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Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

MISCELLANEOUS AMENDMENTS TO CHAPTER

Chapter I of Title 5 is amended as follows:

PART 316—TEMPORARY AND INDEFINITE EMPLOYMENT

1. Subpart H of Part 316 is amended to provide that term employees also may be separated in connection with the Displaced Employee Program.

Subpart H—Separation of Temporary, Term, and Indefinite Employees

§ 316.801 Displacement of temporary, term, and indefinite employees.

(a) An agency shall separate employees serving under the following types of appointments in response to a specific displacement order by the Commission or to comply with the provisions of the Commission's displaced employee program:

(1) Temporary pending establishment of a register;

(2) Term;

(3) Overseas limited term and overseas limited of indefinite duration; and

(4) Indefinite.

(b) An agency may separate an employee serving under one of the types of appointments named in paragraph (a) of this section in order to create a vacancy for a person who is eligible for placement assistance under Subpart C of Part 330 of this chapter.

(c) When an agency separates employees under this section, it shall follow the order of displacement published by the Commission in the Federal Personnel Manual.

(5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR, 1954–1958 Comp., p. 218)

PART 330—RECRUITMENT, SELECTION, AND PLACEMENT (GENERAL)

2. Subparts C and G of Part 330, the regulations governing the Displaced Employee Program, are completely revised to improve the opportunities of employees separated by reduction in force, or other reasons, to find continuing employment elsewhere in the Federal Government.

Subpart C—Displaced Employee Program

Sec.

AUTHORITY: The provisions of this Subpart C issued under 5 U.S.C. 1302, 3301, 3302, E.O. 10577; 3 CFR, 1954–1958 Comp., p. 218.

Subpart C—Displaced Employee Program

§ 330.301 Definition.

In this subpart, "displaced employee" means a present or former career or career-conditional employee, or excepted employee with competitive status and in tenure group I or II as defined in Part 351 of this chapter, who—

(a) Has received a reduction-in-force notice and whose employing agency has determined that he cannot be placed in another position in his competitive area;

(b) Has declined to transfer with his function, or to accept a new assignment, to another commuting area and whose employing agency has determined that he will not be placed in another position in his competitive area;

(c) Is in receipt of compensation under subchapter I of chapter 81 of title 5, United States Code; or

(d) Is under 60 years of age, has been retired under section 8337 of title 5, United States Code, and is subsequently found by the Commission to have recovered from his disability or to have been restored to earning capacity.

§ 330.302 Agency programs.

Each agency shall operate a positive placement program for its own displaced employees. The program shall, as a minimum, assure employees scheduled to be separated by reduction in force the same priority in consideration as separated persons who are included on the agency's reemployment priority list for the commuting area.

§ 330.303 Commission program.

Subject to the time limits and other conditions published by the Commission in the Federal Personnel Manual, a displaced employee is eligible for placement assistance under the Commission's Displaced Employee Program.

§ 330.304 Priority referral.

(a) *When made.* The Commission refers displaced employees to agencies for consideration in filling positions at GS–15 and below, or the equivalent, which (1) are expected to last more than 1 year, (2) are at or below the grade of the positions from which the employees were or will be displaced, and (3) are either vacant or filled by tenure group III employees as defined in Part 351 of this chapter other than status quo employees. Referrals are based on the qualifications of displaced employees and on the duties of the positions.

(b) *Order of referral.* The Commission refers displaced employees in the descending order of their retention standing by groups and subgroups under Part 351 of this chapter.

(c) *Selections.* When an agency selects a displaced employee referred by the Commission, it employs him by reinstatement, transfer, or position change, as appropriate.

§ 330.305 Restrictions.

(a) When a displaced employee receives priority referral under § 330.304(a) to a position for which he is qualified and available, the agency shall give him bona fide consideration for placement in the position. If there is no suitable vacancy, but there is a suitable position occupied by a tenure group III employee, other than a status quo employee, the agency shall establish a vacancy by separating a tenure group III employee under § 316.801 of this chapter.

(b) The Commission will neither certify from a register of eligibles nor authorize appointment outside the register in the absence of eligibles to fill any position expected to last more than 1 year for which a displaced employee is eligible and available for priority referral.

§ 330.306 Duration of eligibility.

A tenure group I displaced employee is eligible for placement assistance under the Displaced Employee Program for 2 years, and a tenure group II employee for 1 year, from the date he was separated or from the date he entered the program, whichever is later. Eligibility is terminated earlier, however, (a) at the employee's written request; (b) upon his acceptance of a nontemporary, full-time, competitive position; or (c) upon his declination of full-time career or career-conditional employment at or above his former grade under conditions which he previously indicated as acceptable, unless the Commission determines that in the interest of equity an exception is warranted.

Subpart G—Placement Program for Nonstatus Individuals Receiving Compensation for Work Injuries and for Certain Disability Annuitants

Sec.

AUTHORITY: The provisions of this Subpart G issued under 5 U.S.C. 1302, 3301, 3302, E.O. 10577; 3 CFR, 1954–1958 Comp., p. 18.

Subpart G—Placement Program for Nonstatus Individuals Receiving Compensation for Work Injuries and for Certain Disability Annuitants

§ 330.701 Coverage.

This subpart applies to each present or former employee who is not eligible for assistance under Subpart C of this part and who is—

(a) Receiving compensation under subchapter I of chapter 81 of title 5, United States Code; or

(b) Under 60 years of age, has been retired under section 8337 of title 5, United States Code, and is subsequently found by the Commission to have recovered from his disability or to have been restored to earning capacity.

§ 330.702 Placement assistance.

Subject to the conditions published by the Commission in the Federal Personnel Manual, an employee covered by this subpart may apply for examination by the Commission for any position for which there is a register established or about to be established under open competitive examination. The Commission enters the names of employees applying under this section on the appropriate registers in the order provided in § 332.401 of this chapter.

PART 332—RECRUITMENT AND SELECTION THROUGH COMPETITIVE EXAMINATION

3. Subpart C of Part 332 is amended by adding a new § 332.314 to provide for entrance on register of the names of displaced employees eligible for placement assistance. Necessary changes are made in §§ 332.311(b) and 332.322(c).

Subpart C—Period of Competition and Eligibility

§ 332.311 Quarterly examinations.

* * * * *

(b) When there is no appropriate existing register, the Commission may establish special registers containing the names of eligibles from the quarterly examinations authorized by paragraph (a) of this section, together with the names of eligibles described in § 332.322, and use these registers for certification to fill appropriate vacancies.

§ 332.314 Displaced employees eligible for placement assistance.

Subject to the time limits and other conditions published by the Commission in the Federal Personnel Manual, a person who is eligible for placement assistance under Subpart C of Part 330 of this chapter is entitled to have his name entered on an appropriate existing register or a register about to be established, in the order prescribed by § 332.401, at each grade or level for which he is qualified and which is above the grade or level of the position from which he was or is to be displaced. His name is entered on the register without restriction as to grade or level if the register is used to fill a position to which the Commission does not make priority referrals under § 330.304 of this chapter.

§ 332.322 Persons who lost eligibility because of military service.

* * * * *

(c) When there is no appropriate existing register, the Commission may establish special registers containing the names of persons entitled to priority of certification under paragraph (b) of this section, together with the names of eligibles described in § 332.311, and use these registers for certification to fill appropriate vacancies.

(5 U.S.C. 1302, 3301, 3302, E.O. 10577; 3 CFR, 1954–1958 Comp., p. 218)

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

[F.R. Doc. 70-434; Filed, Jan. 12, 1970; 8:48 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Areas Quarantined

Pursuant to provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, the Act of March 3, 1905, as amended, the Act of September 6, 1961, and the Act of July 2, 1962 (21 U.S.C. 111, 112, 113, 114g, 115, 117, 120, 121, 123–126, 134b, 134f), Part 76, Title 9, Code of Federal Regulations, restricting the interstate movement of swine and certain products because of hog cholera and other communicable swine diseases, is hereby amended in the following respects.

1. In § 76.2, paragraph (e)(8) relating to North Carolina is amended to read:

(8) *North Carolina.* (i) That portion of Cumberland County bounded by a line beginning at the junction of U.S. Interstate Highway 95 and State Secondary Road 1835; thence, following State Secondary Road 1835 in a southerly direction to State Highway 24; thence, following State Highway 24 in a northwesterly direction to Cape Fear River; thence, following the eastern bank of Cape Fear River in a northerly direction to U.S. Interstate Highway 95; thence, following U.S. Interstate Highway 95 in a northeasterly direction to its junction with State Secondary Road 1835;

(ii) That portion of Duplin County bounded by a line beginning at the junction of State Highway 11 and the eastern boundary of Duplin County; thence, following the eastern boundary line in a southeasterly direction to State Road 1715; thence, following State Road 1715 in a westerly direction to State Highway 50; thence, following State Highway 50 in a northwesterly direction to the Northeast Cape Fear River; thence, following the Northeast Cape Fear River in a northerly direction to State Highway 11; thence, following State Highway 11 in an easterly direction to its junction with the eastern boundary of Duplin County;

(iii) The adjacent portions of Edgecombe and Halifax Counties bounded by a line beginning at the junction of State Secondary Road 1418 and Fishing Creek; thence, following State Secondary Road 1418 in a southerly direction to State Highway 44; thence, following State Highway 44 in a southerly direction to State Highway 97; thence, following State Highway 97 in a northeasterly direction to U.S. Highway 258; thence, following U.S. Highway 258 in a northeasterly direction to State Secondary Road 1103; thence, following State Secondary Road 1103 in a northwesterly direction to State Secondary Road 1003; thence, following State Secondary Road 1003 in a southwesterly direction to State Secondary Road 1109; thence following State Secondary Road 1109 in a southerly direction to the junction of State Secondary Road 1418 and Fishing Creek;

(iv) That portion of Gates County bounded by a line beginning at the junction of State Road 1304 and the North Carolina-Virginia State line; thence, following State Road 1304 in a southwesterly direction to State Road 1312; thence, following State Road 1312 in a southeasterly direction to State Road 1318; thence, following State Road 1318 in a southwesterly direction to State Road 1300; thence, following State Road 1300 in a northwesterly direction to State Road 1303; thence, following State Road 1303 in a southwesterly direction to State Highway 37; thence, following State Highway 37 in a northwesterly direction to State Road 1219; thence, following State Road 1219 in a westerly direction to State Road 1217; thence following State Road 1217 in a northerly direction to State Road 1202; thence, following State Road 1202 in a westerly direction to State Road 1208; thence, following State Road 1208 in a northeasterly direction to the North Carolina-Virginia State line; thence, following the North Carolina-Virginia State line in an easterly direction to its junction with State Road 1304;

(v) The adjacent parts of Johnston, Wake, and Harnett Counties bounded by a line beginning at the junction of State Highways 42 and 50; thence, following State Highway 50 in a southerly direction to State Secondary Road 1322; thence, following State Secondary Road 1322 in a westerly direction to State Secondary Road 1309; thence, following State Secondary Road 1309 in a southwesterly direction to State Secondary Road 1303; thence, following State Secondary Road 1303 in a southwesterly direction to State Secondary Road 1551; thence, following State Secondary Road 1551 in a northwesterly direction to State Secondary Road 1532; thence, following State Secondary Road 1532 in a westerly direction to State Secondary Road 1006; thence, following State Secondary Road 1006 in a northerly direction to State Highway 42; thence, following State Highway 42 in an easterly direction to its junction with State Highway 50;

(vi) That portion of Pitt County bounded by a line beginning at the junction of U.S. Highway 13 and U.S. Highway 64; thence, following U.S. Highway 64 in a westerly direction to State Road 1400; thence, following State Road 1400 in a southwesterly direction to the Tar River; thence, following the north bank of the Tar River in a southeasterly direction to U.S. Highway 13; thence, following U.S. Highway 13 in a northerly direction to State Highway 903; thence, following State Highway 903 in a northeasterly direction to State Highway 33; thence, following State Highway 33 in a northwesterly direction to U.S. Highway 13; thence, following U.S. Highway 13 in a northerly direction to its junction with U.S. Highway 64;

(vii) The adjacent portions of Wayne and Lenoir Counties bounded by a line beginning at the junction of the Atlantic and East Carolina Railroad and the Lenoir County line; thence, following the Atlantic and East Carolina Railroad in a northwesterly direction to State Secondary Road 1713; thence, following State Secondary Road 1713 in a southwesterly direction to State Highway 111; thence, following State Highway 111 in a southerly direction to the Neuse River; thence, following the northern bank of the Neuse River in an easterly direction to State Secondary Road 1002; thence, following State Secondary Road 1002 in a northerly direction to the Atlantic and East Carolina Railroad; thence, following the Atlantic and East Carolina Railroad in a northwesterly direction to its junction with the Lenoir County line;

(viii) That portion of Wilson County lying south of the Nash County line, east of State Highway 581, north of State Highway 42, and west of State Highway 58.

2. In § 76.2, paragraph (e)(15) relating to Iowa is amended to read:

(15) *Iowa.* (i) That portion of Benton County comprised of Bruce, Homer, and Monroe Townships;

(ii) That portion of Boone County comprised of Amaqua, Beaver, Des Moines, Dodge, Grant, Marcy, Pilot Mound, and Yell Townships;

(iii) That portion of Clinton County comprised of Bloomfield, Deep Creek, and Waterford Townships;

(iv) That portion of Greene County comprised of Junction and Paton Townships;

(v) That portion of Jackson County comprised of Fairfield, Jackson, Moquoketa, Perry, Van Buren, and Washington Townships;

(vi) That portion of Hancock County comprised of Amsterdam and Magor Townships;

(vii) That portion of Humboldt County comprised of Grove, Humboldt, Lake, and Vernon Townships;

(viii) That portion of Jasper County comprised of Elk Creek, Fair View, and Lynn Grove Townships;

(ix) That portion of Kossuth County comprised of Cresco, Garfield, Lott's Creek, Luverne, Riverdale, Sherman, Union, and Whittemore Townships;

(x) That portion of Mahaska County comprised of Black Oak and Richland Townships;

(xi) That portion of Marion County comprised of Lake Prairie and Summit Townships;

(xii) That portion of Marshall County comprised of Green Castle, Jefferson, Le Grand, Marion, Marshall, Taylor, and Timber Creek Townships;

(xiii) That portion of Mills County comprised of Anderson and Indian Creek Townships;

(xiv) That portion of Montgomery County comprised of Garfield, Lincoln, Red Oak, and Sherman Townships;

(xv) That portion of Pottawattamie County comprised of Grove, Macedonia, and Waveland Townships;

(xvi) That portion of Palo Alto County comprised of Fairfield, Fern Valley, and West Bend Townships;

(xvii) That portion of Tama County comprised of Buckenham, Carlton, Carroll, Clark, Genesco, Highland, Indian Village, Oneida, and Perry Townships;

(xviii) That portion of Wright County comprised of Boone, Lake, Liberty, and Norway Townships.

3. In § 76.2, paragraph (e)(16) relating to Arkansas is amended to read:

(16) *Arkansas.* Clay and Randolph Counties.

(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 portions of Boone, Clinton, Humboldt, Jackson, and Kossuth Counties in the State of Iowa and Clay County in the State of Arkansas because of the existence of hog cholera. This action is deemed necessary to prevent further spread of the disease. The restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will apply to the quarantined areas designated herein.

The amendments also exclude portions of Greene and Jasper Counties in Iowa and portions of Duplin, Gates, and Pitt Counties in North Carolina from the areas heretofore quarantined because of hog cholera. Therefore, the restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will not apply to the excluded areas, but will continue to apply to the quarantined areas described above in § 76.2. Further, the restrictions pertaining to interstate movement from nonquarantined areas contained in said Part 76 will apply to the excluded areas.

Insofar as the amendments relieve certain restrictions presently imposed, they must be made effective immediately to be of maximum benefit to affected persons. Insofar as the amendments impose restrictions, they should be made effective without delay in order to protect the livestock of the United States. Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendments are impracticable, unnecessary and contrary to the public interest, and good cause is found for making the amendments effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 7th day of January 1970.

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

[F.R. Doc. 70-441; Filed, Jan. 12, 1970; 8:49 a.m.]

Title 12—BANKS AND BANKING

Chapter VI—Farm Credit Administration

SUBCHAPTER D—FEDERAL INTERMEDIATE CREDIT BANKS AND PRODUCTION CREDIT ASSOCIATIONS

PART 640—FEDERAL INTERMEDIATE CREDIT BANKS

Direct Loans

Chapter VI of Title 12 of the Code of Federal Regulations is amended by revising § 640.231 (33 F.R. 9873); revising and combining §§ 640.231–1 and 640.231–2, and renumbering § 640.231–3 (31 F.R. 16244) to read as follows:

§ 640.231 Direct loans to production credit associations.

The bank may make direct loans to production credit associations rediscounting acceptable paper as provided in §§ 640.221—640.226–2, or in conjunction with a direct loan program which encompasses the discounting function. Except with the approval of the Farm Credit Administration, the total of all direct loans and loans discounted shall not at any time exceed the limitations outlined in § 640.231–1. Direct loans will normally be secured by pledge of loans and all other assets of the production credit association, except that where loans to members are separately rediscounted direct loans may be unsecured in whole or in part, at the discretion of the bank. The amount loaned on an unsecured basis shall at all times be consistent with sound financial and credit practices.

§ 640.231–1 Same; direct loan limitation.

The total credit extended to a production credit association under a direct loan and by rediscounting loans may not at any time exceed the total of the following:

(a) That portion of the total loans considered acceptable and problem in accordance with the percentage as classified in the most recent official credit examination;

(b) The total of investments under CCC programs, notes insured or guaranteed by Farmers Home Administration, and in farmers' notes to co-ops and dealers, etc.; and

(c) Capital and surplus less the total of (1) the amount of class B stock of the bank owned by the association; (2) the legal reserve of the bank allocated to the association; (3) any portion of capital and surplus invested in loans to members; and (4) any estimated losses not protected by reserves.

§ 640.231–2 Same; form of direct loan obligation, PCA.

Direct loans and advances to a production credit association may be evidenced by a promissory note, or by a loan agreement in form approved by the Farm Credit Administration.

(Sec. 209, 42 Stat. 1459, as amended; 12 U.S.C. 1101)

E. A. JAENKE,
Governor,
Farm Credit Administration.

[F.R. Doc. 70–426; Filed, Jan. 12, 1970; 8:48 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. C–1642]

PART 13—PROHIBITED TRADE PRACTICES

Fingerhut Manufacturing Co. et al.

Subpart—Advertising falsely or misleadingly: § 13.75 *Free goods or services;* § 13.80 *Free test or trial;* § 13.235 *Source or origin:* 13.235–60 Place: 13.235–60(e) Imported products or parts as domestic. Subpart—Substituting product inferior to offer: § 13.2263 *Substituting product inferior to offer.* Subpart—Using misleading name—Goods: § 13.2345 *Source or origin:* 13.2345–65 Place: 13.2345–65(e) Imported products or parts as domestic.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Fingerhut Manufacturing Co. et al., Minneapolis, Minn., Docket C–1642, Dec. 4, 1969]

In the Matter of Fingerhut Manufacturing Co. and Fingerhut Products Co., Corporations, and Manny Fingerhut, Herman Schwartz, Stanley H. Nemer, and Meyer Nemer, Individually and as Officers of Said Corporation

Consent order requiring a Minneapolis, Minn., distributor of miscellaneous merchandise to cease misrepresenting foreign-made goods as domestic, making deceptive free offers, and shipping substitute articles without prior notice.

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

It is ordered, That respondents Fingerhut Manufacturing Co. and Fingerhut Products Co., corporations, and their respective officers, and Manny Fingerhut, Herman Schwartz, Stanley H. Nemer, and Meyer Nemer, individually and as officers of said corporations, and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale or distribution of wearing apparel, tableware, dinnerware, tools or any other products in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using the terms "All American Made" or "Made In U.S.A." or any other word, terms, or phrases of similar import or meaning to describe or refer to products not made in the United States.

2. Misrepresenting, in any manner, the country of origin of any products offered for sale or sold by respondents.

3. Representing, directly or by implication, that merchandise is being offered on a free trial basis or a conditional trial basis, unless all conditions or obligations imposed for and the procedures or prerequisites necessary for the return of the merchandise on the represented basis are clearly and conspicuously disclosed at the time of and in immediate connection with such offer.

4. Delivering or shipping, without prior notice which affords the prospective purchaser the right of acceptance or rejection, substitute merchandise that is different in design, style, pattern, manufacture or source, or in any other manner, than the merchandise depicted or described in any advertisements, mailings, literature or other media that offer for sale or solicit the purchase of respondents' merchandise.

5. Representing, directly or by implication, that prospective purchasers will receive a free bonus, gift or anything of value, upon ordering or purchasing other merchandise unless such gift or bonus is shipped free of any additional cost to each person qualifying therefor; and in any instance in which the customer informs respondents that such free gift has not been received, respondents make immediate delivery of the represented free gift or bonus.

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

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

Issued: December 4, 1969.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 70–385; Filed, Jan. 12, 1970; 8:45 a.m.]

[Docket No. C–1645]

PART 13—PROHIBITED TRADE PRACTICES

KRR, Inc., and William Richards, Jr.

Subpart—Advertising falsely or misleadingly: § 13.70 *Fictitious or misleading guarantees;* § 13.155 *Prices:* 13.155–10 Bait; § 13.230 *Size or weight.* Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852–75 Truth in Lending Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, KRR, Inc., et al., Toledo, Ohio, Docket No. C–1645, Dec. 8, 1969]

In the Matter of KRR, Inc., a Corporation, and William Richards, Jr., Individually and as an Officer of Said Corporation

Consent order requiring a Toledo, Ohio, seller of meat products to cease using bait advertising, making deceptive guarantees, misrepresenting the grade and quality of its meat, and furnishing others with means to deceive purchasers.

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

It is ordered, That respondents KRR, Inc., a corporation, and its officers, and William Richards, Jr., individually and as an officer of said corporation, and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of meat and other food products, do forthwith cease and desist from:

1. Disseminating, or causing the dissemination, by means of U.S. mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, of any advertisement which represents directly or by implication:

(a) That any products are offered for sale, when the purpose of such representations is not to sell the offered products, but to obtain prospects for the sale of other products at higher prices.

(b) That any product is offered for sale when such an offer is not a bona fide offer to sell such product.

(c) That any product is guaranteed unless the nature, conditions and extent of the guarantee and the manner in which the guarantor will perform thereunder are clearly and conspicuously disclosed in immediate conjunction therewith.

(d) That beef offered for sale comes entirely or primarily from the Black Angus breed of cattle.

(e) That beef offered for sale consists entirely or primarily of top quality cuts of meat or steak.

(f) That beef offered for sale may be purchased at any stated price per day, per week, or for any other specified period of time unless in immediate conjunction with any such representation it is clearly and conspicuously disclosed the total number of payments, and the total sum which the purchaser will be required to pay pursuant to any time payment plan so advertised.

2. Disseminating, or causing the dissemination, of any advertisement by means of U.S. mails, or by any means in commerce, as "commerce" is defined in

the Federal Trade Commission Act, which:

(a) Fails to clearly and conspicuously disclose:

(1) That beef sides, hindquarters and other untrimmed pieces of meat offered for sale are sold subject to weight loss due to cutting, dressing and trimming.

(2) That the price charged for such untrimmed meat is based on the hanging weight before cutting, dressing, and trimming occurs.

(3) The average percentage of weight loss of such meat due to cutting, dressing and trimming.

(b) Fails to clearly and conspicuously include:

(1) When U.S. Department of Agriculture graded meat is advertised which is below the grade of "USDA Good", the statement "This meat is of a grade below U.S. Prime, U.S. Choice, and U.S. Good."

(2) When meat not graded by the U.S. Department of Agriculture is advertised,

(a) The statement "This meat has not been graded by the U.S. Department of Agriculture", and

(b) If such meat is a portion of the total meat offered, a statement indicating the portion which is ungraded and the percentage of such ungraded portions, by weight, of the total meat offered.

3. Disseminating, or causing the dissemination, of any advertisement by means of U.S. mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which misrepresents in any manner the price, quantity or quality of any product, the savings available to purchasers thereof, or the terms, conditions and requirements of any installment payment contracts executed by the purchasers thereof.

4. Disseminating, or causing to be disseminated, by any means, for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase of any meat or other food product in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which contains any of the representations prohibited in paragraph 1, or the misrepresentations prohibited in paragraph 3, or fails to comply with the affirmative requirements of paragraph 2 hereof.

5. Discouraging the purchase of, or disparaging in any manner, or encouraging, instructing or suggesting that others discourage or disparage any meat or other food products which are advertised or offered for sale in advertisements, disseminated or caused to be disseminated by means of the U.S. mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act.

6. Supplying or placing in the hands of any salesman or agent sales manuals, brochures, advertising mats, or any other advertising or sales aid materials for the purpose of inducing or which are likely to induce, directly or indirectly, the purchase of meat or other food products in commerce, as "commerce" is defined in the Federal Trade Commission Act, and which contain any of the false, misleading or deceptive representations prohibited in this order, or which are designed for use, or could be used, to carry out or enhance the practices prohibited in this order.

