. 74102.	El Paso Natural Gas Co., Wimberly Field, Pecos County, Tex.	[15]	----
CI71-125 B 8-10-70	Union Oil Co. of California, Post Office Box 1407, Shreveport, La. 71102.	United Gas Pipe Line Co., Tri Channel Field, Nueces County, Tex.	Depleted	----
CI71-126 A 8-11-70 [16]	Continental Oil Co., Post Office Box 2197, Houston, Tex. 77001.	Montana-Dakota Utilities Co. and Kansas-Nebraska Natural Gas Co., Inc., Wind River Basin, Riverton East Field, Fremont County, Wyo.	[14] 17.5	14.65
CI71-127 A 8-11-70 [17]	do	do	[14] 17.5	14.65
CI71-128 A 8-11-70	do	Arkansas Louisiana Gas Co., Southwest Calumet Area, Canadian County, Okla.	[14] 20.0	14.65
CI71-129 (G-17008) F 8-7-70	Clinton Oil Co. (Operator) et al. (successor to Humble Oil & Refining Co.), 217 North Water St., Wichita, Kans. 67202.	El Paso Natural Gas Co., Amacker-Tippett Field, Upton County, Tex.	[18] 16.2760	14.65
CI71-130 (G-11033) F 8-7-70	do	El Paso Natural Gas Co., acreage in Upton County, Tex.	[18] 16.2760	14.65
CI71-131 A 8-13-70	Tribal Oil Co., et al., Post Office Box 52343, Oil Center Station, Lafayette, La. 70501.	Trunkline Gas Co., Bearhead Creek Field, Beauregard Parish, La.	21.25	15.025
CI71-132 (G-13324) F 8-10-70	Texas Oil & Gas Corp. (Operator) (successor to Mobil Oil Corp.), 2700 Fidelity Union Tower, Dallas, Tex. 77002.	Michigan Wisconsin Pipe Line Co., LaVerne Field, Harper County, Okla.	[19] 20.0	14.65
CI71-133 A 8-13-70	Sanford E. McCormick et al., 1204 Tenneco Bldg., Houston, Tex. 77002.	Florida Gas Transmission Co., Keeran Ranch Field, Victoria County, Tex.	17.0	14.65
CI71-134 A 8-13-70	Mobil Oil Corp., Post Office Box 1774, Houston, Tex. 77001.	Michigan Wisconsin Pipe Line Co., Woodward Area, Dewey County, Okla.	[14] 15.0	14.65
CI71-135 A 8-12-70	Cameron Oil & Gas Co., Post Office Box 1462, Charleston, W. Va. 25325.	Cumberland & Allegheny Gas Co., acreage in Upshur County, W. Va.	20.0	15.325
CI71-136 A 8-17-70	Woods Petroleum Corp., 4900 North Santa Fe, Oklahoma City, Okla. 73118.	Cities Service Gas Co., East Niles Morrow Field, Canadian County, Okla.	[14] 22.0	14.65
CI71-137 A 8-11-70	Crown Petroleum, Inc., 409 Bank of the Southwest Bldg., Amarillo, Tex. 79109.	Northern Natural Gas Co., North Hansford Morrow Field, Mansford County, Tex.	[14] 20.5	14.65
CI71-139 A 8-17-70	Getty Oil Co., Post Office Box 1404, Houston, Tex. 77001.	Transcontinental Gas Pipe Line Corp., Brazos Area-South Addition Block A-76 Field, Offshore Matagordo County, Tex.	[14] 23.0	14.65
CI71-140 B 8-17-70	Sierra Petroleum Co., Inc. (Operator) et al.	Cities Service Gas Co., Palmer Field, Barber County, Kans.	Depleted	----

See footnotes at end of table.

[1] Rate in effect subject to refund in Docket No. RI67-112.
[2] Service never commenced from subject acreage and such acreage has been released from contract.
[3] Applicant proposes to collect this rate subject to refund in Docket No. RI70-870. Humble is collecting 19.7926 cents per Mcf, including 0.1463 cent per Mcf reimbursement for prior taxes paid, subject to refund in said proceeding.
[4] Amendment to certificate filed to increase daily contract quantity.
[5] Corrects filing submitted Aug. 11, 1970, to reflect addition of acreage rather than succession. By letter dated Aug. 11, 1970, applicant advised that the name of Arthur N. Rupe, d.b.a. Artex Oil Co. should be changed to Arthur N. Rupe.
[6] Working interest conveyed to Pan American Petroleum Corp.
[7] Includes 2.5 cents per Mcf for liquid hydrocarbon content.
[8] Subject to 0.02 cent per Mcf for recovery of construction loan.
[9] Successor in interest to Humble Gas Transmission Co. Humble Oil & Refining Co. never made certificate filings covering subject acreage.
[10] Production from newly discovered reservoirs on previously committed acreage.
[11] Certain leases were assigned and others released from contract.
[12] Includes 1.2816 cents per Mcf upward B.t.u. adjustment. Subject to upward and downward B.t.u. adjustment.
[13] Subject to upward B.t.u. adjustment.
[14] Subject to upward and downward B.t.u. adjustment.
[15] Deliveries of gas under the subject contract were not commenced and there are no leases committed to the contract.
[16] Nugget Gas.
[17] Phosphoria Gas.
[18] Rate in effect subject to refund in Docket No. RI70-869.
[19] Rate in effect subject to refund in Docket No. RI-70-464. Subject to upward and downward B.t.u. adjustment.

[F.R. Doc. 70-11935; Filed, Sept. 10, 1970; 8:45 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-227]

GULF GENERAL ATOMIC, INC.

Notice of Issuance of Amendment to Facility License

No request for a hearing or petition for leave to intervene having been filed following publication of the notice of proposed action in the FEDERAL REGISTER on June 9, 1970 (35 F.R. 8897), the Atomic Energy Commission (the Commission) has issued Amendment No. 2 to Facility License No. R-100 to Gulf General Atomic, Inc. The amendment authorizes operation of the modified TRIGA Mark III reactor facility located at Torrey Pines Mesa near San Diego, Calif. The modifications were authorized by Construction Permit No. CPRR-109.

The Commission has found that the application for the amendment, as supplemented, complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations as published in 10 CFR, Chapter I.

Copies of the amendment to the facility license will be available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., or upon request sent to the Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 2nd day of September 1970.

For The Atomic Energy Commission.

DENNIS L. ZIEMANN,
Acting Assistant Director for Reactor Operations, Division of Reactor Licensing.

[F.R. Doc. 70-12019; Filed, Sept. 10, 1970; 8:45 a.m.]

[Docket No. 50-188]

KANSAS STATE UNIVERSITY

Notice of Issuance of Amendment to Facility License

The Atomic Energy Commission (the Commission) has issued, effective as of the date of issuance, Amendment No. 4 to Facility License No. R-88 dated October 16, 1962. The license authorizes the Kansas State University to possess, use, and operate the TRIGA Mark II nuclear reactor located on the University's campus at Manhattan, Kans. The amendment authorizes an increase from 2.860 kilograms to 3.400 kilograms of contained uranium-235 which the Univeristy may receive, possess, and use in connection with operation of the reactor. The increase in material is to accommodate a long-range refueling program involving replacement of the present aluminum clad elements with stainless-steel clad elements.

The use of stainless-steel clad fuel elements in a mixture with the older type aluminum clad fuel elements has been authorized for other TRIGA reactors. The new fuel elements have been shown to have improved performance characteristics over the original aluminum clad fuel elements. We have determined that other changes to the Technical Specifications are not required and have concluded that the use of the stainless-steel clad fuel elements will not diminish the safety of operation of the TRIGA reactor.

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 Ch. 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 June 15, 1970, (2) the amendment to the facility license, and (3) the change to the Technical Specifications, which are available for public inspection at the Commission's Public Document Room at 1717 H Street NW., Washington, D.C. Copies of the amendment may be obtained upon request sent to the Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 31st day of August 1970.

For the Atomic Energy Commission.

DONALD J. SKOVHOLT,
Assistant Director for Reactor Operations, Division of Reactor Licensing.

[F.R. Doc. 70-12020; Filed, Sept. 10, 1970; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 22496]

ALITALIA-LINEE AEREE ITALIANE-S.p.A.

Notice of Postponement of Prehearing Conference

Pursuant to the request of Counsel for Alitalia Airlines, by letter dated September 4, 1970, the prehearing conference in this matter is postponed to September 24, 1970, at 10 a.m., e.d.s.t., in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C.

Requests for evidence and proposed statements of issues, stipulations, and procedural dates, shall be exchanged between the parties, and copies submitted to the Examiner on September 17, 1970.

Dated at Washington, D.C., September 4, 1970.

[SEAL] RALPH L. WISER,
Associate Chief Examiner.

[F.R. Doc. 70-12080; Filed, Sept. 10, 1970; 8:49 a.m.]

[Docket No. 22463]

KUONI TRAVEL, INC.

Notice of Hearing

Notice is hereby given, pursuant to the Federal Aviation Act of 1958, as amended, that hearing in the above-entitled proceeding will be held on September 16, 1970, at 10 a.m., e.d.t., in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner Ross I. Newmann.

For details of the issues involved in this proceeding, interested persons are referred to the Prehearing Conference Report and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., September 4, 1970.

[SEAL] ROSS I. NEWMANN,
Hearing Examiner.

[F.R. Doc. 70-12081; Filed, Sept. 10, 1970; 8:49 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[FCC 70-953]

ESTABLISHMENT OF DOMESTIC COMMUNICATION-SATELLITE FACILITIES BY NONGOVERNMENTAL ENTITIES

Dates for Filing of Applications and Comments

SEPTEMBER 3, 1970.

Cutoff date for the filing of applications for domestic communications satellite systems and dates for the filing of comments on the proposed rule making in Docket 16495.

1. In its report and order issued on March 24, 1970 in Docket No. 16495 (22 FCC 2d 86) (35 F.R. 5356), the Commission stated that it would specify a time period for the filing of applications for domestic communications satellite systems to be considered in conjunction with the initial application accepted for filing and for comments on the proposed rule making in Docket No. 16495 (notice of

proposed rule making, 22 FCC 2d 810, 35 F.R. 5351). On August 7, 1970, we gave public notice (35 F.R. 12867) (FCC 70-865) that the Western Union Telegraph Co. (Western Union) had submitted applications for a domestic system which we considered to be substantially complete and acceptable for filing. In that notice we requested potential applicants desiring consideration with the Western Union application to file estimates on or before August 19, 1970, as to how much time would be necessary for submission of their proposals.

2. Time estimates have been received from a number of potential applicants. Those responding and the times requested are as follows:

American Telephone & Telegraph Co., Oct. 15, 1970.
Hughes Aircraft Co., Oct. 15, 1970.
TelePrompTer Corp., Oct. 15, 1970.
Communications Satellite Corp., Oct. 23, 1970.
RCA Global Communications, Inc., Nov. 15, 1970.
Data Transmission Co., Dec. 1, 1970.
General Telephone & Electronics Corp., Jan. 1, 1971.
Microwave Communications, Inc., Mar. 31, 1971.
TRW Systems Group of TRW Inc., No estimate.

In addition, the ABC, CBS, and NBC networks state that they would require 90 days within which to reach more specific judgments and to estimate a time for the filing of any applications that may be submitted by them.

3. After consideration of the various estimates, we are of the view that December 1, 1970, would constitute an appropriate cutoff date. Accordingly, applications for domestic communications satellite systems filed on or before December 1, 1970, will be considered in conjunction with the applications of Western Union listed below. We are making one exception. In the event that the ABC, NBC, and CBS networks apprise the Commission within 15 days after the cutoff date that they intend to file applications for a domestic system, a date for submission of such applications will be specified by further order of the Commission. As stated in the report and order (22 FCC 2d at 98) and in the notice of proposed rule making (22 FCC 2d at 811), applicants may submit comments on the proposed rule making together with their applications. Other interested persons may file comments on or before January 5, 1971. Reply comments by applicants and other interested persons may be filed on or before February 3, 1971. In accordance with the provisions of § 1.419 of the Commission's rules and of the report and order in Docket No. 16495, an original and 14 copies of all applications, comments, replies, pleadings, briefs, or other documents filed in this proceeding shall be furnished to the Commission. As indicated in the notice of proposed rule making (22 FCC 2d at 812), in reaching its decision on these applications and on the proposed rule making, the Commission may take into account any other relevant information before it, in addition to the comments of the parties and the applications. With respect to the point-to-point microwave applications filed by Western Union in the Domestic Public Radio Service, the cutoff provisions of § 21.30(b) of the Commission's rules are superseded by the cutoff date prescribed herein except for frequency interference. Applicants and other interested persons are requested to utilize the rule making procedure in Docket No. 16495 rather than filing petitions to deny domestic satellite applications pursuant to section 309 of the Communications Act.

4. The applications of Western Union which have been accepted for filing are as follows: [1]

[1] It should be noted that Western Union's overall description of its proposal has not been assigned a file number.

DOMESTIC COMMUNICATIONS SATELLITE SERVICE

SPACE STATIONS

1-DSS-P-71—The Western Union Telegraph Co. (New), C.P. for a space station to be placed in geostationary orbit at 95° west longitude. Satellite will have 12 transponders with receive frequencies in 5925-6425 MHz band and transmit frequencies in 3700-4200 MHz band. Satellite will have a single 60-inch diameter mechanically despun antenna with multiple antenna feeds providing a 6.8° x 3.5° (33 dbw) beam to coterminus United States, a 2.8° (26 dbw) beam to Alaska, and a 2.8° (26 dbw) beam to Hawaii.

2-DSS-P-71—The Western Union Telegraph Co. (New), C.P. for a space station to be placed in geostationary orbit at 116° west longitude. Parameters same as 1-DSS-P-71.

3-DSS-P-71—The Western Union Telegraph Co. (New), C.P. for a space station to be placed in geostationary orbit at 116° west longitude. Parameters same as 1-DSS-P-71.

EARTH STATIONS

1-DSE-P-71—The Western Union Telegraph Co. (New), C.P. for an earth station to be located in Glenwood, N.J. at latitude 41°12'08" N. and longitude 74°30'44" W. Station will receive in 3700-4200 MHz band and transmit in 5925-6425 MHz band. Power output will be 330 watts with EIRP of 83 dbw main beam and +3dbw/4 khz in horizontal plane. Station will use three 45-foot diameter antennas with multihorn cassegrain feeds.

2-DSE-P-71—The Western Union Telegraph Co. (New), C.P. for an earth station to be located near Lakeview, Calif., at latitude 33°52'01" N. and longitude 117°07'33" W. Parameters same as 1-DSE-P-71 with two 45-foot-diameter antennas.

3-DSE-P-71—The Western Union Telegraph Co. (New), C.P. for an earth station to be located at Estill Fork, Ala., at latitude 34°54'30" N. and longitude 86°09'46" W. Parameters same as 1-DSE-P-71 with one 45-foot-diameter antenna.

4-DSE-P-71—The Western Union Telegraph Co. (New), C.P. for an earth station to be located in Yacolt, Wash., at latitude 45°50'13" N. and longitude 122°22'47" W. Parameters same as 1-DSE-P-71 with one 45-foot-diameter antenna.

5-DSE-P-71—The Western Union Telegraph Co. (New), C.P. for an earth station to be located at Yucana, Ark., at latitude 34°37'27" N. and longitude 94°05'54" W. Parameters same as 1-DSE-P-71 with one 45-foot-diameter antenna.

POINT-TO-POINT MICROWAVE RADIO SERVICE

655-C1-P-71—The Western Union Telegraph Co. (New), C.P. for new station Estill Fork Tower, Ala., located 0.4 mile southeast of Estill Fork, Ala. Frequencies: 11,325 and 11,485 MHz vertical polarization toward Jack Gap, Ala.

656-C1-P-71—The Western Union Telegraph Co. (New), C.P. for new station Jack Gap, Ala., located 1.4 miles north of Hytop, Ala. Frequencies: 10,875 and 11,035 MHz vertical polarization toward Estill Fork Tower, Ala., and 6034.2 and 6152.8 MHz vertical polarization toward Hinkle, Ga.

657-C1-P-71—The Western Union Telegraph Co. (New), C.P. for new station Hinkle, Ga., located 3.5 miles southwest of Hinkle, Ga. Frequencies: 6256.5 and 6375.2 MHz vertical polarization toward Jack Gap, Ala. and 6286.2 and 6404.8 MHz toward Grassy Mountain, Ga.

658-C1-P-71—The Western Union Telegraph Co. (New), C.P. for new station Grassy Mountain, Ga., located 4.3 miles east of Crandall, Ga. Frequencies: 6004.5 and 6123.1 MHz vertical polarization toward Hinkle, Ga., and 6004.5 and 6123.1 MHz horizontal polarization toward High House, Ga.

659-C1-P-71—The Western Union Telegraph Co. (Pending), Add frequencies 6226.9 MHz and 6345.5 MHz horizontal polarization toward Grassy Mountain, Ga. Station location: High House, Ga., 3.1 miles south of Newport, Ga. (FCC File No. 5632-C1-P-70.)

660-C1-P-71—The Western Union Telegraph Co. (New), C.P. for new station Glenwood, N.J., located 4.7 miles northeast of Hamburg, N.J. Frequencies: 11,225 and 11,305 MHz horizontal polarization toward Warwick, N.Y. via passive reflector at Livingston Mountain, N.J. (latitude 41°12'46" N., longitude 74°26'37" W.), and 11,265, 11,345, 11,505, and 11,585 MHz horizontal polarization toward Warwick, N.Y. via passive reflector at Highland Lakes, N.J. (latitude 41°10'46" N., longitude 74°28'42" W.).

661-C1-P-71—The Western Union Telegraph Co. (KEL61), Add frequencies 11,015 and 11,095 MHz horizontal polarization toward Glenwood, N.J. via passive reflector at Livingston Mountain, N.J. (latitude 41°12'46" N., longitude 74°26'37" W.), and 10,735, 10,975, 10,815, 11,055, 10,895, 11,135 MHz horizontal polarization, 10,775, 11,015, 10,855, 11,095, 10,935, 11,175 MHz vertical polarization toward Glenwood, N.J. via passive reflector at Highland Lakes, N.J. (latitude 41°10'46" N., longitude 74°28'42" W.), and 10,735, 10,815, 10,895, 10,975 MHz vertical polarization toward High Mountain, N.J., and 6034.2 and 6152.8 MHz vertical polarization and antenna change toward New York, N.Y. Station location: Warwick, 2.8 miles south of Warwick, N.Y.

POINT-TO-POINT MICROWAVE RADIO SERVICE—continued

662–C1–P–71—The Western Union Telegraph Co. (New), C.P. for new station High Mountain, N.J., located 1.3 miles northwest of North Haledon, N.J. Frequencies: 11,225, 11,465, 11,305, 11,545, 11,385, 11,625 MHz horizontal polarization, 11,265, 11,505, 11,345, 11,585, 11,425 11,665 MHz vertical polarization toward Warwick, N.Y., and 11,265, 11,345, 11,505, 11,585 MHz horizontal polarization toward New York, N.Y.

663–C1–P–71—The Western Union Telegraph Co. (KEA75), Add frequencies 10,735, 10,975, 10,815, 11,055, 10,895, 11,135 MHz horizontal polarization, 10,775, 11,015, 10,855, 11,095, 10,935, 11,175 MHz vertical polarization toward High Mountain, N.J., and 6256.5 and 6375.1 MHz vertical polarization toward Warwick, N.Y. Station location: 60 Hudson Street, New York, N.Y.

664–C1–P–71—The Western Union Telegraph Co. (New), C.P. for new station Lakeview, Calif., located 2.1 miles north-northwest of Lakeview, Calif. Frequencies: 11,225, 11,305, 11,385, 11,545, 11,625 MHz vertical polarization, 11,345, 11,505, 11,585, 11,665 MHz horizontal polarization toward Bernasconi Hills, Calif.

665–C1–P–71—The Western Union Telegraph Co. (New), C.P. for new station Bernasconi Hills, Calif., located 2.3 miles north-northwest of Lakeview, Calif. Frequencies: 10,735, 10,815, 10,895, 10,975 MHz horizontal polarization, 10,775, 10,855, 10,935, 11,015 MHz vertical polarization toward Lakeview, Calif., and 10,735, 10,815, 10,895, 11,055, 11,135 MHz vertical polarization, 10,855, 10,935, 11,095, 11,175 MHz horizontal polarization toward Sierra Peak, Calif.

666–C1–P–71—The Western Union Telegraph Co. (KNJ72), Add frequencies 11,265, 11,345, 11,505, 11,585 MHz vertical polarization, 11,225, 11,305, 11,465, 11,625 MHz horizontal polarization toward Bernasconi Hills, Calif., and 11,225, 11,305, 11,385, 11,465, 11,545 MHz vertical polarization toward Puente Hills, Calif. Station location: Sierra Peak, Calif., 5 miles west-southwest of Corona, Calif.

667–C1–P–71—The Western Union Telegraph Co. (New), C.P. for new station Puente Hills, Calif., located 1.3 miles northeast of LaHabra Heights, Calif. Frequencies: 10,775, 10,855, 10,935, 11,095 MHz vertical polarization toward Sierra Peak, Calif., and 10,775, 10,855, 10,935, 11,095, 11,175 MHz horizontal polarization toward Los Angeles, Calif.

668–C1–P–71—The Western Union Telegraph Co. (KNJ70), Add frequencies 11,225, 11,305, 11,465, 11,545 MHz horizontal polarization toward Puente Hills, Calif. Station location: 656 South Los Angeles Street, Los Angeles, Calif.

669–C1–P–71—The Western Union Telegraph Co. (New), C.P. for new station Yacolt Tower, Wash., located 2.3 miles southeast of Yacolt. Frequencies: 10,895 and 11,055 MHz vertical polarization toward Elkhorn, Wash., via passive reflector at Bells Mountain, Wash. (latitude 45°48′54″ N., longitude 122°23′29″ W.).

670–C1–P–71—The Western Union Telegraph Co. (New), C.P. for new station Elkhorn, Wash., located 5.6 miles east of School, Wash. Frequencies: 11,345 and 11,505 MHz vertical polarization toward Yacolt Tower, Wash., via passive reflector at Bells Mountain, Wash., latitude 45°48′54″ N., longitude 122°23′29″ W., and 11,305 and 11,465 MHz vertical polarization toward Portland, Oreg.

671–C1–P–71—The Western Union Telegraph Co. (New), C.P. for new station Portland, Oreg., located Portland Towers Building, 21st Avenue and Salmon Streets, Portland, Oreg. Frequencies: 11,015 and 11,175 MHz vertical polarization toward Elkhorn, Wash.

672–C1–P–71—The Western Union Telegraph Co. (New), C.P. for new station Yucana Tower, Ark., located 2.9 miles northeast of Ink, Ark. Frequencies: 11,325 and 11,485 MHz horizontal polarization toward Eagleton, Ark.

673–C1–71—The Western Union Telegraph Co. (New), C.P. for new station Eagleton, Ark., located 2.5 miles north of Mena, Ark. Frequencies: 10,715 and 10,875 MHz horizontal polarization toward Yucana Tower, Ark., and 5945.2 and 6063.8 MHz vertical polarization toward Albion, Okla.

674–C1–P–71—The Western Union Telegraph Co. (New), C.P. for new station Albion, Okla., located 2.8 miles northwest of Albion, Okla. Frequencies: 6226.9 and 6345.5 MHz vertical polarization toward Eagleton, Ark., and 6256.5 and 6375.2 MHz vertical polarization toward Dunbar, Okla.

675–C1–P–71—The Western Union Telegraph Co. (New), C.P. for new station Dunbar, Okla., located 1.5 miles west of Dunbar, Okla. Frequencies: 5974.8 and 6093.5 MHz vertical polarization toward Albion, Okla., and 6004.5 and 6123.1 MHz vertical polarization toward Cade, Okla.

POINT-TO-POINT MICROWAVE RADIO SERVICE—continued

676–C1–P–71—The Western Union Telegraph Co. (New), C.P. for new station Cade, Okla., located 6 miles west of Boswell, Okla. Frequencies: 6286.2 and 6404.8 MHz vertical polarization toward Dunbar, Okla., and 6286.2 and 6404.8 MHz horizontal polarization toward Utica, Okla.

677–C1–P–71—The Western Union Telegraph Co. (KLS53), Add frequencies 6004.5 and 6123.1 MHz horizontal polarization toward Cade, Okla., and 6034.2 and 6152.8 MHz vertical polarization toward Bells, Tex. Station location: Utica, Okla., 1 mile north of Utica, Okla.