7. Failing to deliver a copy of this order to cease and desist to all operating divisions of the corporate respondent, and to all officers, managers, and salesmen thereof, both present and future, and to any other person now engaged or who becomes engaged in the sale of meat or other food products as respondents' agent, representative, or employee, and to secure from each of said persons a signed statement acknowledging receipt of a copy thereof.

8. Failing to make any of the disclosures required in the Truth in Lending Act (Public Law 90–321; 82 Stat. 146, et seq.) and the Act's implementing Regulation Z (12 CFR Part 226) in the manner and form prescribed therein.

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

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

Issued: December 8, 1969.

By the Commission.

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

[F.R. Doc. 70-386; Filed, Jan. 12, 1970; 8:45 a.m.]

[Docket No. C-1644]

PART 13—PROHIBITED TRADE PRACTICES

Vornado, Inc.

Subpart—Advertising falsely or misleading: § 13.70 *Fictitious or misleading guarantees;* § 13.155 *Prices;* 13.155–15 Comparative; 13.155–100 Usual as reduced, special, etc.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Vornado, Inc., Garfield, N.J., Docket No. C-1644, Dec. 8, 1969]

In the Matter of Vornado, Inc., a Corporation, and its Subsidiaries

Consent order requiring a Garfield, N.J., corporation which operates or controls a chain of 45 department and retail stores in seven States to cease making false pricing, savings, and guarantee claims, and failing to maintain adequate pricing records.

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

It is ordered, That respondents, Vornado, Inc., a corporation, and its officers, and its subsidiaries and their officers, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale or distribution of clothing, cameras, vitamins, toys, tires, automobile batteries, hardware or any other merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using the words "Regular" or "Reg." or words of similar import to refer to any amount which is in excess of the price at which such merchandise has been sold or offered for sale in good faith by respondents for a reasonably substantial period of time in the recent regular course of their business; or otherwise misrepresenting the price at which such merchandise has been sold or offered for sale by respondents.

2. Using the words "Value" or "Val" or words of similar import to refer to any amount which is appreciably in excess of the highest amount at which substantial sales of such merchandise had been made in the recent regular course of business in the trade area where such representations are made; or otherwise misrepresenting the price at which such merchandise has been sold in the trade area where such representations are made.

3. Using the words "Comparable value", "Comp. value" or any word, or words, of similar import, unless substantial sales of merchandise of like grade and quality are being made in the trade area at the compared price or a higher price and unless respondents have in good faith conducted a market survey or obtained a similar representative sample of prices in their trade area which establishes the validity of said compared price and it is clearly and conspicuously disclosed that the comparison is with merchandise of like grade and quality.

4. Using the words "Mfg. list", "List", or "List price" or any word or words of similar import, unless the merchandise so described is regularly offered for sale at this or a higher price by a substantial number of the principal retail outlets in the trade area, where the representations are made: *Provided, however*, That this order shall not apply to point-of-sale offering and display of merchandise which is preticketed by the manufacturer or distributor thereof and the obliteration or removal of which preticketed price is impossible or impractical: *And further provided*, That such preticketing is performed by the manufacturer or distributor on merchandise sold to all customers and that the same preticketed price is used on identical products sold to all customers.

5. Representing in advertising that any price is a "Reduced" or "Sale" price unless the amount of the reduction is not so insignificant as to be meaningless; or otherwise misrepresenting in advertising that any price is a "Sale" price.

6. Falsely representing, in any manner, that savings are available to purchasers, or prospective purchasers, of respondents' merchandise; or misrepresenting in any manner, the amount of savings available to purchasers, or prospective purchasers, of respondents' merchandise at retail.

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

8. Representing directly or by implication that any merchandise sold or offered for sale is guaranteed, unless the nature and extent of the guarantee, the name of the guarantor and the manner in which the guarantor will perform thereunder are clearly and conspicuously disclosed.

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

It is further ordered, That the acts and practices of respondent Vornado, Inc.'s subsidiaries, unnamed herein, will be held subject to the terms and provisions of this order just as if the respondent Vornado, Inc.'s said unnamed subsidiaries were individually named herein.

It is further ordered, That respondents distribute a copy of this order to all operating divisions of said corporations and also distribute a copy of this order to all personnel concerned with the promotion, sale or distribution of merchandise at the retail level.

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

Issued: December 8, 1969.

By the Commission.

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

[F.R. Doc. 70-387; Filed, Jan. 12, 1970; 8:45 a.m.]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Origin of Dresses Partly Made in United States and Haiti

§ 15.397 Origin of dresses partly made in United States and Haiti.

(a) The Commission rendered an advisory opinion in regard to the proper marking of dresses partly made in the United States, Puerto Rico, and Haiti.

(b) The fabric will be of American origin representing 73 percent of total production costs; cutting and sorting in Puerto Rico—8 percent of production costs; sewing in Haiti—8 percent of production costs; hem sewing, ironing, final checking and sorting, packing and attaching hand tags in the United States—11 percent of production costs.

(c) The question considered involved which of the following three labels must be applied to the dresses:

(1) "Made in U.S.A."

(2) "Made in Haiti"

(3) "Made in Haiti with U.S. component parts".

(d) The first claim constitutes an affirmative representation that the product is made in its entirety in the United States. Since a substantial portion of the manufacturing process on the dresses is performed in Haiti, it would be improper to use the "Made in U.S.A." claim without clearly disclosing that the dresses are sewn in Haiti.

(e) Similarly, a "Made in Haiti" claim would be misleading because the dresses are not made in their entirety in that particular country.

(f) Except for the word "made", the third proposed claim would be unobjectionable. There are two principal steps in the manufacturing process of dresses; namely, cutting and sewing. Since approximately one-half of the manufacturing process (the cutting) takes place in another country, a more accurate description of what is being done in Haiti would be to substitute the word "sewn" for the word "made". Thus, the claim as revised would read: "Sewn in Haiti with U.S. component parts".

(g) Although not specifically asked, the Commission further advised that in the absence of any affirmative representation that the dresses are entirely of United States' origin, it will not be necessary to disclose the fact that the dresses are sewn in Haiti. Finally, that this opinion does not relieve anyone from complying with all applicable rules and regulations of the Bureau of Customs.

(38 Stat. 717, as amended; 15 U.S.C. 41–58; 72 Stat. 1717, as amended; 15 U.S.C. 70)

Issued: January 12, 1970.

By direction of the Commission.[1]

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

[F.R. Doc. 70-438; Filed, Jan. 12, 1970; 8:49 a.m.]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Advertising of Hamburgers Made of Chuck and Plate

§ 15.398 Advertising of hamburgers made of chuck and plate.

The Commission issued an advisory opinion relative to advertising of hamburger patties consisting of 85 percent chuck and 15 percent plate. The Commission advised that the use of the phrase " * * *'s Hamburgers are made with ground chuck" in advertising would be violative of section 12, Federal Trade Commission Act.

(38 Stat. 717, as amended; 15 U.S.C. 41–58)

Issued: January 12, 1970.

By direction of the Commission.

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

[F.R. Doc. 70-439; Filed, Jan. 12, 1970; 8:49 a.m.]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Plan for Merchandising by Lottery

§ 15.399 Plan for merchandising by lottery.

(a) The Commission issued an advisory opinion relative to proposed weekly drawings for wigs.

(b) The wigs are purchased at $5 each wholesale and retailed to consumers at $50. None have ever been sold at retail below this price. It is proposed to establish a method by which each buyer of a wig would be assured of a wig at a price of $50 or less. The method of operation would be as follows: Customers would be divided into groups of 10. Each week, each such customer in each such group would pay $5, and a drawing would be had, the winner to receive a wig. The next week, the nine remaining persons in the group of 10 would each pay $5, and one of them would receive a wig. This process would continue, until finally the last person in the group would pay the full price of $50 for the wig.

(c) The Commission expressed the view that the proposed course of action would constitute a scheme to sell merchandise by means of a lottery or game of chance, a sales device long held to be illegal under the Federal Trade Commission Act, section 5. The mere fact that each participant receives a thing of value for his contribution does not negate the existence of a lottery nor change the plan's essential nature as an appeal to the public's gambling instincts. Clearly, the participants in this drawing would be motivated by the chance of receiving something of more value than the amount they contributed. Hence, the nature of the appeal is unmistakable.

(38 Stat. 717, as amended; 15 U.S.C. 41–58)

Issued: January 12, 1970.

By direction of the Commission.

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

[F.R. Doc. 70-440; Filed, Jan. 12, 1970; 8:49 a.m.]

[1] Nonconcurring statement of Commissioners Dixon and MacIntyre filed as part of original document.

Title 21—FOOD AND DRUGS

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

4-(Methylsulfonyl)-2,6-Dinitro-*N*,*N*-Dipropylaniline

A petition (PP 9F0836) was filed with the Food and Drug Administration by the Shell Chemical Co., Division of the Shell Oil Co., 1700 K Street NW., Washington, D.C. 20006, proposing establishment of tolerances for negligible residues of the herbicide 4-methylsulfonyl)-2,6-dinitro-*N*,*N*-dipropylaniline in or on the raw agricultural commodities forage legumes, peanuts, and seed and pod vegetables at 0.1 part per million.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which the tolerances are being established.

Based on consideration given data submitted in the petition and other relevant material, the Commissioner of Food and Drugs concludes:

1. Since residues of the herbicide are not reasonably expected to occur in meat, milk, poultry, and eggs from the proposed uses, tolerances are unncessary for these commodities. These uses are in the category specified in § 120.6(a)(3).

2. The proposed tolerances are safe and will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and under authority delegated to the Commissioner (21 CFR 2.120), § 120.237 is revised to read as follows to establish the above-mentioned tolerances:

§ 120.237 4-(Methylsulfonyl)-2,6-dinitro-*N*,*N*-dipropylaniline; tolerances for residues.

Tolerances are established for negligible residues of the herbicide 4-(methylsulfonyl)-2,6-dinitro-*N*,*N*-dipropylaniline in or on the raw agricultural commodities broccoli, brussels sprouts, cabbage, cauliflower, cottonseed, cucumbers, forage legumes, fruiting vegetables, peanuts, safflower seed, seed and pod vegetables, soybeans (dry form), and watermelons at 0.1 part per million.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: January 6, 1970.

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

[F.R. Doc. 70-394; Filed, Jan. 12, 1970; 8:45 a.m.]

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Subpart D—Exemptions From Tolerances

SULFURIC ACID

No comments and no requests for referral to an advisory committee were received in response to the notice published in the FEDERAL REGISTER of October 24, 1969 (34 F.R. 17298), proposing that the herbicide sulfuric acid be exempted from the requirement of a tolerance for residues in or on the raw agricultural commodities garlic and onions.

The Commissioner of Food and Drugs concludes that the proposal should be adopted. Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(e), 68 Stat. 514; 21 U.S.C. 346a(e)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 120 is amended by adding the following new section to Subpart D:

§ 120.1019 Sulfuric acid; exemption from the requirement of a tolerance.

Sulfuric acid is exempted from the requirement of a tolerance for residues when used in accordance with good agricultural practice as a herbicide in the production of garlic and onions.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 408(e), 68 Stat. 514; 21 U.S.C. 346a(e))

Dated: January 6, 1970.

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

[F.R. Doc. 70-395; Filed, Jan. 12, 1970; 8:46 a.m.]

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

GLYCEROL ESTER OF TALL OIL ROSIN

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 9A2402) filed by American Cyanamid Co., Wayne, N.J. 07470, and other relevant material, concludes that the food additive regulations should be amended to provide for safe use of glycerol ester of tall oil rosin as a plasticizing material (softener) in chewing gum base. Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.1059 is amended in paragraph (a) by alphabetically inserting in the list of substances under "Plasticizing Materials (Softeners)" a new item as follows:

§ 121.1059 Chewing gum base.

* * * * * *

(a) * * *

MASTICATORY SUBSTANCES

* * * * *

PLASTICIZING MATERIALS (SOFTENERS)

* * *

Glycerol ester of tall oil rosin.	Having an acid number of 5–12, a softening point (ring and ball) of 80°–88° C., and a color of N or paler. The ester is purified by steam stripping.

* * *

* * * * * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be

granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

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

Dated: January 6, 1970.

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

[F.R. Doc. 70-396; Filed, Jan. 12, 1970; 8:46 a.m.]

PART 128a—FISH AND SEAFOOD PRODUCTS

Subpart E—Frozen Raw Breaded Shrimp

In the FEDERAL REGISTER of September 17, 1969 (34 F.R. 14476), the Commissioner of Food and Drugs proposed promulgation of Subpart E, Part 128a, covering current good manufacturing practice (sanitation) in the manufacture, processing, packing, or holding of frozen raw breaded shrimp. In response, comments were received suggesting clarifying and technical changes.

Having considered the comments received and other relevant material, the Commissioner concludes that the proposed regulations should be promulgated as set forth below incorporating most of the suggested changes. Accordingly, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 402(a)(4), 701(a), 52 Stat. 1046, 1055; 21 U.S.C. 342(a)(4), 371(a)) and under authority delegated to the Commissioner (21 CFR 2.120), the following new Part 128a is added to Title 21, Chapter I:

Subpart E—Frozen Raw Breaded Shrimp

Sec.
128a.401 Definitions.
128a.402 Current good manufacturing practice (sanitation).
128a.403 Plants and grounds.
128a.404 Equipment and utensils.
128a.405 Sanitary facilities and controls.
128a.406 Sanitary operations.
128a.407 Processes and controls.

AUTHORITY: The provisions of this Part 128a issued under secs. 402(a)(4), 701(a), 52 Stat. 1046, 1055; 21 U.S.C. 342(a)(4), 371(a).

§ 128a.401 Definitions.

(a) *Breaded shrimp.* As used in this Part 128a, the term "breaded shrimp" means any form of frozen raw breaded shrimp or frozen raw lightly breaded shrimp which complies with or is in semblance of that defined in §§ 36.30 and 36.31, respectively, of this chapter.

(b) *Peeling.* For the purpose of this Subpart E, the term "peeling" shall include the operation whereby raw shrimp are prepared to comply with § 36.30(c) of this chapter and, where applicable, the alimentary canal or vein is removed.

§ 128a.402 Current good manufacturing practice (sanitation).

The criteria in Part 128 of this chapter shall apply in determining whether the facilities, methods, practices, and controls for the manufacture, processing, packing, or holding of fish and seafood products are in conformance with and are operated or administered in conformity with good manufacturing practice to produce, under sanitary conditions, food for human consumption. The criteria in §§ 128a.403 through 128a.407 set forth requirements in addition to those in §§ 128.3 through 128.8 of this chapter for the breaded shrimp industry.

§ 128a.403 Plants and grounds.

(a) Unloading platforms shall be:

(1) Made of a readily cleanable material.

(2) Equipped with drainage facilities adequate to accommodate all seepage and wash water.

(b) The product shall be so processed as to prevent contamination by exposure to areas involved in earlier processing steps, refuse, or other objectionable areas.

§ 128a.404 Equipment and utensils.

(a) All food-contact surfaces (tanks, belts, tables, flumes, utensils, and other equipment) shall be of metal or other readily cleanable materials.

(b) All seams shall be smoothly soldered, welded, or bonded to prevent accumulation of shrimp, shrimp material, and debris.

(c) Each freezer and cold storage compartment used for raw materials, materials in process, or finished products shall be fitted with at least the following:

(1) An automatic control for regulating temperature, or an automatic alarm system to indicate a significant temperature change in a manual operation.

(2) An indicating thermometer so installed as to show accurately the temperature within the compartment.

(3) A recording thermometer so installed as to indicate accurately at all times the temperature within the compartment.

(d) Thermometers or other temperature measuring devices shall have an accuracy of ±2° F.

§ 128a.405 Sanitary facilities and controls.

(a) Adequate hand-washing and sanitizing facilities shall be located in the processing area, easily accessible from the peeling and subsequent processing operations.

(b) Readily understandable signs directing employees handling shrimp to wash and sanitize their hands after each absence from post of duty shall be conspicuously posted in the peeling and subsequent processing areas and elsewhere in the plant as conditions require.

(c) Offal, debris, or refuse from any source whatsoever shall not be allowed to accumulate. Offal shall be placed in suitable, covered containers and shall be removed not less than once daily or shall be continuously removed by flumes, conveyors, or chutes.

§ 128a.406 Sanitary operations.

(a) Batter application equipment, except that prescribed under § 128a.407(d)(3), shall be flushed and sanitized at least every 4 hours during plant operations. All batter application equipment shall be cleaned and sanitized at the end of the day's operation.

(b) Breading application equipment and utensils, excluding holding tanks and pneumatic systems, shall be thoroughly cleaned and sanitized at the end of the day's operation.

(c) All utensils used in processing and product-contact surfaces of equipment shall be thoroughly cleaned and sanitized at least every 4 hours during operation; however, this shall not apply to equipment for which other specific minimum cleaning times are established or to freezing equipment.

(d) Before beginning the day's operation, all utensils and product-contact surfaces of equipment, except for those prescribed under paragraph (b) of this section, shall be rinsed and sanitized.

(e) Containers used to convey or store food shall not be handled in a manner conducive to direct or indirect contamination of the contents.

§ 128a.407 Processes and controls.

(a) *Raw materials.* (1) Fresh shrimp shall be adequately washed, inspected, and culled to remove shrimp that are filthy, putrid, or decomposed, and to remove all nonshrimp material.

(2) Every lot of shrimp that has been partially processed in another plant, including frozen shrimp, shall be inspected, and only cleaned, wholesome shrimp shall be processed.

(3) Fresh or partially processed shrimp shall be iced or otherwise refrigerated to maintain the shrimp at a temperature of 40° F. or below until they are to be processed.

(4) Frozen shrimp shall be stored at a temperature of 0° F. or below.

(5) Ingredients capable of supporting rapid bacterial growth shall be examined to assure that only clean, wholesome materials are used in production.

(b) *Defrosting of frozen shrimp.* (1) Defrosting shall be carried out in a sanitary manner and by such methods that the wholesomeness of the shrimp is not adversely affected; for example, in air at 45° F. or below until other than hard frozen or in a continuous waterflow thaw tank or spray system.

(2) When a thaw tank is used, shrimp should not remain in the tank any longer than one-half hour after they are thawed.

(3) Shrimp entering the thaw tank should be free of exterior packaging material and substantially free of liner material.

(4) On removal from the thaw tank, shrimp shall be washed with a vigorous water spray.

(c) *Peeling operation.* (1) Shrimp shall be peeled into flumes that immediately transport the meat portion from the machines or peeling tables, except

that shrimp may be peeled into seamless containers if the peeled meats are not held in such containers for more than 20 minutes before being flumed or conveyed from peeling tables. If shrimp are peeled into such containers, the containers shall be cleaned and sanitized as often as necessary to maintain them in a sanitary condition, but in no case less frequently than every 3 hours. Whenever a peeler is absent from his post of duty, the container used by such peeler shall be cleaned and sanitized before peeling is resumed.

(2) Sanitary drainage shall be provided to remove liquid waste from the peeling tables.

(3) Peeled shrimp being transported from one building of the plant to another shall be properly iced or refrigerated, covered, and protected.

(d) *Batter and breading operation.* (1) Shrimp shall be washed with a low-velocity spray or in unrecirculated flowing water at 50° F. or below just prior to the initial batter or breading application, whichever comes first, except in those instances where a predust application is included in the process.

(2) In removing the batter or breading mixes or other dry ingredients from multiwalled bags:

(i) The outer layer of the bag shall first be removed.

(ii) The bag shall be slit in the exposed area and the contents removed without contact with the seam ends or closures.

(iii) If the entire contents are not removed at one time, the remainder shall be protected against contamination.

(3) Batter in enclosed equipment that assures a batter temperature of not more than 40° F. shall be disposed of at the end of each work day, but under no circumstances less often than every 12 hours.

(4) Batter, except for that prescribed under subparagraph (3) of this paragraph, shall be maintained at a temperature of 50° F. or below and shall be disposed of at least every 4 hours during operations and at the end of the day's operation.

(5) Breading may be reused during a day's operation if it is sifted through a screen of one-quarter inch or smaller mesh. Breading remaining in the breading application equipment at the end of the day's operation may be reused within 20 hours if it is sifted as set forth above and placed in freezer storage in a covered sanitary container. All material removed by sifting shall be discarded.

(e) *Packing.* (1) Manual manipulation of breaded shrimp shall be kept to a minimum.

(2) The outer layers of the finished product package and the master carton shall bear a caution to keep the product thoroughly frozen and not to refreeze.

(3) Permanently legible code marks shall be placed on every finished package and master carton. Such marks should identify at least the date of packing and the plant where packed.

(4) The aggregate processing time, excluding the time required for thawing frozen raw material, shall be less than 2 hours. Processing time does not include time in iced or refrigerated storage.

(5) Breaded shrimp shall be placed into the freezer within 30 minutes after it is packaged.

(f) *Freezing and cold storage.* (1) The freezing method used shall reduce the temperature of the food product in all size packages to 32° F. within 12 hours and shall produce a thoroughly frozen product within 24 hours.

(2) After freezing, the food shall be stored in such a manner that its temperature does not exceed 0° F. and shall be handled in such manner as will maintain the thoroughly frozen condition.

(g) *Testing.* The microbiological condition of the operation shall be evaluated by the periodic collection and analysis of in-line and finished product samples coupled with sample-related inspections. This evaluation should be made at least weekly; more often when problems are encountered.

Effective date. This order shall become effective 30 days after its date of publication in FEDERAL REGISTER.

(Secs. 402(a)(4), 701(a), 52 Stat. 1046, 1055; 21 U.S.C. 342(a)(4), 371(a))

Dated: December 31, 1969.

CHARLES C. EDWARDS,
Acting Commissioner of Food and Drugs.

[F.R. Doc. 70-397; Filed, Jan. 12, 1970; 8:46 a.m.]

Title 29—LABOR

Chapter XIV—Equal Employment Opportunity Commission

PART 1606—GUIDELINES ON DISCRIMINATION BECAUSE OF NATIONAL ORIGIN

By virtue of the authority vested in it by section 713(b) of the Act, 42 U.S.C., section 2000e-12(b), the Commission hereby issues Title 29, Chapter XIV, § 1606.1 in the Code of the Federal Regulations.

Because the provisions of the Administrative Procedure Act (5 U.S.C. 1003) requiring notice of proposed rule making, opportunity for public participation, and delay in effective date, are inapplicable to these interpretative rules, the guideline shall bcome effective immediately and shall be applicable with respect to charges presently before or hereafter filed with the Commission.

§ 1606.1 Guidelines on discrimination because of national origin.

(a) The Commission is aware of the widespread practices of discrimination on the basis of national origin, and intends to apply the full force of law to eliminate such discrimination. The bona fide occupational qualification exception as it pertains to national origin cases shall be strictly construed.

(b) Title VII is intended to eliminate covert as well as the overt practices of discrimination, and the Commission will, therefore, examine with particular concern cases where persons within the jurisdiction of the Commission have been denied equal employment opportunity for reasons which are grounded in national origin considerations. Examples of cases of this character which have come to the attention of the Commission include: The use of tests in the English language where the individual tested came from circumstances where English was not that person's first language or mother tongue, and where English language skill is not a requirement of the work to be performed; denial of equal opportunity to persons married to or associated with persons of a specific national origin; denial of equal opportunity because of membership in lawful organizations identified with or seeking to promote the interests of national groups; denial of equal opportunity because of attendance at schools or churches commonly utilized by persons of a given national origin; denial of equal opportunity because their name or that of their spouse reflects a certain national origin, and denial of equal opportunity to persons who as a class of persons tend to fall outside national norms for height and weight where such height and weight specifications are not necessary for the performance of the work involved.

(c) Title VII of the Civil Rights Act of 1964 protects all individuals, both citizen and noncitizens, domiciled or residing in the United States, against discrimination on the basis of race, color, religion, sex, or national origin.

(d) Because discrimination on the basis of citizenship has the effect of discriminating on the basis of national origin, a lawfully immigrated alien who is domiciled or residing in this country may not be discriminated against on the basis of his citizenship, except that it is not an unlawful employment practice for an employer, pursuant to section 703(g), to refuse to employ any person who does not fulfill the requirements imposed in the interests of national security pursuant to any statute of the United States or any Executive order of the President respecting the particular position or the particular premises in question.

(e) In addition, some States have enacted laws prohibiting the employment of noncitizens. For the reasons stated above such laws are in conflict with and are, therefore, superseded by Title VII of the Civil Rights Act of 1964.

(Sec. 713, 78 Stat. 265, 42 U.S.C., sec. 2000e-12)

This guideline is effective upon publication.

Signed at Washington, D.C., this the 7th day of January 1970.

[SEAL] WILLIAM H. BROWN III,
Chairman.

[F.R. Doc. 70-447; Filed, Jan. 9, 1970; 11:54 a.m.]

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 31—INDIANA DUNES NATIONAL LAKESHORE: ZONING STANDARDS

By notice appearing in the FEDERAL REGISTER of July 30, 1969 (34 F.R. 12443–12445), regulations were proposed for adoption to implement section 5 of the Act of November 5, 1966 (80 Stat. 1309; 16 U.S.C. 460u), which provided for establishment of the Indiana Dunes National Lakeshore. As stated in that notice, these regulations are required to be issued to provide general criteria or standards with which zoning ordinances and amendments adopted by municipalities in the lakeshore must comply in order to exempt certain improved properties in this area from acquisition by condemnation.

The public was afforded the opportunity to participate in the rulemaking process by offering comments, suggestions, or recommendations with respect to the proposed regulations during a 60-day period following publication of the notice. Copies and requests for comments were also directed to members of the Indiana Dunes National Lakeshore Advisory Commission, who represent many of the towns, villages or other local entities affected. One letter was received in response to the invitation to comment. After careful evaluation of these comments and the proposed rule, it was determined that no revisions of the regulations were necessary, except minor editorial changes. Accordingly, the following regulations are adopted to become effective upon the expiration of 30 days after they are published in the FEDERAL REGISTER.

Part 31, reading as follows, is added to Chapter I, Title 36 CFR:

Sec.
31.1 Introduction.
31.2 General provisions.
31.3 Lakeshore Use District.
31.4 Park Use District.
31.5 Variances, exceptions, and use permits.

AUTHORITY: The provisions of this Part 31 issued under sec. 5, 80 Stat. 1309; 16 U.S.C. 460u; sec. 3, 39 Stat. 535; 16 U.S.C. 3.

§ 31.1 Introduction.

(a) In administering, preserving, and developing the Indiana Dunes National Lakeshore (hereinafter referred to as Lakeshore), the Secretary of the Interior (hereinafter referred to as the Secretary), is required to be guided by the provisions of the Act of November 5, 1966 (80 Stat. 1309), and applicable provisions of the laws relating to the National Park System. The Secretary, further, may utilize other statutory authority available to him for the conservation and management of natural resources as he deems appropriate to carry out the purposes of the said act.

(b) Development and management of the Indiana Dunes National Lakeshore to provide for public enjoyment, use, and understanding of its unique natural, historic, and scientific features will be undertaken and conducted in such manner as to assure preservation of the unique flora and fauna or the physiographic conditions prevailing in the area and preservation of historic sites and structures. This contemplates, where compatible with preservation purposes and the physical capabilities of the lakeshore, a broad range of activities including, but not limited to, hiking, boating, swimming, fishing, picnicking, nature study, water skiing, beachcombing, and winter sports.

(c) The Secretary may not acquire by condemnation any "improved property" defined in paragraph (d) of this section, within the boundaries of the lakeshore, during all times when the appropriate local zoning agency shall have in force and applicable to such property a duly adopted, valid, zoning ordinance that is approved by the Secretary.

(d) As used herein, "improved property" means a detached one-family dwelling construction of which was begun prior to January 4, 1965, together with so much of the land on which the dwelling is situated and which is in the same ownership as the dwelling, as the Secretary considers reasonably necessary for enjoyment of the dwelling for noncommercial residential use, together with accessory structures on the same land. The amount of land so designated may not exceed 3 acres in area, and the Secretary may exclude from such "improved property" any beach or waters, which he deems necessary for public access thereto or public use thereof.

(e) Section 5 of the 1966 Act requires the Secretary to issue regulations specifying standards for approval by him of zoning ordinances adopted by the local entities within the lakeshore so that the improved properties within its boundaries may attain exemption-from-condemnation status. Such standards, and any contained in amended regulations, shall contribute to the effect of (1) prohibiting the commercial and industrial use, other than that which is permitted by the Secretary, of all property within the boundaries of the lakeshore; and (2) promoting the preservation and development, in accordance with the purposes of the aforesaid act, of the area within the lakeshore by means of acreage, frontage, and setback requirements and other provisions—consistent with the laws of the State of Indiana.

§ 31.2 General provisions.

(a) The regulations herein proposed are intended to establish the minimal standards with which local zoning ordinances must conform if improved property within the lakeshore which is covered by such zoning ordinances is to be exempt from acquisition by condemnation.

(b) Following final issuance of the regulations in this part, the municipalities having zoning jurisdiction within the lakeshore shall submit to the Secretary for his approval all zoning ordinances and amendments thereto which demonstrate conformity with the general and specific standards in the regulations in this part. These submissions shall include ordinances and amendments adopted specifically to implement the regulations in this part. The Secretary is required to approve any zoning ordinance or amendment submitted to him which conforms to the standards contained in the regulations in this part, but he may not approve a zoning ordinance or amendment which (1) contains any provision he considers adverse to preservation and development of the lakeshore, or (2) fails to provide that the Secretary shall receive notice of any variance granted under or exception made to the application of such ordinance or amendment. The Secretary will notify the municipality submitting the zoning ordinance or amendment, within 30 days after its receipt, of its approval or disapproval. If more than 30 days are required for the review, the municipality will be notified of the delay and of the additional time needed to reach a determination.

(c) Nothing contained in the regulations in this part or in the zoning ordinance or amendments adopted for the lakeshore to implement the regulations in this part shall preclude the Secretary from exercising his power of condemnation at any time with respect to property other than "improved property" as defined above. Property within the boundaries of the lakeshore, except to the extent it is identified as a part of "improved property", will be acquired by the United States as rapidly as appropriated funds become available and before development occurs thereon. Any private property developed after January 4, 1965, is subject to acquisition by the Secretary by condemnation under the Act of November 5, 1966, referred to above, even though such development is in accordance with zoning ordinances or amendments approved by him. The regulations in this part shall not preclude the Secretary from otherwise fulfilling the responsibilities vested in him by the act authorizing establishment of the lakeshore.

(d) No additional or increased commercial or industrial uses are permitted in the lakeshore except as provided for under the regulations applicable to the "Lakeshore Use District." Existing nonconforming commercial or industrial uses shall be discontinued within 15 years from the effective date of the regulations in this part. The Secretary may permit such uses to be continued for an additional period of time to allow an owner a reasonable opportunity to amortize investments made on the property before January 4, 1965.

(e) The regulations in this part require, and local zoning ordinances or amendments to be approved by the Secretary shall require, that any uses, and the location, design and scope of any permitted developments (which are limited to areas not programed or

planned for Federal development according to the master plan for the lakeshore), shall be harmonized with adjacent uses, developments and natural features within the lakeshore and shall be consistent with the current master plan proposed or adopted by the National Park Service for the lakeshore, so as to minimize disruption of the natural scene and to further the public recreational purposes of the area.

§ 31.3 Lakeshore Use District.

(a) Definition: This district shall comprise all those portions of the Indiana Dunes National Lakeshore delineated as "Lakeshore Use District" on a map bearing the identification "Indiana Dunes National Lakeshore Zoning" June 1968.

(b) Subject to the other provisions of the regulations in this part, the following uses or undertakings are permitted in the Lakeshore Use District, if the municipality having zoning jurisdiction over the property has issued a building or use permit in each case:

(1) Single-family residence, not including tent or trailer, but including servants quarters in the same structure or in an accessory building. Such residential use, unless the lot to be used was in separate ownership or included in a land subdivision of record before January 4, 1965, shall meet the following minimum requirements:

(i) Minimum lot size—1 acre.

(ii) Minimum lot width—150 feet.

(iii) Maximum building height—dwelling, 30 feet; accessory structures, 15 feet.

(iv) Minimum front yard setback—30 percent of average lot depth in block, subdivision, or area.

(v) Rear yard setback—20 percent of lot depth.

(vi) Side yard setback—10 percent of lot width on each side.

(vii) Maximum lot coverage by dwelling and accessory structures—20 percent.

(viii) Minimum ground floor area in dwelling unit—1,000 square feet.

(ix) Parking on site—2 vehicles.

In order to achieve more efficient land utilization for open space preservation, a subdivision plan may provide for single-family residences constructed as row or town houses, or they may be otherwise clustered at a density greater than one residence per acre and without regard to the other requirements listed above for residential construction (except the limitation on height of structures and the provision for parking): *Provided*, That 50 percent of all the land in the subdivision, excluding land in the streets, is donated to the United States for preservation in perpetuity as a part of the lakeshore.

(2) Alteration, improvement, or moving of existing residences or accessory structures: *Provided*, There is compliance with the area, frontage, setback, height, and other requirements prescribed for residential uses under subparagraph (1) of this paragraph: *And provided further*, That the existing residential structure remains an integral part of the altered or enlarged dwelling. The exterior appearance of any altered or enlarged dwelling shall conform to the style or type of architecture employed in the existing dwelling. The alteration, improvement, or moving may not alter the residential character of the premises and accessory structures, through alteration or enlargement, may not become the dominant structure or structures on the premises. Any alteration, improvement, or moving of structures which violates a local zoning ordinance or amendment containing these limitations and requirements would subject "improved property" on the premises to acquisition by condemnation, unless the Secretary has approved a variance or exception therefor in accordance with § 31.5.

(3) Parks and recreation areas developed and operated by a governmental agency and recreational activities whether governmental or private such as horseback riding, organizational and other camping, picnicking, swimming, horseshoe pitching, archery, croquet, tennis, softball, volleyball, and similar activities which are compatible with the purposes of the area, together with the physical improvements needed to accommodate such areas and activities: *Provided*, That any facilities or structures developed for these purposes shall adhere to the acreage, frontage, height, setback, and other requirements imposed by the local zoning agency on such developments, after consultation with the Secretary.

(4) Limited agricultural uses such as greenhouses, plant nurseries, and truck gardens if these uses do not require the extensive cutting or clearing of wooded areas and are not otherwise destructive of natural or recreational values: *And provided*, They adhere to the acreage, frontage, height, setback, and other requirements which are imposed by the zoning agency, after consultation with the Secretary.

(5) Clearing and removal of trees, shrubbery, and other vegetation only to the extent necessary in order to permit the exercise of a use otherwise allowed within this district.

(6) Religious and educational uses, including kindergartens and day nurseries, and the necessary structures and facilities, subject to such acreage, frontage, height, setback, and other requirements as are imposed by the local zoning agency.

(7) Removal of gravel, sand and rock or other alteration of the landscape only to the minimum extent necessary to make possible the exercise of a use permitted in this district, including construction of a temporary access road.

(8) (i) Signs that are related to any permitted use, provided they do not exceed 1 square foot in area for residential occupancy and not to exceed 6 square feet for any other purpose, provided they are not illuminated by any neon or flashing device. Signs advertising a property for sale or rental may be placed only on the property being offered for sale or rental. For an event of short duration and public interest, as a civic affair or church event, informational signs not over 6 square feet may be used on the property on which the event will occur, and a limited number of directional signs, not larger than 1 square foot in area, may be used. Such signs may be displayed only within a 30-day period before the event being advertised and they shall be removed immediately thereafter.

(ii) Signs shall be subdued in appearance, harmonizing in design and color with the surroundings and shall not be attached to any tree or shrub. Nonconforming signs may continue such nonconformity until they are destroyed, moved, structurally altered or redesigned, but the period of such nonconformity may not exceed 3 years from the date a zoning ordinance containing this limitation is adopted by the local zoning entity.

(9) Accessory uses and structures, including fencing, which are appurtenant to any permitted use: *Provided*, There is compliance with the area, frontage, height, setback, and other requirements prescribed for residential uses under subparagraph (1) of this paragraph.

(10) No commercial uses of property within this district, other than those listed above, will be permitted.

(11) There shall be in effect in this district limitations, requirements, or restrictions in regard to the burning of cover and trash and the dumping, storing, or piling of refuse, materials, equipment, or other unsightly objects which would detract from the natural scene or esthetic values of the lakeshore. Temporary storage of materials and equipment may be permitted, to the extent necessary to exercise a permitted use.

§ 31.4 Park Use District.

(a) Definition: This district shall comprise all those portions of the Indiana Dunes National Lakeshore delineated as "Park Use District" on a map bearing the identification "Indiana Dunes National Lakeshore Zoning" June 1968. In this district the predominant use of the land is for open space and outdoor recreational facilities.

(b) Subject to the other provisions of the regulations in this part, the following uses or undertakings are permitted in the Park Use District, if the municipality having zoning jurisdiction over the property has issued a building or use permit in each case:

(1) Community outdoor recreation activities and facilities such as playgrounds, open spaces, parks, and athletic fields, if such facilities are developed and operated by a governmental agency and are consistent with the purposes of the lakeshore and provided such facilities adhere to the acreage, frontage, height, setback, and other requirements imposed by the zoning agency, after consultation with the Secretary.

(2) Religious and educational facilities and uses, including kindergartens and day nurseries and the necessary structures and facilities, if after consultation with the Secretary they are deemed consistent with the purposes of the lakeshore and adhere to the acreage, frontage, height, setback, and other requirements imposed by the local zoning agency.

(3) Fencing not to exceed 5 feet in height in conjunction with the above permitted uses.

(4) Signs not to exceed 6 square feet in area are permitted to be erected on the premises on which a permitted use occurs, but they may not be illuminated by any neon or flashing device. A limited number of directional signs are permitted. Signs shall be subdued in appearance, harmonizing in design and color with the surroundings and shall not be attached to any tree or shrub. Nonconforming signs shall be discontinued and removed immediately.

(5) There shall be in effect in this district prohibitions in regard to the burning of cover and trash. The dumping, storing, or piling of refuse, materials, equipment, and/or any other objects in this district shall be prohibited.

§ 31.5 Variances, exceptions, and use permits.

Zoning ordinances or amendments thereto, for the zoning districts comprising the lakeshore may provide for the granting of variances and exceptions, subject to the following:

(a) Under section 5(d) of the Act of November 5, 1966, the authority of the Secretary to acquire "improved property" by condemnation would be reinstated if such property is made the subject of a variance under or exception to the applicable zoning ordinance, or is subjected to any use, which variance, exception or use fails to conform to or is inconsistent with any applicable standard contained in the regulations in this part.

(b) The municipality having the responsibility and power to zone, or private owners of "improved property", may consult the Secretary as to whether any proposed variance or exception would terminate the suspension of his authority to acquire the affected property by condemnation and they may request the review of a proposed variance or exception by the Secretary. The Secretary within 60 days after the receipt of a request for review of a proposed variance or exception, shall advise the owner or the zoning entity whether or not the intended use will subject the property to acquisition by condemnation. If more than 60 days is required by the Secretary for such determination, he shall so notify the interested party, stating the additional time required and the reasons therefor.

(c) The Secretary shall be given written notice of any variance granted under, or exception made to the application of, a zoning ordinance or amendment previously approved by him. The Secretary shall be provided a copy of every building or use permit granted by municipalities which authorizes any use or development of lands within the boundaries of the lakeshore.

Dated: January 3, 1970.

GEORGE B. HARTZOG, Jr.,
Director,
National Park Service.

[F.R. Doc. 70-406; Filed, Jan. 12, 1970; 8:47 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

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

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 4760]

[Anchorage 4733]

ALASKA

Modification of Public Land Order No. 4582

By virtue of the authority vested in the President by section 1 of the Act of June 25, 1910 (36 Stat. 847, as amended; 43 U.S.C. sec. 141), and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

Public Land Order No. 4582 of January 17, 1969, withdrawing all unreserved public lands in Alaska for the determination and protection of the rights of the native Aleuts, Eskimos, and Indians of Alaska, is hereby modified to permit:

1. The granting of rights-of-way under the Mineral Leasing Act of February 25, 1920 (41 Stat. 449, as amended; 30 U.S.C. secs. 181 et seq.), for an oil pipeline system, including, but not limited to, pumping plantsites, access facilities, terminal facilities, catch basins, and any other structures reasonably necessary or convenient for transportation of oil by pipeline from fields in Northern Alaska to a deep water port in the Gulf of Alaska.

2. The issuance of any other permit or right-of-way as may be reasonably necessary or convenient for the construction, maintenance, or operation of the oil pipeline system described in paragraph 1 above.

3. The sale of forest products and mineral materials as may be reasonably necessary or convenient for the construction, operation or maintenance of the oil pipeline system described in paragraph 1 above.

WALTER J. HICKEL,
Secretary of the Interior.

JANUARY 7, 1970.

[F.R. Doc. 70-405; Filed, Jan. 12, 1970; 8:47 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Dockets Nos. 16073, 13348; FCC 69-1391]

PART 21—DOMESTIC PUBLIC RADIO SERVICES (OTHER THAN MARITIME MOBILE)

Public Air-Ground Radiotelephone Service

In the matter of amendment of Parts 2, 21, and 87 of the Commission's rules to establish a Public Air-Ground Radiotelephone Service, Docket No. 16073; amendment of Part 21 of the Commission's rules governing Domestic Public Radio Services (other than Maritime Mobile) to provide for the assignment of frequencies in the 450-460 Mc/s band to control stations in the Domestic Public Land Mobile and Point-to-Point Microwave Radio Services, Docket No. 13348.

Report and order. 1. In a "Third Notice of Proposed Rule Making" (FCC 68-886, 33 F.R. 12787), released September 4, 1968, the Commission proposed adoption of rules governing the Domestic Public Radio Service to permit the establishment of a regular air-ground radiotelephone system.[1] The amended rules would provide inter alia for a reduction in separation from 50 kc/s to 25 kc/s in the present frequency allocation of 454.6625-455.000 Mc/s and 459.6625-460.000 Mc/s, thus making available for the first time 12 channels in lieu of the present six channels,[2] and at the same time afford the land mobile and air-ground radiotelephone systems the opportunity to share the frequencies. Interested parties were invited to file comments by December 2, 1968, and reply comments by January 2, 1969. By order released December 20, 1968, the latter date was extended to February 3, 1969.[3]

2. Interested parties, including both wireline and miscellaneous common carriers (MCCs), agree essentially that the vast increase in air-passenger traffic and private aircraft service has created a pressing need for a public air-ground radiotelephone service; that the limited service currently authorized by the wireline carriers no longer serves this need;

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[1] Also issued in Docket No. 16073 were: Notice of proposed rule making released July 2, 1965 (FCC 65-559); second notice of proposed rule making released May 20, 1966 (FCC 66-438); memorandum opinion and order released Sept. 4, 1968 (FCC 68-885).

[2] By the memorandum opinion and order released Sept. 4, 1968, supra, extension and expansion in the developmental service for operation in the 450 Mc/s band was authorized consistent wtih the proposed rule making.

[3] Pertinent comments were filed by: Aircraft Owners and Pilots Association (AOPA); American Telephone and Telegraph Co. (A.T. & T.); Chalfont Communications (Chalfont); General Communications Service, Inc. (General); G.T. & E. Service Corp. (G.T. & E.); Hawaiian Telephone Co. (Hawaiian); Industrial Communications Systems, Inc. (Industrial); Interstate Radio Telephone Corp. (IRT); National Association of Manufacturers (NAM); National Association of Radiotelephone Systems (NARS); National Association of State Aviation Officials (NASAO); National Business Aircraft Association, Inc. (NBAA); Philadelphia Mobile Telephone Co. (Philadelphia); Silver Beehive Telephone Co., Inc. (Silver). (For good cause shown, Silver's "Petition for late Filing of Comments" filed Dec. 19, 1968, is granted, and the comments accepted for consideration.) Skyphone Division, Times Facsimile Corp., a division of Litton Industries (Skyphone). Replies were filed by: AOPA; A.T. & T.; General; G. T. & E.; Industrial; IRT; Mobilfone, Inc. (Mobilfone); Mobile Radio Communications, Inc. (MRCI); NARS; NASAO; NBAA; Skyphone; The Redco Corp., Roy M. Tell and Lowry Mckee, d.b.a. Mobilfone (Redco); United States Independent Telephone Association (USITA).

that the time is now ripe to establish on a regular basis, an expanded and extended service which will afford the aircraft greater access to public telephone exchanges; that this increased service on a regular basis will be more acceptable to a greater portion of the using public than is the limited and uncertain developmental operation. However, the wireline carriers and MCCs differ basically as to the proposed frequency allocations for the service. In addition, several parties have sought technical changes. For the following reasons we believe that the rule amendments set forth in the attached Appendix will best serve the public interest and that adoption thereof will permit early implementation of this much-needed air-ground service. Except as reflected below, the requests for technical changes are denied as not comporting with the overall plan found most acceptable to the public interest.

3. The background and history of the air-ground service bears out the premise that the search for an adequate operation is not new. The pertinent facts are briefly as follows: A.T. & T. introduced the radiotelephone service with aircraft in 1957 on an experimental basis via stations in Chicago and Detroit. These stations were operated with one channel each in the 450 Mc./s. mobile band with 50 kc./s. channel spacing. Additional stations were placed in service in 1960 in Pittsburgh, Washington, and Newark,[4] and the service subsequently increased to include base stations in Boston, Elmira, N.Y., Beckley, W. Va., Dayton, Ohio, and Vincennes, Ind., making 10 base stations in all. The increased operation was conducted on six channels in the mobile frequency band.

4. On the ground that interference was likely to result if the domestic public land mobile, rural radio, and air-ground services were to share the frequencies, A.T. & T. requested partition of the frequency space assigned to the wireline carriers so that the land services and the public air-ground radiotelephone services would each have exclusive frequency assignments. The Commission, by order issued January 30, 1961 (FCC 61–117), denied partition but established an interim policy for public air-ground radiotelephone service. This interim policy was to remain in effect pending an early institution of rule making looking toward (a) eventually clearing frequencies 454.675–455.000 Mc. and 459.675–460.000 Mc. of domestic public land mobile and rural radio services, and (b) designating a minimal number of frequencies presently assignable on a shared basis pursuant to footnote NG 19 in Part 2 for assignment exclusively to the air-ground service. The order further provided that since these frequencies would soon have to be cleared of domestic public land mobile and rural radio services, no new station authorizations were to be issued therefor pending promulgation of further rules and regulations. Notwithstanding that the order was anticipatory in nature, the wireline common carriers to whom these frequencies were allocated, nevertheless took steps voluntarily to clear these bands of the two other services.

5. Thereafter, A.T. & T. requested that the rules be amended to permit operation of a nationwide two-way public air-ground service on a regular basis. In a notice of proposed rule making issued May 4, 1962, in Docket No. 14615 (FCC 62–457), the Commission stated that since it was not possible to determine the ultimate extent to which the proposed service would require frequency spectrum, nor foresee how additional spectrum would be made available if such space were in fact required, a modification of A.T. & T.'s request was being proposed to embrace the "only logical solution", namely, "split channel" technical standards which would eventually permit doubling the number of available channels. In order to provide for a smoother transition to such operation, the proposed rules anticipated standards of ±5 kc./s. deviation and 0.0002 percent frequency stability on the 50 kc./s. channels.

6. In the comments, the proposed technical standards were found to be either too restrictive and, under practical conditions, beyond the present state of the art; or would result in prohibitive equipment costs. The Commission therefore, by report and order released June 10, 1963 (FCC 63–512) refused to adopt the proposed rule making and terminated Docket No. 14615.[5] However, the developmental program was extended for an additional 5-year period but without any authorization for expansion of the service. At the same time, the instant rule making proceeding was instituted [6] in the hopes that an effective and workable system would be perfected which would provide a nationwide service with simultaneous access to more channels in an area than was possible in the developmental program. A.T. & T. continued operation in accordance with its developmental authorizations.

7. Through experience gained over the years, the "split channel" concept as previously proposed by the Commission in Docket 14615 and rejected in 1963 as too progressive, was now found to be feasible, and regularization of the air-ground radiotelephone service was sought on an expanded and extended basis. Accordingly, the third notice was issued herein, proposing however, to make the frequencies available for assignment to communications common carriers in the business of affording public landline message telephone service (in keeping with the developmental program) in lieu of the previous proposal that the frequencies be made available for general communications assignment. The wireline carriers recognize, in their support of the proposal, that the operation is merely of an interim nature. However, they contend that this interim operation is mandatory in order to significantly alleviate the immediate hardship. In this connection, A.T. & T. points out specifically that several years will be required to perfect a truly sophisticated system, on frequencies not yet allocated,[7] which would offer adequate air-ground radiotelephone service with sufficient multichannel capability so as to permit adequate service to the whole aviation industry and meet the long range system capacity and frequency spectrum requirements.

8. The MCCs on the other hand, argue alternatively that (a) all of the frequencies to provide air-ground service be granted exclusively to the MCCs; (b) a similar number of frequencies be allocated to the MCCs for air-ground service as is allocated to the wire-line carriers; (c) the available frequencies be divided between the wire-line carriers and MCCs; and (d) the eligibility be broadened so as to include both classes of carriers. Each of the suggestions will be discussed seriatim. For the reasons set forth below suggestions (a), (b), and (c) will be rejected; suggestion (d) will be incorporated into the overall plan.