678–C1–P–71—The Western Union Telegraph Co. (KLS54), Add frequencies 6256.5 and 6375.2 MHz vertical polarization toward Utica, Okla., and 6286.2 and 6404.8 MHz vertical polarization and antenna change toward Merit, Tex. Station location: Bells, Tex., 4 miles southeast of Bells, Tex.

679–C1–P–71—The Western Union Telegraph Co. (KLS55), Add frequencies 6004.5 and 6123.1 MHz vertical polarization toward Bells, Tex., and 6034.2 and 6152.8 MHz vertical polarization toward Quinlan, Tex. Station location: Merit, Tex., 3.5 miles east-northeast of Merit, Tex.

680–C1–P–71—The Western Union Telegraph Co. (KLS56), Add frequencies 6256.5 and 6375.2 MHz vertical polarization toward Merit, Tex., and 6286.2 and 6404.8 MHz vertical polarization toward Forney, Tex. Station location: Quinlan, Tex., 4.8 miles south of Quinlan, Tex.

681–C1–P–71—The Western Union Telegraph Co. (KLS57), Add frequencies 6004.5 and 6123.1 MHz vertical polarization toward Quinlan, Tex., and 6034.2 and 6152.8 MHz vertical polarization toward Dallas, Tex. Station location: Forney, Tex., 3.5 miles southwest of Forney, Tex.

682–C1–P–71—The Western Union Telegraph Co. (KLS58), Add frequencies 6256.5 and 6375.2 MHz vertical polarization toward Forney, Tex. Station location: Dallas Southland Life Building, Dallas, Tex.

(Informative: Applicant proposes to construct a domestic satellite system to provide message and TV communications services to Alaska, Hawaii, and the coterminous 48 States. Applicant states that applications are not being made at this time for the Alaska and Hawaii earth stations, receive only or transportable earth stations. They are covered in the instant applications to the extent necessary to support the technical and operational descriptions of the proposed system.)

Action by the Commission September 2, 1970.[1]

[SEAL]

FEDERAL COMMUNICATIONS COMMISSION,
BEN F. WAPLE,
Secretary.

[F.R. Doc. 70–12013; Filed, Sept. 10, 1970; 8:45 a.m.]

[Report No. 508]

COMMON CARRIER SERVICES INFORMATION[2]

Domestic Public Radio Services Applications Accepted for Filing[3]

SEPTEMBER 8, 1970.

Pursuant to §§ 1.227(b)(3) and 21.30 (b) of the Commission's rules, an application, in order to be considered with any domestic public radio services application appearing on the below list, must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business 1 business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as

[1] Commissioners Burch (Chairman), Bartley, Robert E. Lee, Johnson and Wells.

[2] All applications listed below are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations and other requirements.

[3] The above alternative cutoff rules apply to those applications listed below as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio, and Local Television Transmission Services (Part 21 of the rules).

having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cutoff dates are set forth in the alternative—applications will be entitled to consideration with those listed below if filed by the end of the 60-day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to § 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS COMMISSION,
BEN F. WAPLE,
Secretary.

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

File No., applicant, call sign, nature of application

1179–C2–P–(4)71—The Bell Telephone Co. of Pennsylvania (KGA476), C.P. for additional facilities to operate on frequencies 454.375, 454.400, 454.425, and 454.475 MHz. Station location: 4224 Mount Troy Road, Pittsburgh, Pa.

1180–C2–P–71—Lafayette Radiofone (KKO352), C.P. for an additional channel to operate on frequency 152.15 MHz. Station location: Approximately 1 mile west of Lafayette, La.

1181–C2–P–71—Lafayette Radiofone (KLF621), C.P. to change the antenna system and relocate facilities to approximately 1 mile west of Lafayette, La., operating on frequency 152.24 MHz.

1182–C2–P–71—COMEX, Inc. (KCC797), C.P. for additional facilities to operate on frequency 454.100 MHz at a new site described as Hyland Hill, approximately 5 miles northwest of Keene, N.H., location No. 3.

1186–C2–P–(4)71—Tracy Mobilphone (KMM630), C.P. to add frequency 152.12 MHz base and 72.58 MHz repeater at location No. 1: On Morgan Territory Road, 10 miles north of Livermore, Calif.; add frequency 75.46 MHz control at location No. 2: 2171 Ralph Avenue, Stockton, Calif., and add frequency 152.12 MHz at a new site to be described as location No. 3: 242 North Sutter Street, Stockton, Calif.

1250–C200071—RCC of Virginia, Inc. (KLF471), C.P. to replace the transmitter operating on frequency 152.03 MHz located at 1.5 miles south of Intersection Routes 669 and 601, 1.5 miles west of Matoaca, Va.

1251–C2–P–(2)–71—Mobilfone (KKM254), C.P. to replace the repeater transmitter operating on 459.10 MHz at location No. 1: 0.125 mile south of Laferia, Tex., and replace the control transmitter operating on 454.10 MHz at location No. 2: 2.5 miles north of U.S. Highway No. 83, on North 10th Street, McAllen, Tex.

1252–C2–P–(3)–71—Southwestern Bell Telephone Co. (KKC267), C.P. to add a third channel to operate on frequency 152.66 MHz; replace the transmitters operating on 152.51 and 152.63 MHz; change the antenna system located at 11 miles south of Abilene, Tex., and add auxiliary test facilities to operate on frequencies 157.77, 157.89, and 157.92 MHz at 366 Cypress Street, Abilene, Tex.

9041–C2–AL–70—Page A Fone Corp., Consent to assignment of license from Page A Fone Corp., Assignor, to Don Swindle, doing business as Telecon Co. Assignee, station KLB502, Sherman, Tex.

Major Amendment

5300–C2–P–69—Empire Dispatch Inc. (New), Amend C.P. for a new one-way station. Frequency: 152.24 MHz. Location: 2109 South 23d Avenue, Greeley, Colo.

3387–C2–P–(2)–70—Kidd's Communications Inc. (KMA257), Amend to change control frequency to 72.16 MHz at location No. 2: 215 East 18th Street, Bakersfield, Calif., and add repeater on frequency 75.42 MHz at location No. 5: Granite Station Hill, Calif.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIER)

1183–C1–P–71—The Mountain States Telephone & Telegraph Co. (KPQ58), C.P. to add frequency 2125.2 MHz toward Highland Flats, Wyo., a new point of communication. Station location: 6 miles south-southwest of Casper, Wyo.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIER)—continued

1184–C1–P–71—The Mountain States Telephone & Telegraph Co. (New), C.P. for a new station to be located 19.2 miles southwest of Bill, Wyo. Frequency: 2175.2 MHz toward Casper Mountain, Wyo.

1185–C1–P–71—Dubois Telephone Exchange, Inc. (New), C.P. for a new station to be located 85 feet west of First Street and 65 feet north of Welty Street, Dubois, Wyo. Frequencies: 6041.6 and 11285 MHz toward Whiskey Mountain, Wyo.

4049–C1–R–71—The Pacific Telephone & Telegraph Co. (KMB68), Renewal of developmental license expiring Oct. 28, 1970. Term: Oct. 28, 1970 to Oct. 28, 1971.

6445–C1–R–71—The Pacific Telephone & Telegraph Co. (KNZ36), Renewal of developmental license expiring Oct. 28, 1970. Term: Oct. 28, 1970 to Oct. 28, 1971.

1253–C1–P–71—The Mountain States Telephone & Telegraph Co. (KPR61), C.P. to change frequency 6278.8 MHz to 6397.4 MHz toward Copper Mountain. Station location: 602 East Washington Street, Riverton, Wyo.

1254–C1–P–71—The Mountain States Telephone & Telegraph Co. (KPR60), C.P. to change frequency 11,565 MHz to 5997.1 MHz toward Whiskey Mountain, Wyo. Station location: Copper Mountain, 16 miles southeast of Thermopolis, Wyo.

1255–C1–P–71—The Mountain States Telephone & Telegraph Co. (KPX40), C.P. to add frequencies 6293.6 and 10,755 MHz toward Dubois, Wyo., and change frequency 10,875 MHz to 6278.8 MHz toward Copper Mountain, Wyo. Station location: 4.7 miles south-southeast of Dubois, Wyo. (Whiskey Mountain).

1256–C1–P–71—Northwestern Bell Telephone Co. (KAX45), C.P. to add frequency 4070 MHz toward Gretna, Nebr. Station location: 118 South 19th Street, Omaha, Nebr.

1257–C1–P–71—Northwestern Bell Telephone Co. (KVI33), C.P. to add frequency 4030 MHz toward Lincoln, Nebr. Station location: 4.5 miles south of Gretna, Nebr.

1258–C1–P–71—Illinois Bell Telephone Co. (KSN61), C.P. to add frequency 10,875 MHz and 11,115 MHz toward Ottawa, Ill. Station location: 2.8 miles east-southeast of Norway, Ill.

1259–C1–P–71—Illinois Bell Telephone Co. (KOA40), C.P. to add frequencies 11,325 and 11,565 MHz toward Norway, Ill. Station location: 2.7 miles north-northeast of Ottawa, Ill.

Major Amendment

6936–C1–P–70—Mountain States Telephone & Telegraph Co. (New), Change frequency 6078.6 MHz toward Walsenburg, Colo., to 11,135 MHz. Station location: Ravenwood, 4.8 miles east-southeast of Walsenburg, Colo.

6937–C1–P–70—Mountain States Telephone & Telegraph Co. (New), Change frequency 6330.7 MHz toward Ravenwood, Colo., to 11,545 MHz. Station location: 135 East Fifth Street, Walsenburg, Colo. All other particulars same as reported in Public Notice dated May 4, 1970. Report No. 490.

7980–C1–P–70—United Telephone Co. of the West (New), Change frequencies to 6212.0 and 6330.7 MHz.

7982–C1–P–70—United Telephone Co. of the West (New), Change frequencies toward Guernsey, Wyo., to 5960.0 and 6049.0 MHz and the frequency 5974.8 MHz directed toward Lingle, Wyo., to 6019.4 MHz. All other particulars same as reported in Public Notice Report No. 495 dated June 8, 1970.

POINT-TO-POINT MICROWAVE RADIO SERVICE (NONTELEPHONE)

1248–C1–AL–(3)–71—Cablecom-General, Inc., Consent to transfer of Assignment of licenses from Cablecom-General, Inc., grantee to: Microvideo, Inc. Assignee. Stations: KLJ73, Cold Spring, Tex., KLJ74, Carmona, Tex., KLH82, Muenster, Tex.

[F.R. Doc. 70–12099; Filed, Sept. 10, 1970; 8:50 a.m.]

[Dockets Nos. 18963, 18964; FCC 70–921]

CHRISTIAN RADIO FELLOWSHIP, INC. AND FLORIDA-GEORGIA INTERSTATE, INC.

Order Designating Applications for Consolidated Hearing on Stated Issues

In regard applications of Christian Radio Fellowship, Inc., Valdosta, Ga., requests: 101.1 mcs, No. 266; 30 kw.(H); 30 kw.(V); 310.15 feet, Docket No. 18963, File No. BPH–6277; Florida-Georgia Interstate, Inc., Lake Park, Ga., requests: 101.1 mcs, No. 266; 100 kw.; 472 feet, Docket No. 18964, File No. BPH–6805; for construction permits.

1. The Commission has under consideration the above-captioned and described applications which are mutually

exclusive in that operation by the applicants as proposed would result in mutually destructive interference.

2. According to its application, Florida-Georgia Interstate would require $33,200 to construct and operate its proposed station for 1 year without reliance on revenues. To meet this requirement, applicant relies on cash on hand an in banks in the amount of $21,450, revenues and/or a loan from its 100 percent stockholder. However, availability of the former has not been documented nor has the ability of the stockholder to provide the loan been established. Hence, a financial issue is required.

3. In Suburban Broadcasters, 30 FCC 951 (1961), our public notice of August 22, 1968, FCC 68-847, 13 RR 2d 1903, City of Camden (WCAM), 18 FCC 2d 412 (1969), and more recently our [1] Primer on Ascertainment of Community Problems by Broadcast Applicants, FCC 69-1402, released December 19, 1969, we indicated that applicants were expected to provide full information on their awareness of and responsiveness to local community needs and interests. In this case neither applicant appears to have contacted a representative cross-section of its area or adequately provided the comments regarding community problems obtained from such contacts. Likewise neither has adequately provided a listing of specific programs responsive to specific community problems as evaluated. As a result, we are unable at this time to determine whether either of the applicants is aware of and responsive to the needs of the area. Accordingly, Suburban issues are required.

4. Christian Radio Fellowship is a religiously oriented organization and proposes substantial amounts of religious programing. Since it has not indicated clearly the circumstances under which it would provide for the presentation of views by other religious groups, an issue on this matter will be specified.

5. The respective proposals, although for different communities, would serve substantial areas in common. Consequently, in addition to determining, pursuant to section 307(b) of the Communications Act of 1934, as amended, which of the proposals would better provide a fair, efficient and equitable distribution of radio service, a contingent comparative issue will also be specified.

6. A full comparison of the programing proposals is warranted when one applicant proposes predominantly specialized programing and the other, general market programing—Ward L. Jones, FCC 67-82 (1967); Policy Statement on Comparative Broadcast Hearings, 1 FCC 2d 393, footnote 9 at 397 (1965). In this case, Christian Radio Fellowship proposes predominantly religious oriented programing and Florida-Georgia Interstate, general market programing. Therefore, the programing proposals of the applicants may be compared under the contingent comparative issue.

7. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, because the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

8. *It is ordered,* That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

(1) To determine whether Florida-Georgia Interstate has available the additional $11,750 required for construction and first-year operation of its proposed station without reliance on revenues to thus demonstrate its financial qualifications.

(2) To determine the efforts made by Christian Radio Fellowship to ascertain the community needs and interests of the area to be served and the means by which the applicant proposes to meet those needs and interests.

(3) To determine the efforts made by Florida-Georgia Interstate to ascertain the community needs and interests of the area to be served and the means by which the applicant proposes to meet those needs and interests.

(4) To determine whether Christian Radio Fellowship would make time available for the presentation of views by other, including non-Christian, religious groups.

(5) To determine the areas and populations which would receive FM service of 1 mv/m or greater intensity from the respective proposals together with the availability of other primary aural services in such areas.

(6) To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the proposals would better provide a fair, efficient and equitable distribution of radio service.

(7) To determine, in the event it is concluded that a choice between applications should not be based solely on considerations relating to section 307(b), which of the proposals would better serve the public interest.

(8) To determine in the light of the evidence adduced pursuant to the foregoing issues, which, if either, of the applications for construction permit should be granted.

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

10. *It is further ordered,* That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: August 26, 1970.

Released: September 3, 1970.

FEDERAL COMMUNICATIONS COMMISSION,[2]

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

[F.R. Doc. 70-12100; Filed, Sept. 10, 1970; 8:50 a.m.]

[1] Proposed.

[2] Commissioner Robert E. Lee concurring in the result and Commissioner Cox abstaining from voting.

[3] Proposed.

[Dockets Nos. 18971, 18972; FCC 70-925]

CHRISTIAN FELLOWSHIP MISSION, INC., AND TREND BROADCASTING, INC.

Order Designating Applications for Consolidated Hearing on Stated Issues

In regard applications of Christian Fellowship Mission, Inc., Sarasota, Fla., requests: 105.5 mc, No. 288; 3 kw.; 126 feet, Docket No. 18971, File No. BPH-6622; Trend Broadcasting, Inc., Sarasota, Fla., requests: 105.5 mc, No. 288; 3 kw. (H); 3 kw.(V); 222 feet, Docket No. 18972, File No. BPH-6850; for construction permits.

1. The Commission has under consideration the above-captioned and described applications which are mutually exclusive in that operation by the applicants as proposed would result in mutually destructive interference.

2. According to its application Christion Fellowship Mission would require $24,150 to construct and operate its proposed station for 1 year without reliance on revenues. However, this sum includes only $15,000 for first-year operational costs, an amount which appears unduly low for the proposed 100-hour per week schedule. To meet its requirements, applicant relies on cash of $10,862 and a loan for $15,000. No credit, however, can be given for the loan as the lender has not shown his ability to provide it. Accordingly, a financial issue will be specified.

3. According to its application Trend Broadcasting would require $42,800 to construct and operate its proposed station for 1 year without reliance on revenues. Although it relies on a manufacturer's deferred payment plan, it has not shown one to be available. In addition, its operational cost estimate of $15,000 appears unduly low. To meet its requirements, applicant relies on $6,000 in cash and a loan for $32,000; but the total thus available, $38,000, is less than it shows is needed. Accordingly, a financial issue will be specified.

4. In Suburban Broadcasters, 30 FCC 951 (1961), our public notice of August 22, 1968, FCC 68-847, 13 RR 2d 1903, and City of Camden (WCAM), 18 FCC 2d 412 (1969), and more recently in our [3] Primer

on Ascertainment of Community Problems by Broadcast Applicants, FCC 69–1402, released December 19, 1969, we indicated that applicants were expected to provide full information on their awareness of and responsiveness to local community needs and interests. In this case Christian Fellowship Mission does not appear to have contacted a representative cross-section of the area nor adequately provided the comments regarding community problems obtained from such contacts. Moreover, it has not adequately provided a listing of specific programs responsive to specific community problems as evaluated. As a result, we are unable at this time to determine whether Christian Fellowship Mission is aware of and responsive to the needs of the area. Accordingly, a Suburban issue is required.

5. Christian Fellowship Mission is a religious organization and proposes substantial amounts of religious programing. Since it has not indicated whether it would provide for the presentation of views by other religious groups, an issue on this matter will be specified.

6. Review of the Christian Fellowship Mission application indicated a question regarding its authority to construct and operate the proposed station. In response to a letter regarding this matter it referred to its Articles of Incorporation as authorizing such activity. However, these provisions would appear to provide such authorization only if applicant were to operate solely in service of its missionary and evangelical purposes. Such limitation, of course, would not be consistent with its obligation as a licensee and an issue on its authority in this area will be specified.

7. Data submitted by the applicants indicate that there would be a significant difference in the size of the areas and populations which would receive service from the proposals. Consequently, for the purposes of comparison, the areas and populations which would receive FM service of 1 mv/m or greater intensity, together with the availability of other primary aural services in such areas will be considered under the standard comparative issue, for the purpose of determining whether a comparative preference should accrue to either of the applicants.

8. A full comparison of the programing proposals is warranted when one or more applicants proposes predominantly specialized programing and the others, general market programing—Ward L. Jones, FCC 67–82 (1967); Policy Statement on Comparative Broadcast Hearings, 1 FCC 2d 393, footnote 9 at 397 (1965). In this case, Christian Fellowship Mission proposes predominantly religious programing and Trend Broadcasting, general market programing. Therefore, the programing proposals of the applicants may be compared under the standard comparative issue.

9. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, because the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

10. *It is ordered*, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

(1) To determine the amount reasonably required by Christian Fellowship Mission for first-year operation and whether it has available sufficient funds in addition to the $10,862 on hand for construction and first-year operation of its proposed station without reliance on revenues to thus demonstrate its financial qualifications.

(2) To determine the amount reasonably required by Trend Broadcasting for first-year operation and whether it has available sufficient funds in addition to the $38,000 shown in the application for construction and first-year operation of its proposed station without reliance on revenues to thus demonstrate its financial qualifications.

(3) To determine whether Christian Fellowship Mission is authorized by its Articles of Incorporation to construct and operate the proposed station.

(4) To determine the efforts made by Christian Fellowship Mission to ascertain the community needs and interests of the area to be served and the means by which the applicant proposes to meet those needs and interests.

(5) To determine whether Christian Fellowship Mission would make time available for the presentation of views by other, including non-Christian, religious groups.

(6) To determine which of the proposals would, on a comparative basis, better serve the public interest.

(7) To determine in the light of the evidence adduced pursuant to the foregoing issues, which, if either, of the applications for construction permit should be granted.

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

12. *It is further ordered*, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: August 26, 1970.

Released: September 3, 1970.

FEDERAL COMMUNICATIONS COMMISSION,[2]

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 70–12101; Filed, Sept. 10, 1970; 8:50 a.m.]

[Docket Nos. 18965, 18966; FCC 70–922]

COUNTRY RADIO BROADCASTING, INC., AND HERMISTON BROADCASTING CO.

Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues

In regard applications of Country Radio Broadcasting, Inc., Milton-Freewater, Oreg., requests: 1370 kc., 500 w., Day, Class III, Docket No. 18965, File No. BP–17971; Hermiston Broadcasting Co. (KOHU), Hermiston, Oreg., has: 1570 kc., 1 kw., Day, Class II, requests: 1360 kc., 1 kw., DA–N, U, Class III, Docket No. 18966, File No. BP–18078; for construction permits.

1. The Commission has under consideration the above-captioned and described applications which are mutually exclusive in that operation by the applicants as proposed would result in prohibited overlap of contours as defined by § 73.37(a) of the Commission's rules.

2. The principals of Country Radio Broadcasting, Inc., Peter N. Brown, Carol L. Brown, and Fred M. Cox, have interests in standard broadcast station KTIX, Pendleton, Oreg. Mr. Brown is the general manager and 10 percent stockholder, while Mrs. Brown is bookkeeper and traffic manager. Mr. Cox is the program director and assistant manager. Since a grant of their application would result in 1 mv/m contour overlap with KTIX, a substantial question is raised as to whether a violation of § 73.35(a) of the Commission's rules would result. Accordingly, an issue with respect thereto will be included.

3. In Suburban Broadcasters, 30 FCC 1020, 20 RR 951 (1961), our public notice of August 22, 1968, FCC 68–847, 13 RR 2d 1903, and City of Camden (WCAM), 18 FCC 2d 412, 16 RR 2d 555 (1969), and more recently in the Primer on Ascertainment of Community Problems by Broadcast Applicants, FCC 69–1402, released December 19, 1969, the Commission indicated that applicants were expected to provide full information on their awareness of and responsiveness to local community needs and interests. Suburban issues will be included since neither applicant has submitted sufficient information to enable us to conclude that

[2] Commissioner Robert E. Lee concurring in the result; Commissioner Cox abstaining from voting.

a representative cross-section of community leaders and the general public has been consulted.

4. Both of the applicants have failed to supply current financial data. Thus, it will be necessary for them to establish their financial qualifications in hearing and an issue with respect thereto will be included.

5. By letter dated September 30, 1968, Troy G. Young, manager of station KSMK, Hermiston, Oreg., filed an informal objection requesting designation of the KOHU application for hearing on issues to determine (i) whether the proposed operation of KOHU would cause objectionable interference to KSMK; (ii) whether economic injury would be caused to KSMK in the Umatilla, Oreg., area "due to loss of saleable coverage"[1]; and (iii) whether a grant of KOHU would prejudice KSMK's prospects of securing 10 kilowatt Class II–A assignment in the State of Washington.

6. The Commission finds that the objection has no validity. Engineering studies indicate that no interference to KSMK would result. As far as Class II–A operation is concerned, no Class II–A channel has been allocated to the State of Washington, none have been proposed, and there are no Class I channels within 30 kilocycles of 1360. Since KSMK has supplied no data whatsoever with respect to its allegation of economic harm, we cannot conclude that a substantial question of fact has been raised. Accordingly, the objection will be denied.

7. Except as indicated below, the applicants are qualified to construct and operate as proposed. However, because of their mutual exclusivity, the Commission is unable to make the statutory finding that a grant of the applications would serve the public interest, convenience and necessity, and is of the opinion that the applications must be designated for hearing on the issues set forth below.

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

(1) To determine the areas and populations which would receive primary service from the Country Radio Broadcasting, Inc., proposal and the availability of other primary aural (1.0 mv/m or greater in the case of FM) service to such areas and populations.

(2) To determine the areas and populations which may be expected to gain or lose primary service from the proposed operation of station KOHU, Hermiston, Oreg., and the availability of other primary aural (1.0 mv/m or greater for FM) service to such areas and populations.

(3) To determine the efforts made by Country Radio Broadcasting, Inc., to ascertain the community needs and interests of the area to be served and the means by which the applicant proposes to meet those needs and interests.

(4) To determine the efforts made by Hermiston Broadcasting Co. to ascertain the community needs and interests of the area to be served and the means by which the applicant proposes to meet those needs and interests.

(5) To determine whether Country Radio Broadcasting, Inc., is financially qualified to construct and operate its proposed station.

(6) To determine whether Hermiston Broadcasting Co. is financially qualified to construct and operate its proposal.