9. In order for an air-ground system to be of maximum utility it must be made available on a nationwide basis. A prerequisite to the viable operation of the service on a nationwide basis is the existence of an interconnected coordinated terrestrial network. The present operating developmental system designed by the wire-line carriers is predicated on just such a network with a single multifrequency station serving a given area. No comparable network is available to the MCCs should they attempt the operation on their own. At best is the offer by IRT that if all of the frequencies were to be allocated to the MCCs it would be willing to form a group from among its members, and include any others who may wish to join, in order to establish the necessary network for the future. However, the establishment and perfection of such a network involves considerable time as does the completion of an appropriate rule making proceeding. In the interim, service to the public would be at least curtailed if not completely discontinued. Conceivably such delay or temporary cessation of service, could result in the demise of this much needed service. Under the circumstances, we believe that the suggestion to allocate all of the frequencies to the non-wire-line carriers through substitution of an unformulated and untried theory in place of the established working system could only be detrimental to the public interest. Hence, absent a convincing showing

[4] On Feb. 17, 1960, the Commission amended Part 2 of its frequency allocation rules to provide for air-ground public radiotelephone service in the Domestic Public Mobile bands 454.40–455 Mc. and 459.40–460 Mc. (sixth memorandum report and order in Docket 11959, FCC 60–162).

[5] By memorandum opinion and order released July 1, 1965 (FCC 65–558), reconsideration of the June 10, 1963, report and order was denied.

[6] Notice of proposed rule making in Docket No. 16073, supra, incorporating RM–1303.

[7] See notice of inquiry and notice of proposed rule making in Docket 18262, released July 26, 1968 (FCC 68–745).

to the contrary, this first proposal must be rejected.

10. Several MCCs urge that in view of the priority need for an effective air-ground service, additional frequencies be allocated to them for such use notwithstanding the overall need for additional frequencies for land mobile radio services. General points out that the Commission in Docket No. 17022,[8] proposed that the frequency bands 450.5–451 and 455.5–456 Mc./s. be allocated to land mobile users other than remote pickup stations, but because "studies concerning the entire 450–470 Mc./s. band" were being made, solicited no comments with respect to the disposition of these bands; that now that the studies have been completed and assignments are being made on a 25 kHz spacing providing 20 duplex channels, not less than eight of these channels should be allocated for an MCC air-ground service. Although the studies concerning the entire 450–470 Mc./s. band have been completed, the specific allocation of frequency band 450.5–451 and 455.5–456 Mc./s. remains open for consideration and pending in Docket No. 17022, and may not appropriately be considered in the instant proceeding. However, in view of the pending status of that docket, appropriate recommendations and pertinent comments directed to that rule making proceeding would be in order.

11. One of the principal objectives in regularizing the developmental program is to authorize without delay an expanded acceptable system which makes maximum use of the frequency spectrum under consideration. A division of the frequencies between the wireline carriers and MCCs as indicated in (c) supra would undermine this objective by placing early implementation in jeopardy as well as emasculating the proposal designed to provide a nationwide service making maximum use of the frequency spectrum. The effectiveness of the proposed plan for increased nationwide service, and one which will permit up to four channels to obtain in or at any major air hub, is predicated on a single 12-channel nationwide system on these frequencies. The 12-channel system will provide at best only acceptable service. It will however, afford orderly and rapid expansion to broad coverage areas and avoid interference problems. If fewer than the 12 channels are to be made available, the same state of inefficiency will prevail which the Commission previously found to be unacceptable,[9] and the use of the limited number of available frequencies destroyed for each of the groups. In the final analysis implementation of the proposed plan will be prevented. Keeping the frequency channels in a single complex and splitting the spacing between these channels will, on the other hand, permit additional airborne stations to get immediate service by means of the ten developmental base stations. Manufacturers have in fact already undertaken development of narrow band base station equipment to be used at new base stations as they are established.

12. We believe however, that optimum utilization of the frequencies would prevail if the eligibility were broadened as previously proposed,[10] to permit general communications common carriers[11] to jointly offer the proposed service on the single network system designed by A.T. & T. for the developmental program, but with no more than one licensee to be authorized to any given location. We find Chalfont's position urging such broadening of eligibility meritorious and worthy of consideration. Chalfont contends that since the standards are set by the rules and the operation disciplined by regulation, there is no reason why there should not be as much orderliness in processes between miscellaneous carriers and wireline carriers as there is between a Bell affiliated company and any independent wireline carrier with basic interconnection service a condition of eligibility. We agree that there is no absolute technical, operational or policy reason to bar MCCs, as such, from eligibility to participate in this service. It is of course, a prerequisite that all ground stations be interconnected to the national terrestrial network if the system is to offer maximum accommodation to the using public. However, since the Commission expects the wireline companies to establish or continue appropriate interconnection arrangements with any entity which has been licensed by the Commission in the service, we will not make such interconnection a condition precedent to the filing of an application. Moreover, we will not regard the nonexistence of an appropriate interconnection arrangement as disqualifying an MCC from making application. Thus, if such application is granted, we will expect the wireline carrier to interconnect such an arrangement on reasonable terms and conditions. Further, in order to operate cohesively, all of the air-ground services will be required to maintain a uniform tariff. We will therefore, require that the interconected carriers establish tariffs which conform with the tariff set forth in the developmental program or as it may be subsequently modified. Where an MCC has its own tariff on file, such tariff is to be adjusted for the purposes of rendering the air-ground service with the established wireline tariff for the developmental service. We will likewise require that the signaling techniques also be conformed with the ones used in the developmental service and specified below.

13. The Commission recognizes that several of the proposals made by the MCCs are cogent and deserving of further consideration. However, before any new techniques could possibly be employed with confidence, they must be closely examined under field conditions, their adequacy demonstrated and evaluated, the technical acceptability established in the overall system, and in the final analysis a determination reached with respect to how the using public would best be served. The need for such prior examination and testing does not in any way prejudge the technical acceptability of any of the proposed alternatives. We appreciate that many techniques are available or may be made available in the future which contain features or capabilities which could possibly surpass those presently employed. However, we are faced here with a need to satisfy a public demand as quickly as possible. Notwithstanding the uncertainties associated with developmental status[12] and the limitations imposed upon the operation by the interim policy to 10 ground stations and six working channels,[13] A.T. & T. during the period from 1957 (when the first system was installed), to date, at considerable cost to itself, tested techniques and demonstrated that its methods were suitable, reliable and valid. The two-tone signaling technique, for example, used in the developmental service was subjected to an extensive testing and resulted in the establishment of a speed capability equal to the ground based equipment. A five-digit selection code was developed to accommodate 99,999 different airborne subscribers. The reliability of the system was demonstrated in its ability to complete the circuit without repeated signaling attempts, as well as showing low cost maintainability.

14. The developmental program as presently constituted can serve no further purpose. Unless the service is regularized and permitted to expand and grow so as to permit the public to make a fair evaluation and judgment, there will be a dearth of interest, and the service, even though only interim in nature at this point in time, could conceivably cease to exist. The present service is satisfactory, as specifically attested to by the recent increase in demand by users for additional airborne

[8] Notice of proposed rule making released Dec. 2, 1966 (FCC 66–1085), Docket No. 17022, In the Matter of Amendment of Parts 2 and 74 of the Commission's Rules to reallocate the frequency bands 450.5–451 and 455.5–456 Mc./s. to land mobile use in general (other than remote pickup) and to reduce to 50 kc./s. the spacing between assignable frequencies in the bands 450–450.5 and 455–455.5 Mc./s. for use by remote pickup broadcast stations.

[9] Report and order in Docket No. 14615 (supra).

[10] See second notice of proposed rule making, supra.

[11] General communications common carriers include both wireline and miscellaneous common carriers (MCCs).

[12] Section 21.404(e) of the Commission rules provides as follows: "The grant of a developmental authorization carries with it no assurance that the developmental program, if successful, will be authorized on a permanent basis either as to the service involved or the use of the frequencies assigned or any other frequencies."

[13] Report and order in Docket No. 14615, supra.

equipment and service.[14] On balance, therefore, we find that the public interest will best be served by regularizing the acceptable operation for immediate use affording general communications common carriers the opportunity to all join in the rendition of the air-ground radiotelephone service on an interconnected terrestrial network established pursuant to the developmental program and within the requirements set forth herein. Individual applications for an airborne mobile station will be required to show that definite arrangements have been made for the service from a carrier authorized to serve airborne stations. In order that the service not be disrupted, we will "grandfather" the developmental service into the regularized service in any fashion necessary to conform with the proposals herein. Any pending applications for additional developmental ground stations will be placed on public notice as proposals to provide regular airground service, and the applicants will be afforded 30 days from the date of the public notice within which to make appropriate modifications so that the applications will conform with the rules as adopted herein. However, the statutory time within which to file appropriate pleadings addressed to the listed applications will be computed from the date of the public notice.

15. One final note—A.T. & T. alleges that maximum utilization of the spectrum space will result from regularizing its service since the frequencies would be shared by the land mobile and air-ground radiotelephone systems. We are not persuaded by A.T. & T.'s arguments that such sharing is in fact feasible. Until a more convincing demonstration is made in the field,[15] the use of these frequencies for simultaneous land mobile use must be on a secondary basis to the air-ground service and subject to the operational control of the base station providing the latter service.

16. On the basis of all of the information before us, and in light of the virtually unanimous position urged by interested parties that there is an immediate need to implement a regular air-ground service, we are of the view that the public interest would best be served by adoption of the rule changes as evidenced below.

Accordingly, it is ordered, Under authority found in sections 4(i) and 303(r) of the Communications Act of 1934, as amended, that effective February 16, 1970, the rule amendments for Part 21 set out below are adopted, and this proceeding is terminated;

It is further ordered, That the frequencies 454.6625–455.000 Mc./s. and 459.6625–460 Mc./s. with the 25 kc./s. channel spacing shall be available for assignment in the Domestic Public Radio Services (other than Maritime Mobile) for general communications carriers in accordance with the within report and order and the rules as set forth below;

It is further ordered, That the wire-line companies currently using the frequencies in the 454.6625–455.000 Mc./s. and 459.6625–460.000 Mc./s. bands not in accordance with the assignments made herein, shall within 6 months from the release date of this report and order, make appropriate application to conform with the provisions of Part 21 of the Commission rules;

It is further ordered, That the developmental stations presently in operation shall be continued on a regular basis with any alterations necessary to permit the service to conform with the provisions of the within report and order and changes in the rules as adopted.

It is further ordered, That all pending applications for additional Developmental Ground Stations be placed on public notice as proposals to provide regular air-ground service, and that the applicants within 30 days from the date of public notice, appropriately modify their applications to conform with the rules as adopted.

It is further ordered, That since the amended rules adopted below resolve all outstanding issues in Docket 13348, the same is likewise terminated.

(Secs. 4, 303, 48 Stat., as amended 1068, 1082; 47 U.S.C. 184, 303)

Adopted: December 17, 1969.

Released: January 7, 1970.

FEDERAL COMMUNICATIONS COMMISSION,[16]

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

1. Section 21.1 is amended by adding a new definition for "Airborne station" and by modifying the definition of "General communication" to read as follows:

§ 21.1 Definitions.

* * * * *

Airborne station. A mobile station in the Domestic Public Land Mobile Radio Service aboard an aircraft.

* * * * *

General communication. Two-way voice communication, through a base station, between (1) a common carrier land mobile or airborne station and a landline telephone station connected to a public message landline telephone system, or (2) two common carrier land mobile stations, or (3) two common carrier airborne stations, or (4) a common carrier land mobile station and a common carrier airborne station.

* * * * *

2. In § 21.15(i) the introductory text is amended to read as follows:

§ 21.15 Content of applications.

* * * * *

(i) An application for land or airborne mobile units to be licensed in the name of a person who is not the licensee of the base station with which the mobile units will be associated in the Domestic Public Land Mobile Radio Service shall be accompanied by the information indicated in paragraph (b) of this section together with an affirmation showing that:

* * * * *

3. Section 21.29(b) is amended to read as follows:

§ 21.29 Forms to be used.

* * * * *

(b) *Application for license for mobile stations.* No construction permit is required for mobile stations. A separate application on FCC Form 401 shall be submitted for a license for the maximum number of mobile units expected to be placed in operation within the ensuing license period: *Provided, however,* In the Domestic Public Land Mobile Radio Service, an application for license for land mobile or airborne units to be licensed in the name of the base station licensee may be combined on the same application form with an application for the base station with which the land mobile units will be associated. In the preparation of such blanket applications, care should be exercised that data furnished therein in all particulars is clearly differentiated between the land mobile, airborne and base station installations. In any event, the mobile station license will be issued simultaneously with the issuance of the related base station license in the case of applications in the Domestic Public Land Mobile Radio Service. Applications for land mobile or airborne stations in the Domestic Public Land Mobile Radio Service, which are submitted by the persons who propose to become subscribers to a common carrier service for public correspondence, shall be accompanied by the supplementary showing set forth in § 21.15(i).

* * * * *

4. Section 21.32(a) is amended to read as follows:

§ 21.32 License period.

(a) Licenses for stations in the Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio, and Local Television Transmission Services will be issued for a period not to exceed 5 years; in the case of common carrier Television STL and Television

[14] Skyphone for example, points out that "almost 1,000 of the numerous inquiries received by SKYPHONE Division subsequent to September 4, 1968, represents bonafide additional potential users of the Public Air-Ground Radiotelephone Service." Similarly AOPA states that many potential users are awaiting Commission action "prior to purchasing equipment so they may be confident their investment will have the protection of regulatory stability." NASAO states that "[N]ew 450–460 MHz airborne radiotelephone equipment acquisitions coupled with overwhelming interest on the part of diverse user groups, subsequent to the release of the September 4, 1968, 'Memorandum Opinion and Order', substantiate the need for this service."

[15] A.T. & T. bases the feasibility of the sharing of the frequencies on field tests conducted by the Bell System in Detroit, Mich.

[16] Chairman Burch concurring and Commissioner Johnson dissenting. Dissenting statement of Commissioner Cox filed as part of the original document.

Pickup stations to which are assigned frequencies allocated to the broadcast services, the authorization to use such frequencies shall, in any event, terminate simultaneously with the expiration of the authorization for the broadcast station to which such service is rendered; except that licenses for developmental stations will be issued for a period not to exceed 1 year. The expiration date of licenses of miscellaneous common carriers in the Domestic Public Land Mobile Radio Service shall be the first day of April in the year of expiration; the expiration date of licenses of telephone company common carriers in the Domestic Public Land Mobile Radio Service shall be the first day of July in the year of expiration; except, however, that the expiration date of the licenses of miscellaneous common carriers and telephone company common carries in the Domestic Public Land Mobile Radio Service authorized pursuant to § 21.521 shall be the first day of September in the year of expiration; the expiration date of licenses in the Rural Radio Service shall be the first day of November in the year of expiration; the expiration date of licenses in the Point-to-Point Microwave Radio and Local Television Transmission Services shall be the first day of February in the year of expiration; and the expiration date of developmental licenses shall be 1 year from the date of grant thereof. When a license is granted subsequent to the last renewal date of the class of license involved, the license shall be issued only for the unexpired period of the current license term of such class.

* * * * *

5. Section 21.107(b) is amended to read as follows:

§ 21.107 Transmitter power.

* * * * *

(b) The rated power output of a transmitter employed in these radio services shall not exceed the values shown in the following tabulation:

Frequency range (Mc./s.):	*Rated power output*
Below 30	50 watts.
30 to 50	350 watts.
50 to 76	50 watts.
76 to 500	250 watts.[1]
500 to 10,000	100 watts.[2]
Above 10,000	Unlimited.

[1] Transmitter rated power output is limited to a maximum of 25 watts on frequencies in the bands 454.6625–455.000 Mc./s. and 459.6625–460.000 Mc./s.

[2] As an exception, in the band 5925–6425 Mc./s., the power delivered by a transmitter to the antenna of a station in the fixed service shall not exceed 20 watts. Additionally, in this band, the maximum effective radiated power of the transmitter and associated antenna of a station in the fixed service shall not exceed +55 dbW. These limitations are necessary to minimize the probability of harmful interference to reception in this band on board communication-satellite space stations.

* * * * *

6. In §21.213, paragraph (a) is amended and a new paragraph (b)(5) is added to read as follows:

§ 21.213 Station identification.

(a) Each station in these services, except as otherwise provided in this section, shall identify itself by transmitting its assigned call sign in connection with each communication or exchange of communication. In the event of a prolonged series of communications, a station shall identify itself at least every half hour. However, stations engaged in a public telephone message, telegram, radiophoto, or program transmission shall not be required to transmit identifying call signs when such identification would interrupt the continuity of the message, radiophoto, or program that is being transmitted. In any such case, the identifying call sign shall be transmitted immediately following the conclusion of the message, radiophoto or program: *Provided,* That the requirement for transmission of station identification is waived for fixed stations automatically retransmitting by self-actuating means, for transmitters using multi-channel transmission at fixed stations employing continuous radiation, and for the exclusive signaling channel common to all base stations which are specifically authorized to communicate with airborne stations in the Domestic Public Land Mobile Radio Service.

(b) * * *

(5) An airborne station in the Domestic Public Land Mobile Radio Service may identify itself by either the official FAA registration number of the aircraft; special airborne unit designation assigned by the licensee; the assigned telephone number provided that adequate records are maintained by the licensee to permit ready identification of the airborne stations; or by a word designating the name of the airline followed by the scheduled flight number.

* * * * *

7. In § 21.501, paragraph (b) is amended and a new paragraph (j) is added to read as follows:

§ 21.501 Frequencies.

* * * * *

(b) For assignment to stations of communication common carriers engaged also in the business of affording public landline message telephone service, for General and Dispatch Communications (provided that Signaling Communications may also be furnished by any facility rendering such General or Dispatch Service):

Base station frequencies (Mc./s.):	*Mobile, dispatch, and auxiliary test station frequencies (Mc./s.)*
152.51	157.77
152.54	157.80
152.57	157.83
152.60	157.86
152.63	157.89
152.66	157.92
152.69	157.95
152.72	157.98
152.75	158.01
152.78	158.04
152.81	158.07
454.375	459.375
454.400	459.400
454.425	459.425
454.450	459.450
454.475	459.475
454.500	459.500
454.525	459.525
454.550	459.550
454.575	459.575
454.600	459.600
454.625	459.625
454.650	459.650

* * * * *

(j) In lieu of a wire-line circuit for control of a specific base station transmitter from its required control point or in lieu of wirelines for an audio circuit to a base station control point from a remotely located fixed receiver used for reception of mobile station transmissions, and upon an affirmative showing that the conditions set forth in subparagraphs (1) through (5) of this paragraph are satisfied, a single control and repeater station may be authorized to communication common carriers, who are engaged also in the business of affording public landline message telephone service, upon the frequencies indicated below:

Mc./s.	*Mc./s.*
454.375	459.375
454.400	459.400
454.425	459.425
454.450	459.450
454.475	459.475
454.500	459.500
454.525	459.525
454.550	459.550
454.575	459.575
454.600	459.600
454.625	459.625
454.650	459.650

(1) The control station, and the base station controlled thereby, are located over 50 airline miles from the nearest geographical boundary of the nearest urbanized area having a population over 300,000 (as determined and defined in the most recent census reports of the U.S. Bureau of the Census).

(2) The repeater station, and the point to which its transmissions are directed, are located over 50 airline miles from the nearest geographical boundary of the nearest urbanized area having a population over 300,000 (as determined and defined in the most recent census reports of the U.S. Bureau of the Census).

(3) The effective radiated power of the control or repeater station does not exceed 150 watts.

(4) The use of the frequencies by a control or repeater station will not cause harmful interference to any other station authorized to use such frequencies and shall be on a secondary basis to the provision of Mobile and Rural Radio Service by other classes of stations.

(5) Series operation of more than one control or repeater station is not involved.

NOTE: The provisions of subparagraphs (1) and (2) of this paragraph may be waived by the Commission upon a factual showing, supported by such engineering proof as may

be necessary, that all of the currently assignable pairs of 152–162 Mc./s. band frequencies listed in paragraph (b) of this section are not assigned or applied for within interference range of existing or possible station assignments within the urbanized area having a population of over 300,000 and, upon a satisfactory showing, that in such area over a substantial period of years the growth of the public land mobile radio service has not been hampered by a shortage of frequencies allocated to such service in the 152/162 Mc./s. band. Facilities authorized under the provisions of such waivers shall be on a secondary basis and subject to the condition that, in the event the frequencies are required for assignment to base and mobile stations in the area, operation thereon shall be terminated within 60 days after notice is received from the Commission.

8. Section 21.502 is amended to read as follows:

§ 21.502 Classification of base stations.

Base stations in the Domestic Public Land Mobile Radio Service shall be classified, as set forth below, according to their transmitting antenna height above average terrain in any particular direction and according to their effective radiated power in the horizontal plane of the antennae in that direction. This classification is not applicable to base stations in the frequency bands 454.6625–455.000 Mc./s. and 459.6625–460.000 Mc./s.

Antenna height above average terrain (feet)	Class of station				
400 to 500	C	B	B	A	A
300 to 400	C	C	B	B	A
200 to 300	D	C	C	B	B
100 to 200	D	D	C	C	B
0 to 100	E	D	D	C	C
	30	60	120	250	500
	Effective radiated power (watts).				

9. Section 21.506 is amended to read as follows:

§ 21.506 Power limitations.

(a) Stations in this service shall not be permitted to exceed 500 watts effective radiated power and shall not be authorized to use transmitters having a rated power output in excess of the limits set forth in § 21.107(b): *Provided, however,* That the effective radiated power of dispatch stations, and auxiliary test stations and base stations operating on frequencies specified in § 21.521 shall not exceed 100 watts: *Provided, further,* That the rated power output of transmitters used on frequencies specified in § 21.521 shall not exceed 25 watts and that the transmitter output power of airborne stations operating on such frequencies shall not be less than 4 watts. A base station standby transmitter having a rated power output in excess of that of the main transmitter of the base station with which it is associated will not be authorized.

(b) Under idle traffic conditions, a base station assigned frequencies specified in § 21.521 shall radiate continuously on its working channel(s) a tone modulated carrier reduced in power by at least 10 decibels, but not more than 20 decibels, below its normal power. (See also § 21.508(b).)

10. In § 21.508, paragraph (b) and paragraph (h) are added to read as follows:

§ 21.508 Modulation requirements.

* * * * *

(b) During idle traffic conditions, the working channel carrier of a base station on frequencies specified in § 21.521 shall be modulated continuously with a distinctive tone except during periods required for station identification.

* * * * *

(h) Each airborne station shall use suitable means to prevent impairment of transmission by the ambient noise present when the aircraft is in operation. Ambient noise in excess of 95 decibels Reference Acoustical Pressure (flat weighting) shall require use of a noise-cancelling type of microphone, or suitable environmental acoustic treatment to reduce the ambient noise level to 95 decibels RAP or less.

11. In § 21.509, paragraphs (d) and (e) are amended to read as follows:

§ 21.509 Permissible communications.

* * * * *

(d) Mobile stations in this service may not be operated aboard aircraft except when licensed for such installation as airborne stations upon frequencies designated in § 21.521.

(e) Base stations in this service which are authorized to render one-way signaling service may also render such service to receivers aboard aircraft and vessels, and may engage in two-way communication with airborne stations upon frequencies designated in § 21.521.

* * * * *

12. Section 21.510 is amended to read as follows:

§ 21.510 Base stations may be authorized only as part of integrated radio system.

Base stations will be authorized only as a part of an integrated communication system wherein land mobile units associated therewith are also licensed to the base station licensee. (See also § 21.15(i).)

13. A new § 21.521 is added to read as follows:

§ 21.521 Nationwide plan for assignment of frequencies to land mobile systems rendering communication service to airborne stations.

(a) The following frequency pairs designated by the working channel numbers indicated below are designated for assignment only to land mobile radio systems, which are interconnected to the nationwide public landline message telephone system and afford communication service to airborne stations:

Base station frequencies (Mc/s)	Working channel designations	Mobile and auxiliary test station frequencies (Mc/s)
454.675 [1]		
454.700 [2]	6	459.700
454.725 [2]	7	459.725
454.750 [2]	5	459.750
454.775 [2]	8	459.775
454.800 [2]	4	459.800
454.825 [2]	9	459.825
454.850 [2]	3	459.850
454.875 [2]	10	459.875
454.900 [2]	2	459.900
454.925 [2]	11	459.925
454.950 [2]	1	459.950
454.975 [2]	12	459.975

[1] This frequency is to be associated with each of the base station channels listed herein and is to be used exclusively as a signaling channel for calling airborne stations.

[2] Use of the frequencies for base stations indicated herein, is limited on a secondary basis to land mobile systems which also provide communication service to airborne stations and upon a showing that mobile service will not adversely affect the availability or adequacy of service to airborne subscribers.

(b) Base stations operating on the frequencies specified in this section shall be situated within 25 statute miles of the location specified below. This distance shall be measured from the intersection of the geographic coordinates shown, or from the main post office where coordinates are not specified herein.

Location	*Channel*
Alabama:	
Troy	10
Alaska:	
Anchorage	8, 10
Fairbanks	5, 6
Juneau	2, 7
Ketchikan	4, 3
Nome	2, 7
Arizona:	
Grand Canyon	12
Phoenix	2, 8
Arkansas:	
Little Rock	6
California:	
East of Fresno (36°44′ N. lat.) (119°17′ W. long.)	3, 11
Northwest of Los Angeles (34°20′ N. lat.) (118°36′ W. long.)	4, 7, 10
North of Redding (40°55′ N. lat.) (122°27′ W. long.)	6
Northeast of San Francisco (37°51′ N. lat.) (122°11′ W. long.)	1, 8
Northwest of Santa Barbara (34°32′ N. lat.) (119°58′ W. long.)	5
East of San Diego (32°53′ N. lat.) (116°25′ W. long.)	9
Colorado:	
Denver	2, 7, 8
Grand Junction	4
Trinidad	10
District of Columbia:	
Washington	1, 7, 10
Florida:	
Cocoa	3, 11
Miami	2, 7, 8, 9
Tampa	5, 12
Georgia:	
Atlanta	7, 8, 9
Waycross	1
Hawaii:	
Hilo (Hawaii)	2, 4
Honolulu (Oahu)	1, 3, 5, 7
Kailua-Kona (Hawaii)	6, 8
Kamuela (Hawaii)	9
Kahului (Maui)	10, 12
Lihue (Kauai)	11

Location	Channel
Idaho:	
Boise	4
Idaho Falls	10
Illinois:	
Alton	4, 10
Chicago	1, 7, 9
Indiana:	
Vincennes	11
Iowa:	
Waterloo	12
Kansas:	
Colby	9, 11
Salina	1
Kentucky:	
Middlesboro	5
Louisiana:	
New Orleans	3, 11
Maine:	
Shreveport	5
Bangor	1, 7
Massachusetts:	
Boston	2, 3, 4
Michigan:	
Detroit	2, 8
Minnesota:	
Duluth	2
Minneapolis	3, 11
Mississippi:	
Jackson	2
Missouri:	
Kansas City	2, 8
Montana:	
Billings	9
Glendive	3
Great Falls	2, 12
Missoula	7
Nebraska:	
Alliance	5, 12
North Bend	6
Nevada:	
Elko	5
Las Vegas	6
Northwest of Reno (39°35′ N. lat.) (119°56′ W. long.)	2
New Jersey:	
Newark	6, 8, 9
New Mexico:	
Albuquerque	5
Artesia	1
Silver City	3
New York:	
Elmira	5
Southwest of Albany (42°38′ N. lat.) (73°59′ W. long.)	11
North Carolina:	
Charlotte	2
Rocky Mount	11
North Dakota:	
Bismarck	1
Fargo	4, 7
Ohio:	
Dayton	6
Oklahoma:	
Oklahoma City	3, 12
Oregon:	
Klamath Falls	12
Pendleton	8
Salem	3, 11
Pennsylvania:	
Pittsburgh	4, 12
Puerto Rico:	
Mayaguez	12
Ponce	11
San Juan	8, 9, 10
South Carolina:	
Charleston	4
South Dakota:	
Pierre	10
Tennessee:	
Columbia	12
Texas:	
Amarillo	6
Dallas	4, 7, 10
El Paso	9, 11
Harlingen	3
Houston	1, 9
San Antonio	8
Sweetwater	2
Utah:	
Ogden	3, 11
Richfield	1, 9
Virgin Islands:	
Charlotte Amalie	7
Fredericksted	6
Washington:	
Seattle	1, 2, 5, 9
Spokane	6
West Virginia:	
Beckley	3
Wisconsin:	
Wausau	5
Wyoming:	
Casper	6

14. A new § 21.522 is added to read as follows:

§ 21.522 Base station signaling system requirements for calling airborne stations.

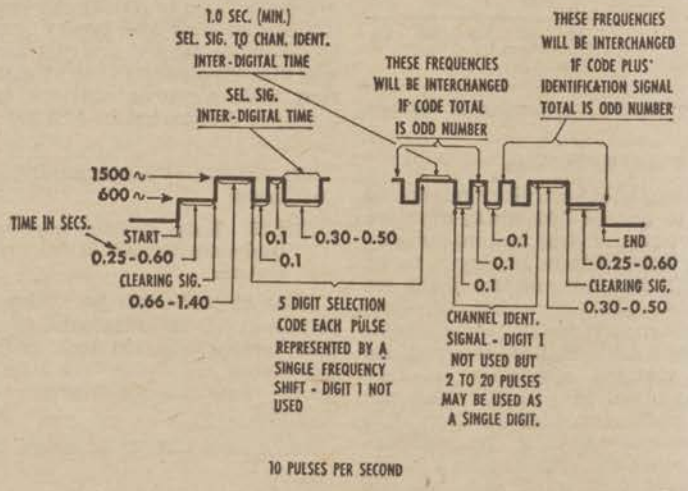
(a) Each base station operating on frequencies specified in § 21.521 shall be equipped for two-tone selective signaling of airborne stations by means of a code comprised of seven basic elements, A through G, as follows:

A	B	C	D	E	F	G
Digit one (1)	Pause	Five digits (e.g., 29035).	Pause	One or more digits (e.g., 3).	Pause	Digit one (1)

A—A clearing pulse to reset selectors to zero.
B—An idle period pulse of 0.66 to 1.4 seconds between the transmission of the clearing pulse and the time of start of transmission of the assigned selective signaling code.
C—The selective signaling code or "number" assigned to the airborne station. This always comprises five digits. The digit one is not used. The arithmetic sum of the five digits will be anything from 10 to 50, counting 0 as 10.
D—An idle period, 1.0 second (minimum) between the transmission of the five-digit code and element E, the channel designation number.
E—The channel designation number to indicate the working channel of the calling base station. This may also be used to activate an audible ringing signal in the aircraft. Two to thirteen pulses are used to select channels 1 to 12 and are sent in a continuous train as a single digit. The digit comprised of one pulse is not used.
F—A 0.30-second period is provided prior to transmission of a clearing pulse.
G—A clearing pulse to enable the airborne station selective signaling receiver equipment to return the selective signaling selector to zero.

(b) The basic elements of the selective signaling system shall conform to the frequencies and time intervals illustrated. The times shown apply to automatic-pulsing selective-signaling equipments using digit counting circuitry at the ground station. If manual dialing is employed, the pauses and interdigit times will be dependent upon the speed of the operator.

Two-tone signal for ground-to-air calling



15. A new § 21.523 is added to read as follows:

§ 21.523 Airborne station receiver requirements.

(a) An airborne station desiring to receive calls originated by a base station shall be equipped to receive and respond to its assigned telephone number when transmitted by the selective signaling system prescribed by § 21.522.

(b) Airborne stations desiring to receive calls originated by a base station must employ a receiver designed to automatically revert to the signaling channel frequency upon completion of a call.

16. Section 21.601(a) is amended to read as follows:

§ 21.601 Frequencies.

(a) The following frequencies are available primarily to the Domestic Public Land Mobile Radio Service and, on a secondary basis, to stations in the Rural Radio Service, provided no harmful interference is caused to stations in the Domestic Public Land Mobile Radio Service:

Central office and interoffice station frequencies (Mc./s.):	*Rural subscriber and interoffice station frequencies (Mc./s.)*
152.51 [1]	[1] 157.77
152.54 [1]	[1] 157.80
152.57 [1]	[1] 157.83
152.60 [1]	[1] 157.86
152.63 [1]	[1] 157.89
152.66 [1]	[1] 157.92
152.69 [1]	[1] 157.95
152.72 [1]	[1] 157.98
152.75 [1]	[1] 158.01
152.78 [1]	[1] 158.04
152.81 [1]	[1] 158.07
	[2] 158.49
	[2] 158.52
	[2] 158.55
	[2] 158.58
	[2] 158.61
	[2] 158.64
	[2] 158.67
	[2] 459.025
	[2] 459.050
	[2] 459.075
	[2] 459.100
	[2] 459.125
	[2] 459.150
	[2] 459.175
	[2] 459.200
	[2] 459.225
	[2] 459.250
	[2] 459.275
	[2] 459.300
	[2] 459.325
	[2] 459.350
454.375 [1]	[1] 459.375
454.400 [1]	[1] 459.400
454.425 [1]	[1] 459.425
454.450 [1]	[1] 459.450
454.475 [1]	[1] 459.475
454.500 [1]	[1] 459.500
454.525 [1]	[1] 459.525
454.550 [1]	[1] 459.550
454.575 [1]	[1] 459.575
454.600 [1]	[1] 459.600
454.625 [1]	[1] 459.625
454.650 [1]	[1] 459.650

[1] This frequency is available for assignment only to stations of communication common carriers also engaged in the business of affording public landline message telephone service.

[2] This frequency is available for assignment only to stations of communication common carriers not also engaged in the business of providing a public landline message telephone service.

17. In § 21.701(e), the introductory text and subparagraph (4) are amended to read as follows:

§ 21.701 Frequencies.

* * * * *

(e) Upon a satisfactory factual showing that it is impracticable to use wireline circuits for control of a specific point-to-point microwave fixed station from its control point or for automatically telemetering information relative to the operation of such station to its attended alarm center, the frequencies listed below may be assigned to a control station for such purposes: *Provided*, That:

* * * * *

(4) The use of such frequencies for control purposes shall be on a secondary basis to the provision of mobile and rural radio service by other classes of stations.

Mc./s.	*Mc./s.*
454.025 [1]	[1] 459.025
454.050 [1]	[1] 459.050
454.075 [1]	[1] 459.075
454.100 [1]	[2] 459.100
454.125 [1]	[1] 459.125
454.150 [1]	[1] 459.150
454.175 [1]	[1] 459.175
454.200 [1]	[1] 459.200
454.225 [1]	[1] 459.225
454.250 [1]	[1] 459.250
454.275 [1]	[1] 459.275
454.300 [1]	[1] 459.300
454.325 [1]	[1] 459.325
454.350 [1]	[1] 459.350
454.375 [2]	[2] 459.375
454.400 [2]	[2] 459.400
454.425 [2]	[2] 459.425
454.450 [2]	[2] 459.450
454.475 [2]	[2] 459.475
454.500 [2]	[2] 459.500
454.525 [2]	[2] 459.525
454.550 [2]	[2] 459.550
454.575 [2]	[2] 459.575
454.600 [2]	[2] 459.600
454.625 [2]	[2] 459.625
454.650 [2]	[2] 459.650

[1] This frequency is available for assignment only to stations of communication common carriers not also engaged in the business of providing a public landline message telephone service.

[2] This frequency is available for assignment only to stations of communication common carriers also engaged in the business of affording public landline message telephone service.

* * * * *

[F.R. Doc. 70-353; Filed, Jan. 12, 1970; 8:45 a.m.]

Title 50—WILDLIFE AND FISHERIES

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

PART 33—SPORT FISHING

Chautauqua National Wildlife Refuge, Ill.

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

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

ILLINOIS

CHAUTAUQUA NATIONAL WILDLIFE REFUGE

Sport fishing on the Chautauqua National Wildlife Refuge, Havana, Ill., is permitted only on the areas designated by signs as open to fishing. These open areas comprising 3,800 acres are delineated on maps available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111. Sport fishing shall be in accordance with all applicable State regulations subject to the following conditions:

(1) The open season for sport fishing on the refuge extends from sunrise to sunset each day during the following periods: From January 1, 1970, through March 14, 1970, in designated waters of Lake Chautauqua; from March 15, 1970, through September 30, 1970, in all waters of Lake Chautauqua; from October 1, 1970, through December 31, 1970, in designated waters of Lake Chautauqua; and from January 1, 1970, through December 31, 1970, in designated waters of Liverpool Lake and the refuge borrow ditches.

(2) The use of boats, powered by motors of six (6) horsepower or less, is permitted in the waters of Lake Chautauqua.

(3) No person shall enter upon or fish from any dike, water control structure or shoreline within the refuge except at the Recreation Area, Boatyard No. 3 or along the cross dike.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Part 33, and are effective through December 31, 1970.

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

DECEMBER 31, 1969.

[F.R. Doc. 70-388; Filed, Jan. 12, 1970; 8:45 a.m.]

Title 49—TRANSPORTATION

Chapter III—Federal Highway Administration, Department of Transportation

SUBCHAPTER A—MOTOR VEHICLE SAFETY REGULATIONS

[Docket No. 70-1; Notice 1]

PART 371—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Motor Vehicle Safety Standards No. 109, New Pneumatic Tires—Passenger Cars; and No. 110, Tire Selection and Rims—Passenger Cars

On October 5, 1968, the Federal Highway Administration published guidelines in the FEDERAL REGISTER (33 F.R. 14964) by which routine additions could be added to Appendix A of Standard No. 109 and to Appendix A of Standard No. 110. These guidelines provided an abbreviated rule making procedure for adding tire sizes to Standard No. 109 and alternative rim sizes to Standard No. 110, whereby the addition becomes effective 30 days from date of publication in the FEDERAL REGISTER if no objections to the proposed additions are received. If comments objecting to the amendment warrant, rule making pursuant to the rule making procedures for motor vehicle safety standards (49 CFR Part 353) will be followed.

The Nissan Motor Co., Ltd., has petitioned for the addition of the 4½–J alternative rim size for the 5.60–14 tire size

designation and the 4–J alternative rim size for the 165R13 tire size designation to Table I of Appendix A of Standard No. 110.

Alfa-Romeo, Inc., has petitioned for the addition of the 5½–J alternative rim size for the 165R14 tire size designation to Table I of Appendix A of Standard No. 110.

The Rubber Manufacturers Association has petitioned for the addition of the new BR78–15 tire size designation to Table I–M of Appendix A of Standard No. 109 and the 4½–JJ test rim size to Table I of Appendix A of Standard No. 110.

The Rubber Manufacturers Association has also petitioned for the addition of load and inflation pressures of 16 p.s.i. and 18 p.s.i. for Tables I–B, I–G, I–J, and I–M of Appendix A of Standard No. 109.

The Firestone Tire and Rubber Co. has petitioned for the addition of the new G50C–17, L50C–18, and G45C–16 tire size designations to Table I of Appendix A of Standard No. 109 and for listing of the test rims and the 4-inch alternative rim for the L50C–18 tire size designation in Table I of Appendix A of Standard No. 110.

On the basis of the data submitted by the Nissan Motor Co., Ltd., Alfa-Romeo, Inc., the Firestone Tire and Rubber Co., and the Rubber Manufacturers Association indicating compliance with the requirements of Federal Motor Vehicle Safety Standards No. 109 and No. 110 and other information submitted in accordance with the procedural guidelines set forth, Table I of Appendix A of Standard No. 109 is being amended and Table I of Appendix A of Standard No. 110 is being amended.

In consideration of the foregoing, § 371.21 of Part 371 Federal Motor Vehicle Safety Standards, Appendix A of Standard No. 109 (33 F.R. 14964) and Appendix A of Standard No. 110 (34 F.R. 11421) are being amended as set forth below effective 30 days from date of publication in the FEDERAL REGISTER.

These amendments are issued under authority of sections 103 and 119 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1392, 1407), and delegation from the Secretary of Transportation contained in § 1.4(c) of Part 1 of the regulations of the Office of the Secretary (49 CFR 1.4(c), and the delegation from the Federal Highway Administration of October 5, 1968 (33 F.R. 14964).

GEORGE C. NIELD,
Acting Deputy Director, Motor Vehicle Safety Performance Service.

JANUARY 5, 1970.

MOTOR VEHICLE SAFETY STANDARD NO. 109

NEW PNEUMATIC TIRES—PASSENGER CARS

1. The existing Table I–B is deleted and in its place the following revised Table I–B is inserted:

TABLE I–B

TIRE LOAD RATINGS, TEST RIMS, MINIMUM SIZE FACTORS, AND SECTION WIDTHS FOR "70 SERIES" BIAS PLY TIRES

Tire size designation [1]	Maximum tire loads (pounds) at various cold inflation pressures (p.s.i.)													Test rim width (inches)	Minimum size factor (inches)	Section width [2] (inches)
	16	18	20	22	24	26	28	30	32	34	36	38	40			
D70–13	890	950	1,010	1,070	1,120	1,170	1,220	1,270	1,320	1,360	1,410	1,450	1,490	5½	32.34	8.00
D70–14	890	950	1,010	1,070	1,120	1,170	1,220	1,270	1,320	1,360	1,410	1,450	1,490	5½	32.81	7.85
E70–14	950	1,010	1,070	1,130	1,190	1,240	1,300	1,350	1,400	1,440	1,490	1,540	1,580	5½	33.45	8.05
F70–14	1,020	1,090	1,160	1,220	1,280	1,340	1,400	1,450	1,500	1,550	1,610	1,650	1,700	5½	34.16	8.30
G70–14	1,100	1,180	1,250	1,310	1,380	1,440	1,500	1,560	1,620	1,680	1,730	1,780	1,830	6	35.18	8.75
H70–14	1,200	1,290	1,360	1,440	1,510	1,580	1,650	1,710	1,770	1,830	1,890	1,950	2,010	6	36.19	9.10
J70–14	1,260	1,350	1,430	1,500	1,580	1,650	1,720	1,790	1,860	1,920	1,980	2,040	2,100	6½	36.87	9.50
L70–14	1,340	1,430	1,520	1,600	1,680	1,750	1,830	1,900	1,970	2,040	2,100	2,170	2,230	6½	37.62	9.75
C70–15	840	890	950	1,000	1,050	1,100	1,140	1,190	1,230	1,270	1,320	1,360	1,390	5½	32.75	7.50
D70–15	890	950	1,010	1,070	1,120	1,170	1,220	1,270	1,320	1,360	1,410	1,450	1,490	5½	33.37	7.70
E70–15	950	1,010	1,070	1,130	1,190	1,240	1,300	1,350	1,400	1,440	1,490	1,540	1,580	6	34.13	8.10
F70–15	1,020	1,090	1,160	1,220	1,280	1,340	1,400	1,450	1,500	1,550	1,610	1,650	1,700	6	34.89	8.35
G70–15	1,100	1,180	1,250	1,310	1,380	1,440	1,500	1,560	1,620	1,680	1,730	1,780	1,830	6	35.66	8.65
H70–15	1,200	1,290	1,360	1,440	1,510	1,580	1,650	1,710	1,770	1,830	1,890	1,950	2,010	6	36.64	8.95
J70–15	1,260	1,350	1,430	1,500	1,580	1,650	1,720	1,790	1,860	1,920	1,980	2,040	2,100	6½	37.36	9.35
K70–15	1,290	1,380	1,460	1,540	1,620	1,690	1,770	1,830	1,900	1,970	2,030	2,090	2,150	6½	37.66	9.40
L70–15	1,340	1,430	1,520	1,600	1,680	1,750	1,830	1,900	1,970	2,040	2,100	2,170	2,230	6½	38.09	9.60

[1] The letter "H", "S", or "V" may be included in any specified tire size designation adjacent to or in place of the "dash".

[2] Actual section width and overall width shall not exceed the specified section width by more than 7 percent.

2. The existing Table I–G is deleted and in its place the following revised Table I–G is inserted:

TABLE I–G

TIRE LOAD RATINGS, TEST RIMS, MINIMUM SIZE FACTORS, AND SECTION WIDTHS FOR "70 SERIES" TYPE "R" RADIAL PLY TIRES

Tire size designation [1]	Maximum tire loads (pounds) at various cold inflation pressures (p.s.i.)													Test rim width (inches)	Minimum size factor (inches)	Section width [2] (inches)
	16	18	20	22	24	26	28	30	32	34	36	38	40			
DR70–14	890	950	1,010	1,070	1,120	1,170	1,220	1,270	1,320	1,360	1,410	1,450	1,490	5½	32.78	7.90
ER70–14	950	1,010	1,070	1,130	1,190	1,240	1,300	1,350	1,400	1,440	1,490	1,540	1,580	5½	33.42	8.10
FR70–14	1,020	1,090	1,160	1,220	1,280	1,340	1,400	1,450	1,500	1,550	1,610	1,650	1,700	6	34.34	8.55
GR70–14	1,100	1,180	1,250	1,310	1,380	1,440	1,500	1,560	1,620	1,680	1,730	1,780	1,830	6	35.12	8.85
HR70–14	1,200	1,290	1,360	1,440	1,510	1,580	1,650	1,710	1,770	1,830	1,890	1,950	2,010	6½	36.31	9.40
JR70–14	1,260	1,350	1,430	1,500	1,580	1,650	1,720	1,790	1,860	1,920	1,980	2,040	2,100	6½	36.86	9.55
LR70–14	1,340	1,430	1,520	1,600	1,680	1,750	1,830	1,900	1,970	2,040	2,100	2,170	2,230	6½	37.59	9.80
DR70–15	890	950	1,010	1,070	1,120	1,170	1,220	1,270	1,320	1,360	1,410	1,450	1,490	5½	33.34	7.75
ER70–15	950	1,010	1,070	1,130	1,190	1,240	1,300	1,350	1,400	1,440	1,490	1,540	1,580	5½	33.91	7.95
FR70–15	1,020	1,090	1,160	1,220	1,280	1,340	1,400	1,450	1,500	1,550	1,610	1,650	1,700	6	34.87	8.40
GR70–15	1,100	1,180	1,250	1,310	1,380	1,440	1,500	1,560	1,620	1,680	1,730	1,780	1,830	6	35.65	8.65
HR70–15	1,200	1,290	1,360	1,440	1,510	1,580	1,650	1,710	1,770	1,830	1,890	1,950	2,010	6½	36.83	9.20
JR70–15	1,260	1,350	1,430	1,500	1,580	1,650	1,720	1,790	1,860	1,920	1,980	2,040	2,100	6½	37.31	9.40
KR70–15	1,290	1,380	1,460	1,540	1,620	1,690	1,770	1,830	1,900	1,970	2,030	2,090	2,150	6½	37.62	9.50
LR70–15	1,340	1,430	1,520	1,600	1,680	1,750	1,830	1,900	1,970	2,040	2,100	2,170	2,230	6½	38.06	9.65

[1] The letters "HR", "SR", or "VR" may be included in any specified tire size designation adjacent to or in place of the "dash".

[2] Actual section width and overall width shall not exceed the specified section width by more than 7 percent.

3. The existing Table I–J is deleted and in its place the following revised Table I–J is inserted:

TABLE I J

THE LOAD RATINGS, TEST RIMS, MINIMUM SIZE FACTORS, AND SECTION WIDTHS FOR "78 SERIES" BIAS PLY TIRES

Tire size designation [1]	Maximum tire loads (pounds) at various cold inflation pressures (p.s.i.)													Test rim width (inches)	Minimum size factor (inches)	Section width [2] (inches)
	16	18	20	22	24	26	28	30	32	34	36	38	40			
C78-13	840	890	950	1,000	1,050	1,100	1,140	1,190	1,230	1,270	1,320	1,360	1,400	5½	31.56	7.45
B78-14	780	840	890	930	980	1,030	1,070	1,110	1,150	1,190	1,230	1,270	1,300	4½	31.04	6.65
C78-14	840	890	950	1,000	1,050	1,100	1,140	1,190	1,230	1,270	1,320	1,360	1,400	5	31.95	7.05
D78-14	890	950	1,010	1,070	1,120	1,170	1,220	1,270	1,320	1,360	1,410	1,450	1,490	5	32.52	7.35
E78-14	950	1,010	1,070	1,130	1,190	1,240	1,300	1,350	1,400	1,440	1,490	1,540	1,580	5½	33.29	7.65
F78-14	1,020	1,090	1,160	1,220	1,280	1,340	1,400	1,450	1,500	1,550	1,610	1,650	1,700	5½	34.04	7.90
G78-14	1,100	1,180	1,250	1,310	1,380	1,440	1,500	1,560	1,620	1,680	1,730	1,780	1,830	6	35.02	8.35
H78-14	1,200	1,290	1,360	1,440	1,510	1,580	1,650	1,710	1,770	1,830	1,890	1,950	2,010	6	36.06	8.70
J78-14	1,260	1,350	1,430	1,500	1,580	1,650	1,720	1,790	1,860	1,920	1,980	2,040	2,100	6	36.58	8.80
C78-15	840	890	950	1,000	1,050	1,100	1,140	1,190	1,230	1,270	1,320	1,360	1,400	5	32.45	6.95
D78-15	890	950	1,010	1,070	1,120	1,170	1,220	1,270	1,320	1,360	1,410	1,450	1,490	5	33.05	7.15
E78-15	950	1,010	1,070	1,130	1,190	1,240	1,300	1,350	1,400	1,440	1,490	1,540	1,580	5	33.65	7.35
F78-15	1,020	1,090	1,160	1,220	1,280	1,340	1,400	1,450	1,500	1,550	1,610	1,650	1,700	5½	34.56	7.70
G78-15	1,100	1,180	1,250	1,310	1,380	1,440	1,500	1,560	1,620	1,680	1,730	1,780	1,830	5½	35.36	8.05
H78-15	1,200	1,290	1,360	1,440	1,510	1,580	1,650	1,710	1,770	1,830	1,890	1,950	2,010	6	36.50	8.55
J78-15	1,260	1,350	1,430	1,500	1,580	1,650	1,720	1,790	1,860	1,920	1,980	2,040	2,100	6	37.02	8.70
L78-15	1,340	1,430	1,520	1,600	1,680	1,750	1,830	1,900	1,970	2,040	2,100	2,170	2,230	6	37.73	8.85

[1] The letter "H", "S", or "V" may be included in any specified tire size designation adjacent to or in place of the "dash".