(7) To determine whether a grant of the application of Country Radio Broadcasting, Inc., would be in contravention of the provisions of § 73.35(a) of the Commission's rules.

(8) To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the proposals would better provide a fair, efficient and equitable distribution of radio service.

(9) To determine, in the light of the evidence adduced pursuant to the foregoing issues, which, if either, of the applications should be granted.

9. *It is further ordered,* That the informal objection by station KSMK is denied.

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

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

Adopted: August 26, 1970.

Released: September 2, 1970.

FEDERAL COMMUNICATIONS COMMISSION,[2]

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

[F.R. Doc. 70-12102; Filed, Sept. 10, 1970; 8:50 a.m.]

[Dockets Nos. 18946, 18947; FCC 70-897]

CROW, INC. AND RICHLAND AVIATION, INC.

Order Designating Applications for Consolidated Hearing on Stated Issues

In regard applications of Crow, Inc., Mansfield, Ohio, Docket No. 18946, File No. 117-A-L-30; Richland Aviation, Inc., Mansfield, Ohio, Docket No. 18947, File No. 32-A-L-40; for aeronautical advisory station to serve the Mansfield-Lahm Airport, Mansfield, Ohio.

1. The Commission's rules (§ 87.251 (a)) provide that only one aeronautical advisory station may be authorized to operate at a landing area. The above-captioned applications both seek Commission authority to operate an aeronautical advisory station at Mansfield-Lahm Airport, Mansfield, Ohio, and, therefore, are mutually exclusive. Accordingly, it is necessary to designate the applications for hearing. Except for the issues specified herein each applicant is qualified.

2. In view of the foregoing; *It is ordered,* That pursuant to the provisions of section 309(e) of the Communications Act of 1934, as amended, the above-captioned applications are hereby designated for hearing in a consolidated proceeding at a time and place to be specified in a subsequent order on the following issues:

(a) To determine which applicant would provide the public with better aeronautical advisory service based on the following considerations:

(1) Location of the fixed-base operation and proposed radio station in relation to the landing area and traffic patterns;

(2) Hours of operation;

(3) Personnel available to provide advisory service;

(4) Experience of applicant and employees in aviation and aviation communications;

(5) Ability to provide information pertaining to primary and secondary communications as specified in § 87.257 of the Commission's rules;

(6) Proposed radio system including control and dispatch points; and

(7) The availability of the radio facilities to other fixed-base operators.

(b) To determine in light of the evidence adduced on the foregoing issues which, if either, of the applications should be granted.

4. *It is further ordered,* That to avail themselves of an opportunity to be heard, Crow, Inc., and Richland Aviation, Inc., pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall within 20 days of the mailing of this order file with the Commission, in triplicate, a written appearance stating an intention to appear on the date set for hearing and present evidence on the issues specified in this order. Failure to file a written appearance within the time specified may result in dismissal of the application with prejudice.

Adopted: August 26, 1970.

Released: September 9, 1970.

FEDERAL COMMUNICATIONS COMMISSION,

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

[F.R. Doc. 70-12103; Filed, Sept. 10, 1970; 8:50 a.m.]

[1] Presumably due to the alleged interference.

[2] Commissioner Robert E. Lee concurring in the result; Commissioner Cox abstaining from voting.

[Dockets Nos. 18977, 18978; FCC 70-933]

GARLAND A. HESS ET AL.

Order Designating Applications for Consolidated Hearing on Stated Issues

In regard applications of Garland A. Hess, William H. Bowen, and Fred Cox, Lewisburg, W. Va., requests: 1310 kc., 5 kw., Day, Docket No. 18977, File No. BP-18009; Robert B. Harvit, Edward L. Shuey, and Woodrow Taylor, doing business as Valley Broadcasting Co., White Sulphur Springs, W. Va., requests: 1310 kc., 5 kw., Day, Docket No. 18978, File No. BP-18229; for construction permits.

1. The Commission has before it for consideration the above applications which are mutually exclusive in that operation as proposed would result in mutually destructive interference.

2. Examination of the Valley Broadcasting application indicates that $111,898 will be required to construct and operate the station for 1 year. This total consists of: Down payment on equipment, $3,300; first-year payments on equipment, $7,100; land and building, $17,000; miscellaneous expense, $8,000; principal and interest on bank loans, $17,900; and working capital, $58,598. The applicant plans to finance this requirement chiefly with three bank loans totaling $140,000. Two of the loans are to be secured by collateral, but the applicant has failed to establish that sufficient collateral will be available. Futhermore, one of the loans is contingent upon Woodrow Taylor securing the endorsement of his wife, and the application does not contain a statement indicating her willingness to do so. Thus, an appropriate financial issue will be included.

3. Since the Lewisburg applicant has failed to keep its financial data current, it will also be necessary for it to establish its financial qualifications in hearing.

4. Since Valley Broadcasting has not received clearance for its antenna tower, an air hazard issue has been included and the Federal Aviation Administration made a party to the proceeding.

5. In Suburban Broadcasters, 30 FCC 1020, 20 RR 951 (1961), in City of Camden (WCAM), 18 FCC 2d 412 (1969), 16 RR 2d 555, and more recently in our proposed Primer on Ascertainment of Community Problems by Broadcast Applicants, FCC 69-1402, released December 19, 1969, we indicated that applicants were expected to provide full information on their awareness of and responsiveness to local community needs and interests. The Lewisburg applicant, however, has failed to supply sufficient information to enable us to determine whether a representative cross-section of community leaders and the general public was consulted. Accordingly, a Suburban issue is required.

6. The respective proposals, although for different communities, would serve substantial areas in common. Consequently, in addition to determining, pursuant to section 307(b) of the Communications Act of 1934, as amended, which of the proposals would better provide a fair, efficient, and equitable distribution of radio service, a contingent comparative issue will also be specified.

7. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

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

(1) To determine the areas and populations which would receive primary service from the proposed operations and the availability of other primary aural service to such areas and populations (1 mv/m or greater in the case of FM).

(2) To determine, with respect to the application of Valley Broadcasting Co., whether;

(a) The collateral required in connection with the prospective bank loans to Woodrow Taylor and Robert B. Harvit can be raised;

(b) The endorsement of Mrs. Woodrow Taylor can be obtained; and

(c) In light of the evidence adduced pursuant to subissues (a) and (b), above, the applicant is financially qualified.

(3) To determine whether Garland A. Hess, William H. Bowen, and Fred Cox are financially qualified.

(4) To determine the efforts made by Garland A. Hess, William H. Bowen, and Fred Cox to ascertain the community needs and interests of the area to be served and the means by which the applicant proposes to meet those needs and interests.

(5) To determine whether there is a reasonable possibility that the tower height and location proposed by Valley Broadcasting Co. would constitute a menace to air navigation.

(6) To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the proposals would better provide a fair, efficient, and equitable distribution of radio service.

(7) To determine, in the event it is concluded that a choice between the applications should not be based solely on considerations relating to section 307(b), which of the operations proposed in the above-captioned applications would, on a comparative basis, better serve the public interest.

(8) To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if either, of the applications should be granted.

9. *It is further ordered,* That the Federal Aviation Administration is made a party to the proceeding.

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

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

Adopted: August 26, 1970.

Released: September 3, 1970.

FEDERAL COMMUNICATIONS COMMISSION,[1]

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

[F.R. Doc. 70-12104; Filed, Sept. 10, 1970; 8:51 a.m.]

[Dockets Nos. 18969, 18970; FCC 70-924]

CAMARILLO BROADCASTING CO. AND HOT AIR RADIO

Order Designating Applications for Consolidated Hearing on Stated Issues

In regard applications of Robert B. Keenan trading as Camarillo Broadcasting Co., Camarillo, Calif., Docket No. 18969, File No. BPH-6625, requests: 95.9 mc, No. 240; 3.0 kw. (H); 3.0 kw.(V); 146 feet, Chester P. Coleman, Frank C. Crothers, and Marilyn Y. Crothers doing business as Hot Air Radio, Camarillo, Calif., Docket No. 18970, File No. BPH-6757, requests: 95.9 mc., No. 240; 3 kw.; 193 feet, for construction permit.

1. The Commission has under consideration the above-captioned and described applications which are mutually exclusive in that operation by the applicants as proposed would result in mutually destructive interference.

2. According to his application Robert B. Keenan would require $38,823 to construct and operate his proposed station for 1 year without reliance on revenues. To meet this requirement, applicant relies on net liquid assets of $19,140 and two loans totaling $9,000. The total thus available ($28,140) is less than the amount required and a financial issue will be specified.

3. According to its application Hot Air Radio would require $13,500 to construct and operate its proposed station for 1 year without reliance on revenues. While the low construction cost is explainable by the fact that much of the equipment has already been purchased, this is not true for the $8,100 estimate for first-year operational costs which appears inordinately low. To meet its requirements, applicant relies on capital contributions

[1] Commissioner Robert E. Lee concurring in the result; Commissioner Cox abstaining from voting.

from the partners, but Mr. Coleman's balance sheet fails to show his ability to meet his commitment and that for Mr. and Mrs. Crothers fails to segregate current from long-term liabilities. As a result no credit can be given to the availability of funds from these sources. Accordingly, a financial issue will be specified.

4. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, because the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

5. *It is ordered*, That pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

(1) To determine whether Robert B. Keenan has available the additional $10,683 required for construction and first-year operation of his proposed station without reliance on revenues to thus demonstrate his financial qualifications.

(2) To determine the amount reasonably required by Hot Air Radio for first-year operation of the proposal and whether it has available the funds required for construction and first-year operation of its proposed station without reliance on revenues to thus demonstrate its financial qualifications.

(3) To determine which of the proposals would, on a comparative basis, better serve the public interest.

(4) To determine in the light of the evidence adduced pursuant to the foregoing issues, which, if either, of the applications for construction permit should be granted.

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

7. *It is further ordered*, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: August 26, 1970.

Released: September 3, 1970.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 70-12105; Filed, Sept. 10, 1970; 8:51 a.m.]

[1] Commissioner Cox abstaining from voting.

[Dockets Nos. 18652-18663; FCC 70-886]

ADVANCED ELECTRONICS ET AL.

Memorandum Opinion and Order Modifying Hearing

In the matter of application of Robert L. Mohr, doing bussiness as Advanced Electronics for a construction permit for a new public Class III-B coast station to be located at Palos Verdes Estates, Los Angeles, Calif., Docket No. 18652, File No. 2391-M-P-35; application of General Telephone Company of California for a construction permit for a new public Class III-B coast station to be located at Malibu, Calif., Docket No. 18653, File No. 2683-M-P-95; application of the Pacific Telephone and Telegraph Co. for a construction permit to relocate public Class III-B coast station KMB-393 from San Pedro, Calif., to Dakin Peak, near Avalon, Santa Catalina Island, Calif., Docket No. 18654, File No. 2729-M-P-105; application of General Telephone Company of California for a construction permit for a new public Class III-B coast station to be located at Santa Barbara, Calif., Docket No. 18655, File No. 2684-M-P-95; application of Coast Mobilphone Service for a construction permit for a new public Class III-B coast station to be located at Santa Barbara, Calif., Docket No. 18656, File No. 2606-M-P-75; application of the Telephone Co., Inc. (Silver Beehive), for a construction permit for a new public Class III-B coast station to be located on Santa Cruz Island, Calif., Docket No. 18657, File No. 4879-M-P-48; application of the Telephone Co., Inc. (Silver Beehive), for a construction permit for a new public Class III-B coast station to be located on San Clemente Island, Calif., Docket No. 18658, File No. 4997-M-P-58; application of Francis I. Lambert and Harry L. Brock, Jr., doing business as Advanced Communications Co. for a construction permit for a new public Class III-B coast station to be located at Broadcast Peak near Santa Barbara, Calif., Docket No. 18659, File No. 5163-M-P-78; application of Francis I. Lambert and Harry L. Brock, Jr., doing business as Advanced Communications Co. for a construction permit for a new public Class III-B coast station to be located at Cuesta Grade Peak near San Luis Obispo, Calif., Docket No. 18660, File No. 5162-M-P-78; application of R.C.S., Inc. for a construction permit for a new public Class III-B coast station to be located at Tassajera Peak, near San Luis Obispo, Calif., Docket No. 18661, File No. 5283-M-P-88; application of Dana Point Marine Telephone Co. for a construction permit for a new public Class III-B coast station to be located at Santiago Peak, near Dana Point, Calif., Docket No. 18662, File No. 5447-M-P-98; application of the Pacific Telephone and Telegraph Co. for renewal of license of existing public Class III-B coast station KMB-393 at San Pedro, Calif., Docket No. 18663, File No. 5615-M-RL-128.

1. In a memorandum opinion and order, FCC 69-978, 19 FCC 2d 601, released September 15, 1969, we designated these 12 applications concerning Class III-B Public Coast Stations for hearing. The proposed stations will serve the area lying between San Luis Obispo and San Clemente, Calif., including the city of Los Angeles. The locations of the proposed stations indicate that there is a distinct probability that grant of all of the applications would result in substantial overlap and interference between the stations. In this connection, paragraph 18 of the designation order provides:

> That coverage area will be computed on the basis of information contained in Appendix F "The Propagation Characteristics of the Frequency Board [sic—Band] 152-162 Mc/s Which is Available for Marine Radio Communication" to a Report entitled "Study of a Reliable Short Range Radiotelephone System" prepared by SC-19 of RTCM, or such other standards as may be mutually agreed upon by all the parties to this proceeding.

The Pacific Telephone and Telegraph Co. filed a "Petition to Modify Designation Order" requesting us to supply a more appropriate standard for computing reliable service areas.[1]

2. Pacific asserts that the RTCM report without modification is inadequate to determine realistically the coverage areas of the various proposals in this case. While recognizing the RTCM report as basically valid, Pacific contends that the report can only be relied on in this proceeding if it is modified to compensate for certain conditions which differ from those assumed in the report. Pacific points out that, according to the report, satisfactory reception can be obtained with a high quality receiver and in the absence of manmade noise if the power available at the receiving antenna terminal is 149.5 dB below 1 watt (—149.5 dBw). Since these conditions are not typical, Pacific submits that a stronger signal should be used as a standard for computing service contours.

3. Pacific also argues that the RTCM report assumes radio wave propagation over water unobstructed by terrain. Several of the applications, however, specify inland locations, and the southern California coast is mountainous with offshore islands. Thus, Pacific contends that allowances must be made for shadow losses which would reduce the effective coverage area of the stations.[2] Pacific asserts that, unless the RTCM report method for computing coverage areas is

[1] The Commission has under consideration: (1) A petition to modify designation order, filed Oct. 6, 1969, by Pacific; (2) oppositions filed Oct. 15, 1969, by Advanced Electronics and R.C.S., Inc., and Oct. 16, 1969, by The Telephone Co., Inc.; (3) comments filed Oct. 13 and 21, 1969, and Jan. 8, 1970, by the Chief, Safety and Special Radio Services Bureau; (4) a reply filed Oct. 29, 1969, by Pacific; (5) a motion for leave to file a further reply and a further reply, filed Dec. 22, 1969, by Pacific; (6) a further opposition, filed Dec. 30, 1969, by The Telephone Co., Inc.; and (7) a reply filed Jan. 12, 1970, by Pacific.

[2] In this connection, Pacific has attached the "Bullington Paper," Radio Propagation at Frequencies Above 30 Megacycles, Proceedings of the Institute of Radio Engineers, vol. 35, Waves and Electrons section, pp. 1122-1136 (October 1947), which it claims provides a suitable method for computing shadow losses.

modified, the data elicited in this hearing will be erroneous and misleading. While paragraph 18 of the designation order provides for modification of the method to be used through mutual agreement of the parties, Pacific concludes that the multiplicity of parties makes such an agreement improbable in this case.

4. As Pacific predicted, the responsive pleadings filed by other parties in this proceeding, as well as those filed by Pacific, demonstrate that there is little likelihood of finding mutually agreeable standards for use in this proceeding. In this respect, the parties have suggested a variety of different and irreconcilable standards without providing significant supporting information or experimental data justifying their recommendations. In the absence of definitive and compatible information, reasonably related to results which might be derived from actual experience, we are convinced that no useful purpose would be served by further summarization of the pleadings. While the RTCM Report is a valid basic method for the determination of service areas over sea water paths, Pacific has shown that reliance upon the RTCM Report with no modification may produce misleading and erroneous results in this case, since manmade noise will likely occur, since the quality of receivers used will vary, since offshore islands exist within the proposed service areas, and since some of the applicants propose inland station locations in mountainous areas.

5. For these reasons, we believe that it is appropriate to make compensations in the standards prescribed by the RTCM report in order to determine realistically the coverage areas of the various proposals. Our consideration of this entire matter has prompted us to adopt a notice of proposed rule making looking toward the amendment of Part 81 of our rules to provide technical standards for the computation of service areas for Class III–B public coast stations, Docket No. 18944, FCC 70–894. The rule making proposal provides methods for determination of service area, height of average terrain, and cochannel spacings. In the absence of agreement among the parties, we believe that the preliminary judgments set forth in the rule making proposal will provide reasonably accurate and consistent results for resolution of this proceeding [3] and that the rule making proposal's standards may appropriately be used for comparison of these applications.

[3] Pacific claims, and the other parties substantially agree, that the "Bullington Paper," supra, provides a suitable method for computing shadow losses. The "Bullington Paper" treats several radio propagation problems and provides more than one method for determination of shadow losses. Where use of the rule making proposal's method indicates coverage areas different from those expected in practice, a supplemental showing may be presented. However, such supplemental showing must stand on its own merits and must include a demonstration of the validity of the method used. Thus, any ruling on use of the "Bullington Paper" would be premature at this time.

6. *Accordingly, it is ordered:*

(a) That the motion for leave to file further reply, filed December 22, 1969, by The Pacific Telephone and Telegraph Co. is granted;

(b) That the petition to modify designation order, filed October 6, 1969, by The Pacific Telephone and Telegraph Co. is granted to the extent indicated in this memorandum opinion and order and is denied in all other respects; and

(c) That paragraph 18 of the memorandum opinion and order, FCC 69–978, 19 FCC 2d 601, released September 15, 1969, designating this proceeding for hearing is modified to read as follows:

That coverage area will be computed on the basis of the proposed standards embodied in the notice of proposed rule making concerning the amendment of Part 81 of our rules, FCC 70–894, adopted August 26, 1970, Docket No. 13944.

Adopted: August 26, 1970.

Released: August 31, 1970.

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

[F.R. Doc. 70–12106; Filed, Sept. 10, 1970; 8:51 a.m.]

[Dockets Nos. 18967, 18968; FCC 70–923]

MOUNTAIN BROADCASTING CO., INC. AND STOLTE, INC.

Order Designating Applications for Consolidated Hearing on Stated Issues

In regard applications of Mountain Broadcasting Co., Inc., Big Bear Lake, Calif., requests: 101.7 mc, No. 269; 59.8w. (H); 59.8w.(V); 1,805.7 feet, Docket No. 18967, File No. BPH–6474; Stolte, Inc., Banning, Calif., requests: 101.7 mc, No. 269; 3 kw.; 413 feet, Docket No. 18968, File No. BPH–6899; for construction permits.

1. The Commission has under consideration the above-captioned and described applications which are mutually exclusive in that operation by the applicants as proposed would result in mutually destructive interference.

2. According to its application, Mountain Broadcasting Co. would require $17,854 to construct and operate its proposed station for 1 year without reliance on revenues. However, in addition, applicant's balance sheet shows that current liabilities exceed current assets by $11,180. To meet its requirement, applicant relies on funds to be provided by its stockholders, but has demonstrated the availability of only $12,635. Accordingly, a financial issue will be specified.

3. In Suburban Broadcasters, 30 FCC 951 (1961), our public notice of August 22, 1968, FCC 68–847, 13 RR 2d 1903, City of Camden (WCAM), 18 FCC 2d 412 (1969), and more recently in our [1] Primer on Ascertainment of Community Problems by Broadcast Applicants, FCC 69–1402, released December 19, 1969, we indicated that applicants were expected to provide full information on their awareness of and responsiveness to local community needs and interests. In this case Stolte, Inc., does not appear to have contacted a representative cross-section of the area nor adequately provided the comments regarding community problems obtained from such contracts. Likewise, it has not adequately provided a listing of specific programs responsive to specific community problems as evaluated. As a result, we are unable at this time to determine whether Stolte, Inc., is aware of and responsive to the needs of its area. Accordingly, a Suburban issue is required.

[1] Proposed.

4. The respective proposals, which are for different communities, would serve substantially different areas and populations. Consequently, it will be necessary to determine pursuant to section 307(b) of the Communications Act of 1934, as amended, which of the proposals would better provide a fair, efficient and equitable distribution of radio service.

5. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, because the propsals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

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

(1) To determine whether Mountain Broadcasting Co. has available the funds required for construction and first-year operation of its proposed station without reliance on revenues to thus demonstrate its financial qualifications.

(2) To determine the efforts made by Stolte, Inc., to ascertain the community needs and interests of the area to be served and the means by which the applicant proposes to meet those needs and interests.

(3) To determine the areas and populations which would receive FM service of 1 mv/m or greater intensity from the respective proposals together with the availability of other primary aural services in such areas.

(4) To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the proposals would better provide a fair, efficient and equitable distribution of radio service.

(5) To determine in the light of the evidence adduced pursuant to the foregoing issues, which, if either, of the applications for construction permit should be granted.

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

the hearing and present evidence on the issues specified in this order.

8. *It is further ordered,* That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: August 26, 1970.

Released: September 2, 1970.

FEDERAL COMMUNICATIONS COMMISSION,[2]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 70-12107; Filed, Sept. 10, 1970; 8:51 a.m.]

[Dockets Nos. 18959, 18960; FCC 70-919]

McCREARY BROADCASTING CORP. AND JELLICO BROADCASTING CORP.

Order Designating Applications for Consolidated Hearing on Stated Issues

In regard applications of McCreary Broadcasting Corp., Whitley City, Ky., requests: 1540 kc., 1 kw. (500 w.-CH), Day, Docket No. 18959, File No. BP-18006; Jellico Broadcasting Corp., Jellico, Tenn., requests: 1540 kc., 1 kw. (500 w.-CH), Day, Docket No. 18960, File No. BP-18158; for construction permits.

1. The Commission has before it the above-captioned applications which are mutually exclusive in that operation by the applicants as proposed would result in prohibited overlap of contours as defined in § 73.37(a) of our rules.

2. The respective proposals, although for different communities, would serve substantial areas in common. Consequently, in addition to determining, pursuant to section 307(b) of the Communications Act of 1934, as amended, which of the proposals would better provide a fair, efficient and equitable distribution of radio service, a contingent comparative issue will also be specified.

3. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

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

(1) To determine the areas and populations which would receive primary service from the above proposals and the availability of other primary aural service (1 mv/m or greater in the case of FM) to such areas and populations.

(2) To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the proposals would better provide a fair, efficient and equitable distribution of radio service.

(3) To determine, in the event it is concluded that a choice between the applications should not be based solely on considerations relating to section 307(b), which of the operations proposed in the above-captioned applications would, on a comparative basis, better serve the public interest.

(4) To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if either, of the application should be granted.

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

6. *It is further ordered,* That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

7. *It is further ordered,* That, any grant of the application of Jellico Broadcasting Corp. shall be subject to the following condition:

Permittee shall accept any interference that may result due to a subsequent grant of the proposal of Knott County Broadcasting Co. requesting the facilities 1540 kc., 1 kw., 500 w.-CH, daytime only at Hindman, Ky.

Adopted: August 26, 1970.

Released: September 8, 1970.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 70-12108; Filed, Sept. 10, 1970; 8:51 a.m.]

[Docket No. 18950; FCC 70-911]

D. H. OVERMYER COMMUNICATIONS CO., INC., ET AL.

Memorandum Opinion and Order Designating Hearing on Stated Issues

In the matter of applications for the transfer of control of D. H. Overmyer Communications Co., Inc. and D. H. Overmyer Broadcasting Co., Inc., from D. H. Overmyer to U.S. Communications Corp., Docket No. 18950, Files Nos. BTC-5376, 5377, 5378, 5379, and 5380.