[2] Actual section width and overall width shall not exceed the specified section width by more than 7 percent.

4. The existing Table I–L is deleted and in its place the following revised Table I–L is inserted:

TABLE I–L

TIRE LOAD RATINGS, TEST RIMS, MINIMUM SIZE FACTORS AND SECTION WIDTHS FOR SERIES 50 CANTILEVERED SIDEWALL TIRES

Tire size [1] designation	Maximum tire loads (pounds) at various cold inflation pressures (p.s.i.)											Test rim width (inches)	Minimum size factor (inches)	Section width [2] (inches)
	20	22	24	26	28	30	32	34	36	38	40			
E50C-16	1,070	1,130	1,190	1,240	1,300	1,350	1,400	1,440	1,490	1,540	1,580	3½	33.31	7.95
F50C-16	1,160	1,220	1,280	1,340	1,400	1,450	1,500	1,550	1,610	1,650	1,700	3½	34.04	8.25
G50C-17	1,250	1,310	1,380	1,440	1,500	1,560	1,620	1,680	1,730	1,780	1,830	3½	35.34	8.40
H50C-17	1,360	1,440	1,510	1,580	1,650	1,710	1,770	1,830	1,890	1,950	2,010	3½	36.30	8.80
L50C-18	1,520	1,600	1,680	1,750	1,830	1,900	1,970	2,040	2,100	2,170	2,230	3½	38.00	9.10

[1] The letter "H", "S", or "V" may be included in any specified tire size designation adjacent to or in place of the "dash".

[2] Actual section width and overall width shall not exceed the specified section width by more than 7 percent.

5. The existing Table I–M is deleted and in its place the following revised Table I–M is inserted:

TABLE I–M

TIRE LOAD RATINGS, TEST RIMS, MINIMUM SIZE FACTORS AND SECTION WIDTHS FOR "78 SERIES" RADIAL PLY TIRES

Tire size designation [1]	Maximum tire loads (pounds) at various cold inflation pressures (p.s.i.)													Test rim width (inches)	Minimum size factor (inches)	Section width [2] (inches)
	16	18	20	22	24	26	28	30	32	34	36	38	40			
BR78-13	780	840	890	930	980	1,030	1,070	1,110	1,150	1,190	1,230	1,270	1,300	4½	30.31	6.75
CR78-14	840	890	950	1,000	1,050	1,100	1,140	1,190	1,230	1,270	1,320	1,360	1,400	5	31.67	7.00
DR78-14	890	950	1,010	1,070	1,120	1,170	1,220	1,270	1,320	1,360	1,410	1,450	1,490	5	32.26	7.20
ER78-14	950	1,010	1,070	1,130	1,190	1,240	1,300	1,350	1,400	1,440	1,490	1,540	1,580	5	32.86	7.40
FR78-14	1,020	1,090	1,160	1,220	1,280	1,340	1,400	1,450	1,500	1,550	1,610	1,650	1,700	5½	33.78	7.85
GR78-14	1,100	1,180	1,250	1,310	1,380	1,440	1,500	1,560	1,620	1,680	1,730	1,780	1,830	6	34.78	8.30
HR78-14	1,200	1,290	1,360	1,440	1,510	1,580	1,650	1,710	1,770	1,830	1,890	1,950	2,010	6	35.77	8.60
JR78-14	1,260	1,350	1,430	1,500	1,580	1,650	1,720	1,790	1,860	1,920	1,980	2,040	2,100	6½	36.47	8.95
BR78-15	780	840	890	930	980	1,030	1,070	1,110	1,150	1,190	1,230	1,270	1,300	4½	31.38	6.45
ER78-15	950	1,010	1,070	1,130	1,190	1,240	1,300	1,350	1,400	1,440	1,490	1,540	1,580	5½	33.58	7.45
FR78-15	1,020	1,090	1,160	1,220	1,280	1,340	1,400	1,450	1,500	1,550	1,610	1,650	1,700	5½	34.28	7.70
GR78-15	1,100	1,180	1,250	1,310	1,380	1,440	1,500	1,560	1,620	1,680	1,730	1,780	1,830	6	35.30	8.15
HR78-15	1,200	1,290	1,360	1,440	1,510	1,580	1,650	1,710	1,770	1,830	1,890	1,950	2,010	6	36.23	8.45
JR78-15	1,260	1,350	1,430	1,500	1,580	1,650	1,720	1,790	1,860	1,920	1,980	2,040	2,100	6½	36.98	8.80
LR78-15	1,340	1,430	1,520	1,600	1,680	1,750	1,830	1,900	1,970	2,040	2,100	2,170	2,230	6½	37.66	9.00

[1] The letter "H", "S", or "V" may be included in any specified tire size designation adjacent to or in place of the "dash."

[2] Actual section width and overall width shall not exceed the specified section width by more than 7 percent.

6. The following new Table I–P is added to Appendix A listing a new category of tire size designation:

TABLE I–P

TIRE LOAD RATINGS, TEST RIMS, MINIMUM SIZE FACTORS AND SECTION WIDTHS FOR SERIES 45 CANTILEVERED SIDEWALL TIRES

Tire size [1] designation	Maximum tire loads (pounds) at various cold inflation pressures (p.s.i.)											Test rim width (inches)	Minimum size factor (inches)	Section width [2] (inches)
	20	22	24	26	28	30	32	34	36	38	40			
G45C-16	1,250	1,310	1,380	1,440	1,500	1,560	1,620	1,680	1,730	1,780	1,830	5	35.53	9.70

[1] The letter "H", "S", or "V" may be included in any specified tire size designation adjacent to or in place of the "dash".

[2] Actual section width and overall width shall not exceed the specified section width by more than 7 percent.

MOTOR VEHICLE SAFETY STANDARD NO. 110

TIRE SELECTION AND RIMS—PASSENGER CARS

Delete Table I of Appendix A and insert the following new Table I of Appendix A:

APPENDIX A, TABLE I

ALTERNATIVE RIMS

Tire size	*Rim* [1]
4.80–10	*350D.*
6.40–15	4–JJ, *4½–JJ, 4½–K, 4.50E,* 5.00E, 5–JJ, 5–K, 5½–JJ.
7.00–15	*5.00F, 5–K.*
8.25–15	5½–JJ, *6–JJ, 6–K, 6–L.*
8.55–15	5½–JJ, *6–JJ, 6–K, 6–L.*
8.90–15	6–JJ, *6½–L,* 7–L.
9.15–15	5½–JJ.
L84–15	5½–JJ, *6–JJ,* 6½–JJ, 7–JJ.
G45C–16	*5.*
E50C–16	*3½.*
F50C–16	*3½.*
G50C–17	*3½.*
H50C–17	*3½.*
L50C–18	*3½,* 4.
E60–15	*6–JJ,* 7–JJ.
F60–15	6½–JJ, *7–JJ.*
G60–15	*7–JJ.*
D70–13	*5½–JJ, 5½–K.*
E70–14	7–JJ.
F70–14	7–JJ.
G70–14	7–JJ.
C70–15	*5½–JJ.*
E70–15	7–JJ.
F70–15	8–JJ.
G70–15	7–JJ.
165/70 R 13	*4½–JJ,* 5–JJ.
175/70 R 13	*5–JJ,* 5½–JJ.
185/70 R 13	4½–JJ, *5–JJ,* 5½–JJ.
155/70 R 14	*4–JJ.*
175/70 R 15	*5–JJ.*
5.0–15	3.50B, 3.50D, 3½–JJ, *4–JJ, 4.00C.*
5.5–15	3.50D, 3½–JJ, *4–JJ,* 4½–JJ.
145–10	3.50B.
145–13	3½–JJ, 4½–JJ.
165–13	*4½–JJ.*
185–15	4½–JJ.
5.20–13	4½–JJ.
5.60–13	3½–JJ, 4–JJ.
6.00–13	*4–JJ.*
5.60–14	4½–JJ.
5.60–15	5–K.
135 R 13	4½–JJ.
150 R 13	3½–JJ, *4.00B,* 4½–JJ, 5–JJ.
155 R 13	5–JJ.
160 R 13	4.00B, *4½–JJ,* 5–JJ, 5½–JJ.
165 R 13	4–JJ.
170 R 13	4½–JJ, *5–JJ,* 5½–JJ, 6–JJ.
165 R 14	5½–JJ.
165 R 15	5–K.
155–13/6.15–13	5–JJ.
C78–13	*5½–JJ.*
B78–14	*4½–JJ, 4½–K,* 5–JJ, 5–K.
C78–14	4½–JJ, *5–JJ, 5–K,* 5½–JJ, 6–JJ.
D78–14	4½–JJ, *5–JJ, 5–K,* 5½–JJ, 6–JJ.
E78–14	4½–JJ, 5–JJ, 5–K, *5½–JJ, 5½–K,* 6–JJ, 6½–JJ.
F78–14	5–JJ, 5–K, *5½–JJ, 5½–K,* 6–JJ, 6–K, 6½–JJ.
G78–14	5–JJ, 5½–JJ, 5½–K, *6–JJ, 6–K,* 7–JJ.
H78–14	5½–JJ, *6–JJ, 6–K,* 6½–JJ, 6½–K.
J78–14	*6–JJ, 6–K,* 6½–JJ.
C78–15	4½–JJ, 4½–K, *5–JJ, 5–K.*
D78–15	*5–JJ, 5–K.*
E78–15	4½–K, *5–JJ, 5–K,* 5½–JJ, 5½–K, 6–JJ.
F78–15	4½–K, 5–JJ, 5–K, *5½–JJ,* 5½–K, 6–JJ.
G78–15	5–JJ, 5–K, *5½–JJ,* 5½–K, 6–JJ, 6–K, 6–L, 7–JJ.
H78–15	5½–JJ, 5½–K, *6–JJ, 6–K, 6–L,* 6½–K.
J78–15	*6–JJ, 6–K, 6–L,* 6½–JJ.
L78–15	*6–JJ, 6–K, 6–L,* 6½–JJ.
BR78–13	*4½–JJ.*
CR78–14	*5–JJ.*
DR78–14	*5–JJ.*
ER78–14	*5–JJ.*
FR78–14	*5½–JJ.*
GR78–14	*6–JJ.*
HR78–14	*6–JJ.*
JR78–14	*6½–JJ.*
BR78–15	*4½–JJ.*
ER78–15	*5½–JJ.*
FR78–15	*5½–JJ.*
GR78–15	*6–JJ.*
HR78–15	*6–JJ.*
JR78–15	*6½–JJ.*
LR78–15	*6½–JJ.*

[1] Italic designations denote Test Rims.

NOTE: Where JJ rims are specified in the above table, J and JK rim contours are permissible.

[F.R. Doc. 70–343; Filed, Jan. 12, 1970; 8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 966]

TOMATOES GROWN IN FLORIDA

Limitation of Shipments; Extension of Time for Filing Comments

A notice of rule making on a proposed amendment to the limitation of shipments regulation for Florida tomatoes and minimum grade and size requirements for tomato imports was published in the January 3, 1970, FEDERAL REGISTER (35 F.R. 105). It allowed interested persons an opportunity to file data, views, or arguments pertaining thereto not later than January 9, 1970.

The time for filing written data, views, or arguments to the said notice is hereby extended from January 9, 1970, to January 16, 1970. Such data, views, or arguments should be filed in quadruplicate with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, to be received not later than the close of business on January 16, 1970.

Dated: January 8, 1970.

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

[F.R. Doc. 70-446; Filed, Jan. 9, 1970; 11:16 a.m.]

[7 CFR Parts 1001–1007, 1011–1013, 1015, 1016, 1030, 1032–1036, 1040, 1041, 1043, 1044, 1046, 1049, 1050, 1060–1065, 1068–1071, 1073, 1075, 1076, 1078, 1079, 1090, 1094, 1096–1099, 1101–1104, 1106, 1108, 1120, 1121, 1124–1134, 1136–1138]

[Docket No. AO 10-A41, etc.]

MILK IN ST. LOUIS-OZARKS AND CERTAIN OTHER MARKETING AREAS

Supplemental Notice of Hearing on Proposed Amendments to Tentative Marketing Agreements and Orders

7 CFR part	Marketing area	Docket No.
1062	St. Louis-Ozarks	AO-10-A41.
1001	Massachusetts-Rhode Island-New Hampshire.	AO-14-A47-RO1.
1002	New York-New Jersey	AO-71-A59.
1003	Washington, D.C.	AO-293-A23-RO2.
1004	Delaware Valley	AO-160-A43-RO2.
1005	Tri-State	AO-177-A35-RO1.
1006	Upper Florida	AO-356-A5.
1007	Georgia	AO-366-A3.
1011	Appalachian	AO-251-A12.
1012	Tampa Bay	AO-347-A9.
1013	Southeastern Florida	AO-286-A17.
1015	Connecticut	AO-305-A25.
1016	Upper Chesapeake Bay	AO-312-A20-RO2.
1030	Chicago Regional	AO-361-A2-RO1.
1032	Southern Illinois	AO-313-A18.
1033	Greater Cincinnati	AO-166-A40-RO1.
1034	Miami Valley	AO-175-A29-RO1.
1035	Columbus	AO-176-A26-RO1.
1036	Eastern Ohio-Western Pennsylvania.	AO-179-A32-RO1.
1040	Southern Michigan	AO-225-A22.
1041	Northwestern Ohio	AO-72-A36-RO1.
1043	Upstate Michigan	AO-247-A15.
1044	Michigan Upper Peninsula.	AO-299-A17.
1046	Louisville-Lexington-Evansville.	AO-123-A36.
1049	Indiana	AO-319-A15.
1050	Central Illinois	AO-355-A7.
1060	Minnesota-North Dakota	AO-360-A4.
1061	Southeastern Minnesota-Northern Iowa.	AO-367-A1.
1063	Quad Cities-Dubuque	AO-105-A31.
1064	Greater Kansas City	AO-23-A38.
1065	Nebraska-Western Iowa	AO-86-A23.
1068	Minneapolis-St. Paul	AO-178-A25.
1069	Duluth-Superior	AO-153-A17.
1070	Cedar Rapids-Iowa City	AO-229-A22.
1071	Neosho Valley	AO-227-A24.
1073	Wichita	AO-173-A24.
1075	Black Hills	AO-248-A12.
1076	Eastern South Dakota	AO-260-A15.
1078	North Central Iowa	AO-272-A17.
1079	Des Moines	AO-295-A20.
1090	Chattanooga	AO-266-A13.
1094	New Orleans	AO-103-A29.
1096	Northern Louisiana	AO-257-A18.
1097	Memphis	AO-219-A23.
1098	Nashville	AO-184-A28.
1099	Paducah	AO-183-A23.
1101	Knoxville	AO-195-A19.
1102	Fort Smith	AO-237-A18.
1103	Mississippi	AO-346-A11.
1104	Red River Valley	AO-298-A16.
1106	Oklahoma Metropolitan	AO-210-A28.
1108	Central Arkansas	AO-243-A20.
1120	Lubbock-Plainview	AO-328-A10.
1121	South Texas	AO-364-A1.
1124	Oregon-Washington	AO-368-A1.
1125	Puget Sound	AO-226-A21.
1126	North Texas	AO-231-A33.
1127	San Antonio	AO-232-A20.
1128	Central West Texas	AO-238-A23.
1129	Austin-Waco	AO-256-A16.
1130	Corpus Christi	AO-259-A20.
1131	Central Arizona	AO-271-A13.
1132	Texas Panhandle	AO-262-A20.
1133	Inland Empire	AO-275-A21.
1134	Western Colorado	AO-301-A11.
1136	Great Basin	AO-309-A15-RO1.
1137	Eastern Colorado	AO-326-A15.
1138	Rio Grande Valley	AO-335-A15.

Notice was issued on November 26, 1969 (34 F.R. 19078), of a public hearing beginning on January 20, 1970, at Clayton, Mo. (St. Louis), on proposed amendments to the tentative marketing agreements and to the orders regulating the handling of milk in the aforesaid marketing areas.

Notice is hereby given, 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 orders (7 CFR Part 900), that in addition to the hearing session to be held at Clayton, Mo., the hearing will be reconvened for an additional session at Washington, D.C., or another eastern city, the exact time and location to be announced by the Hearing Examiner.

Signed at Washington, D.C., on January 8, 1970.

JOHN C. BLUM,
Deputy Administrator, Regulatory Programs.

[F.R. Doc. 70-442; Filed, Jan. 12, 1970; 8:49 a.m.]

FEDERAL TRADE COMMISSION

[16 CFR Part 501]

SILICONES AND ADHESIVES PACKAGED IN PRESSURIZED CONTAINERS

Labels of Consumer Commodities; Proposed Exemption From Certain Labeling Requirements

The Federal Trade Commission on September 30, 1969 (34 F.R. 15261) proposed a new § 501.1 of the Fair Packaging and Labeling Act regulations, under authority of the Fair Packaging and Labeling Act (sections 5(b), 6(b), 80 Stat. 1298, 1300; 15 U.S.C. 1454, 1455), which would exempt silicones and adhesives packaged in aerosol containers from the prohibition in § 500.20 of this chapter that supplemental statements of net quantity may not appear on the principal display panel of the package. It was the intention of the Minnesota Mining and Manufacturing Company, 3 M Center, Post Office Box 3428, St. Paul, Minn. 55101, which filed the proposal, to declare the contents of the silicones and adhesives in terms of net weight and volume. The proposed exemption would be for a period of 1 year.

Interested parties were invited to file comments, and seven such comments were received. All filed comments objected to the proposed exemption.

The objections to the proposed exemption were filed by various State Weights and Measures Divisions and by one City Weights and Measures Bureau. Objections were based on the current need for studies to produce data which would demonstrate the need and value of changes in the current practices of expressing net contents of aerosols, and the scope of the exemption's proposed application to but two aerosol commodities. Objectors also pointed out that no practical method exists whereby Weights and Measures Officials can verify the expressed volume, whereas weight determinations are uniformly carried out by the various officials.

In view of the content of the comments filed, none of which favored adoption of the exemption, the Commission has concluded that the proposed exemption should not be granted.

Issued: January 7, 1970.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 70-393; Filed, Jan. 12, 1970; 8:45 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

DEPREDATING AMERICAN COOTS (FULICA AMERICANA)

Order Permitting Killing in Designated Agricultural Areas in California

It has been determined from investigations and observations by the Bureau of Sport Fisheries and Wildlife and the California Department of Fish and Game that serious depredations to agricultural crops are occurring because of large numbers of coots in the Sacramento and San Joaquin Valleys of California. This cannot be considered of a localized nature. It was further determined that damages to crops can best be minimized or alleviated by permitting the depredating coots to be killed and taken by shooting in the affected areas under specific conditions and restrictions. Accordingly, pursuant to authority contained in § 16.25, Title 50, Code of Federal Regulations, it is ordered as follows:

1. (a) Coots may be killed by shooting only with a shotgun not larger than No. 10 gauge fired from the shoulder; in the counties of Alameda, Butte, Colusa, Contra Costa, Fresno, Glenn, Kern, Kings, Madera, Merced, Placer, Sacramento, San Joaquin, Solano, Stanislaus, Sutter, Tulare, Yolo, and Yuba.

(b) Shooting of coots shall be limited to the hours between sunrise and sunset. The authorization to kill coots, as contained in this order shall terminate on May 17, 1970: *Provided,* If prior to that date it is found that the emergency condition no longer exists, the killing of coots as permitted under this order will be terminated earlier on the date of publication of an order of revocation in the FEDERAL REGISTER.

(c) Coots killed under the provision of this order may be used for food, donated to hospitals or other charitable institutions within the State for use as food, and they may be donated to public museums or public scientific and educational institutions for exhibition, scientific, or educational purposes. Birds killed under provisions of this order may not be sold, offered for sale, bartered, or shipped for purposes of sale or barter, or be wantonly wasted or destroyed.

2. This order does not permit the killing of coots in violation of any State law or regulation. This order contemplates emergency measures designed to aid in relieving crop depredations and it is not to be construed as a reopening or extension of any open hunting season prescribed by regulations promulgated under section 3 of the Migratory Bird Treaty Act (sec. 3, 40 Stat. 755, as amended, 16 U.S.C. 704).

Effective date: January 17, 1970.

JOHN S. GOTTSCHALK,
Director, Bureau of Sport Fisheries and Wildlife.

JANUARY 8, 1970.

[F.R. Doc. 70-425; Filed, Jan. 12, 1970; 8:48 a.m.]

National Park Service

GRAND TETON NATIONAL PARK

Notice of Intention To Issue a Concession Permit

Pursuant to the provisions of section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that thirty (30) days after the date of publication of this notice, the Department of the Interior, through the Superintendent, Grand Teton National Park, proposes to issue a concession permit to Jackson Hole Mountain Guides, Inc., authorizing it to provide mountain climbing guide service for the public at Grand Teton National Park for a period of 1 year from January 1, 1970, through December 31, 1970.

The foregoing concessioner has performed its obligations under a prior permit to the satisfaction of the National Park Service and, therefore, pursuant to the Act cited above, is entitled to be given preference in the renewal of the permit and in the negotiation of a new permit. However, under the Act cited above, the National Park Service is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted within thirty (30) days after the publication date of this notice.

Interested parties should contact the Superintendent, Grand Teton National Park, Box 67, Moose, Wyo. 83012, for information as to the requirements of the proposed permit.

Dated: December 30, 1969.

HOWARD H. CHAPMAN,
Superintendent, Grand Teton National Park.

[F.R. Doc. 70-407; Filed, Jan. 12, 1970; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

FOOD ASSISTANCE AND NONFOOD ASSISTANCE FUNDS

Tentative Allocation

Appendix—allocation of food assistance and nonfood assistance funds provided by Clause 4(a) under the item Removal of Surplus Agricultural Commodities of the Agriculture Appropriation Act of 1970, Public Law 91-127, 83 Stat. 252, fiscal year 1970.

This is a tentative allocation and is not an apportionment nor does it convey to any State Agency a vested right to the fixed amount of the initial allocation. A partial allotment will be made to the States (by letter of credit) from this tentative allocation. Final apportionments and increases in letters of credit up to the amount of the tentative allocation are subject to review by FNS or justifications of need from the States. Subsequent reallocations will be made as appropriate.

The table which follows shows the tentative allocations by State:

State	Tentative allocation	State agency	Private schools
Alabama	$2,571,095	$2,518,322	$52,773
Alaska	64,971	64,971	
Arizona	488,608	488,608	
Arkansas	1,586,211	1,552,609	33,602
California	3,793,102	3,793,102	
Colorado	480,575	456,769	23,806
Connecticut	390,038	390,038	
Delaware	99,123	98,440	683
District of Columbia	239,423	239,423	
Florida	1,913,910	1,879,425	34,485
Georgia	2,804,306	2,804,306	
Hawaii	148,964	140,302	8,662
Idaho	191,870	186,965	4,905
Illinois	2,339,257	2,339,257	
Indiana	1,024,736	1,024,736	
Iowa	964,731	862,806	101,925
Kansas	601,073	601,073	
Kentucky	2,071,335	2,071,335	
Louisiana	2,304,838	2,304,838	
Maine	281,959	254,714	27,245
Maryland	819,355	799,007	20,348
Massachusetts	887,179	887,179	
Michigan	1,904,077	1,762,818	141,259
Minnesota	1,091,540	977,973	113,567
Mississippi	2,501,348	2,501,348	
Missouri	1,543,363	1,543,363	
Montana	193,501	183,090	10,411
Nebraska	489,342	426,114	63,228
Nevada	44,863	44,612	251
New Hampshire	99,467	99,467	
New Jersey	1,074,922	963,461	111,461
New Mexico	471,294	471,294	
New York	4,383,296	4,383,296	
North Carolina	3,579,038	3,579,038	
North Dakota	311,315	280,329	30,986
Ohio	2,100,418	1,921,126	179,292
Oklahoma	1,066,434	1,066,434	
Oregon	350,186	350,186	
Pennsylvania	2,694,173	2,412,200	281,973
Rhode Island	197,927	197,927	
South Carolina	2,185,393	2,167,345	18,048
South Dakota	367,239	367,239	
Tennessee	2,465,558	2,430,745	34,813
Texas	4,842,457	4,699,686	142,771
Utah	177,546	177,546	
Vermont	123,397	123,397	
Virginia	2,013,091	1,988,402	24,689
Washington	560,277	549,957	10,320
West Virginia	1,110,939	1,090,519	20,420
Wisconsin	908,170	758,284	149,886
Wyoming	72,770	72,770	
Total	64,990,000	63,348,191	1,641,809
Outlying areas			
Guam	47,328	47,328	
Puerto Rico	1,922,281	1,922,281	
Virgin Islands	21,921	21,921	
Samoa, American	18,470	18,470	
Total	2,010,000	2,010,000	
Grand total	67,000,000	65,358,191	1,641,809

(83 Stat. 252)

Dated: January 8, 1970.

EDWARD J. HEKMAN,
Administrator.

[F.R. Doc. 70-443; Filed, Jan. 12, 1970; 8:49 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[DESI 8922]

CALCIUM DISODIUM EDETATE AND DISODIUM EDETATE

Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following drugs:

1.a. Calcium Disodium Versenate Solution Intravenous containing 200 mg. of calcium disodium edetate per ml.; and

1.b. Calcium Disodium Versenate Tablets containing 500 mg. of calcium disodium edetate per tablet; both marketed by Riker Laboratories, 19901 Nordhoff Street, Northridge, Calif. 91324 (NDA 8-922).

2. Sodium Versenate Concentrated Solution for preparing intravenous infusion only, containing 1 Gm. of disodium edetate per 5 ml. and marketed by Riker Laboratories (NDA 10-573).

3. Endrate Disodium, Sterile Solution containing 150 mg. disodium edetate per ml. and marketed by Abbott Laboratories, 14th and Sheridan Road, North Chicago, Ill. 60064 (NDA 11-355).

These drugs are regarded as new drugs (21 U.S.C. 321(p)). The effectiveness classifications and marketing status are described below.

The Food and Drug Administration is prepared to approve new-drug applications and supplements to previously approved new-drug applications under conditions described in this announcement.

I. CALCIUM DISODIUM EDETATE INJECTION

A. *Effectiveness classification.* The Food and Drug Administration concludes that:

1. This drug is effective for the reduction of blood and depot lead in acute and chronic lead poisoning and lead encephalopathy.

2. This drug is probably effective in the treatment of other heavy metal poisoning and in the removal of radioactive and nuclear fission products, such as plutonium and yttrium.

3. This drug is possibly effective in prophylaxis against symptomatic exacerbations in chronic lead poisoning.

B. *Form of drug.* This preparation is a sterile solution suitable for parenteral administration, and contains an amount of drug appropriate for administration as described in the labeling conditions in this announcement.

C. *Labeling conditions.* 1. The label bears the statement "Caution: Federal law prohibits dispensing without prescription."

2. The drug is labeled to comply with all requirements of the Act and regulations promulgated thereunder and those parts of its labeling indicated below are substantially as follows: (Optional additional information, applicable to the drug, may be proposed under other appropriate paragraph headings and should follow the information set forth below.)

CALCIUM DISODIUM EDETATE

WARNING

Calcium Disodium Edetate is capable of producing toxic and potentially fatal effects. The dosage schedule should be followed and at no time should the recommended daily dose be exceeded.

DESCRIPTION

(Descriptive information to be included by the manufacturer or distributor should be confined to an appropriate description of the physical and chemical properties of the drug and the formulation.)

ACTIONS

The calcium in calcium disodium edetate is readily displaced by heavy metals, such as lead, to form stable complexes. The drug is poorly absorbed from the gastrointestinal tract. Following parenteral injection, the chelate formed is excreted in the urine, with 50 percent appearing in the first hour after administration.

INDICATIONS

Calcium disodium edetate is indicated for the reduction of blood levels and depot stores of lead in lead poisoning (acute and chronic) and lead encephalopathy. It may be of value in chelation of radioactive and nuclear fission products such as plutonium and yttrium. It may be worthy of trial in the treatment of poisoning from other heavy metals having a greater affinity for the chelating agent than does calcium.

CONTRAINDICATIONS

Calcium disodium edetate should not be given during periods of anuria.

WARNINGS

See box warning above.

Usage in pregnancy: The safe use of calcium disodium edetate has not been established with respect to possible adverse effects upon fetal development.

Therefore, it should not be used in women of childbearing potential and particularly during early pregnancy unless, in the judgment of the physician, the potential benefits outweigh the possible hazards.

PRECAUTIONS

On the first, third, and fifth day of each course of therapy the following laboratory determinations should be made: Serum electrolytes, blood urea nitrogen, calcium, phosphate, serum alkaline phosphatase, and routine urinalysis.

ADVERSE REACTIONS

The principal toxic effect is renal tubular necrosis.

DOSAGE AND ADMINISTRATION

This drug is usually given by slow intravenous drip over a 1 hour period. The total daily dose is divided into two doses: Two such doses are administered daily for 3 to 5 days and the drug is then withheld for 2 to 14 days. Further courses of therapy (as above) are given if necessary.

NOTE: In patients with lead encephalopathy and increased intracranial pressure, excess fluids must be avoided. In such case a 20 percent solution mixed with 0.5 to 1.5 percent procaine solution is administered intramuscularly.

Adults: The maximum total daily dose should not exceed 50 milligrams per kilogram of body weight.

Usual single dose: 1 Gm. (5 ml. of a 20 percent solution) in 250 to 500 ml. of 5 percent dextrose injection or sodium chloride injection, to be given twice daily for 3 to 5 days.

Children: The maximum total daily dose should not exceed 75 milligrams per kilogram of body weight per 24 hours (1.7 grams per square meter of body surface per 24 hours).

Usual single dose: 250 milligrams to 300 milligrams per 30 pounds (15 milligrams per kilogram) as a 0.3 to 0.5 percent solution in 5 percent dextrose injection or sodium chloride injection, to be given twice daily for 3 to 5 days.

Maximum single dose: 0.5 grams per 30 pounds (15 to 25 milligrams per kilogram) as a 0.2 to 0.4 percent solution in 125 to 250 ml. of 5 percent dextrose injection or sodium chloride injection to be given twice daily for 3 to 5 days.

Dimercaprol (BAL) and calcium disodium edetate combination therapy. Symptomatic and asymptomatic cases having blood lead levels greater than 0.1 milligram per 100 grams whole blood—

Adults and Children:

First dose: Dimercaprol (BAL) 4 milligrams per kilogram intramuscularly.

Subsequent doses: Dimercaprol (BAL) 4 milligrams per kilogram intramuscularly and calcium disodium edetate 12.5 milligrams per kilogram as a 0.2 to 0.4 percent solution in 5 percent dextrose injection or sodium chloride injection given slowly intravenously every 4 hours for not more than 5 days; or administered intramuscularly as a 20 percent solution mixed with 0.5 to 1.5 percent procaine solution.

A second such course of 5 days is given only if the blood lead level remains greater than 0.08 milligrams per 100 grams whole blood 14 to 21 days after the first course.

D. *Marketing status.* Marketing of the drug may continue under the conditions described in items V and VI of this announcement except those claims referenced in item IV below may continue to be included in the labeling for the period stated.

II. CALCIUM DISODIUM EDETATE TABLETS

A. *Effectiveness classification.* The Food and Drug Administration concludes that the drug is possibly effective (1) as a followup to parenteral therapy for the reduction of blood and depot lead in acute and chronic lead poisoning and lead encephalopathy and (2) when administered to increase excretion of lead in asymptomatic patients who present laboratory evidence of lead accumulation.

III. DISODIUM EDETATE INJECTION

A. *Effectiveness classification.* The Food and Drug Administration concludes that:

1. This drug is effective for the emergency treatment of hypercalcemia and in ventricular arrhythmias secondary to digitalis intoxication.

2. This drug is probably effective in atrioventricular block secondary to digitalis toxicity and for symptomatic temporary treatment of scleroderma.

3. This drug is possibly effective in occlusive vascular disorders, supraventricular arrhythmias secondary to digitalis toxicity, arrhythmias and atrioventricular induction defects unrelated to digitalis therapy and in the treatment of pathologic conditions to which calcium tissue deposits or hypercalcemia may contribute other than those listed above.

B. *Form of drug.* The preparation is a sterile solution suitable for intravenous administration following further dilution and containing an amount of drug appropriate for administration as described in the labeling conditions in this announcement.

C. *Labeling conditions.* 1. The label bears the statement "Caution: Federal law prohibits dispensing without prescription."

2. The drug is labeled to comply with all requirements of the Act and regulations promulgated thereunder and those parts of its labeling indicated below are substantially as follows: (Optional additional information, applicable to the drug, may be proposed under other appropriate paragraph headings and should follow the information set forth below.)

DISODIUM EDETATE

WARNING

The use of this drug in any particular patient is recommended only when the severity of the clinical condition justifies the aggressive measures associated with this type of therapy.

DESCRIPTION

(Descriptive information to be supplied by the manufacturer or distributor should be confined to an appropriate description of the physical and chemical properties of the drug and the formulation and sodium content.)

ACTION

Disodium edetate forms chelates with the cations of calcium and many divalent and trivalent metals. Because of its affinity for calcium, disodium edetate will produce a lowering of the serum calcium level during intravenous infusion. Slow infusion over a protracted period may cause mobilization of extracirculatory calcium stores. The chelate thus formed is excreted in the urine. Disodium edetate exerts a negative inotropic effect upon the heart. The effect of disodium edetate on ions other than calcium, such as potassium and magnesium, has not been completely investigated.

INDICATIONS

Disodium edetate is indicated in selected patients for the emergency treatment of hypercalcemia and for the control of ventricular arrhythmias and heart block associated with digitalis toxicity. It may be indicated in preparation of hypercalcemic patients for emergency surgical procedures and for the temporary symptomatic treatment of patients with scleroderma.

CONTRAINDICATIONS

Disodium edetate is contraindicated in anuric patients. It is not indicated for the treatment of generalized arteriosclerosis associated with advancing age.

WARNINGS

See box warning above.

Rapid intravenous infusion or attainment of a high serum concentration of disodium edetate may cause a precipitous drop in the serum calcium level and may result in fatality. Toxicity appears to be dependent upon both total dosage and speed of administration. The rate of administration and dosage should not exceed that indicated in Dosage and Administration.

Because of its irritant effect on the tissues and because of the danger of serious side effects if administered in the undiluted form, disodium edetate should be diluted before infusion (see Dosage and Administration section).

Renal excretory function should be assessed prior to treatment. Periodic BUN and creatinine determinations and daily urinalysis should be performed on patients receiving this drug.

Because of the possibility of inducing an electrolyte imbalance during treatment with disodium edetate, appropriate laboratory determinations and studies to evaluate the status of cardiac function should be performed. Repetition of these tests is recommended as often as clinically indicated, particularly in patients with ventricular arrhythmia and those with a history of seizure disorders or intracranial lesions. If clinical evidence suggests any disturbance of liver function during treatment, appropriate laboratory determinations should be performed and withdrawal of the drug may be required.

The oxalate method of determining serum calcium tends to give low readings in the presence of disodium edetate; modification of this method, as by acidifying the sample, or use of a different method may be required for accuracy. The least interference will be noted immediately before a subsequent dose is administered.

Usage in pregnancy: Safe use of disodium edetate has not been established with respect to adverse effects on fetal development. Therefore, it should be used in women of childbearing potential and particularly during early pregnancy only when, in the judgment of the physician, the potential benefits outweight the possible hazards.

PRECAUTIONS

After the infusion of disodium edetate the patient should remain in bed for a short time because of the possibility of postural hypotension.

The possibility of an adverse effect on myocardial contractility should be considered when administering the drug to patients with heart disease. Caution is dictated in the use of this drug in patients with limited cardiac reserve or incipient congestive failure.

Treatment with disodium edetate has been shown to cause a lowering of blood sugar and insulin requirements in patients with diabetes who are treated with insulin.

ADVERSE REACTIONS

Gastrointestinal symptoms such as nausea, vomiting, and diarrhea are fairly common following administration of this drug. Transient symptoms such as circumoral paresthesia, numbness and headache and a transient drop in systolic and diastolic blood pressure may occur. Thrombophlebitis, febrile reactions, hyperuricemia, anemia, exfoliative dermatitis and other toxic skin and mucous membrane reactions have been reported.

Nephrotoxicity and damage to the reticuloendothelial system with hemorrhagic tendencies have been reported with excessive dosages.

DOSAGE AND ADMINISTRATION

For adults: The recommended daily dosage is 50 milligrams per kilogram to a maximum dose of 3 grams in 24 hours. The dose, calculated by body weight, should be dissolved in 500 ml. of 5 percent dextrose injection or sodium chloride injection. The intravenous infusion should be regulated so that 3 or more hours are required for completion and the cardiac reserve of the patient is not exceeded. A suggested regimen includes five consecutive daily doses followed by 2 days without medication, with repeated courses as necessary to a total of 15 doses.

For children: The recommended daily dosage is 40 milligrams per kilogram (1 gram per 55 pounds body weight). The dose, calculated by body weight, should be dissolved in a sufficient volume of 5 percent dextrose injection or sodium chloride injection to bring the final concentration of disodium edetate to not more than 3 percent. The intravenous infusion should be regulated so that 3 or more hours are required for completion and the cardiac reserve of the patient is not exceeded. The maximum dose is 70 milligrams per kilogram per 24-hour period.

OVERDOSAGE

Because of the possibility that disodium edetate may produce a precipitous drop in the serum calcium level, a source of calcium replacement suitable for intravenous administration (such as calcium gluconate) should be instantly available at the bedside before disodium edetate is administered. Extreme caution is dictated in the use of intravenous calcium in the treatment of tetany, especially in digitalized patients, because the action of the drug and the replacement of calcium ions may produce a reversal of the desired digitalis effect.

D. *Marketing status.* Marketing of the drug may continue under the conditions described in items V and VI of this announcement except those claims referenced in item IV below may continue to be included in the labeling for the period stated.

IV. Claims Permitted During the Extended Period for Obtaining Substantial Evidence

A. Those claims for which the drugs are described in paragraphs IA or IIIA above as probably effective are included in the labeling conditions and may continue to be used for 12 months following the date of this publciation to allow additional time within which holders of previously approved applications or persons marketing the drugs without approval may obtain and submit to the Food and Drug Administration data to provide substantial evidence of effectiveness.

B. Those claims for which the drugs are described in paragraphs IA or IIIA above as possibly effective (not included in the labeling conditions) may continue to be used for 6 months following the date of this publication to allow additional time within which such persons may obtain and submit to the Food and

Drug Administration data to provide substantial evidence of effectiveness.

V. PREVIOUSLY APPROVED APPLICATIONS FOR DRUGS DESCRIBED IN I AND III

A. Each holder of a "deemed approved" new-drug application (i.e., an application which became effective on the basis of safety prior to Oct. 10, 1962) for the parenteral forms of these drugs is requested to seek approval of the claims of effectiveness and bring the application into conformance by submitting supplements containing:

1. Revised labeling as needed to conform to the labeling conditions described herein for the drug, and complete current container labeling, unless recently submitted.

2. Updating information as needed to make the application current in regard to items 6 (components), 7 (composition), and 8 (methods, facilities, and controls) of the new-drug application form FD-356H to the extent described in the proposal for abbreviated new-drug applications, § 130.4(f), published in the FEDERAL REGISTER February 27, 1969. (One supplement may contain all the information described in this paragraph.)

3. For disodium edetate injection: information relating to the effect this drug may have on ions other than calcium, such as potassium and magnesium.

B. Such supplements should be submitted within the following time periods after the date of publication of this notice in the FEDERAL REGISTER:

1. 60 days for revised labeling—the supplement should be submitted under the provisions of § 130.9 (d) and (e) of the new-drug regulations (21 CFR 130.9) which permit certain changes to be put into effect at the earliest possible time.

2. 60 days for updating information.

3. 180 days for information on the effect of disodium edetate injection on ions other than calcium.

C. Marketing of the drugs may continue until the supplemental applications submitted in accord with the preceding subparagraphs A and B are acted upon: *Provided*, That within 60 days after the date of this publication, the labeling of the preparations shipped within the jurisdiction of the Act is in accord with the labeling conditions described in this announcement. (It may continue to include the indications referenced in paragraph IV for the periods stated.)

VI. NEW APPLICATIONS FOR DRUGS DESCRIBED IN I AND III

A. Any other person who distributes or intends to distribute a parenteral form of either of these drugs which is intended for the conditions of use for which is has been shown to be effective as described under IA or IIIA above, should submit an abbreviated new-drug application meeting the conditions specified in the proposed regulation, §130.4(f) (1) and (2), published in the FEDERAL REGISTER February 27, 1969. Such applications should include proposed labeling which is in accord with the labeling conditions described herein, and if the drug is disodium edetate injection, information relating to the effect of the drug on ions other than calcium, such as potassium and magnesium.

(B) Distribution of any such preparation currently on the market without an approved new-drug application may be continued provided that:

1. Within 60 days from the date of publication of the announcement in the FEDERAL REGISTER, the labeling of such preparation shipped within the jurisdiction of the Act is in accord with the labeling conditions described herein. (It may continue to include the indications referenced in paragraph IV for the periods stated.)

2. The manufacturer, packer, or distributor of such drugs submits, within 60 days from the date of this publication, a new-drug application to the Food and Drug Administration.

3. The applicant submits within a reasonable time, additional information that may be required for the approval of the application as specified in a written communication from the Food and Drug Administration.

4. The application has not been ruled incomplete or unapprovable.

VII. UNAPPROVED USE OR FORM OF THE DRUG

A. If the article is labeling or advertised for use in any condition other than those provided for in this announcement, it may be regarded as an unapproved new-drug subject to regulatory proceedings until such recommended use is approved in a new-drug application, or is otherwise in accord with this announcement.

B. If the article is proposed for marketing in another form or for a use other than the use provided for in this announcement, appropriate additional information as described in § 130.4 or § 130.9 of the regulations (21 CFR 130.4, 130.9) may be required, including results of animal and clinical tests intended to show whether the drug is safe and effective.

VIII. APPLICATIONS FOR DRUG DESCRIBED IN II

Holders of aproved new-drug applications for the oral form of calcium disodium edetate or any person marketing the drug without approval will be allowed 6 months from the date of publication of this announcement in the FEDERAL REGISTER to obtain and submit in a supplemental or original new-drug application data to provide substantial evidence of effectiveness of the drug for the indications described in IIA.

At the end of the 6-month period any such data will be evaluated to determine whether there is substantial evidence of the effectiveness of the drug for such use. After that evaluation, the conclusions concerning the drug will be published in the FEDERAL REGISTER. If no studies have been undertaken or if the studies do not provide substantial evidence, procedures will be initiated to withdraw approval of new-drug applications for oral forms of calcium disodium edetate pursuant to the provisions of section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)). Withdrawal of approval of the applications will cause any such drug on the market to be a new drug for which an approval is not in effect.

Representatives of the Administration are willing to meet with any interested person who desires to have a conference concerning proposed changes in the labeling set forth herein. Requests for such meetings should be made to the Office of Marketed Drugs (MD-300), at the address given below, within 30 days after the publication of this notice in the FEDERAL REGISTER.

A copy of the NAS-NRC report has been furnished to each firm referred to above. Any other interested person may obtain a copy by request to the appropriate office named below.

Communications forwarded in response to this announcement should be identified with the reference number DESI 8922 and be directed to the attention of the following appropriate office and addressed to the Food and Drug Administration, 200 C Street SW., Washington, D.C. 20204:

Requests for NAS-NRC Report: Press Relations Office (CE-300).

Supplements (identify with NDA number): Office of Marketed Drugs (MD-300), Bureau of Medicine. Original abbreviated new-drug applications (identify as such): Office of Marketed Drugs (MD-300), Bureau of Medicine.

All other communications regarding this announcement: Special Assistant for Drug Efficacy Study Implementation (MD-16), Bureau of Medicine.

This notice is issued pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050-53, as amended; 21 U.S.C. 352, 355) and under the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: January 6, 1970.

SAM D. FINE,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 70-398; Filed, Jan. 12, 1970; 8:46 a.m.]

AMERICAN CYANAMID CO.

Notice of Filing of Petition Regarding Pesticide Chemicals

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 0F0913) has been filed by American Cyanamid Co., Agricultural Division, Post Office Box 400, Princeton, N.J. 08540, proposing the establishment (21 CFR Part 120) of a tolerance of 0.1 part per million for negligible residues of the insecticide *O,O,O',O'*-tetramethyl *O,O'*-thiodi-*p*-phenylene phosphorothioate and its sulfoxide (*O,O,O',O'*-tetramethyl *O,O'*-sulfinyldi-*p*-phenylene phosphorothioate) in or on the raw agricultural commodity cottonseed.

The analytical methods proposed in the petition for determining residues of the insecticide are:

1. A gas-liquid chromatographic procedure using a thermionic detector with a flame-ionization electrode system fitted with a cesium bromide salt tip.

2. A colorimetric procedure in which the residues are hydrolyzed to 4,4'thiodiphenol and determined at 472 millimicrons after reaction with 4-aminoantipyrine and sodium metaperiodate.

Dated: December 23, 1969.

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

[F.R. Doc. 70-399; Filed, Jan. 12, 1970; 8:46 a.m.]

DOLE CO.

Notice of Filing of Petition for Food Additives

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP OH2493) has been filed by Dole Co., Post Office Box 3380, Honolulu, Hawaii 96801, proposing that § 121.1117 *Diethyl pyrocarbonate* (21 CFR 121.1117) be amended to provide for safe use of diethyl pyrocarbonate as a fermentation inhibitor in hermetically sealed, chilled pineapple.

Dated: December 23, 1969.

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

[F.R. Doc. 70-400; Filed, Jan. 12, 1970; 8:46 a.m.]

DOW CHEMICAL CO.

Notice of Filing of Petition for Food Additives

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP OB2490) has been filed by The Dow Chemical Co., Midland, Mich. 48640, proposing that § 121.2526 *Components of paper and paperboard in contact with aqueous and fatty foods* (21 CFR 121.2526) be amended to provide for the safe use of cationic polyacrylamide resins as a drainage and retention aid in the manufacture of paper and paperboard intended for food-contact use. The cationic polyacrylamide is produced by reacting acrylamide-acrylic acid resins with formaldehyde and dimethylamine.

Dated: December 30, 1969.

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

[F.R. Doc. 70-401; Filed, Jan. 12, 1970; 8:46 a.m.]

EASTMAN CHEMICAL PRODUCTS, INC.

Notice of Withdrawal of Petition for Food Additives

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

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), Eastman Chemical Products, Inc., Kingsport, Tenn. 37662, has withdrawn its petition (FAP 9A2382), notice of which was published in the FEDERAL REGISTER of January 25, 1969 (34 F.R. 1274), proposing the issuance of a food additive regulation (21 CFR Part 121) to provide for the safe use of TBHQ (tertiary butylhydroquinone) alone or in combination with other permitted antioxidants whereby the total antioxidant content of the food does not exceed 0.02 percent of its oil or fat content including its essential (volatile) oil content.

Dated: December 30, 1969.

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

[F.R. Doc. 70-402; Filed, Jan. 12, 1970; 8:46 a.m.]

SHELL CHEMICAL CO.

Notice of Filing of Petition for Food Additives

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP OH2477) has been filed by Shell Chemical Co., Division of Shell Oil Co., Suite 1103, 1700 K Street NW., Washington, D.C. 20006, proposing the establishment of a tolerance (21 CFR Part 121) of 0.5 part per million for residues of 2,2-dichlorovinyl dimethyl phosphate in foods and beverages resulting from dispersion of 2,2-dichlorovinyl dimethyl phosphate from resin strips when used therein as an insecticide in areas where foods and beverages are prepared and served.

Dated: January 5, 1970.

CHARLES C. EDWARDS,
Acting Commissioner of Food and Drugs.

[F.R. Doc. 70-403; Filed, Jan. 12, 1970; 8:46 a.m.]

UNIROYAL CHEMICAL

Notice of Filing of Petition Regarding Pesticide Chemical

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 0F0904) has been filed by Uniroyal Chemical, Division of Uniroyal, Inc., Bethany, Conn. 06525, proposing the establishment (21 CFR Part 120) of tolerances for negligible residues of the herbicide sodium salt of *N*-1-nathphyl phthalamic acid in or on the raw agricultural commodities: Peanuts at 0.2 part per million; and cantaloupes, castor beans, cranberries, cucumbers, muskmelons, peaches, peanut forage, plums, potatoes, pumpkins, soybeans, soybean forage, squash, sweet potatoes, and watermelons at 0.1 part per million.

The analytical method proposed in the petition for determining residues of the herbicide is that of J. R. Lane et al., "Journal of Agricultural and Food Chemistry," vol. 6, pp. 671–4 (1958).

Dated: December 30, 1969.

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

[F.R. Doc. 70-404; Filed, Jan. 12, 1970; 8:46 a.m.]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGFR 69-150]

SAN MATEO POINT, SAN CLEMENTE, CALIF.