The Commission has before it: (1) Its order, adopted December 8, 1967 (10 F.C.C. 2d 822) granting, inter alia, applications for the transfer of control of D. H. Overmyer Communications Co., Inc.[1] and D. H. Overmyer Broadcasting Co., Inc.[2] from D. H. Overmyer to U.S. Communications Corp.,[3] and (2) the subsequent Hearings before and the Report of a Special Subcommittee of the House Committee on Interstate and Foreign Commerce on the Acquisition and Transfer of Five Overmyer Television Construction Permits.[4]

1. In March 1967, Overmyer agreed to sell to AVC 80 percent of his 100 percent stock ownership in the five television permittees[5] for a total consideration of the lesser of 80 percent "of the cost and expenses of Overmyer attributable to the acquisition and development of the TV Companies and Stations as of the date of this Agreement" or $1 million.[6] On the same day, AVC agreed to loan Overmyer $3 million in return, inter alia, for an option for AVC to purchase Overmyer's remaining 20 percent interest in the television companies for an amount not to exceed $3 million, the amount of the loan. Under this agreement, AVC may exercise the option between January 15, 1971, and April 14, 1972.

2. On June 30, 1967, Overmyer submitted the applications for transfer of control of the five television companies, including the sale and loan agreements between Overmyer and AVC. Overmyer's portion of the applications stated that the proposed transfer would enable Overmyer to "get back part of his overall investment in UHF."[7] Overmyer represented to the Commission that his

---

[1] Commissioner Cox abstaining from voting.

[2] Commissioner Robert E. Lee concurring in the result; Commissioner Cox abstaining from voting.

[1] The then permittee of KEMO-TV, San Francisco, Calif.; WECO-TV (now WPGH-TV), Pittsburgh, Pa.; WSCO-TV (now WXIX) Newport, Ky.; and WBMO-TV (now WATL), Atlanta, Ga.

[2] The then permittee of KJDO-TV, Rosenberg, Tex.

[3] The original stock purchase agreement between Overmyer and the AVC Corp. was entered into on Mar. 28, 1967. All rights under the agreement were assigned by AVC to its wholly owned subsidiary, U.S. Co., on June 6, 1967, prior to the filing of the transfer applications on June 30, 1967.

[4] Hearings Before the Special Subcommittee on Investigations of the House Committee on Interstate and Foreign Commerce, 90th Cong., first and second sessions, serial 90-50 and 90-51, pts. 1 and 2 (1967-68) (hereinafter, Hearings). Report of the Special Subcommittee on Investigations of the House Committee on Interstate and Foreign Commerce on Acquisition and Transfer of Five Overmyer Television Construction Permits, H.R. Rep. No. 91-256, 91st Cong., first session (1969) (hereinafter Report).

[5] Overmyer held 80 percent of the stock of the permittee of KEMO-TV, and an irrevocable option to purchase the remaining 20 percent.

[6] Stock Purchase Agreement submitted with applications, reprinted in Hearings, supra, at p. 440.

[7] Exhibit 1, reprinted in Hearings at pp. 803-804.

out-of-pocket expenses for the five construction permits had been $1,331,900. Upon that basis the $1 million received by Overmyer under the sales agreement was reimbursement for out-of-pocket expenses covering 80 percent of the stock in the television companies, and the applications complied with the Commission's policy allowing no more than out-of-pocket expenses to transferors of permits.[8] The Commission in granting Overmyer's applications accepted the factual accuracy of the representations made as to Overmyer's expenses.

3. Between December 15, 1967, and August 1, 1968, the House Special Subcommittee held extensive hearings and investigations into the transfer. It issued its Report on May 19, 1969. The information and allegations developed by the subcommittee raise serious questions as to the accuracy of the representations made to the Commission regarding Overmyer's out-of-pocket expenses. The transferor's portion of the transfer applications represented the transferor's reimbursable out-of-pocket expenses to total $1,331,900, as follows:[9]

1. Net worth (paid in common stock) of the five TV companies	$53,500
2. Canceled debts of the five TV companies to other Overmyer affiliates	253,046
3. Assets donated by other Overmyer affiliates	358,840
4. Charges for services performed for the TV companies by employees of other Overmyer affiliates	666,514

The investigation and report of the Special Subcommittee raise, among others, the following issues: As to whether Overmyer claimed charges for services under group 4, supra, which were not in fact performed; whether services to Overmyer's Toledo and Dallas stations and his networks were charged to the five transferred companies; and whether charges were claimed for time periods in which no services were rendered the five companies. The existing information and allegations are detailed in the Special Subcommittee's report, pp. 44–56, which are attached as Appendix A hereto.[9a] Further relevant allegations are found in the Special Subcommittee's hearings, pp. 499–539, 546, 549–50, 556–64 and 567–90.[10] Responses by Overmyer to the allegations and analysis of the Special Subcommittee staff are found at hearings, pp. 834–35 and 868–69.

4. Although the transfer of the permits has been consummated, Overmyer retains a 20 percent interest in the stations, and there is still outstanding the unexercised option which will permit AVC to acquire Overmyer's remaining 20 percent interest for a further $3 million. That interest was retained on the premise that the $1 million received by Overmyer did not reimburse him for his total expenses of over $1,300,000. The congressional hearings having raised substantial questions concerning the representations of out-of-pocket expenses, the Commission has the duty to determine whether the expenses were as claimed and whether Overmyer has retained a 20 percent stock interest which is in fact supported by his actual expenses. If Overmyer misrepresented his expenses substantially and if his actual expenses did not exceed the $1 million he has already been paid, his retention of a 20 percent interest and the accompanying option were not justified.

5. *Accordingly, it is ordered,* That there be a hearing at a time and place to be specified in a subsequent order, upon the following issues:

(1) To determine, whether, in the application for transfer of control of D. H. Overmyer Communications Co., Inc., and D. H. Overmyer Broadcasting Co., Inc., the transferor, D. H. Overmyer, misrepresented to the Commission the amount of out-of-pocket expenses incurred in obtaining and developing the construction permits held by the above companies.

(2) To determine, whether, in light of the evidence adduced under the foregoing issue, the executory option held by the U.S. Communications Corp. or any assignee thereof, to purchase D. H. Overmyer's interests in the holders of the above-mentioned construction permits should be declared void; whether D. H. Overmyer should be required to transfer to U.S. Communications Corp. his interests in the holders of the construction permits and, if so, whether he should be permitted to receive any consideration for the transfer of his interests.

6. *It is further ordered,* That D. H. Overmyer, AVC Corp., U.S. Communications Corp. and its subsidiary holders of the five construction permits, and the Commission's Broadcast Bureau are made parties to this proceeding.

7. *It is further ordered,* That the burdens of going forward with the evidence and of proof shall be on D. H. Overmyer.

Adopted: August 26, 1970.

Released: September 4, 1970.

FEDERAL COMMUNICATIONS COMMISSION,[11]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 70–12109; Filed, Sept. 10, 1970; 8:51 a.m.]

[Dockets Nos. 18961, 18962; FCC 70–920]

RECREATION BROADCASTING OF NAPLES, INC., AND NAPLES IMAGE, INC.

Order Designating Applications for Consolidated Hearing on Stated Issues

In regard applications of Recreation Broadcasting of Naples, Inc., Naples, Fla., Docket No. 18961, File No. BPH–6710, requests: 93.5 mcs, No. 228; 3 kw.; 300 feet, and Naples Image, Inc., Naples, Fla., Docket No. 18962, File No. BPH–6847, requests: 93.5 mcs, No. 228; 3 kw.(H); 3 kw.(V); 300 feet, for construction permits.

1. The Commission has under consideration the above-captioned and described applications which are mutually exclusive in that operation by the applicants as proposed would result in mutually destructive interference.

2. In Suburban Broadcasters, 30 FCC 951 (1961), our public notice of August 22, 1968, FCC 68–847, 13 RR 2d 1903, City of Camden (WCAM) 18 FCC 2d 412 (1969), and more recently in our [1] Primer on Ascertainment of Community Problems by Broadcast Applicants, FCC 69–1402, released December 19, 1969, we indicated that applicants were expected to provide full information on their awareness of and responsiveness to local community needs and interests. In this case neither applicant appears to have contacted a representative cross-section of the area. In both cases, however, comments have been provided from those individuals who have been contacted. In addition, Recreation Broadcasting of Naples has not adequately provided a listing of specific programs responsive to specific community problems as evaluated. As a result, we are unable at this time to determine whether either of the applicants is aware of and responsive to the needs of the area. Accordingly, Suburban issues are required.

3. Data submitted by the applicants indicate that there would be a significant difference in the size of the areas and populations which would receive service from the proposals. Consequently, for the purposes of comparison, the areas and populations which would receive FM service of 1 mv/m or greater intensity, together with the availability of other primary aural services in such areas will be considered under the standard comparative issue, for the purpose of determining whether a comparative preference should accrue to either of the applicants.

4. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, because the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

5. *It is ordered,* That, pursuant to section 309 (e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

(1) To determine the efforts made by Recreation Broadcasting of Naples to ascertain the community needs and interests of the area to be served and the means by which the applicant proposes to meet those needs and interests.

(2) To determine the efforts made by Naples Image to ascertain the community needs and interests of the area to be

[8] See, Bernard Rappaport, et al., 8 F.C.C. 2d 982 (1968), rev'd on other grounds. MG–TV v. F.C.C., 408 F. 2d 1257 (D.C. Cir., 1968).
[9] See also, hearings, pt. 2, pp. 329–30.
[9a] Filed as part of the original document.
[10] See also, deposition of George Kinsley at hearings, pt. 2, pp. 291–95 and testimony of Thomas J. Byrnes at hearings, pt. 1, pp. 76–91.
[11] Commissioner Robert E. Lee concurring in the result; Commissioner Johnson dissenting.
[1] Proposed.

served and the means by which the applicant proposes to meet those needs and interests.

(3) To determine which of the proposals would on a comparative basis better serve the public interest.

(4) To determine in the light of the evidence adduced pursuant to the foregoing issues, which if either of the applications for construction permit should be granted.

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

7. *It is further ordered*, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rules, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: August 26, 1970.

Released: September 2, 1970.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 70-12110; Filed, Sept. 10, 1970; 8:51 a.m.]

[Dockets Nos. 18956-18958; FCC 70-918]

RESORT BROADCASTING CO., INC., ET AL.

Order Designating Applications for Consolidated Hearing on Stated Issues

In regard applications of Resort Broadcasting Co., Inc., Leisure City, Fla., Docket No. 18956, File No. BPH-6545, requests: 98.3 mc, No. 252; 3 kw.(H); 3 kw.(V); 300 feet; Seven (7) League Productions, Inc., Homestead, Fla., Docket No. 18957, File No. BPH-6594, requests: 98.3 mc, No. 252; 3 kw.; 300 feet; and Fine Arts Broadcasting Co., Goulds, Fla., Docket No. 18958, File No. BPH-6617, requests: 98.3 mc, No. 252; 3 kw.(H); 3 kw.(V); 300 feet; for construction permits.

1. The Commission has under consideration the above-captioned and described applications which are mutually exclusive in that operation by the applicants as proposed would result in mutually destructive interference.

2. In Suburban Broadcasters, 30 FCC 951 (1961), our public notice of August 22, 1968, FCC 68-847, 13 RR 2d 1903, City of Camden (WCAM), 18 FCC 2d 412 (1969), and more recently in our proposed Primer on Ascertainment of Community Problems by Broadcast Applicants, FCC 69-1402, released December 19, 1969, we indicated that applicants were expected to provide full information on their awareness of and responsiveness to local community needs and interests. In this case Seven (7) League Productions does not appear to have contacted a representative cross-section of the area nor adequately provided the comments regarding community problems obtained from such contacts. In addition, it has not adequately provided a listing of specific programs responsive to specific community problems as evaluated. As a result, we are unable at this time to determine whether Seven (7) League Productions is aware of and responsive to the needs of its area. Accordingly, a Suburban issue is required.

3. The respective proposals, although for different communities, would serve substantial areas in common. Consequently, in addition to determining, pursuant to section 307(b) of the Communications Act of 1934, as amended, which of the proposals would best provide a fair, efficient and equitable distribution of radio service, a contingent comparative issue will also be specified.

4. A full comparison of the programing proposals is warranted when one applicant proposes predominantly specialized programing and the others, general market programing—Ward L. Jones, FCC 67-82 (1967); Policy Statement on Comparative Broadcast Hearings, 1 FCC 2d 393, footnote 9 at 397 (1965). In this case, Seven (7) League Productions proposes Spanish-language programing, while the other two applicants propose general market programing. Therefore, the programing proposals of the applicants may be compared under the contingent comparative issue.

5. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, because the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

6. *It is ordered*, That, pursuant to section 309(b) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

(1) To determine the efforts made by Seven (7) League Productions to ascertain the community needs and interests of the area to be served and the means by which the applicant proposes to meet those needs and interests.

(2) To determine the areas and populations which would receive FM service of 1 mv/m or greater intensity from the respective proposals together with the availability of other primary aural services in such areas.

(3) To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the proposals would best provide a fair, efficient and equitable distribution of radio service.

(4) To determine, in the event it is concluded that a choice between applications should not be based solely on considerations relating to section 307(b), which of the proposals would, on a comparative basis, best serve the public interest.

(5) To determine in the light of the evidence adduced pursuant to the foregoing issues, which, if any, of the applications for construction permit should be granted.

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

8. *It is further ordered*, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: August 26, 1970.

Released: September 2, 1970.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 70-12111; Filed, Sept. 10, 1970; 8:51 a.m.]

[Dockets Nos. 18973, 18974; FCC 70-926]

ROBERT E. SANDERS AND KAMO, INC.

Order Designating Applications for Consolidated Hearing on Stated Issues

In regard applications of Robert E. Sanders, Rogers, Ark., Docket No. 18973, File No. BPH-6917, requests: 94.3 mcs, No. 232; 3 kw.(H); 3 kw.(V); 245.1 feet; and KAMO, Inc., Rogers, Ark., Docket No. 18974, File No. BPH-6967, requests: 94.3 mcs, No. 232; 2.8 kw.(H); 2.8 kw.(V); 312 feet; for construction permits.

1. The Commission has under consideration the above captioned and described applications which are mutually

[1] Commissioner Robert E. Lee concurring in the result; Commissioner Cox abstaining from voting.

exclusive in that operation by the applicants as proposed would result in mutually destructive interference.

2. In Suburban Broadcasters, 30 FCC 951 (1961), our public notice of August 22, 1968, FCC 68-847, 13 RR 2d 1903, City of Camden (WCAM), 18 FCC 2d 412 (1969), and our proposed Primer on Ascertainment of Community Problems by Broadcast Applicants, FCC 69-1402, released December 19, 1969, we indicated that applicants were expected to provide full information on their awareness of and responsiveness to local community needs and interests. In this case, neither applicant appears to have contacted a representative cross-section of the area. Although Robert E. Sanders has not provided adequate comments from such contacts, KAMO has provided adequate comments from those individuals it has contacted. In addition, Mr. Sanders has not adequately provided a listing of specific programs responsive to specific community problems as evaluated. As a result, we are unable at this time to determine whether either of the applicants is aware of and responsive to the needs of the area. Accordingly, Suburban issues are required.

3. Data submitted by the applicants indicate that there would be a significant difference in the size of the areas and populations which would receive service from the proposals. Consequently, for the purposes of comparison, the areas and populations which would receive FM service of 1 mv/m or greater intensity, together with the availability of other primary aural services in such areas will be considered under the standard comparative issue, for the purpose of determining whether a comparative preference should accrue to either of the applicants.

4. KAMO proposes approximately 63 percent duplicated programing while Robert Sanders proposes independent programing. Therefore, evidence regarding program duplication will be admissible under the standard comparative issue. When duplicated programing is proposed, the showing permitted under the standard comparative issue will be limited to evidence concerning the benefits and detriments to be derived from the proposed duplication, and a full comparison of the applicants' program proposals will not be permitted in the absence of a specific programing inquiry—Jones T. Sudbury, 8 FCC 2d 360, FCC 67-614 (1967).

5. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, because the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

6. *It is ordered*, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

(1) To determine the efforts made by Robert Sanders to ascertain the community needs and interests of the area to be served and the means by which the applicant proposes to meet those needs and interests.

(2) To determine the efforts made by KAMO, Inc., to ascertain the community needs and interests of the area to be served and the means by which the applicant proposes to meet those needs and interests.

(3) To determine which of the proposals would, on a comparative basis, better serve the public interest.

(4) To determine in the light of the evidence adduced pursuant to the foregoing issues, which, if either, of the applications for construction permit should be granted.

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

8. *It is further ordered*, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: August 26, 1970.

Released: September 3, 1970.

FEDERAL COMMUNICATIONS COMMISSION,[1]

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

[F.R. Doc. 70-12112; Filed, Sept. 10, 1970; 8:51 a.m.]

[Dockets Nos. 18975, 18976; FCC 70-932]

WNER RADIO, INC., AND LIVE OAK BROADCASTING CO.

Order Designating Applications for Consolidated Hearing on Stated Issues

In regard applications of WNER Radio, Inc., Live Oak, Fla., Docket No. 18975, File No. BPH-6858, requests: 98.1 mcs.; No. 251; 50 kw.; 176.3 feet; and Live Oak Broadcasting Co., Live Oak, Fla., Docket No. 18976, File No. BPH-6941, requests: 98.1 mcs., No. 251, 31.5 kw. (H); 31.5 kw. (V); 200 feet; for construction permits.

1. The Commission has under consideration the above-captioned and described applications which are mutually exclusive in that operation by the applicants as proposed would result in mutually destructive interference.

2. According to its application WNER Radio would require $95,000 to construct and operate its proposed station for 1 year without reliance on revenues. This figure, however, includes an unidentified amount for operation of applicant's companion AM station. To meet this requirement, applicant relies on $4,318 in cash. Thus, we are unable to determine the applicable costs or this applicant's ability to meet them. Accordingly, a financial issue will be specified.

3. In Suburban Broadcasters, 30 FCC 951 (1961), our public notice of August 22, 1968, FCC 68-847, 13 RR 2d 1903, city of Camden (WCAM), 18 FCC 2d 412 (1969), and more recently our proposed Primer on Ascertainment of Community Problems by Broadcast Applicants, FCC 69-1402, released December 19, 1969, we indicated that applicants were expected to provide full information on their awareness of and responsiveness to local community needs and interests. In this case, Live Oak Broadcasting does not appear to have contacted a representative cross-section of the area. Adequate comments, however, have been provided for those individuals which have been contacted. As a result, we are unable at this time to determine whether Live Oak Broadcasting is aware of and responsive to the needs of the area. Accordingly, a Suburban issue is required.

4. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, because the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

5. *It is ordered*, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

(1) To determine the amount required by WNER Radio for construction and first-year operation of its proposed station without reliance on revenues and the availability of the necessary funds to WNER Radio to thus demonstrate its financial qualifications.

(2) To determine the efforts made by Live Oak Broadcasting to ascertain the community needs and interests of the area to be served and the means by which the applicant proposes to meet those needs and interests.

(3) To determine which of the proposals would, on a comparative basis, better serve the public interest.

(4) To determine in the light of the evidence adduced pursuant to the foregoing issues, which, if either, of the applications for construction permit should be granted.

6. *It is further ordered*, That to avail themselves of the opportunity to be heard, the applicants, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney shall, within twenty (20) days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention

[1] Commissioner Robert E. Lee concurring in the result; Commissioner Cox abstaining from voting.

to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

7. *It is further ordered*, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: August 26, 1970.

Released: September 3, 1970.

FEDERAL COMMUNICATIONS COMMISSION,[1]

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

[F.R. Doc. 70-12113; Filed, Sept. 10, 1970; 8:51 a.m.]

FEDERAL RESERVE SYSTEM

BARCLAYS BANK LTD.

Order Approving Acquisition of Bank Stock by Bank Holding Company

In the matter of the application of Barclays Bank Ltd., London, England, for approval of acquisition of 1,336,633 voting shares of the Bank of London and South America Ltd., London, England.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)) and § 222.3(a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by Barclays Bank Ltd., London, England (Applicant), a registered bank holding company, for the Board's prior approval of the acquisition of 1,336,633 of the voting shares of Bank of London and South America Ltd., London, England (Bank), which has a branch in New York City. Applicant would acquire the stock through its subsidiary, Barclays Bank DCO. When combined with shares of Bank now owned directly and indirectly by Applicant, the proposed acquisition would result in Applicant's control of about 6.5 percent of the voting shares of Bank.

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Superintendent of Banks of the State of New York, and requested his views and recommendation. The Superintendent indicated that he had no objection to the proposal.

Notice of receipt of the application was published in the FEDERAL REGISTER on July 28, 1970 (35 F.R. 12088), providing an opportunity for interested persons to submit comments and views with respect to the proposal. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered by the Board.

The Board has considered the application in the light of the factors set forth in section 3(c) of the Act, including the effect of the proposed acquisition on competition, the financial and managerial resources and future prospects of the Applicant and the banks concerned, and the convenience and needs of the community to be served. Upon such consideration, the Board finds that:

Applicant, the largest bank in Great Britain, is a bank holding company by virtue of its ownership of more than 25 percent of the voting stock of (1) Barclays Bank DCO, London, England, which operates three branch offices in New York (deposits of $108 million), and (2) Barclays Bank of California, San Francisco, Calif. Section 3(d) of the Act—which prohibits the formation of a plural State holding company—was inapplicable since Applicant became a bank holding company by virtue of the 1966 amendments to the Act, rather than pursuant to Board approval. (Prior to that time, the term "bank" was so defined in the Act as not to include Barclays Bank DCO; Applicant, therefore, was then regarded as having only one subsidiary bank, and thus not a bank holding company.) At the time that Applicant became a bank holding company, the State in which the principal operations of its subsidiaries were conducted was New York; therefore, under Section 3(d) of the Act, New York is the only State in which Applicant can acquire additional subsidiary banks. Bank, a commercial banking institution operating primarily in Great Britain, Europe, and Latin America, maintains a branch in New York City ($106 million deposits) and a representative office in Pittsburgh.

Although Applicant's subsidiary, Barclays Bank DCO, and Bank both maintain offices in New York City, the Board is of the view that consummation of the acquisition by Applicant of a minority stock interest in Bank would have no significant effect on banking competition in New York City or in any other part of the United States. Considerations relating to the banking factors and the convenience and needs of the community involved are consistent with approval. It is the Board's judgment that the proposed transaction would be in the public interest, and that the application should be approved.

It is hereby ordered, On the basis of the findings summarized above, that said application be and hereby is approved: *Provided*, That the acquisition so approved shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of New York pursuant to delegated authority.

By order of the Board of Governors,[1] September 1, 1970.

[SEAL] ELIZABETH L. CARMICHAEL, *Assistant Secretary.*

[F.R. Doc. 70-12030; Filed, Sept. 10, 1970; 8:46 a.m.]

FIRST NATIONAL BANCORPORATION, INC.

Notice of Application for Approval of Acquisition of Shares of Bank

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

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 Kansas City.

By order of the Board of Governors, September 3, 1970.

[SEAL] ELIZABETH L. CARMICHAEL, *Assistant Secretary.*

[F.R. Doc. 70-12031; Filed, Sept. 10, 1970; 8:46 a.m.]

[1] Commissioner Robert E. Lee concurring in the result; Commissioner Cox abstaining from voting.

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

RAILROAD RETIREMENT BOARD

RAILROAD RETIREMENT TAX ACT

Determination of Quarterly Rate of Excise Tax for Railroad Retirement Supplemental Annuity Program

In accordance with directions in section 3221(c) of the Railroad Retirement Tax Act (26 U.S.C. section 3221(c)) as amended by section 5(a) of Public Law 91-215, the Railroad Retirement Board has determined that the excise tax imposed by such section 3221(c) on every employer, with respect to having individuals in his employ, for each man-hour for which compensation is paid by such employer for services rendered to him during the quarter beginning October 1, 1970, shall be at the rate of 7 cents.

Dated: August 31, 1970.

By Authority of the Board.

LAWRENCE GARLAND,
Secretary of the Board.

[F.R. Doc. 70-12021; Filed, Sept. 10, 1970; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24A-1931]

BLANK EQUIPMENT AND LEASING CORP.

Order Permanently Suspending Exemption

SEPTEMBER 2, 1970.

I. Blank Equipment and Leasing Corp. ("issuer"), a Florida corporation located at 1220 Biscayne Boulevard, Miami, Fla., filed with the Commission on March 28, 1969, a notification on Form 1-A and an offering circular relating to a proposed offering of 100,000 shares of its $0.01 par value common stock at $3 per share with gross proceeds to the issuer of $250,000 for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof and Regulation A promulgated thereunder. Gardner Securities Corp. ("underwriter") located at 15 William Street, New York, N.Y., has agreed to make a public offering of the 100,000 shares on a "best efforts, all-or-none" basis.

II. The Commission, on December 8, 1969, temporarily suspended the Regulation A exemption of Blank Equipment and Leasing Corp., stating that it had reasonable cause to believe on the basis of information reported to it by the staff, that:

A. The offering circular contained misstatements of material fact, and omitted to state material facts necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading, particularly with respect to the following:

a. Inaccurate and misleading statements of material facts:

1. That all of the proceeds of the sale of the shares offered would be deposited by the underwriter in a special account at Chemical Bank New York Trust Co., such account to be designated "Special Account for the benefit of subscribers to shares of Common Stock of issuer."

2. That all of the proceeds of the sale of the shares of issuer would be deposited in an account to be designated "Special Account for the benefit of subscribers to shares of Common Stock of Blank Leasing and Equipment Corporation."

3. That unless all (100,000) shares of stock offered hereby are not sold within 60 days after the effective date (Sept. 17, 1969) hereof (or an extension period of 30 days if so agreed between the company and the underwriter) the complete proceeds of sales received at such termination date will be returned to the respective subscribers without interest thereon and without deductions therefrom.

b. Omissions to state material facts:

1. That the proceeds of the sale of the shares of issuer would be deposited in an account at Chelsea National Bank.

2. That the proceeds of the sale of the shares of the issuer deposited in the Chelsea National Bank would be subject to withdrawal by the underwriter and that the funds would not be subject to escrow provisions for the protection of the public investors.

B. The issuer has violated the terms and conditions of the Regulation A exemption in the following respects:

1. The issuer failed to enter into an escrow agreement with the underwriter and Chemical Bank New York Trust Co. in which all of the proceeds of the offering are to be deposited with and held in said Bank for 60 days (plus a 30 day extension) unless all of the 100,000 shares should be sold within said period, in order that the funds should be returned to the purchasers or subscribers in the event that less than all of the shares offered should be sold.

2. The issuer failed to file as an exhibit, pursuant to Item 11 of the notification, a copy of the escrow agreement entered into, if such agreement was reached, between issuer, underwriter, and Chemical Bank New York Trust Co. The issuer guaranteed in paragraph 1.02 of the underwriting agreement, filed as an exhibit in the notification, that it would enter into such escrow agreement prior to the effective date (Sept. 17, 1969) of the offering circular.

C. The offering commenced on September 17, 1969, and as of December 4, 1969, approximately 13,000 shares at $3 per share had been sold, the proceeds of which apparently were deposited in an account with the Chelsea National Bank, subject to the control of the underwriter, and not in an escrow amount with Chemical Bank New York Trust Co. The account (Chelsea National Bank) was not subject to escrow and reflects numerous deposits and withdrawals, but at no time did the account reach a balance of $39,000 on deposit (the amount realized to date for the sale of 13,000 shares of stock) and as of December 4, 1969, only $4,456.29 remained in the account. There would be insufficient funds left in this account with which to repay customers if this all-or-none underwriting had not been completed by December 16, 1969.

The offering, as made, has operated and would continue to operate as a fraud and deceit upon investors in violation of sections 5 and 17 of the Securities Act of 1933, as amended, and section 10(b) of the Securities Exchange Act of 1934, as amended, and the rules and regulations promulgated thereunder.

III. No hearing having been requested by the issuer within 30 days after the entry by the Commission of an order temporarily suspending the exemption of the issuer under Regulation A, the Commission finds that it is in the public interest and for the protection of investors that the exemption of the issuer under Regulation A be permanently suspended, therefore,

It is ordered, Pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption of the issuer under Regulation A be, and it hereby is, permanently suspended.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 70-12032; Filed, Sept. 10, 1970; 8:46 a.m.]

[File No. 1-3421]

CONTINENTAL VENDING MACHINE CORP.

Order Suspending Trading

SEPTEMBER 2, 1970.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, 10 cents par value of Continental Vending Machine Corp., and the 6 percent convertible subordinated debentures due September 1, 1976 being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period September 3, 1970 through September 12, 1970, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 70-12061; Filed, Sept. 10, 1970; 8:48 a.m.]

[File No. 24D-2739]

FRED A. HUFFMAN MANUFACTURING, INC.

Order Permanently Suspending Exemption

SEPTEMBER 2, 1970.

I. Fred A. Huffman Manufacturing, Inc. (issuer), a New Mexico corporation, with offices stated to be located at Post Office Box 69, Highway 17-E and Basin Road, Farmington, N. Mex., filed with this Commission on August 22, 1966 a notification and offering circular relating to a proposed offering of 148,176 shares of its $1 par value stock at $1 per share, for an aggregate of $148,176 for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof, and Regulation A promulgated thereunder. The offering commenced on October 13, 1966, with Fred A. Huffman, president of the issuer, indicated as the underwriter. The offering continued until April 1970, the offering circular having been revised as of November 4, 1967, November 26, 1968, and December 24, 1969, respectively, and the total amount raised as stated in the Form 2-A report filed as of December 31, 1969, was $105,488.

II. The Commission, on April 7, 1970, temporarily suspended the Regulation A exemption of Fred A. Huffman Manufacturing, Inc., stating that on the basis of information reported to it by its staff, it had reasonable cause to believe that:

(A) In connection with the offer and sale of securities covered by the aforementioned filings untrue statements of material facts, and omissions to state material facts necessary to make the statements made, in the light of the circumstances under which they were made, not misleading, had been and are being made, particularly with respect to:

(1) Guarantees that the market price of securities of the issuer only could go up and not down in amount.

(2) That the issuer would be merged with or acquired by a company (Summit Industries) soon to be formed and that such company would have more than $4 million in assets and 43 products to market.

(3) The existence of a $5 million loan commitment to Fred Huffman personally from National Lead Co., the proceeds of which must be placed with either Fred Huffman Manufacturing, Inc., or Summit Industries.

(4) Projections of the issuer's income for 3 years, wherein it is represented, among other things, that the issuer will have sales in excess of $1,800,000 in 1970 with profits of $341,901, and profits in the years 1971, 1972, and 1973 of $480,000, $1,440,000, and $3 million respectively.

(5) Representations that shares of the issuer will be listed on the American Stock Exchange in the near future.

(6) Representations that the issue was qualified for sale in every State in the United States.

(7) The use of financial statements which falsely state the issuer's financial condition.

(8) Representations that Fred Huffman Manufacturing was "approved" by the Securities and Exchange Commission.

(9) The failure to provide prospective investors with copy of the issuer's offering circular.

(B) The terms and conditions of Regulation A have not been complied within that:

(1) The issuer has offered and sold its securities without providing an offering circular to persons to whom the securities were offered or sold as required by Rule 256.

(2) The issuer and underwriter have used offering literature in the offer and sale of the issuer's securities which was not filed with the Commission pursuant to the applicable provisions of Regulation A and which did not comply with the technical provisions or make the disclosures required by the regulation.

(3) Offers and sales of the issuer's securities have been made in jurisdictions other than as stated Item 8 of Form 1-A.

(C) The offering, as made, was made in violation of sections 5 and 17 of the Securities Act of 1933, as amended, and if the offering would continue to be made such further offerings would be in violation of sections 5 and 17 of the Securities Act of 1933, as amended, for reasons described above.

III. No hearing having been requested by the issuer within 30 days after the entry by the Commission of an order temporarily suspending the exemption of the issuer under Regulation A, the Commission finds that it is in the public interest and for the protection of investors that the exemption of the issuer under Regulation A be permanently suspended, therefore,

It is ordered, Pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption of Fred A. Huffman Manufacturing, Inc., under Regulation A be, and hereby is, permanently suspended.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 70-12033; Filed, Sept. 10, 1970; 8:46 a.m.]

[File No. 24SF-3439]

TANGER INDUSTRIES

Order Permanently Suspending Exemption

SEPTEMBER 2, 1970.

I. Tanger Industries, 1919 Doreen Avenue, South El Monte, Calif. 91733, incorporated in California on August 29, 1967, on April 1, 1969, filed with the Commission a Notification on Form 1-A and proposed offering circular under the Commission's Regulation A (adopted pursuant to the provisions of section 3(b) of the Securities Act of 1933) for an exemption from registration under that Act of an offering of 30,000 shares of $1 par value common capital stock to the public at prevailing over-the-counter market prices, for an aggregate amount not in excess of $300,000. An amended notification and offering circular were filed July 23, 1969. The offering circular, as amended, represents that issuer is a diversified holding company with subsidiaries engaging in business operations relating to precision engineering and machine work, the importation and distribution of sporting equipment, general insurance agencies and coin-operated washers and dryers.

II. The Commission, on October 8, 1969, temporarily suspended the Regulation A exemption of Tanger Industries, that it had reasonable cause to believe from information reported to it by its staff that:

A. The notification and offering circular, as amended, omit to state material facts necessary in order to make the statements made in the light of the circumstances under which they are made, not misleading, in that:

1. The notification identifies Mr. Berj Hagopian as an affiliate and as issuer's president, a director and principal securities holder. The offering circular, as amended, reveals his connection from 1960 to 1964 as president of Transval Electronics, but omits to state material facts with respect to Mr. Hagopian's role as the principal stockholder and executive officer of Transval, with respect to separate proceedings in the U.S. District Court for the Southern District of California, Central Division, begun in 1962, in which Transval Electronics and Berj Hagopian, respectively, were adjudicated bankrupts, and with respect to the amounts distributed to creditors in these proceedings.

2. The offering circular omits to disclose issuer's intent and negotiations to obtain a loan of $1,400,000 secured by a second encumbrance on the corporate assets.

B. The offering, if made, would be in violation of the antifraud provisions of section 17 of the Securities Act of 1933, as amended.

III. No hearing having been requested by the Issuer within 30 days after the entry by the Commission of an order temporarily suspending the exemption of the Issuer under Regulation A, the Commission finds that it is in the public interest and for the protection of investors that the exemption of the issuer under Regulation A be permanently suspended, therefore,

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

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 70-12034; Filed, Sept. 10, 1970; 8:46 a.m.]

[File No. 24SF-3333]

TUCSON TURF CLUB

Order Permanently Suspending Exemption

SEPTEMBER 2, 1970.

I. Tucson Turf Club (Issuer), 4502 North First Avenue, Tucson, Ariz. 85719, an Arizona corporation, organized to operate a horse racing track in Tucson, Ariz., filed with the Commission on August 21, 1967, a notification on Form 1–A and an offering circular related to a proposed offering of 298,000 shares of its $1 par value common stock at $1 per share for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof and Regulation A promulgated thereunder. Jacob J. Isaacson located at 666 Omaha National Bank Building, Omaha, Nebr., was named as the underwriter.

II. The Commission on June 10, 1970, temporarily suspended the Regulation A exemption of Tucson Turf Club, stating that on the basis of information reported to it by its staff, it had reasonable cause to believe that:

A. The terms and conditions of Regulation had not been complied with in that since December 19, 1968, Issuer has filed no report of sales as required by Rule 260 and has not reported the offering as discontinued.

B. Reports of Sales on Form 2–A filed by the Issuer on May 6 and December 19, 1968, are false and misleading with respect to the true ownership by Emprise Corp., a New York corporation, of 218,000 shares of stock reported as held by Jacob J. Isaacson, the nominal underwriter.

C. The terms and conditions of Regulation A have not been complied with in that Issuer had failed to amend its offering circular dated October 5, 1967, as amended November 7, 1967, at any time following 9 months from said date, or to reflect material events occurring since the date of said amendment, including the cessation of the operations of Issuer.

D. Issuer was caused by Jacob J. Isaacson, its director and nominal underwriter, and Emprise Corp., its controlling stockholder, to violate the provisions of section 17(a) of the Securities Act of 1933 by causing the offering circular to omit to state material facts necessary to be stated in order to make the statements made, in the light of the circumstances under which they were made, not misleading in that Jacob J. Isaacson was named therein as an underwriter, source of the financial backing for Issuer, and controlling person of Issuer when in fact Emprise Corp. was the actual underwriter, source of the financial backing and controlling entity.

III. Mr. Isaacson on June 27, 1970, acknowledged receipt of the order of temporary suspension and disclaimed omissions to state material facts as claimed in that order and denied knowledge of the failure to file 2–A reports. Mr. Isaacson was informed in a letter dated July 8, 1970, that his denial of the allegations in his letter would serve no purpose and that the allegations could properly be contested in a hearing ordered by the Commission. Mr. Isaacson has not requested a hearing.

No hearing having been requested by the issuer within 30 days after the entry by the Commission of an order temporarily suspending the exemption of the issuer under Regulation A, the Commission finds that it is in the public interest and for the protection of investors that the exemption of the issuer under Regulation A be permanently suspended, therefore,

It is ordered, Pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, permanently suspended.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 70–12035; Filed, Sept. 10, 1970; 8:46 a.m.]

[File No. 24D–2969]

UNITED BERYLLIUM INDUSTRIES

Order Permanently Suspending Exemption

SEPTEMBER 2, 1970.

I. United Beryllium Industries (Issuer), Post Office Box 11061, 210 Boston Building, Salt Lake City, Utah, a Utah corporation, filed with the Commission on April 29, 1970, a notification on Form 1–A and an offering circular relating to an offering of 3 million shares of its $0.02 par value common stock at $0.10 per share, for an aggregate offering price of $300,000, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof, and Regulation A promulgated thereunder. The officers of the issuer were designated as underwriters of the offering and were to receive no underwriting commission other than reimbursement of the direct sales expenses incurred by the officers in their sales activities, estimated to be 3 percent of the aggregate offering price. On June 1, 1970, the issuer filed a request that its notification under Regulation A be withdrawn.

II. The Commission, on June 19, 1970, temporarily suspended the Regulation A exemption of United Beryllium Industries, stating that it had reasonable cause to believe on the basis of information reported to it by its staff that:

A. The notification and offering circular contained untrue statements of material facts and omitted to state material facts necessary to make the statements made, in light of the circumstances under which they were made, not misleading, particularly with respect to the following:

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

(2) In view of the representations that, to the best knowledge of the management of the issuer, the claims which the issuer has leased are valid claims, and the fact that there is some risk that the title to some of the mining claims leased by the issuer may ultimately be found to be defective, the failure to disclose the defective title to 187 of the 215 claims leased by the issuer in Teller and El Paso Counties, Colo.

(3) In view of the representations that all of the issuer's leaseholds in Colorado arise out of leases of unpatented mining claims, and that the issuer has exercised an option to lease 25 claims in El Paso County, Colo., the failure to disclose that the issuer merely holds an option to lease such 25 claims, which option has not been exercised.

(4) In light of the representation that the issuer's securities will be issued for cash only, the failure to disclose that the issuer intends to issue some of its securities in exchange for services.

(5) Failure to disclose that the proceeds to the issuer of the offering would be less than as indicated due to the issuer's intention to issue some of its securities for services.

(6) In light of the representations that certain stockholders had signed "investment letters" evidencing their investment intent, failure to disclose that some of these stockholders had not signed such "investment letters".

(7) In light of the issuer's obligation to tender securities and cash to certain individuals in exchange for cash and services previously rendered to the issuer, failure to accurately and adequately disclose the assets, liabilities, capital, and cash receipts and disbursements of the issuer.

B. The terms and conditions of Regulation A have not been complied with in that:

(1) The Form 1–A filed on behalf of the issuer fails to disclose in Item 9(b) thereof the title and amount of all unregistered securities of the issuer which were sold within 1 year prior to the filing of the notification by or for the account of an underwriter of the issuer's common stock; the aggregate offering price or other consideration for which they were issued and the basis for computing the amount thereof; and the names of the persons to whom those securities were issued.

(2) The Form 1–A filed on behalf of the issuer fails to set forth accurately in response to Item 9(c) the exemption from registration claimed with respect to all unregistered securities issued or sold by the issuer within 1 year prior to the filing of the notification, and the facts relied upon for the exemption.

(3) The aggregate offering price of the issuer's securities proposed to be offered pursuant to the issuer's filing under Regulation A, and of all securities sold by the issuer in violation of section 5(a) of the Securities Act within 1 year prior to the commencement of the proposed offering exceeded the $300,000 limitation as prescribed in Rule 254 of Regulation A.

(4) The Form 1–A filed on behalf of the issuer fails to disclose in Item 10 that the issuer is presently offering or presently contemplating the offering of securities in the United States, in addition to those covered by the notification.

(5) The unexecuted Escrow Agreement filed on behalf of the issuer in response to Item 11(h) of Form 1–A fails to set forth accurately all securities issued prior to the filing of the notification, or proposed to be issued, for a consideration consisting in whole or in part of assets or services and held by the person to whom issued, while purporting to cover all such securities.

C. The offering would be made in violation of section 17(a) of the Securities Act of 1933, as amended, by reason of the matters described above.

III. No hearing having been requested by the issuer within 30 days after the entry by the Commission of an order temporarily suspending the exemption of the issuer under Regulation A, the Commission finds that it is in the public interest and for the protection of investors that the exemption of the issuer under Regulation A be permanently suspended, therefore,

It is ordered, Pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, permanently suspended.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 70–12036; Filed, Sept. 10, 1970; 8:46 a.m.]

[File Nos. 24B–1565, 24B–1713]

VISUAL INDUSTRIES CORP.

Order Permanently Suspending Exemptions

SEPTEMBER 2, 1970.

I. Visual Industries Corp. (Visual), a Delaware corporation located at 19 Strathmore Road, Natick Industries Park, Natick, Mass., filed with the Commission on March 20, 1969, a notification on Form 1–A and an offering circular relating to a proposed offering of 100,000 shares of $0.01 par value common stock at $3 per share. These shares were to be offered by the company's officers and directors. The offering was commenced August 5, 1969. On August 22, 1969, Visual entered into a "best efforts" underwriting agreement with Daniel Breslin and Associates, an NASD member, located at 53 Hemlock Street, Needham, Mass. A post-effective amendment was duly filed. A report of sales (Form 2–A) signed by Edward J. Roy, president and treasurer of Visual, was received February 27, 1970, and indicated that the offering was discontinued November 28, 1969, with total sales of 18,500 shares for proceeds of $55,500.

On March 9, 1970, Visual filed a second notification (24B–1713) and statement required by Rule 257 indicating that it proposed to offer 14,833 shares at $3 per share for total proceeds of $44,499. This filing was withdrawn on April 15, 1970.

II. The Commission on June 10, 1970, temporarily suspended the Regulation A exemption of Visual Industries Corp., stating that on the basis of information reported to it by the staff, it had reasonable cause to believe that:

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

1. The failure to state accurately and adequately the expenses to be incurred and the allocation of proceeds of the offering;

2. The failure to state accurately and adequately the dilution of securities resulting from "gifts" of issuer's securities;

3. The failure to disclose that while proposing to sell to the public at $3 per share, issuer was selling to certain people at $1.50 per share; and

4. The failure to disclose that the employees' "stock option plan" was never intended to be a stock option plan whereby employees would be granted options to purchase shares of issuer's stock at the fair market value of shares of common stock as of the date of such grant, but was a program of granting "bonuses" of shares of issuer's common stock to employees for no consideration.

B. The issuer has violated the terms and conditions of the Regulation A exemption in the following respects:

1. The notification failed to disclose by amendment during the period in which it was being processed the sale during that period of unregistered shares as required by Item 9;

2. In connection with the response to Item 10 in the notification, issuer failed to disclose that it intended to issue free stock to employees;

3. The notification failed to disclose the names of all promoters of Visual; and

4. The Form 2–A report filed by Visual in connection with this offering understated costs and failed to set forth accurately and adequately the application of proceeds of the offering as required by Rule 260.

C. The issuer and underwriter through the use of this offering circular and in the distribution of these securities had engaged in transactions, practices and a course of business which would operate and did operate as a fraud and deceit upon the purchasers of such securities in violation of section 17(a) of the Securities Act of 1933, as amended.

III. No answer having been filed nor hearing having been requested by the issuer within 30 days after the entry by the Commission of an order temporarily suspending the exemption of the issuer under Regulation A, the Commission finds that it is in the public interest and for the protection of investors that the exemption of the issuer under Regulation A be permanently suspended, therefore: *It is ordered*, pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption of the issuer under Regulation A be, and hereby is, permanently suspended.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 70–12037; Filed, Sept. 10, 1970; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 84]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

SEPTEMBER 4, 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 require 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)

---

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

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

No. MC 200 (Sub-No. 240), filed August 24, 1970. Applicant: RISS INTERNATIONAL CORPORATION, 100 West 10th Street, also Post Office Box 2809, Wilmington, Del. Mailing address: 903 Grand Avenue, Kansas City, Mo. 64106. Applicant's representative: Rodger J. Walsh, Suite 1200, Temple Building, Kansas City, Mo. 64106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, in vehicles equipped with mechanical refrigeration (except commodities in bulk, in tank vehicles), from Evansville, Indianapolis, and Washington, Ind., to points in Illinois, Wisconsin, Minnesota, Michigan, Ohio, Pennsylvania, New Jersey, New York, Massachusetts, Connecticut, Rhode Island, Vermont, Maine, New Hampshire, Delaware, Maryland, District of Columbia, Virginia, West Virginia, North Carolina, South Carolina, Georgia, Alabama, Mississippi, Louisiana, Tennessee, Kentucky, and Florida. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 2229 (Sub-No. 158), filed August 17, 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 applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading, serving the plantsite and warehouse facilities of Western Electric Co., Inc., Adams County, Colo., near Northglenn, Colo., as an off-route point in connection with carrier's regular route operations at Denver, Colo. NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo., or New York, N.Y.

No. MC 2900 (Sub-No. 204), 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: *Aluminum pipe or tubing with or without covering or lining of other materials, with or without couplings and related accessories*, from Carrollton, Ky., to points in Alabama, Florida, Georgia, Illinois, Indiana, Kansas, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin. 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 Cincinnati, Ohio, or Atlanta, Ga.

No. MC 3560 (Sub-No. 40), filed August 19, 1970. Applicant: GENERAL EXPRESSWAYS, INC., 1205 South Platts River Drive, Denver, Colo. 80223. Applicant's representative: John T. Coon (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), between Davenport, Iowa, and Clinton, Iowa, over U.S. Highway 67, serving no intermediate points, as an alternate route in connection with applicant's authorized regular route operations. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 4197 (Sub-No. 8), filed August 14, 1970. Applicant: LOGAN TRANSFER CO., a corporation, 720 12th Street, Huntington, W. Va. 25701. Applicant's representative: Charles F. Dodrill, 600 Fifth Avenue, Huntington, W. Va. 25701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Refrigerated and frozen foods*, between Huntington, W. Va., on the one hand, and, on the other, points in Kentucky, Ohio, Pennsylvania, 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 Charleston, W. Va., or Washington, D.C.

No. MC 9876 (Sub-No. 23) (Correction) filed August 3, 1970, published in the FEDERAL REGISTER issue of August 27, 1970, under No. MC 9676 (Sub-No. 23), and republished in part, as corrected this issue. Applicant: NATIONAL TRANSPORTATION COMPANY, doing business as NATIONAL TRANSPORT 101, Eastern and Moonachie Avenues, Carlstadt, N.J. 07072. Applicant's representative: Maxwell A. Howell, 1120 Investment Building, 1511 K Street NW., Washington, D.C. 20005. NOTE: The purpose of this partial republication is solely to reflect the correct docket number assigned as No. MC 9876 (Sub-No. 23), inadvertently shown as No. MC 9676 (Sub-No. 23) in the previous publication. The rest of the application remains as previously published.

No. MC 13087 (Sub-No. 31), filed August 17, 1970. Applicant: STOCKBERGER TRANSFER & STORAGE, INC., 524 Second Street SW., Mason City, Iowa 50401. Applicant's representative: William L. Fairbank, Hubbell Building, Des Moines, Iowa 50309. 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) 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 Des Moines, Iowa, or St. Louis, Mo.

No. MC 13123 (Sub-No. 60), filed August 21, 1970. Applicant: WILSON FREIGHT COMPANY, a corporation, 3636 Follett Avenue, Cincinnati, Ohio 45223. Applicant's representatives: Walter Harwood, 1822 Parkway Towers, Nashville, Tenn. 37219, and Milton H. Bortz (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except household goods as defined by the Commission, classes A and B explosives, commodities in bulk, and articles requiring special equipment), serving as offroute points in connection with applicant's regular route operations to and from Nashville, Tenn., and to and from Hopkinsville, Ky., those points in an area bounded by the following highways: Beginning at Clarksville, Tenn., thence over U.S. Highway 79 to Dover, Tenn., thence over Tennessee Highway 49 to junction Tennessee Highway 13 at or near Erin, Tenn., thence over Tennessee Highway 13 to Clarksville, including service at points on the indicated portions of the highways specified. NOTE: If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 25798 (Sub-No. 217), filed August 24, 1970. Applicant: CLAY HYDER TRUCKING LINES, INC., 502 East Bridgers Avenue, Post Office Box 1186, Auburndale, Fla. 33823. Applicant's representative: Tony G. Russell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, packinghouse products and articles distributed by meat packinghouses*, as set forth in sections A and C, *Descriptions in Motor Carrier*

Certificates, 61 M.C.C. 209 and 766, and *foodstuffs* (except meat and meat products as described) when transported in mixed truckloads with meat and meat products, from the plantsite and warehouse facilities of Geo. A. Hormel & Co., at Tucker, Ga., to points in Florida, North Carolina, and South Carolina, restricted to traffic originating at the named plantsite and warehouse facilities of Geo. A. Hormel & Co., at Tucker, Ga., and destined to the destination State named. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Atlanta, Ga.

No. MC 25869 (Sub-No. 102), filed August 21, 1970. Applicant: NOLTE BROS. TRUCK LINE, INC., 4734 South 27th Street, Omaha, Nebr. 68107. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Deerfield and Chicago, Ill., to points in Connecticut, Delaware, District of Columbia, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, Virginia, West Virginia, and Colorado. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 32882 (Sub-No. 55), filed July 28, 1970. Applicant: MITCHELL BROS. TRUCK LINES, 3841 North Columbia Boulevard, Portland, Oreg. 97217. Applicant's representative: Norman E. Sutherland, 1200 Jackson Tower, Portland, Oreg. 97205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from San Jose, Stockton, and Antioch, Calif., to points in Utah, Idaho, 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 Portland, Oreg., or San Francisco, Calif.

No. MC 35628 (Sub-No. 313), filed August 19, 1970. Applicant: INTERSTATE MOTOR FREIGHT SYSTEM, 134 Grandville SW., Grand Rapids, Mich. 49502. Applicant's representative: Leonard D. Verdier, Jr., 900 Old Kent Building, Grand Rapids, Mich. 49502. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products, and meat byproducts and articles distributed by meat packinghouses* as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsites and/or cold storage facilities utilized by Wilson Sinclair Co., at Albert Lea, Minn., to points in Kansas and Missouri, restricted to the transportation of traffic originating at the above-specified plantsites and/or cold storage facilities, and destined to the above specified destinations, and (2) *frozen foods*, from Kansas City, Kans., to points in Missouri (except points in Missouri on the regular routes specified in section (a) of Certificate No. MC 29566). 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, Kans., or Chicago, Ill.

No. MC 40915 (Sub-No. 29), filed August 14, 1970. Applicant: BOAT TRANSIT, INC., Post Office Box 1403, Newport Beach, Calif. 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: *Carpets, carpet remnants and carpet yarn*, from the plantsite and storage facilities of Keepsake Carpets at or near Rome, Ga., to points in Illinois, Michigan, and 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 Chicago, Ill., or Atlanta, Ga.

No. MC 40915 (Sub-No. 30), filed August 14, 1970. Applicant: BOAT TRANSIT, INC., Post Office Box 1403, Newport Beach, Calif. 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: *Synthetic carpet yarn*, from the plantsite and storage facilities of Meadow Industries, Inc., at Atlanta, Ga., 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 Los Angeles, Calif., or Atlanta, Ga.

No. MC 50069 (Sub-No. 441), filed August 19, 1970. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 445 Earlwood Avenue, Oregon, Ohio 43616. Applicant's representative: J. A. Kundtz, 1100 National City Bank Building, Cleveland, Ohio 44114. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gasoline and petroleum products*, in bulk, in tank vehicles, from Aurora, Ohio, to points in Michigan. NOTE: Common control and dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 50069 (Sub-No. 442), filed August 19, 1970. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 445 Earlwood Avenue, Oregon, Ohio 43616. Applicant's representative: J. A. Kundtz, 1100 National City Bank Building, Cleveland, Ohio 44114. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from Carson City, Mich., to points in Indiana and Ohio. NOTE: Common control and dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 56553 (Sub-No. 22), filed August 6, 1970. Applicant: PULASKI HIGHWAY EXPRESS, INC., 640 Hamilton Avenue, Nashville, Tenn. 37203. Applicant's representative: George M. Catlett, 703–706 McClure Building, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment; (1) Between Nashville, Tenn., and Cadiz, Ky., from Nashville, Tenn., over U.S. Highway 41A to Hopkinsville, Ky., and thence over U.S. Highway 68 to Cadiz, Ky., and return over the same route, serving all intermediate points in Kentucky and serving Clarksville, Tenn., for purposes of joinder only; (2) between Nashville, Tenn., and Russellville, Ky., from Nashville, Tenn., over U.S. Highway 41 to Hopkinsville, Ky., and thence over U.S. Highway 68 to Russellville, Ky., and return over the same route serving all intermediate points in Kentucky; and (3) between Clarksville, Tenn., and Russellville, Ky., from Clarksville, Tenn., over U.S. Highway 79 to Russellville, Ky., and return over the same route, serving all intermediate points in Kentucky and serving Clarksville, Tenn., for purposes of joinder only. NOTE: The authority sought in paragraphs (1), (2), and (3) next above is restricted against the handling of traffic originating at, destined to or interchanged at Memphis, Tenn., or points within its commercial zone. If a hearing is deemed necessary, applicant requests it be held at Hopkinsville, Ky., or Nashville, Tenn.

No. MC 60131 (Sub-No. 8), filed August 17, 1970. Applicant: ROCKY FORD MOVING VANS, INC., 510 South Big Springs, Midland, Tex. 79701. Applicant's representative: Robert J. Gallagher, Suite 3020, Empire State Building, 350 Fifth Avenue, New York, N.Y. 10001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods as defined by the Commission*, between points in California, Utah, Nevada, Arizona, New Mexico, Colorado, Kansas, Oklahoma, Texas, Louisiana, Arkansas, and Missouri. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states it will tender for cancellation all of it's presently held authority of the application if granted. If a hearing is deemed necessary, applicant requests it be held at Midland, Tex.

No. MC 62136 (Sub-No. 2), filed August 3, 1970. Applicant: CEDAR VAN LINES, INC., 14 West 26th Street, Minneapolis, Minn. 55404. Applicant's representative: Robert E. Swanson, 1211 South Sixth Street, Stillwater, Minn.

55082. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined by the Commission, between the St. Paul-Minneapolis commercial zone on the one hand, and, on the other, points in Illinois, Iowa, Minnesota, Wisconsin, Indiana, Kansas, South Dakota, North Dakota, and Michigan. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. The purpose of this application is merely to eliminate the gateways. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 81495 (Sub-No. 4), filed August 19, 1970. Applicant: GRAYPORT TRANSFER & STORAGE COMPANY, INC., Post Office Box 156, Hoquiam, Wash. 98550. Applicant's representative: Joseph O. Earp, 607 Third Avenue, Seattle, Wash. 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, household goods as defined in practices of motor common carriers of household goods, 17 M.C.C. 467, commodities in bulk in special equipment, commodities injurious or contaminating to other lading and dangerous explosives), between Aberdeen and Hoquiam, Wash., on the one hand, and, on the other, the Wynoochee Dam Site (Grays Harbor County), Wash. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 94201 (Sub-No. 86) (Amendment), filed May 13, 1970, published in the FEDERAL REGISTER issue of July 2, 1970, and republished in part, as amended, this issue. Applicant: BOWMAN TRANSPORTATION, INC., 1010 Stroud Avenue, Gadsden, Ala. 35903. Applicant's representatives: Maurice F. Bishop, 327 Frank Nelson Building, Birmingham, Ala. 35203, and H. Charles Ephraim, 1250 Connecticut Avenue NW., Suite 600, Washington, D.C. 20036. NOTE (A): The purpose of this partial republication is to reflect certain changes in the scope of the application, as follows: (1) By adding an additional regular route immediately following Route 30: Route 30–A: Between Tuscalossa, Ala., and Mobile, Ala.; (a) from Tuscaloosa over U.S. Highway 11 to York, Ala., thence over Alabama Highway 17 to its intersection with U.S. Highway 45 at a point approximately 1 mile north of Deer Park, Ala., thence over U.S. Highway 45 to Mobile, and return over the same route; and (b) over U.S. Highway 43 and return over the same route; (2) by amending the paragraph immediately following Route 30–A (which immediately followed Route 30 in the original application) so that it will now read in words and figures as follows: "In connection with Routes 26, 27, 28, 29, 30, and 30–A, service is authorized to and from all intermediate points and all off-route points in Georgia without restriction and all intermediate and all off-route points in Alabama restricted to the transportation of traffic moving between such Alabama points on the one hand, and, on the other, Cedartown, Lindale, Mount Berry, Rome, or Summerville, Ga."

(3) By adding Route 49–A immediately following Route 49 as follows: Route 49–A: Between Jackson, Tenn., and the intersection of U.S. Highway 45W and 45E at a point in Tennessee approximately 1 mile south of Fulton, Ky., from Jackson over U.S. Highway 45 to the intersection of U.S. Highway 45E and 45W approximately 6 miles southeast of Humboldt, Tenn., thence over U.S. Highway 45W to the junction of U.S. Highway 45E and 45W at a point in Tennessee approximately 1 mile below Fulton, Ky., and return over the same route; (4) by amending the paragraph immediately following Route 49–A of the application, as amended (which immediately followed Route 49 in the original application), so that it will read as follows: "In connection with Routes 49 and 49–A, service is authorized to and from all intermediate and all off-route points in Georgia without restriction; all intermediate and off-route points in Tennessee, restricted to the transportation of traffic moving between such Tennessee points, on the one hand, and, on the other, Cedartown, Lindale, Mount Berry, Rome, or Summerville, Ga." (5) By amending that portion of the "Restriction" appearing after Route 71 and before the words "points in Indiana, and Tennessee" so that it will read as follows: "Restriction: all service covered in Routes 54 through 71, inclusive, restricted to the transportation of traffic moving between points in Alabama within 65 miles of Birmingham, Ala., including Birmingham, on the one hand, and, on the other * * *"; (6) By correcting a portion of Route 7 of the previous publication to show U.S. Highway 76 in lieu of U.S. Highway 276 relating to operations from Columbia, S.C., to Laurens, S.C.; (7) By correcting a portion of Route 12 to show Warrenton, Ga., in lieu of Warren, Ga., as a terminal point. NOTE (B): The rest of the application remains as previously published on July 2, 1970.

No. MC 103993 (Sub-No. 560), filed August 12, 1970. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representative: Paul D. Borghesani (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers*, designed to be drawn by passenger automobiles, in initial movements, from points in Baltimore County, Md., except White Marsh, Md., to points in the United States (except Alaska and Hawaii); and (2) *buildings* in sections, on undercarriages, from points in Baltimore County, Md., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Baltimore, Md.

No. MC 107460 (Sub-No. 26), filed August 21, 1970. Applicant: WILLIAM Z. GETZ, INC., 3055 Yellow Goose Road, Lancaster, Pa. 17601. Applicant's representatives: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. 17010, and Donald D. Shipley (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Three-wheeled sport vehicles, all terrain vehicles and snowmobiles*, from Lebanon, Ohio, to the plantsites of the Sperry Rand Corp., New Holland Division at Belleville, Mountville, and New Holland, Pa., and Grand Island, Nebr.; and (2) *accessories, parts and supplies and materials* used in the manufacture, repair, and assembly of all terrain vehicles, three-wheeled sport vehicles and snowmobiles, from the plantsites of the Sperry Rand Corp., New Holland Division at Belleville, Mountville, and New Holland, Pa., and Grand Island, Nebr., to Lebanon, Ohio, under a continuing contract or contracts with Sperry Rand Corp., New Holland Division. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Harrisburg, Pa.

No. MC 107544 (Sub-No. 98), filed August 17, 1970. Applicant: LEMMON TRANSPORT COMPANY, INCORPORATED, Post Office Box 580, Marion, Va. 24354. Applicant's representatives: Daryl J. Henry (same address as applicant), or 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: *Dry commodities*, in bulk, from Romeo, Fla., to points in Alabama, Arkansas, Connecticut, Delaware, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Utah, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant holds contract carrier authority under MC 113959 and Subs thereunder, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Richmond, Va.

No. MC 108843 (Sub-No. 7), filed August 19, 1970. Applicant: GLABERN CORPORATION, 305 West Lincoln Highway, Penndel, Pa. 19047. Applicant's representative: J. G. Dail, Jr., 1111 E Street NW., Washington, D.C. 20004. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* (other than those designed to be drawn by passenger automobiles), *chassis, cargo containers, and trailer parts and articles* used in the manufacture of trailers when moving in trailers of shippers, between points in Mahoning Township (Carbon County), Pa.; Wolf Township (Lycoming County), Pa.; Bancroft (Putnam County), W. Va.; Wallkill Township (Orange County), N.Y.; Chicago, Ill.; and Cleveland, Ohio, on the one hand, and, on the other, points in Alabama,

Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, under contract with Strick Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 110191 (Sub-No. 22), filed August 14, 1970. Applicant: TURNER'S EXPRESS, INCORPORATED, Post Office Box 1006, Norfolk, Va. 23502. Applicant's representative: L. C. Major, Jr., Suite 301, Tavern Square, 421 King Street, Alexandria, Va. 22314. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* in vehicles, equipped with mechanical refrigeration, from Pennsauken, N.J., to Williamsburg, Va. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Norfolk, Va.

No. MC 111045 (Sub-No. 71), filed August 17, 1970. Applicant: REDWING CARRIERS, INC., Post Office Box 426, Tampa, Fla. 33061. Applicant's representative: J. V. McCoy (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from points in Dade County, Fla., to points in Alabama, Florida, Georgia, North Carolina, South Carolina, Tennessee, and Texas. 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 Miami or Tampa, Fla.

No. MC 111545 (Sub-No. 143) (Correction), filed July 27, 1970, published in the FEDERAL REGISTER issue of August 20, 1970, and republished as corrected, this issue. Applicant: HOME TRANSPORTATION COMPANY, INC., 1425 Franklin Road SE., Marietta, Ga. 30060. Applicant's representative: Robert E. Born, Post Office Box 6426, Station A, Marietta, Ga. 30060. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles; (1) between points in Alabama, Florida, Georgia, Louisiana, Mississippi, and South Carolina; and (2) between points in Alabama, Florida, Georgia, Louisiana, Mississippi, and South Carolina on the one hand, and, on the other, points in Arkansas, Delaware, Kentucky, Missouri, North Carolina, Pennsylvania, Tennessee, Texas, Virginia, West Virginia, and the District of Columbia. NOTE: The purpose of this republication is to include (1) above which was inadvertently omitted in the previous publication. Application states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Applicant further states that no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 111545 (Sub-No. 144), filed August 19, 1970. Applicant: HOME TRANSPORTATION COMPANY, INC., 1425 Franklin Road SE., Marietta, Ga. 30060. Applicant's representative: Robert E. Born, Post Office Box 6426, Station A, Marietta, Ga. 30060. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Irrigation sprinklers and winches* designed for use with irrigation sprinklers; (2) *stump-cutting, cable-laying, trench-digging, trench-backfilling, and tree-moving equipment;* (3) *parts and attachments* for the commodities named in (1) and (2) above; and (4) *trailers* designed for the transportation of commodities named in (1) and (2) above, between Pella, Iowa, and points in the United States (including Alaska but excepting Hawaii). NOTE: Applicant states it has no affirmative intention to tack the authority sought herein, and therefore does not identify points or areas which could be served. However, applicant does object to a restriction against tacking unless shown to be warranted. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Des Moines, Iowa.

No. MC 111545 (Sub-No. 145), filed August 19, 1970. Applicant: HOME TRANSPORTATION COMPANY, INC., 1425 Franklin Road SE., Marietta, Ga. 30060. Applicant's representative: Robert E. Born, Post Office Box 6426, Station A, Marietta, Ga. 30060. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cooling or freezing machines, air coolers, blowers or fans combined, air handling or ventilating equipment and building construction wall sections*, from the plantsite and warehouse facilities of Westinghouse Electric Corp., Air Conditioning Division, at or near Staunton, Va., to all points in the United States (including Alaska but excepting Hawaii). NOTE: Applicant states it has no affirmative intention to tack the authority sought herein, and therefore does not identify points or areas which could be served. However, applicant does object to a restriction against tacking unless shown to be warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 113362 (Sub-No. 192), filed August 17, 1970. Applicant: ELLSWORTH FREIGHT LINES, INC., 310 East Broadway, Eagle Grove, Iowa 50533. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, canned, preserved, or frozen, from points in Adams County and Chambersburg, Pa., to points in Arkansas, Colorado, Kansas, Louisiana, Minnesota, Nebraska, North Dakota, Oklahoma, South Dakota, Tennessee, Texas, and Wisconsin. NOTE: Applicant states that tacking is not intended but could be accomplished by joining at a point in Minnesota so as to serve points in Iowa. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 114115 (Sub-No. 23) (Correction), filed August 3, 1970, published in the FEDERAL REGISTER, issue of August 20, 1970, and republished as corrected this issue. Applicant: TRUCKWAY SERVICE, INC., 10990 Oakwood Boulevard, Detroit, Mich. 48217. Applicant's representatives: James R. Stiverson and Edwin Van Deusen, 50 West Broad Street, Columbus, Ohio 43215. NOTE: The purpose of this correction is to show applicant's correct name as shown above, in lieu of "Truckway Service, Inc.", which was in error. The rest of the application remains as previously published.

No. MC 115162 (Sub-No. 203), filed August 17, 1970. Applicant: POOLE TRUCK LINE, INC., Post Office Box 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: (1) *Poles and posts*, from points on and south of U.S. Highway 78 in Alabama, to points in Florida, Louisiana, Mississippi, and Texas; (2) *physical fitness, gymnastic, athletic, and sporting goods equipment*, from points in Lee County, Ala., to points in Louisiana, Mississippi, and Texas; and (3) *plywood and iron and steel articles*, from Wilmington, N.C., to points in Kentucky 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 Mobile or Montgomery, Ala.

No. MC 116073 (Sub-No. 132), filed August 17, 1970. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., 1825 Main Avenue, Post Office Box 919, Moorhead, 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, from points in Vance 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 Raleigh, N.C.

No. MC 118282 (Sub-No. 31), filed August 17, 1970. Applicant: JOHNNY BROWN'S, INC., 6801 Northwest 74th Avenue, Miami, Fla. 33166. Applicant's representatives: Guy H. Postell and Frank D. Hall, Suite 713, 3384 Peachtree Road NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes,

transporting: *Carpeting, floor coverings and carpet padding and materials, supplies, and equipment* used in the installation thereof, from Wilburton, Okla., to points in Florida. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant holds contracts carrier authority under MC 125811, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Miami, Fla., or Atlanta, Ga.

No. MC 118904 (Sub-No. 22), filed July 23, 1970. Applicant: MOBILE HOME EXPRESS, LTD., 1915 F Avenue, Lawton, Okla. Applicant's representative: David D. Brunson, 419 Northwest Sixth, Oklahoma City, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers* designed to be drawn by passenger automobiles, and (2) *buildings* complete, knocked down or in sections, when moved on wheeled undercarriages, between points in Carter, Love, Marshall, and Murray Counties, Okla., on the one hand, and, on the other, points in Texas, New Mexico, Oklahoma, Kansas, Arkansas, Louisiana, Missouri, and Colorado. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla., Dallas, Tex., or Washington, D.C.

No. MC 118989 (Sub-No. 53), filed August 17, 1970. Applicant: CONTAINER TRANSIT, INC., 5223 South Ninth Street, Milwaukee, Wis. 53211. Applicant's representative: Robert H. Levy, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from the plant and warehouse facilities of Green Giant Co. at Belvidere, Ill., to points in Indiana, Ohio, Michigan, Missouri, 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 Chicago, Ill., or Milwaukee, Wis.

No. MC 119315 (Sub-No. 14), filed June 12, 1970. Applicant: FREIGHTWAY CORPORATION, 131 Matzinger Road, Toledo, Ohio 43612. Applicant's representative: Paul F. Beery, 88 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pentaerythritol and sodium formate*, between Toledo, Ohio, on the one hand, and, on the other, points in Delaware, Illinois, Indiana, Iowa, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Jersey, New York, Pennsylvania, 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 Columbus, Ohio.

No. MC 119531 (Sub-No. 146), filed August 20, 1970. Applicant: DIECKBRADER EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: H. R. Arnold (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Containers, packaging materials and accessories therefor, can ends, and materials, equipment, and supplies* used in the manufacture, sale, and distribution of containers and packaging materials between points in Connecticut, the District of Columbia, Illinois, Indiana, Iowa, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Jersey, New York, Ohio, Pennsylvania, Tennessee, Virginia, West Virginia, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 119641 (Sub-No. 89) (Correction), filed June 29, 1970, published in the FEDERAL REGISTER issue of July 23, 1970, corrected in part, and republished as corrected, this issue. Applicant: RINGLE EXPRESS, INC., 450 South Ninth Street, Fowler, Ind. 47944. Applicant's representative: Robert C. Smith, 711 Chamber of Commerce Building, Indianapolis, Ind. 46204. NOTE: The purpose of this partial republication is to show the correct commodity description as composition or mineral *wool* boards, in lieu of composition or mineral wood boards. The rest of the application remains the same.

No. MC 119789 (Sub-No. 36), 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 above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared foodstuffs*, from the plantsite of the Pillsbury Co. at Denison, Tex., to points in Alabama, Louisiana, Mississippi, and Pensacola, Fla. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex., or Washington, D.C.

No. MC 124211 (Sub-No. 153), filed August 17, 1970. Applicant: HILT TRUCK LINE, INC., Post Office Box 988, Omaha, Nebr. 68101. 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: *Plumbing fixtures, equipment, materials, and supplies, and accessories*, from Louisville, Ky., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states it may tack proposed operations with authority held in MC 124311 (Sub-No. 79) at Louisville, Ky. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 124211 (Sub-No. 154), filed August 17, 1970. Applicant: HILT TRUCK LINE, INC., Post Office Box 988, Omaha, Nebr. 68101. 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: *Advertising matter, advertising paraphernalia, and premiums* when moving in mixed loads with beverages; and, *beverages*, from points in Illinois, Indiana, Kentucky, Michigan, Missouri, New Jersey, New York, Ohio, and Pennsylvania, to points in Arizona, California, Nevada, and Utah. NOTE: Applicant states it may presently provide proposed services herein from points in Illinois, Indiana, Kentucky, Michigan, Missouri, and New Jersey, to all destinations named herein above by tacking existing authority in MC 124211 Sub Nos. 18, 26, 109, 121, 124, 125, etc., at points in Nebraska, and St. Joseph, Mo. No duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Phoenix, Ariz., or Los Angeles, Calif.

No. MC 127903 (Sub-No. 4), filed August 17, 1970. Applicant: H & M TRANSPORT CO., INC., Rudd, Iowa 50471. Applicant's representative: William L. Fairbank, 610 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural chemicals*, other than in bulk, from the plantsite and warehouse facility of Monsanto Co. near Muscatine, Iowa (approximately 3½ miles south of Muscatine) 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 Des Moines, Iowa, or St. Louis, Mo.

No. MC 128320 (Sub-No. 4), filed August 6, 1970. Applicant: ART QUIRING, Coin, Iowa 51636. Applicant's representative: Charles J. Kimball, 605 South 14th Street, Post Office Box 2028, Lincoln, Nebr. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper tissue, paper napkins, paper towels, wax paper, paper bags, and wrapping paper*, from warehouse facilities of Crown Zellerbach Paper Co., at or near Portland, Oreg., to points in Iowa, under a continuing contract with Hoxie Institutional Wholesale Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Omaha, Nebr.

No. MC 128375 (Sub-No. 43), filed August 19, 1970. Applicant: CRETE CARRIER CORPORATION, Post Office Box 249, Crete, Nebr. 68333. Applicant's representative: Duane W. Acklie, 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: *Such merchandise as is marketed by home distributors, and ingredients, materials, and supplies* used in the manufacture and production of such merchandise as is marketed by home products distributors; and advertising and promotional items and materials moving in the same vehicle

with the above-described commodites, between Ada, Mich., on the one hand, and, on the other, points in Washington, Oregon, Idaho, Montana, Wyoming, South Dakota, North Dakota, Minnesota, Nebraska, Iowa, Kansas, Colorado, Utah, Nevada, California, Arizona, New Mexico, Texas, Oklahoma, Missouri, Louisiana, Florida, Georgia, and Tennessee, under a continuing contract with Amway Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Lincoln, Nebr.

No. MC 128604 (Sub-No. 1), filed August 10, 1970. Applicant: CARL KESSLER, North Street, Benton, Pa. 17814. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sand, flux stone, ammo, and foundry materials* from points in Essex, Sussex, Camden, and Cumberland Counties, N.J., to the plantsites of Benton Foundry, Inc., and Hallstead Foundry, Inc., located at Sugarloaf Township (Columbia County), and Hallstead (Susquehanna County), Pa., under contract with Benton Foundry, Inc., and Hallstead Foundry, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Scranton or Harrisburg, Pa.

No. MC 129876 (Sub-No. 3), filed August 17, 1970. Applicant: ROBERT F. DuBOIS, doing business as DuBOIS TRUCKING, Post Office Box 502, Montpelier, Vt. 05602. Applicant's representative: John P. Monte, 61 Summer Street, Barre, Vt. 05641. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, from South Portland, Maine, to Berlin, Vt., for the account of B & R Oil Co., Inc., Berlin, Vt. Applicant holds common carrier authority under MC 119808 subs thereunder, therefore, dual operations may be involved. NOTE: If a hearing is deemed necessary, applicant requests it be held at Montpelier, Vt., Concord, N.H., or Boston, Mass.

No. MC 129886 (Sub-No. 3), filed August 19, 1970. Applicant: CALVIN E. SUMMERS, 112 Spruce Street, Elizabethville, Pa. 17023. Applicant's representative: John W. Frame, Box 626, Camp Hill, Pa. 17011. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meat and meat products*, in vehicles equipped with mechanical refrigeration, and *frozen foods;* (a) from points in Delaware, Maryland, New Jersey, New York, Ohio, Virginia, West Virginia, and Washington, D.C., to the warehouse of Calvin E. Summers, at Elizabethville, Pa.; and (b) from points in Alabama, Connecticut, Florida, Georgia, Kentucky, Maine, Massachusetts, Mississippi, New Hampshire, North Carolina, Rhode Island, South Carolina, Tennessee and Vermont, to the warehouse of Calvin E. Summers, at Elizabethville, Pa.; and (c) between points in Michigan, on the one hand, and, on the other, the warehouse of Calvin E. Summers, at Elizabethville, Pa., under a continuing contract or contracts with Servomation Mathias, Inc., of Baltimore, Md.; and (2) *meats, meat products, packinghouse products, and articles distributed by meat packinghouses*, 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; and (3) *foodstuffs* (except the commodities set forth in (2) above), between the plantsite of Calvin E. Summers at Elizabethville, Pa., on the one hand, and, on the other, points in Delaware, Maryland, New Jersey, New York, Ohio, Virginia, West Virginia, and Washington, D.C., under a continuing contract or contracts with Geo. A. Hormel & Co., of Austin, Minn. NOTE: Applicant presently has a pending application under its No. MC 133618 Sub-No. 1, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa., or Washington, D.C.

No. MC 133106 (Sub-No. 2), filed August 20, 1970. Applicant: NATIONAL CARRIERS, INC., 1501 East Eighth Street, Liberal, Kans. 67901. Applicant's representatives: Duane W. Acklie and Richard A. Peterson, 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: *Insulated wire; electric plugs and cord sets; and power supply cords; and related items*, from Rumford, Woonsocket, and Pawtucket, R.I., to points in Illinois, Michigan, Ohio, Minnesota, Missouri, Colorado, Texas, Iowa, Nebraska, Kansas, Indiana, and Oklahoma, under continuing contract with International Telephone & Telegraph Corp. and its divisions and subsidiaries. NOTE: If a hearing is deemed necessary, applicant requests it be held at Wichita, Kans., or Kansas City, Mo.

No. MC 133655 (Sub-No. 37), filed August 20, 1970. Applicant: TRANS-NATIONAL TRUCK, INC., Post Office Box 4168, Amarillo, Tex. 79105. 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, dairy products, and articles distributed by meat packinghouses*, from Sterling, Colo., to points in Maine, Vermont, New Hampshire, Massachusetts, New York, Pennsylvania, New Jersey, Delaware, District of Columbia, Maryland, and Ohio. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Amarillo or Dallas, Tex., or Washington, D.C.

No. MC 133655 (Sub-No. 38), filed August 20, 1970. Applicant: TRANS-NATIONAL TRUCK, INC., Post Office Box 4168, Amarillo, Tex. 79105. 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 defined by the Commission, from Liberal, Kans., to points in New York, New Jersey, Pennsylvania, Massachusetts, Georgia, Florida, North Carolina, South Carolina, Louisiana, Virginia, Maine, Rhode Island, District of Columbia, California, Arizona, Nevada, Washington, Oregon, and Texas. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Amarillo or Dallas, Tex., or Washington, D.C.

No. MC 134038 (Sub-No. 3) (Clarification), filed July 15, 1970, published in the FEDERAL REGISTER issue of August 13, 1970, clarified and republished in part as clarified, this issue. Applicant: MAJORS TRANSIT, INC., Post Office Box 7, Caneyville, Ky. 42721. Applicant's representative: Louis J. Amato, Post Office Box E, Bowling Green, Ky. 42101. NOTE: Applicant states that the requested irregular route authority cannot be tacked with its existing authority. The purpose of this republication is to clarify the tacking information. The rest of the application remains as previously published.

No. MC 134214 (Sub-No. 2) (Clarification), filed July 23, 1970, published in the FEDERAL REGISTER issue of August 13, 1970, and republished as clarified, this issue. Applicant: SIMPSON TOWING LIMITED, 45 Scott Street, Box 472, St. Catharines, Ontario, Canada. Applicant's representative: Robert D. Gunderman, 43 Niagara Street, Buffalo, N.Y. 14202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked, disabled, inoperative, stolen, and reposessed motor vehicles, including trailers* (except mobile homes or house trailers designed to be drawn by passenger automobiles), and replacements thereof, by wrecker equipment, between ports of entry on the international boundary line between the United States and Canada in New York, Michigan, and Minnesota on the one hand, and, on the other, points in the United States on and east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, Minn., thence northward along the western boundary of Itasca and Koochiching Counties, Minn., to ports of entry on the international boundary line between the United States and Canada. NOTE: The purpose of this republication is to show parentheses after automobiles in lieu of equipment as previously published. If a hearing is deemed necessary applicant requests it be held at Buffalo, N.Y.

No. MC 134849 (Sub-No. 1), filed August 17, 1970. Applicant: SECURITY MOVING & STORAGE CO., a corporation, 3110 North Stone Avenue, Post Office Box 452, Colorado Springs, Colo. 80901. Applicant's representative: Alan F. Wohlstetter, 1 Farragut Square South, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in El Paso and Teller

Counties, Colo., restricted to the transportation of traffic having a prior or subsequent movement, in containers, 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 does not specify a location.

No. MC 134867, filed August 12, 1970. Applicant: ALFRED MOEN AND EARL MOEN, a partnership, doing business as MOEN TRUCK LINE, Nekoma, N. Dak. 58355. Applicant's representative: E. J. Hanson, Post Office Box 1177, Grand Forks, N. Dak. 58201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except petroleum products in bulk, in tank vehicles), between Fargo, N. Dak., on the one hand, and, on the other, points in Cavalier County, N. Dak., and those parts of Ramsey and Walsh Counties, N. Dak., bounded on the west by a line beginning at the Ramsey-Cavalier County line and extending south along North Dakota Highway 20 to Webster, N. Dak.; on the south by a line beginning at Webster, N. Dak.; and extending east along an unnumbered highway to Brocket, N. Dak., thence along the southern boundary of Walsh County to its intersection with North Dakota Highway 32; and on the east by a line beginning at said intersection of North Dakota Highway 32 and the southern boundary of Walsh County, and extending north along North Dakota Highway 32 to the Pembina County line, thence west along the southern boundary of Pembina County to the eastern boundary of Cavalier County, including points on the indicated portions of the highways and county lines specified. NOTE: If a hearing is deemed necessary, applicant requests it be held at (1) Langdon or Grand Forks, N. Dak., or (2) Fargo, N. Dak.

No. MC 134874, filed August 19, 1970. Applicant: JAMES SHEPARD, doing business as JIM'S LIVERY SERVICE, 1361 Edgewood Road, Lake Bluff, Ill. 60045. Applicant's representative: Robert E. Cusack, 11 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities in bulk), between Lake Bluff, Ill., on the one hand, and, on the other, airports located within the Chicago commercial zone area, as defined by the Commission. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 134875, filed August 18, 1970. Applicant: JOHN W. SMOOT, Box 124, Mount Jackson, Va. 22840. Applicant's representative: C. F. Germelman, Post Office Box 81, Winchester, Va. 22601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Textiles, yarn, clothing, materials, supplies, and machinery* used or useful in the manufacture of textiles, yarn, and clothing, between Edinburg, Va., on the one hand, and, on the other, Abilene, Tex. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

MOTOR CARRIER OF PASSENGERS

No. MC 123577 (Sub-No. 11), filed August 21, 1970. Applicant: WARWICK-GREENWOOD LAKE AND NEW YORK TRANSIT, INC., 730 Madison Avenue, Paterson, N.J. 07509. Applicant's representative: Edward F. Bowes, 744 Broad Street, Newark, N.J. 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in round-trip special operations, beginning and ending at Wayne, N.J., and extending to Monticello Race Track, Monticello, N.Y. NOTE: If a hearing is deemed necessary, applicant requests it be held at Newark, N.J.

APPLICATION FOR BROKERAGE LICENSE

No. MC 130124, filed August 17, 1970. Applicant: LEIGH HAROLD ROBINSON, doing business as FOREIGN LANGUAGE TOURS OF AMERICA, 12 Chanslor Court, Richmond, Calif. 94801. For a license (BMC 5) to engage in operations as a *broker* at Richmond, Calif., in arranging for the transportation in interstate or foreign commerce of passengers and their baggage, both as individuals and in groups, in guided special and charter opertions, between points in California, Arizona, Nevada, and Utah.

By the Commission.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[F.R. Doc. 70-11977; Filed, Sept. 10, 1970; 8:45 a.m.]

[Notice 147]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

SEPTEMBER 8, 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 76025 (Sub-No. 22 TA), filed August 31, 1970. Applicant: OVERLAND EXPRESS, INC., 651 First Street SW., Post Office Box 2667, New Brighton, Minn. 55112. Applicant's representative: James F. Sexton (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *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), from Huron, S. Dak., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, for the account of Armour & Co., and Geo. A. Hormel Co., for 180 days. Supporting shippers: Hormel, Austin, Minn.; Armour & Co., Chicago, Ill. Send protests to: District Supervisor A. E. Rathert, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn. 55401.

No. MC 107295 (Sub-No. 432 TA), filed September 2, 1970. Applicant: PRE-FAB TRANSIT CO., 100 South Main Street, Post Office Box 146, Farmer City, Ill. 61842. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Heating, cooling and ventilating systems, equipment and supplies*; from Holland and Pemberville, Ohio; to points in the United States (except Alaska and Hawaii), for 180 days. Supporting shipper: Schemenauer Manufacturing Co., Division of Modine Manufacturing Co., Holland, Ohio 43223. Send protests to: Harold Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 476, 325 West Adams Street, Springfield, Ill. 62704.

No. MC 107496 (Sub-No. 786 TA), filed September 2, 1970. Applicant: RUAN TRANSPORT CORPORATION, Third and Keosauqua Way, Post Office Box 855, ZIP 50304, Des Moines, Iowa 50309. Applicant's representative: H. L. Fabritz (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Engine (traction) sand*, in bulk, in pneumatic tank vehicles, from Muscatine, Iowa, to Silvis, Ill., for 150 days. Supporting shipper: Northern Gravel Co., Post Office Box 307, Muscatine, Iowa 52761. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 124230 (Sub-No. 13 TA), filed September 2, 1970. Applicant: C. B. JOHNSON, INC., Post Office Drawer S, Cortez, Colo. 81321. Applicant's representative: Leslie R. Kehl, 420 Denver Club Building, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular

routes, transporting: *Silver and gold ore concentrates,* from the millsite of Coronado Silver Corp. at or near Platoro, Colo., to El Paso, Tex., for 150 days. Supporting shipper: Alfred Hoyl, President, Coronado Silver Corp., Platoro, Colo. Send proests to: District Supervisor H. G. Ruoff, Interstate Commerce Commission, Bureau of Operations, 2022 Federal Building, 1961 Stout Street, Denver, Colo.

No. MC 124328 (Sub-No. 43 TA), filed September 1, 1970. Applicant: BRINK's, INCORPORATED, 234 East 24th Street, Chicago, Ill. 60616. Applicant's representative: F. D. Partlan (same address as above). Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Embossed credit cards,* from Boston, Mass., to Augusta, Lewiston, Bangor, and Portland, Maine, and Burlington, Vt., for 180 days. Supporting shippers: The Merrill Trust Co., Bangor, Maine 04401; The Howard National Bank & Trust Co., 111 Main Street, Burlington, Vt. 05401; Bank of Maine, Post Office Box 389, Augusta, Maine 04330; Maine Bank Americard Center, Box 1636, Portland, Maine 04104; First Manufacturers National Bank & Trust Co., Lewiston, Maine. Send protests to: Raymond E. Mauk, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1086, Chicago, Ill. 60604.

No. MC 129643 (Sub-No. 3 TA), filed September 1, 1970. Applicant: GEORGE SMITH, doing business as GEORGE SMITH TRUCKING CO., 433 Mountain Avenue, Winnipeg 4, Manitoba, Canada. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Meats* (fresh and frozen) and *frozen poultry products,* from port of entry at or near Eastport, Idaho, to points in Idaho, Washington, and Oregon, restricted to traffic originating in Canada only, for 180 days. Supporting shippers: Swift Canadian Co., Ltd., St. Boniface, Manitoba, Canada; O.K. Packers, 505 Dawson Road, St. Boniface 6, Manitoba, Canada; Sous Chef Kitchens, 260 Princess Street, Winnipeg 2, Manitoba, Canada; Burns Foods Ltd., Post Office Box 1300, Calgary, Alberta, Canada. Send protests to: J. H. Ambs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Post Office Box 2340, Fargo, N. Dak. 58102.

No. MC 133562 (Sub-No. 2 TA), filed August 31, 1970. Applicant: HOLIDAY EXPRESS CORPORATION, Post Office Box 204, Estherville, Iowa 51334. Applicant's representative: Merle Johnson (same address as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Meat, 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 Sioux Falls, S. Dak., to points in New York, New Jersey, Pennsylvania, Massachusetts, Virginia, Maryland, Connecticut, Rhode Island, and the District of Columbia; and from Estherville, Iowa, to points in Maryland, Connecticut, Massachusetts, Virginia, Rhode Island, and the District of Columbia, for 150 days. Supporting shipper: John Morrell & Co., 1400 North Weber Avenue, Sioux Falls, S. Dak. 57103. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 134477 (Sub-No. 4 TA), filed August 31, 1970. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, Minn. 55118. Applicant's representative: Paul Schanno (same address as above). 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 1, to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plants and warehouses used by Armour & Co. at Newport, St. Paul, and South St. Paul, 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, for 180 days. Supporting shipper: Armour & Co., 111 East Wacker Drive, Chicago, Ill. Send protests to: A. N. Spath, District Supervisor, Interstate Commerce Commission, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn. 55401.

No. MC 134777 (Sub-No. 1 TA), filed September 1, 1970. Applicant: SOONER EXPRESS, INC., Post Office Box 40, Madill, Okla. 73446. Applicant's representative: James C. Hamill, Law Title Building, 325 Robt. Kerr Avenue, Oklahoma City, Okla. 73102. 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 C and A of *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766, from plantsite and/or storage facilities operated and utilized by Armour & Co., at or near Omaha, Nebr., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and District of Columbia, for 180 days. NOTE: Applicant does not intend to tack with existing authority. Supporting shipper: Armour & Co., 111 East Wacker Drive, Post Office Box 9222, Chicago, Ill. 60690. Send protests to: E. K. Willis, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 513 Thomas Building, 1314 Wood Street, Dallas, Tex. 75202.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Acting Secretary.

[F.R. Doc. 70-12095; Filed, Sept. 10, 1970; 8:50 a.m.]

[Notice 146]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

SEPTEMBER 4, 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 2401 (Sub-No. 8 TA), filed August 27, 1970. Applicant: NEWTON TRANSPORTATION COMPANY, INC., Post Office Box 678, Greer Street, Lenoir, N.C. 28645. Applicant's representative: Francis J. Ortman, Suite 770, Mills Building, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Plastic products and plastic byproducts* (except in bulk), from the plantsite of Polymer Processing, Inc., a subsidiary of Broyhill Furniture Industries, Inc., at or near Lenoir, N.C., Caldwell County, to Washington, D.C.; Baltimore, Md.; points in the New York, N.Y., commercial zone as defined by the Commission in 1 M.C.C. 665, and 2 M.C.C. 199, points in Kentucky, New Jersey, Ohio, Pennsylvania, Indiana, Illinois, points in that part of Virginia east of U.S. Highway 1 and south of U.S. Highway 60, and points in that part of West Virginia north of the Kanawha River and west of U.S. Highway 19, including points on the indicated portions of the highways specified; (2) *materials, equipment, and supplies used in the manufacture of plastic products and plastic byproducts* (except in bulk), from Washington, D.C., Baltimore, Md., points in the New York, N.Y., commercial zone as defined by the Commission in 1 M.C.C. 665, and 2 M.C.C. 199, points in Kentucky, New Jersey, Ohio, Pennsylvania, Indiana, Illinois, points in that part of Virginia east of U.S. Highway 1 and south of U.S. Highway No. 60, and points in that part of West Virginia north of the Kanawha River and west of U.S. Highway 19, including points on the indicated portions of the highways as specified, to the plantsite of Polymer Processing, Inc.,

a subsidiary of Broyhill Furniture Industries, Inc., at or near Lenoir, N.C., Caldwell County, for 180 days. Supporting shipper: Polymer Processing, Inc., Lenoir, N.C. 28645. Send protests to: Jack K. Huff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 316 East Morehead, Suite 417 (BSR Building), Charlotte, N.C. 28202.

No. MC 30837 (Sub-No. 405 TA), filed September 1, 1970. Applicant: KENOSHA AUTO TRANSPORT CORPORATION, 4200 39th Avenue, Post Office Box 160, ZIP 53141, Kenosha, Wis. 53140. Applicant's representative: Albert P. Barber (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tool trailers*, from York, Pa., to points in the United States (except Alaska and Hawaii), for 180 days. Supporting shipper: A. B. Chance Co., Pitman Division, Post Office Box 446, York, Pa. 17405 (Russel E. Roser, Plant Manager). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 45656 (Sub-No. 14 TA), filed August 27, 1970. Applicant: ANDERSON TRUCK LINE, INC., Post Office Drawer 191, 531 West Harper Avenue, Lenoir, N.C. 28645. Applicant's representative: Francis J. Ortman, Suite 770, Mills Building, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic products and plastic byproducts*, except in bulk, from the plantsite of Polymer Processing, Inc., a subsidiary of Broyhill Furniture Industries, Inc., at or near Lenoir, N.C., Caldwell County, to points in Georgia, South Carolina, Virginia, that part of Tennessee on and east of U.S. Highway 27, Washington, D.C., and Baltimore, Md.; (2) *materials, equipment, and supplies used in the manufacture of plastic products and plastic byproducts* (except in bulk), from points in Georgia, South Carolina, Virginia, that part of Tennessee on and east of U.S. Highway 27, Washington, D.C., and Baltimore, Md., to the plantsite of Polymer Processing, Inc., a subsidiary of Broyhill Furniture Industries, Inc., at or near Lenoir, N.C., Caldwell County, for 180 days. Supporting shipper: Polymer Processing, Inc., Lenoir, N.C. 28645. Send protests to: Jack K. Huff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 316 East Morehead, Suite 417 (BSR Building), Charlotte, N.C. 28202.

No. MC 62110 (Sub-No. 13 TA), filed August 27, 1970. Applicant: BILLINGS TRUCKING CORPORATION, 509 Cherry Street, North Wilkesboro, N.C. 28659. Applicant's representative: Francis J. Ortman, Suite 770, Mills Building, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic products and plastic byproducts* (except in bulk), from the plantsite of Polymer Processing, Inc., a subsidiary of Broyhill Furniture Industries, Inc., at or near Lenoir, N.C., Caldwell County, to points in Alabama, Florida, Georgia, Kentucky, Tennessee, Virginia, West Virginia, Pennsylvania, Washington, D.C., South Carolina, the New York, N.Y., commercial zone, Camden and Trenton, N.J.; Wilmington, Del., Baltimore, Cumberland, and Hagerstown, Md.; (2) *materials, equipment, and supplies used in the manufacture of plastic products and plastic byproducts* (except in bulk), from points in Alabama, Florida, Georgia, Kentucky, Pennsylvania, South Carolina, Tennessee, Virginia, Washington, D.C., the New York, N.Y., commercial zone, Camden and Trenton, N.J.; Wilmington, Del., Baltimore, Cumberland, and Hagerstown, Md., to the plantsite of Polymer Processing, Inc., a subsidiary of Broyhill Furniture Industries, Inc., at or near Lenoir, N.C., Caldwell County, for 180 days. Supporting shipper: Polymer Processing, Inc., Lenoir, N.C. 28645. Send protests to: Jack K. Huff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 316 East Morehead, Suite 417 (BSR Building), Charlotte, N.C. 28202.

No. MC 66807 (Sub-No. 4 TA), filed September 1, 1970. Applicant: MANUFACTURERS EXPRESS, INCORPORATED, Post Office Box 270, 294 Kimberley Avenue, West Haven, Conn. 06516. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages* (excluding commodities in bulk, in tank vehicles), from Merrimack, N.H., to East Lyme, Wallingford, and Norwalk, Conn., for 150 days. Supporting shipper: Dichello' Distributors, Wallingford and Norwalk, Conn.; Tri-County Distributors, East Lyme, Conn. Send protests to: David J. Kiernan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 324 U.S. Post Office Building, 135 High Street, Hartford, Conn. 06101.

No. MC 76025 (Sub-No. 23 TA), filed September 1, 1970. Applicant: OVERLAND EXPRESS, INC., 651 First Street SW., Post Office Box 2667, New Brighton, Minn. 55112. Applicant's representative: James F. Sexton (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products and other foodstuffs distributed by dairies*, from points in Minnesota and Wisconsin to points in Alabama, Florida, Georgia, North Carolina, South Carolina, Tennessee, and West Virginia, for the account of Land O' Lakes Creameries, Inc., for 180 days. Supporting shipper: Land O' Lakes Creameries, Inc., Minneapolis, Minn. Send protests to: District Supervisor A. E. Rathert, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn. 55401.

No. MC 91306 (Sub-No. 15 TA), filed August 27, 1970. Applicant: JOHNSON BROTHERS TRUCKERS, INC., Post Office Box 530, Elkin, N.C. 28621. Applicant's representative: Francis J. Ortman, Suite 770, Mills Building, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic products and plastic byproducts* (except in bulk), from the plantsite of Polymer Processing, Inc., a subsidiary of Broyhill Furniture Industries, Inc., at or near Lenoir, N.C., Caldwell County, to points in Delaware, New Jersey, New York, Pennsylvania, the District of Columbia, points in that part of Virginia on and east of U.S. Highway 220 starting at the North Carolina-Virginia State line to Roanoke and that part of Virginia on and east of U.S. Highway 11 to the Virginia-West Virginia State line, points in West Virginia on and east of U.S. Highway 11, and points in Maryland on and east of U.S. Highway 11; and (2) *materials, equipment, and supplies used in the manufacture of plastic products and plastic byproducts* (except in bulk), from points in Delaware, New Jersey, New York, Pennsylvania, the District of Columbia, points in that part of Virginia, on and east of U.S. Highway 220 starting at the North Carolina-Virginia State line to Roanoke and that part of Virginia on and east of U.S. Highway 11 to the Virginia-West Virginia State line, points in West Virginia on and east of U.S. Highway 11, and points in Maryland on and east of U.S. Highway 11, to the plantsite of Polymer Processing, Inc., a subsidiary of Broyhill Furniture Industries, Inc., at or near Lenoir, N.C., Caldwell County. Supporting shipper: Polymer Processing, Inc. Send protests to: Jack K. Huff, District Supervisor, Interstate Commerce Commission, Bureau of Operating Rights, 316 East Morehead, Suite 417 (BSR Building), Charlotte, N.C. 28202.

No. MC 107295 (Sub-No. 429 TA), filed September 1, 1970. Applicant: PRE-FAB TRANSIT CO., 100 South Main Street, Post Office Box 146, Farmer City, Ill. 61842. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Boards and slabs;* from Cornell, Wis., to points in Arkansas, Illinois, Indiana, Iowa, Kentucky, Michigan, Missouri, Minnesota, Ohio, and Tennessee, for 180 days. Supporting shipper: Fireproof Products, Inc., Cornell, Wis. 54732. Send protests to: Harold Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 476, 325 West Adams Street, Springfield, Ill. 62704.

No. MC 107295 (Sub-No. 430 TA), filed September 1, 1970. Applicant: PRE-FAB TRANSIT CO., 100 South Main Street, Post Office Box 146, Farmer City, Ill. 61842. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefinished wall panels, composition board, wallboard, plywood, moulding, adhesive, samples and accessories therefor;* from Pittsburg, Kans., to points in Arkansas, Illinois, Indiana, Iowa, Ohio, Kentucky, Michigan, Wisconsin, and Tennessee, for 180 days. Supporting shipper: Wal-Lite Products, Division of U.S. Gypsum Co., Pittsburg, Kans. Send protests to: Harold

Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 476, 325 West Adams Street, Springfield, Ill. 62704.

No. MC 107295 (Sub-No. 431 TA), filed September 1, 1970. Applicant: PRE-FAB TRANSIT CO., 100 South Main Street, Post Office Box 146, Farmer City, Ill. 61842. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wallboard, fiberboard, plastic sheeting, wall and ceiling panels, tile, moldings and materials and accessories therefor;* from Lodi, N.J., to points in Ohio, Michigan, Indiana, Illinois, Wisconsin, Minnesota, Iowa, Missouri, Oklahoma, Kansas, Nebraska, Memphis, Tenn., Albuquerque, N. Mex., and Salt Lake City, Utah, for 180 days. Supporting shipper: Barclay Industries, Inc., 65 Industrial Road, Lodi, N.J. 97644. Send protests to: Harold Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 476, 325 West Adams Street, Springfield, Ill. 62704.

No. MC 113024 (Sub-No. 84 TA) (Republication), filed January 27, 1970, published in the FEDERAL REGISTER, issue of February 6, 1970, and republished this issue. Applicant: ARLINGTON J. WILLIAMS, INC., Rural Delivery No. 2, Smyrna, Del. 19977. Applicant's representative: Samuel W. Earnshaw, 833 Washington Building, Washington, D.C. 20005. Applicant holds 180-day temporary authority, which expires November 3, 1970, authorizing the transportation, as a *contract carrier*, by motor vehicle, of: *Bathroom and washroom fixtures, sinks and attachments therefor*, for the account of Briggs Manufacturing Co., over irregular routes, from Warren, Mich., to Harrisburg, Lansdale, Norristown, Reading, and York, Pa., and points in the Philadelphia, Pa., commercial zone. Applicant now seeks to change the name of the contracting shipper to: Panacon Corp. Any interested person desiring to participate may file objections to such change within 15 days from the date of publication in the FEDERAL REGISTER. Send objections to: Paul J. Lowry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 206 Old Post Office Building, 129 East Main Street, Salisbury, Md. 21801.

No. MC 113024 (Sub-No. 98 TA), filed September 1, 1970. Applicant: ARLINGTON J. WILLIAMS, INC., Rural Delivery No. 2, South Du Pont Highway, Smyrna, Del. 19977. Applicant's representative: Samuel W. Earnshaw, 833 Washington Building, Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bathroom and washroom fixtures, sinks, and accessories and attachments therefor, and thereof, and materials and supplies* (except in bulk) used in the manufacture thereof, between Camden, N.J., and New Castle, Pa., on the one hand, and points in Indiana, Kentucky, Ohio, Wisconsin, and in Illinois south of U.S. Highway No. 24, for account of Universal-Rundle Corp., New Castle, Pa., for 180 days. Supporting shipper: Universal-Rundle Corp., 217 North Mill Street, Post Office Box 960, New Castle, Pa. 16103; Robert L. Gardner, Traffic Manager. Send protests to: Paul J. Lowry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 206 Old Post Office Building, 129 East Main Street, Salisbury, Md. 21801.

No. MC 114084 (Sub-No. 14 TA), filed August 27, 1970. Applicant: S AND S TRUCKING COMPANY, a corporation, Post Office Box 1546, 118 South Oakland Avenue, Statesville, N.C. 28677. Applicant's representative: Francis J. Ortman, Suite 770 Mills Building, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic products and plastic byproducts* (except in bulk), from the plantsite of Polymer Processing, Inc., a subsidiary of Broyhill Furniture Industries, Inc., at or near Lenoir, N.C. (Caldwell County), to points in Maine, New Hampshire, and Vermont and points in New York on and north of a line beginning at the New York-Massachusetts State line and extending west along U.S. Highway 20 to Albany, N.Y., thence along New York Highway 5 to the southern corporate limits of Buffalo, N.Y., to Lake Erie; and (2) *materials, equipment and supplies used in the manufacture of plastic products and plastic byproducts* (except in bulk), from points in Maine, New Hampshire, and Vermont and points in New York on and north of a line beginning at the New York-Massachusetts State line and extending west along U.S. Highway 20 to Albany, N.Y., thence along New York Highway 5 to the southern corporate limits of Buffalo, N.Y., and thence west along the southern corporate limits of Buffalo, N.Y., to Lake Erie, to the plantsite of Polymer Processing, Inc., a subsidiary of Broyhill Furniture Industries, Inc., at or near Lenoir, N.C. (Caldwell County). Supporting shipper: Polymer Processing, Inc., Lenoir, N.C. 28645. Send protests to: Jack K. Huff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 316 East Morehead, Suite 417 (BSR Building), Charlotte, N.C. 28202.

No. MC 114290 (Sub-No. 50 TA), filed September 1, 1970. Applicant: EXLEY EXPRESS, INC., 2610 Southeast Eighth Avenue, Portland, Oreg. 97202. Applicant's representative: James T. Johnson, 1610 IBM Building, 1200 Fifth Avenue, Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Wilmington, Calif., to points in Arizona, California, Colorado, Idaho, Montana, New Mexico, Utah, Oregon, and Washington, for 180 days. Supporting shipper: Chiquita Brands, Inc., 1250 Broadway, New York, N.Y. 10001. Send protests to: District Supervisor W. J. Huetig, Interstate Commerce Commission, Bureau of Operations, 450 Multnomah Building, 120 Southwest Fourth Avenue, Portland, Oreg. 97204.

No. MC 111548 (Sub-No. 9 TA), filed August 27, 1970. Applicant: SHARPE MOTOR LINES, INC., Post Office Box 517, U.S. Highway 70, Hildebran, N.C. 28637. Applicant's representative: Francis J. Ortman, Suite 770 Mills Building, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic products and plastic byproducts* (except in bulk), from the plantsite of Polymer Processing, Inc., a subsidiary of Broyhill Furniture Industries, Inc., at or near Lenoir, N.C., Caldwell County, to points in New York, Pennsylvania, New Jersey, Illinois, Ohio, Indiana, West Virginia, Kentucky, Michigan, Connecticut, Rhode Island, Massachusetts, New Hampshire, that portion of Maryland north of the Chesapeake and Delaware Canal and west of Elk River and Chesapeake Bay, those in Virginia west of Chesapeake Bay, the District of Columbia and Wilmington, Del. (2) *Materials, equipment and supplies used in the manufacture of plastic products and plastic byproducts*, except in bulk, from points in New York, Pennsylvania, New Jersey, Illinois, Ohio, Indiana, West Virginia, Kentucky, Michigan, Connecticut, Rhode Island, Massachusetts, New Hampshire, that portion of Maryland north of the Chesapeake and Delaware Canal and west of Elk River and Chesapeake Bay, those in Virginia west of Chesapeake Bay, the District of Columbia and Wilmington, Del., to the plantsite of Polymer Processing, Inc., a subsidiary of Broyhill Furniture Industries, Inc., at or near Lenoir, N.C., Caldwell County, for 180 days. Supporting shipper: Polymer Processing, Inc., Lenoir, N.C. 28645. Send protests to: Jack K. Huff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 316 East Morehead, Suite 417 (BSR Building), Charlotte, N.C. 28202.

No. MC 115623 (Sub-No. 3 TA), filed September 1, 1970. Applicant: GARTIN TRUCK LINE, INC., Tuscumbia, Mo. 65082. 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: *Animal and poultry feed and animal and poultry feed concentrates*, in bulk, in auger-equipped vehicles, from Smithton, Mo., to Sallisaw, Okla., for 180 days. Supporting shipper: Cargill, Nutrena Feed Division, 44 Ewing Street, Kansas City, Kans. 66118. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1100 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 115793 (Sub-No. 10 TA), filed August 27, 1970. Applicant: CALDWELL FREIGHT LINES, INC., Post Office Box 672, U.S. Highway 321 South, Lenoir, N.C. 28645. Applicant's representative: Francis J. Ortman, Suite 770, Mills Building, 1700 Pennsylvania Avenue, NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic products and plastic byproducts* (except in bulk), from the plantsite of Polymer Processing, Inc., a subsidiary of Broyhill Furniture

Industries, Inc., at or near Lenoir, N.C., Caldwell County, to points in Tennessee, Missouri, and points in Washington, Scott, Lee, Russell, Wise, and Dickerson Counties, Va.; (2) *materials, equipment, and supplies used in the manufacture of plastic products and plastic byproducts* (except in bulk), from points in Tennessee, Missouri, and points in Washington, Scott, Lee, Russell, Wise, and Dickerson Counties, Va., to the plantsite of Polymer Processing, Inc., a subsidiary of Broyhill Furniture Industries, Inc., at or near Lenoir, N.C., Caldwell County, for 180 days. Supporting shipper: Polymer Processing, Inc., Lenoir, N.C. 28645. Send protests to: Jack K. Huff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 316 East Morehead, Suite 417 (BSR Building), Charlotte, N.C. 28202.

No. MC 118159 (Sub-No. 100 TA), filed September 1, 1970. Applicant: EVERETT LOWRANCE, INC., 4916 Jefferson Highway, Post Office Box 10216, New Orleans, La. 70121. Applicant's representative: David D. Brunson, Post Office Box 671, Oklahoma City, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Spice sets*, in glass containers and/or racks, from Tulsa, Okla., to points in the United States, for 180 days. Supporting shipper: Business Builders, Inc., Tulsa, Okla. Send protests to: Paul D. Collins, District Supervisor, Bureau of Operations, Interstate Commerce Commission, T-4009 Federal Building, 701 Loyola Avenue, New Orleans, La. 70113.

No. MC 127902 (Sub-No. 3 TA), filed August 27, 1970. Applicant: DIETZ MOTOR LINES, INC., Post Office Box 757, Hickory, N.C. 28601. Applicant's representative: Francis J. Ortman, Suite 770, Mills Building, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic products and plastic byproducts* (except in bulk), from the plantsite of Polymer Processing, Inc., a subsidiary of Broyhill Furniture Industries, Inc., at or near Lenoir, N.C., Caldwell County, to points in Alabama, Mississippi, Louisiana, and Arkansas; (2) *materials, equipment, and supplies used in the manufacture of plastic products and plactic byproducts* (except in bulk), from points in Alabama, Mississippi, Louisiana, and Arkansas, to the plantsite of Polymer Processing, Inc., a subsidiary of Broyhill Furniture Industries, Inc., at or near Lenoir, N.C., Caldwell County, for 180 days. Supporting shipper: Polymer Processing, Inc., Lenoir, N.C. 28645. Send protests to: Jack K. Huff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 316 East Morehead, Suite 417 (BSR Building), Charlotte, N.C. 28202.

No. MC 128117 (Sub-No. 11 TA), filed August 27, 1970. Applicant: NORTON-RAMSEY MOTOR LINES, INC., Post Office Box 477, Catawba Avenue, Old Fort, N.C. 28762. Applicant's representative: Francis J. Ortman, Suite 770, Mills Building, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic products and plastic byproducts* (except in bulk), from the plantsite of Polymer Processing, Inc., a subsidiary of Broyhill Furniture Industries, Inc., at or near Lenoir, N.C., Caldwell County, to points in Arizona, California, Nevada, New Mexico, Oklahoma, and Texas; (2) *materials, equipment, and supplies used in the manufacture of plastic products and plastic byproducts* (except in bulk), from points in Arizona, California, Nevada, New Mexico, Oklahoma, and Texas, to the plantsite of Polymer Processing, Inc., a subsidiary of Broyhill Furniture Industries, Inc., at or near Lenoir, N.C., Caldwell County, for 180 days. Supporting shipper: Polymer Processing, Inc., Lenoir, N.C. 28645. Send protests to: Jack K. Huff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 316 East Morehead, Suite 417 (BSR Building), Charlotte, N.C. 28202.

No. MC 128201 (Sub-No. 4 TA), filed September 1, 1970. Applicant: SCHUSTER GRAIN COMPANY, INC., Seventh Avenue SE., Le Mars, Iowa 51301. Applicant's representative: David R. Parker, Post Office Box 2028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Animal feed and animal health products*, from Des Moines, Iowa, to points in Nebraska, South Dakota, and Minnesota, for 150 days. Supporting shipper: Nixon & Co., 3801 Harney Street, Omaha, Nebr. 68131. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 304, Post Office Building, Sioux City, Iowa 51101.

No. MC 128940 (Sub-No. 10 TA), filed September 1, 1970. Applicant: RICHARD A. CRAWFORD, doing business as R. A. CRAWFORD TRUCKING SERVICE, 9327 Riggs Road, Post Office Box 722, Adelphi, Md. 20783. Applicant's representative: Charles E. Creager, Suite 523, 816 Easley Street, Silver Spring, Md. 20910. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts*, as described in section A, appendix I to *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 from points in Milwaukee, Wis., to points in the New York, N.Y., commercial zone as defined by the Commission, for 150 days. Supporting shipper: Peck Meat Packing Corp., 231 South Muskego Avenue, Milwaukee, Wis. 53233. Send protests to: Robert D. Caldwell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 12th and Constitution Avenue NW., Washington, D.C. 20423.

No. MC 129162 (Sub-No. 10 TA) (Correction), filed July 29, 1970, published in the FEDERAL REGISTER, issue of August 11, 1970, and republished as corrected this issue. Applicant: BERNARD RAYMOND SCHILLI, ROBERT BERNARD SCHILLI, TRUSTEE, doing business as SCHILLI TRANSPORTATION, 230 St. Clair Avenue, East St. Louis, Ill. 62201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nitrocarbonitrate*, in containers, from Madisonville, Ky., to points in Saline County, Ill., and points in Martin and Warrick Counties, Ind., for 180 days. NOTE: The purpose of this republication is to show the change of name of applicant. Supporting shipper: American Cyanamid Co., Industrial Chemicals Division, Wayne, N.J. 06470. Send protests to: Harold Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 476, 325 West Adams Street, Springfield, Ill. 62704.

No. MC 133514 (Sub-No. 2 TA), filed September 1, 1970. Applicant: KINNISON TRUCK LINES, INC., 511 West Coolbaugh, Red Oak, Iowa 51566. Applicant's representative: Samuel Zacharia, 711 First National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods, and foodstuffs* (other than those moving in vehicles equipped with mechanical refrigeration), in containers, from Stockton, Modesto, Pittsburg, and Antioch, Calif., to points in South Dakota, Nebraska, Minnesota, Iowa, and Illinois, for 180 days. Supporting shipper: Tillie Lewis Foods, Inc., Stockton, Calif. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 705 Federal Office Building, Omaha, Nebr. 68102.

No. MC 133937 (Sub-No. 5 TA), filed September 1, 1970. Applicant: CAROLINA CARTAGE COMPANY, INC., Airport Road, Post Office Box 1075, 651 Keith Drive, Greenville, S.C. 29607. Applicant's representative: Henry P. Willimon, Post Office Box 1075, Greenville, S.C. 29607. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, having a prior or subsequent movement by air, between airports located at or near Charlotte, N.C., and Atlanta, Ga., for 180 days. Supporting shippers: Shulman Air Freight, Post Office Box 20873, Atlanta Airport, Atlanta, Ga.; Shulman Air Freight, Charlotte, N.C.; Flying Tiger Line, Inc., Scott Hudgins Building, Atlanta, Ga.; Domestic Air Express, Inc., Post Office Box 45063, Atlanta, Ga.; Charlotte Air Cargo Association, Charlotte Airport, Charlotte, N.C. Send protests to: E. E. Strotheid, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 300 Columbia Building, 1200 Main Street, Columbia, S.C. 29201.

No. MC 134289 (Sub-No. 3 TA), filed August 27, 1970. Applicant: CALDWELL TRUCK RENTALS, INC., 625 South Boulevard, Lenoir, N.C. 28645. Applicant's representative: Francis J. Ortman, Suite 770 Mills Building, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic products and plastic byproducts* (except in bulk), from the plantsite of

Polymer Processing, Inc., a subsidiary of Broyhill Furniture Industries, Inc., at or near Lenoir, N.C., Caldwell County, to points in Connecticut, Massachusetts, Rhode Island, Virginia, Maryland, Pennsylvania, New Jersey, New York, and the District of Columbia. (2) *Materials, equipment and supplies used in the manufacture of plastic products and plastic byproducts* (except in bulk), from points in Connecticut, Massachusetts, Rhode Island, Virginia, Maryland, Pennsylvania, New Jersey, New York, and the District of Columbia, to the plantsite of Polymer Processing, Inc., a subsidiary of Broyhill Furniture Industries, Inc., at or near Lenoir, N.C., Caldwell County, for 180 days. Supporting shipper: Polymer Processing, Inc., Lenoir, N.C. 28645. Send protests to: Jack K. Huff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 316 East Morehead, Suite 417 (BSR Building), Charlotte, N.C. 28202.

No. MC 134823 (Sub-No. 1 TA), filed September 1, 1970. Applicant: GEORGE BRUCE BROWN, 20 Willowmount Drive, Scarborough, Ontario, Canada. Applicant's representative: William J. Hirsch, 43 Niagara Street, Buffalo, N.Y. 14202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Brick*, from ports of entry on the international boundary line between the United States and Canada located on the Niagara River, to points in the town of Lancaster, Erie County, N.Y., and on return, for 150 days. Supporting shipper: Toronto Brick Co., Division of United Ceramics, Ltd., 1425 Bayview Avenue, Toronto, Ontario, Canada. Send protests to: George M. Parker, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 518 Federal Office Building, 121 Ellicott Street, Buffalo, N.Y. 14203.

By the Commission.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[F.R. Doc. 70-12096; Filed, Sept. 10, 1970; 8:50 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

FEDERAL WAGE GARNISHMENT LAW

Applications by States for Exemptions; Opportunity To Comment

1. Pursuant to section 305 of the Consumer Credit Protection Act (CCPA) (15 U.S.C. 1675) and Subpart C of 29 CFR Part 870 (35 F.R. 8226, May 26, 1970) the following States have filed applications with the Administrator of the Wage and Hour Division for exemption of State regulated garnishments from the provisions of section 303(a) of the CCPA:

Virginia.	North Carolina.
Kentucky.	South Carolina.
Kansas.	New Hampshire.
Ohio.	

2. Interested persons are hereby afforded an opportunity to comment in writing concerning each of the applications within 30 days following publication of this notice in the FEDERAL REGISTER. Comments should be addressed to the Administrator, Wage and Hour Division, U.S. Department of Labor, Washington, D.C. 20210.

3. Copies of the application of each State shall be available for public inspection and copying during business hours at the national office of the Wage and Hour Division and in the regional office of the Wage and Hour Division in which the State is located.

4. The rules published in 29 CFR Part 870 shall govern action upon each application.

Signed at Washington, D.C., this 4th day of September 1970.

ROBERT D. MORAN,
Administrator, Wage and Hour Division, U.S. Department of Labor.

[F.R. Doc. 70-12118; Filed, Sept. 10, 1970; 8:52 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

Page

PROCLAMATIONS:

3998 ... 13819
3999 ... 14053
4000 ... 14187
4001 ... 14251

EXECUTIVE ORDERS:

9979 (see EO 11555) ... 14191
10695–A (revoked by EO 11556) ... 14193
10705 (amended by EO 11556) ... 14193
10995 (revoked by EO 11556) ... 14193
11051 (amended by EO 11556) ... 14193
11084 (revoked by EO 11556) ... 14193
11191 (amended by EO 11556) ... 14193
11360 (see EO 11555) ... 14191
11490 (amended by EO 11556) ... 14193
11554 ... 14189
11555 ... 14191
11556 ... 14193

PRESIDENTIAL DOCUMENTS OTHER THAN PROCLAMATIONS AND EXECUTIVE ORDERS:

Memorandum of Aug. 21, 1963 (amended by EO 11556) ... 14193

5 CFR

213 ... 14055, 14125, 14197, 14299

PROPOSED RULES:

890 ... 14092

7 CFR

10 ... 13822
52 ... 13822, 14060
210 ... 14061
245 ... 14065
401 ... 14253
724 ... 14068
729 ... 14299
813 ... 14299
850 ... 14253
906 ... 14254
908 ... 13969, 14255
909 ... 13875
910 ... 13825, 14121
913 ... 14255
932 ... 13877
945 ... 14072
946 ... 14300
948 ... 14072
981 ... 14073
993 ... 13969, 14300
1099 ... 13826
1138 ... 13826
1421 ... 13969, 13971, 14121
1841 ... 13972
1890 ... 13972
1890a ... 13974
1890b ... 13975
1890c ... 13977
1890d ... 13979
1890e ... 13980
1890f ... 13980

PROPOSED RULES:

906 ... 13887
912 ... 14266
924 ... 14220
929 ... 14085
932 ... 14266
981 ... 14085

7 CFR—Continued

Page

PROPOSED RULES—Continued

987 ... 14087, 14266
1001 ... 14324
1006 ... 13843
1012 ... 13843
1013 ... 13843
1133 ... 14220
1134 ... 14087
1136 ... 14087

8 CFR

103 ... 13828
204 ... 13828
214 ... 13829
223 ... 13829
238 ... 13829
245 ... 13829
247 ... 13829
299 ... 13829
341 ... 13829

9 CFR

53 ... 13981
71 ... 14197
76 ... 13878, 14126, 14127, 14198, 14301, 14302
97 ... 14127

10 CFR

PROPOSED RULES:

Ch. I ... 14222

12 CFR

265 ... 14074
526 ... 13981
545 ... 13982

14 CFR

39 ... 13879, 14074, 14132, 14257
61 ... 14074
63 ... 14074
65 ... 14074
67 ... 14074
71 ... 13822, 14076, 14077, 14199, 14303–14306
73 ... 14077, 14199
97 ... 14078
141 ... 14074
143 ... 14074
298 ... 13983
385 ... 13822

PROPOSED RULES:

71 ... 13843, 13889, 13890, 14088, 14089, 14221, 14325–14327
121 ... 13998, 14327
242 ... 13999

15 CFR

PROPOSED RULES:

30 ... 14267

16 CFR

13 ... 14199–14210

PROPOSED RULES:

254 ... 14002
427 ... 14328

17 CFR

Page

239 ... 14083
274 ... 14083

18 CFR

101 ... 13985
141 ... 13986
201 ... 13987
260 ... 13988
610 ... 14306

PROPOSED RULES:

2 ... 14001
141 ... 14002, 14098
201 ... 14139
260 ... 14098, 14139

19 CFR

PROPOSED RULES:

4 ... 13843
19 ... 13843
111 ... 13843

20 CFR

404 ... 14128, 14129
410 ... 14128

PROPOSED RULES:

405 ... 13888, 14221

21 CFR

3 ... 13880
120 ... 13830, 14256
121 ... 13831, 14211, 14256
130 ... 14078
135a ... 14211
135b ... 14129
135c ... 14129
135e ... 14212
135g ... 14212
141 ... 13881, 14256
141b ... 13988
146 ... 14256
146b ... 13988
146c ... 13988
148i ... 13831
148q ... 14212

PROPOSED RULES:

3 ... 13887
120 ... 14269
144 ... 14221
146a ... 13998
146c ... 13998
146d ... 13998
191 ... 13887

22 CFR

22 ... 14218

24 CFR

41 ... 14307
1914 ... 13882, 14213
1915 ... 13883, 14215

26 CFR

301 ... 13989

PROPOSED RULES:

44 ... 14138
45 ... 14138
301 ... 14138