Security Zone

By virtue of the authority vested in me as Commandant, U.S. Coast Guard, by 49 CFR 1.4 (32 F.R. 5606) and Executive Order 10173 as amended by Executive Orders 10277, 10352, and 11249, I hereby affirm for publication in the FEDERAL REGISTER the order of Charles Tighe, Rear Admiral, U.S. Coast Guard, Commander, 11th Coast Guard District, who has exercised authority as District Commander, such order reading as follows:

CALIFORNIA—SAN CLEMENTE—SAN MATEO POINT

SECURITY ZONE ESTABLISHED

Whereas, pursuant to the request of the U.S. Secret Service, and acting under the authority of the Act of June 15, 1917 (40 Stat. 220) as amended and the reguations in Part 6, Subchapter A, Chapter I, Title 33, Code of Federal Regulations, and as the Commander, 11th Coast Guard District, I hereby designate and establish the San Mateo Point Security Zone, San Clemente, Calif.

Security zone: The San Mateo Point Security Zone consists of the following three areas:

1. Area I—All water and underwater areas bounded by and within the perimeter defined by the following points:

A. 33°23.8′ N., 117°36.0′ W.
B. 33°23.0′ N., 117°35.4′ W.
C. 33°22.5′ N., 117°36.0′ W.
D. 33°23.1′ N., 117°36.3′ W.
E. 33°23.6′ N., 117°36.6′ W.

Points "C," "D," and "E" are marked by unlighted white can buoys with two horizontal bands of international orange, one band at the top of the buoy and one band

just above the waterline, and an international-orange vertical open-faced diamond shape having an international-orange cross centered in the diamond with the words "Security Zone" below the diamond.

2. Area II—That portion of the beach between points "A" and "B" from the sea to 50 feet shoreward of the AT&SF railroad tracks.

3. Area III—All fenced-in land areas within the resident of the President of the United States and the U.S. Coast Guard Loran Station.

The regulations: Commencing 8 a.m. P.s.t., December 24, 1969, the Areas designated herein shall be closed to all vessels and persons, except those vessels and persons authorized by the Commander, 11th Coast Guard District, whenever the Security Zone is in effect and being enforced.

1. The Security Zone will be in effect and enforced for Area I at such times as a U.S. Coast Guard Cutter is in the vicinity of the Security Zone. All persons and vessels (including swimmers and surfboards) are directed to remain outside Area I of the Security Zone when a U.S. Coast Guard Cutter is present in the vicinity. Area I of the Security Zone is open for public use at all other times.

2. The Security Zone will be in effect and enforced for Area II at such times as signs so stating are displayed on the beach at the northern and southern limits of the area being enforced as a Security Zone. All persons are directed to remain outside Area II of the Security Zone when such signs are displayed. Area II of the Security Zone is open for public use consistent with private property rights at all other times.

e. The Security Zone will be in effect and enforced for Area III at all times. All unauthorized persons are directed to remain outside of Area III of the Security Zone at all times.

Enforcement. This order will be enforced by Coast Guard officers and noncommissioned officers and agents of the U.S. Secret Service. From time to time, other Federal, State, municipal, and private agencies may be designated to assist in the enforcement of this order.

Penalties for violation: Penalties for violation of the above order are provided by section 2, title II of the Act of June 15, 1917, as amended (50 USC 192):

If any owner, agent, master, officer, or person in charge, or any member of the crew of any vessel fails to comply with any regulations or rule issued or order given under the provision of this title, or obstructs or interferes with the exercise of any power conferred by this title, he shall be punished by imprisonment for not more than 10 years and may, at the discretion of the court, be fined not more than $10,000. Any other person who knowingly fails to comply with any regulations or rule issued or order given under the provisions of this title, or knowingly obstructs or interferes with the exercise of any power conferred by this title, shall be similarly punished.

Dated: January 8, 1970.

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

[F.R. Doc. 70-433; Filed, Jan. 12, 1970; 8:48 a.m.]

Hazardous Materials Regulations Board

SPECIAL PERMITS ISSUED

JANUARY 7, 1970.

Pursuant to Docket No. HM-1, Rule-making Procedures of the Hazardous Materials Regulations Board, issued May 22, 1968 (33 F.R. 8277) 49 CFR Part 170, following is a list of new DOT Special Permits upon which Board action was completed during December 1969:

Special permit No.	Issued to—Subject	Mode or modes of transportation
5974	W. J. Burns Company and Nuclear Materials & Equipment Corporation, for one shipment of the Numec Model M-8 Field Irradiator.	Water and highway.
6116	AAI Corporation, for the shipment of a Model MPG-100 Tear Gas Grenade with a functioning element.	Water, cargo-only aircraft, highway, and rail.
6122	Shippers upon specific registration with this Board, for the shipment of lauroyl peroxide or decanoyl peroxide in a special DOT 12B fiberboard box/plastic bag composite packaging having a maximum capacity of 100 pounds net weight.	Highway and rail.
6124	Shippers upon specific registration with this Board, for the shipment of class A, B, or C explosives in a DOT 12B fiberboard box using special metal stitching.	Highway and rail.
6126	Shippers upon specific registration with this Board, for the shipment of chloroacetyl chloride in new DOT-6D/2S composite packaging.	Highway and rail.
6130	Shippers upon specific registration with this Board, for the shipment of flammable liquids having a flash point above 20° F., in a 345-gallon FMI-Model 4637 stainless steel portable tank.	Highway.
6131	Shippers upon specific registration with this Board, for the shipment of helium in an inside small high pressure non-DOT specification seamless steel cylinder.	Cargo-only aircraft, highway, and rail.
6133	Shippers upon specific registration with this Board, for the shipment of compressed air, helium, oxygen, or nitrogen, in an inside non-DOT specification steel spherical pressure vessel.	Cargo-only aircraft, highway, and rail.
6135	Shippers upon specific registration with this Board, for the shipment of class B poisonous solids, n.o.s. in a DOT Specification 12B fiberboard box having six inside polyethylene jars.	Water, highway, and rail.
6136	Shippers upon specific registration with this Board, for the shipment of liquefied petroleum gas in a non-refillable steel cylinder of not over 285-cubic inch volumetric capacity.	Highway and rail.
6138	Shippers upon specific registration with this Board, for the shipment of large quantities of radioactive materials, special form, in the Naval Reactors Model No. A1W-2 Core Barrel Storage and Shipping Container.	Water, highway, and rail.
6139	Shippers upon specific registration with this Board, for the shipment of large quantities of radioactive materials, special form, in the Lockheed-Georgia Nuclear Laboratory's Model No. V-1 Gamma Irradiator.	Highway.
6141	Shippers upon specific registration with this Board, for the temporary shipment of bomb fuzes, XM923, or bomb bursters, XM55, System XM925, in boxes having a gross weight exceeding the limitations of 49 CFR 173.69(b).	Highway.
6142	Shippers upon specific registration with this Board, for the shipment of fissile and large quantities of radioactive materials, n.o.s., in the Bettis Disposable Concrete Vault/Steel Overpack Waste Package.	Highway.
6143	Ellswood's Incorporated, for the shipment of helium in DOT 3A and 3AA cylinders having a 10-year hydrostatic retest period.	Highway and rail.
6144	Shippers upon specific registration with this Board, for the shipment of large quantities of radioactive materials, n.o.s., or special form, in the Nuclear Engineering Company 15-Barrel Type B Nuclear Waste Container.	Highway.
6145	Shippers upon specific registration with this Board, for the shipment of wet sodium perchlorate or magnesium perchlorate, in DOT Specification MC-303, MC-304, or MC-306 steel cargo tanks.	Highway.
6146	Shippers upon specific registration with this Board, for the shipment of wet sodium perchlorate or magnesium perchlorate in DOT Specification 103, 103W, 111A60W1, or 111A60F1 steel tank car tanks.	Rail.
6149	Miami Welding Supply Incorporated, for the shipment of compressed air, argon, helium, hydrogen, krypton, neon, nitrogen, nitrous oxide, oxygen, xenon, and mixtures thereof, in DOT-3A and 3AA cylinders having a 10-year hydrostatic retest period.	Highway and rail.
6152	Shippers upon specific registration with this Board, for the temporary shipment of liquid organic peroxides in a DOT Specification 12B fiberboard box having inside bottles complying with former 49 CFR 173.119(m)(6) or 173.221(a)(3), which were effective until December 31, 1969.	Highway and rail.

WILLIAM C. JENNINGS,
Chairman, Hazardous Materials
Regulations Board.

[F.R. Doc. 70-389; Filed, Jan. 12, 1970; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 20993; Order 70-1-18]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Specific Commodity Rates

Issued under delegated authority January 5, 1970.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's economic regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of the Joint Conferences of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 dealing with specific commodity rates.

The agreement, adopted pursuant to unprotested notices to the carriers and promulgated in an IATA letter dated

December 17, 1969, cancels specific commodity rates from the West Coast to Singapore, as set forth below.

R-13:

Specific Commodity Item 8550—Dental, Surgical, Measuring, Calibrating, Testing, and Drawing Instruments, Analyzing Scales, Microscopes, etc.[1] 215 cents per kg., minimum weight 100 kgs. 205 cents per kg., minimum weight 300 kgs. West Coast to Singapore.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14, it is not found, on a tentative basis, that the subject agreement is adverse to the public interest or in violation of the Act: *Provided*, That tentative approval thereof is conditioned as hereinafter ordered.

Accordingly, it is ordered, That:

Action on Agreement CAB 21380, R-13, be and hereby is deferred with a view toward eventual approval: *Provided*, That approval shall not constitute approval of the specific commodity description contained therein for purposes of tariff publication.

Persons entitled to petition the Board for review of this order, pursuant to the Board's regulations, 14 CFR 385.50, may, within 10 days after the date of service of this order, file such petitions in support of or in opposition to our proposed action herein.

This order will be published in the FEDERAL REGISTER.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 70-411; Filed, Jan. 12, 1970; 8:47 a.m.]

[Docket No. 21775; Order 70-1-36]

PAN AMERICAN WORLD AIRWAYS, INC.

Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 7th day of January 1970.

By tariff revisions marked to become effective January 10, 1970, Pan American World Airways, Inc. (Pan American), proposes to increase its one-way tourist class fare between Fairbanks, Alaska, and Portland, Oreg., from $107 to $120. In addition, the carrier proposes to increase its one-way first-class fare and its military and youth standby fares in this market consistent with the proposed increase in the economy class fare. The basis for the proposed tourist class fare of $120 is the combination of its Seattle-Fairbanks tourist class fare of $104 and the prevailing Seattle-Portland regular jet coach fare of $17—less $1.

Upon consideration of the tariff proposals and other relevant matters, the Board finds that the fare proposals may be unjust, unreasonable, unjustly discriminatory, unduly preferential, or unduly prejudicial, or otherwise unlawful, and should be investigated. The Board further concludes that the tariff in question should be suspended pending investigation.

By Order 69-11-57, dated November 14, 1969, the Board indicated that it would consider appropriate the establishment of States-Alaska fares which reflect application of the domestic jet coach formula plus 10 percent. The proposed tourist class fare of $120 is $9 higher than a fare produced by application of the aforementioned formula.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 403, 404, and 1002 thereof:

It is ordered, That:

1. An investigation be instituted to determine whether the fares and provisions described in Appendix A attached hereto,[1] and rules, regulations, and practices affecting such fares and provisions, are or will be unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful fares and provisions, and rules, regulations, or practices affecting such fares and provisions;

2. Pending hearing and decision by the Board, the fares and provisions described in Appendix A hereto[1] are suspended and their use deferred to and including April 9, 1970, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. The proceeding herein be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated; and

4. Copies of this order shall be filed with the tariffs indicated in Appendix A[1] and served upon Pan American World Airways which is hereby made a party to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[F.R. Doc. 70-412; Filed, Jan. 12, 1970; 8:47 a.m.]

[Dockets Nos. 21017, 21371]

ST. LOUIS-CHARLOTTE/GREENSBORO/RALEIGH/RICHMOND PROCEEDING

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that hearing in the above-entitled proceeding is assigned to be held on February 2, 1970, at 10 a.m., e.s.t., in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner James S. Keith.

Dated at Washington, D.C., January 7, 1970.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[F.R. Doc. 70-413; Filed, Jan. 12, 1970; 8:47 a.m.]

[Docket No. 21772; Order 70-1-34]

WTC AIR FREIGHT

Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 7th day of January 1970.

By tariff filed December 9, 1969, for effectiveness January 14, 1970, WTC Air Freight (WTC) an air freight forwarder, proposes to refuse in its domestic and Hawaii service to accept shipments (affixed with U.S. postage by WTC) consigned to a U.S. Post Office for onward movement in postal service, whenever such shipments have a declared value exceeding $200.

WTC has provided no economic or other justification for its filing. No complaints have been received by the Board.

WTC's tariff rules presently limit the carrier's liability to 50 cents per pound, or $50 per shipment, whichever is greater. The instant proposal would deny shippers the option of having full carrier liability at higher rates or charges with respect to shipments declared in excess of $200. A choice of rates and liability is considered essential to the validity of a carrier's limitations on its common carrier responsibilities. In these circumstances, the Board will not permit the proposal to become effective without investigation.

Upon consideration of all relevant matters, the Board finds that the proposed rule may be unjust, unreasonable, unjustly discriminatory, unduly preferential or unduly prejudicial, or otherwise unlawful, and should be suspended pending investigation.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 1002 thereof:

It is ordered, That:

1. An investigation is instituted to determine whether the provisions described in Appendix A attached hereto,[1] and rules, regulations, or practices affecting such provisions, are or will be unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful provisions, and rules, regulations, and practices affecting such provisions;

2. Pending hearing and decision by the Board, the provisions described in Appendix A attached hereto[1] are suspended and their use deferred to and including April 13, 1970, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. The proceeding herein be assigned for hearing before an examiner of the

[1] For complete and accurate description see applicable tariff.

[1] Filed as part of the original document.

[1] Filed as part of the original document.

Board at a time and place hereafter to designated; and

4. Copies of this order shall be filed with the tariffs and served upon WTC Air Freight, who is hereby made a party to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[F.R. Doc. 70-414; Filed, Jan. 12, 1970; 8:47 a.m.]

FEDERAL MARITIME COMMISSION

BEVON INTERNATIONAL, INC., ET AL.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202, or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

John E. Bevon, President, Bevon International, Inc., Post Office Box 1037, Charleston, S.C. 29402.

Agreement No. FF 69-14 has been filed for the purpose of obtaining Federal Maritime Commission approval pursuant to section 15, Shipping Act, 1916, of the sale of R. B. Comar, Inc. (Comar, FMC License No. 273) to Bevon International, Inc. (Bevon, FMC License No. 1056).

Mr. Michael P. Conlon, former sole stockholder of Comar, has sold to Bevon for the sum of $52,700, 31 shares of the common stock of Comar under an arrangement set forth in the agreement. The remaining 14 shares of stock were sold by Mr. Conlon to Comar for the sum of $23,800 under an arrangement set forth in the agreement, such remaining shares to be carried as Treasury Stock of Comar.

Dated: January 8, 1970.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[F.R. Doc. 70-390; Filed, Jan. 12, 1970; 8:45 a.m.]

CITY OF OAKLAND AND HOWARD TERMINAL

Notice of Agreements Filed for Approval

Notice is hereby given that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreements at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202, or may inspect agreements at the offices of the District Managers, New York, N.Y.; New Orleans, La.; and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreements filed for approval by:

Mr. J. Kerwin Rooney, Port Attorney, Port of Oakland, 66 Jack London Square, Post Office Box 2064, Oakland, Calif. 94607.

Agreements Nos. T-1909-1 and 8305-4 between the City of Oakland (City) and Howard Terminal (Howard) modify the basic agreements which provide for the lease of marine terminal facilities by City to Howard. The purpose of the modifications is to permit the parties to share the cost of improvements, alterations, additions or betterments on the basis of 65 percent by City and 35 percent by Howard.

Dated: January 6, 1970.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[F.R. Doc. 70-391; Filed, Jan. 12, 1970; 8:45 a.m.]

JAPAN LINE ET AL.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202, or may inspect the agreement at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, 1405 I Street NW., Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularly the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Japan Line, K Lines, Mitsui-Osk Lines, NYK Lines, Showa Shipping Co., Ltd., and Yamashita-Shinnihon Steamship Co., Ltd.

Notice of agreement filed by:

Charles F. Warren, Esq., 1100 Connecticut Avenue NW., Washington, D.C. 20036.

Agreement No. 9835 would permit the six Japanese flag lines enumerated above to operate a three vessel containerships service between Japan and Oregon and Washington. Under this arrangement, the six lines would be paired off with each pairing operating one ship; would agree to sailing schedules; would solicit and book freight for their individual accounts; would issue their individual bills of lading; would charter space from each other; would not pool earnings nor share in losses but could adjust for services contracted for but not performed; and could interchange empty containers and related equipment. Agreement No. 9835 is substantially similar to approved Agreement No. 9718 between Japan, K, Mitsui-OSK, and Yamashita Shinnihon relating to a containerships service in the Japan-California trade, and to Agreement No. 9731 between NYK and Showa relating to the same type of service in the same trade.

Dated: January 8, 1970.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[F.R. Doc. 70-436; Filed, Jan. 12, 1970; 8:49 a.m.]

JOHN H. FAUNCE, INC., AND ANTOINETTE DeMAY

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202, or may inspect agreements at the offices of the District Managers, New York, N.Y.; New Orleans, La.; and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. Vincent Wortman, Vice President, A. J. DeMay & Co., Inc., 26 Broadway, New York, N.Y. 10004.

Agreement No. FF 69–12 has been filed for the purpose of obtaining Commission approval pursuant to section 15, Shipping Act, 1916, of the sale of all the issued shares of stock of A. J. DeMay & Co., Inc. (DeMay & Co., FMC License No. 833) by Antoinette DeMay to John H. Faunce, Inc. (Faunce, FMC License No. 712).

Antoinette DeMay, former sole stockholder of DeMay & Co. has sold to Faunce for the sum of $20,000, 71 shares of the capital stock of DeMay & Co., $100 par value per share.

DeMay & Co. is operated as a wholly owned subsidiary of Faunce.

Dated: January 7, 1970.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[F.R. Doc. 70–392; Filed, Jan. 12, 1970; 8:45 a.m.]

MALAYSIA-PACIFIC RATE AGREEMENT

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW, Room 1202, or may inspect the agreement at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, 1405 I Street NW., Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. W. C. Galloway, Malaysia-Pacific Rate Agreement, 635 Sacramento Street, San Francisco, Calif. 94111.

Agreement No. 9836 between American Mail Line Ltd., American President Lines, Nedlloyd & Hoegh Lines, Barber Lines A/S, The Scindia Steam Navigation Co., The Shipping Corporation of India Ltd., and Showa Shipping Co., Ltd., covers the establishment of a rate making agreement styled as the "Malaysia-Pacific Rate Agreement" which will operate in the trade from Malaysia, the Republic of Singapore and the Sultanate of Brunei to the west coast of the United States and Canada under the terms and conditions set forth in said agreement.

Dated: January 8, 1970.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[F.R. Doc. 70–435; Filed, Jan. 12, 1970; 8:48 a.m.]

[Docket No. 68–44]

BRAZIL/UNITED STATES TRADES

Amended Order of Investigation Regarding Malpractices

Hearing Counsel has petitioned for an amendment of the order of investigation in this case which would make it clear that the scope of the proceeding includes current as well as past malpractices. This coincides with our own desires in this proceeding. Accordingly:

It is ordered, That the second full paragraph on the first page of the order of investigation in this proceeding is hereby amended to read as follows:

It is ordered, That, pursuant to sections 16, 18(b)(3), and 22 of the Shipping Act, 1916, as amended, an investigation and hearing is hereby instituted to determine whether any common carriers by water in the trades between the U.S. Atlantic & Gulf Coasts and Brazil either alone or in conjunction with other persons, directly or indirectly, made or gave or are making or giving any undue preference or advantage to any particular person, locality or description of traffic to any undue or unreasonable prejudice or disadvantage in any respect whatsoever in violation of section 16, First, of the Act, and whether any common carrier or other person subject to the Act, either alone or in conjunction with, any other person directly or indirectly, allowed or is allowing any person to obtain transportation for property at less than the regular rates or charges then or now established and enforced on the lines of such carriers by means of any unjust or unfair device or means in violation of section 16, Second, and 18(b)(3) of the Act.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

[F.R. Doc. 70–437; Filed, Jan. 12, 1970; 8:49 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP70–157]

CASCADE NATURAL GAS CORP.

Notice of Application

JANUARY 5, 1970.

Take notice that on December 19, 1969, Cascade Natural Gas Corp. (applicant), 222 Fairiew Avenue North, Seattle, Wash. 98109, filed in Docket No. CP70–157 an application pursuant to section 7(c) of the Natural Gas Act, as implemented by § 157.7 of the regulations thereunder, for a certificate of public convenience and necessity authorizing the construction during the calendar year 1970, and the operation of facilities to enable applicant to take into its certificated main pipeline system natural gas which will be purchased from producers thereof, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The stated purpose of this budget-type application is to augment applicant's ability to act with reasonable dispatch in contracting for and connecting to its pipeline system additional supplies of natural gas in areas generally coextensive with said system.

Applicant proposes to construct and operate various field facilities for the connection of additional supplies of gas in new and existing gas fields in the State of Colorado.

Applicant requests a waiver of the cost limitation imposed by § 157.7(b)(1)(i) of the regulations and states that the total estimated cost of the proposed facilities will not exceed $600,000, with no single project to exceed $340,000. Financing will be from cash on hand and cash generated from normal operations, supplemented by bank borrowings pursuant to existing credit agreements.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 26, 1970, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-415; Filed, Jan. 12, 1970; 8:47 a.m.]

[Docket No. CP70-159]

CITIES SERVICE GAS CO.

Notice of Application

JANUARY 5, 1970.

Take notice that on December 24, 1969, Cities Service Gas Co. (Applicant), Post Office Box 25128, Oklahoma City, Okla. 73125, filed in Docket No. CP70-159 an application pursuant to section (b) and (c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction, installation, and operation of certain transmission and compressor facilities, and permission and approval to replace and abandon by reclaiming certain other facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes the following:

(a) To construct and operate approximately 15.5 miles of 26-inch loop on the existing Blackwell Grabham pipeline in Chautaugua County, Kans.;

(b) To replace approximately 7.3 miles of 18-inch pipeline with 16-inch pipeline in Washington County, Okla.;

(c) To install and operate one 2,400-horsepower compressor unit at the existing Blackwell Compressor Station in Kay County, Okla.; and

(d) To install and operate one 2,400-horsepower compressor unit at the existing Burnett Compressor Station in Carson County, Tex.

Applicant states that the facilities it proposes to construct, install, replace, and operate are necessary to insure its ability to continue to meet its customers' demands for natural gas under peak day conditions, and that the proposed facilities will enhance the dependability and efficiency of operations on its system, permit operational flexibility, and create needed reserve capacity.

The total estimated cost of the proposed facilities is $3,830,000, and the total reclaim cost for the proposed replacements is $59,000, with an estimated salvage value of $70,000. The application states that these costs will be financed from treasury cash.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 26, 1970, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate or permission and approval for the proposed abandonment is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-416; Filed, Jan. 12, 1970; 8:47 a.m.]

[Docket No. CP70-156]

LONE STAR GAS CO.

Notice of Application

JANUARY 5, 1970.

Take notice that on December 19, 1969, Lone Star Gas Co. (applicant), 301 South Harwood Street, Dallas, Tex. 75201, filed in Docket No. CP70-156 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon the operation of certain facilities for the transportation of natural gas in interstate commerce, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to abandon the operation of a portion of its 2,170-horsepower Gainesville Compressor Station located in Cooke County, Tex., specifically, five 170-horsepower compressor engines and related facilities. Applicant proposes to continue to operate the two remaining compressor engines, which it states have sufficient capacity to handle available supplies of natural gas for this area. Applicant further states that the facilities it proposes to abandon are no longer needed because of diminished gas supplies and operational changes in this area.

The total estimated cost of removal is $7,500, which will be financed from working funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 26, 1970, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be

unnecessary for applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-417; Filed, Jan. 12, 1970; 8:47 a.m.]

[Docket No. CP70-158]

MISSISSIPPI RIVER TRANSMISSION CORP.

Notice of Application

JANUARY 2, 1970.

Take notice that on December 23, 1969, Mississippi River Transmission Corp. (applicant), 9900 Clayton Road, St. Louis, Mo. 63124, filed in Docket No. CP70-158 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities to be used for the transportation of natural gas in interstate commerce, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to increase the capacity of its pipeline system for the transportation and sale of natural gas by about 60,000 Mcf per day by the construction and operation of the following:

(a) Approximately 59.3 miles of 26-inch pipeline loops which are to be installed on applicant's main line system between Perryville, La., and the Columbia, Ill., Control Station, running through Louisiana, Arkansas, Missouri, and Illinois, and include one loop section approximately 1.2 miles in length consisting of dual pipelines crossing the Mississippi River from Ste. Genevieve County, Mo., to Randolph County, Ill.;

(b) 1,500 horsepower of compression to be moved to the Perryville No. 2 Compressor Station from the Woodlawn Field, Tex., Central Compressor Station; and

(c) Miscellaneous compressor station additions and revisions, gas cleaning facilities, and other appurtenances.

Applicant states that the increased capacity is necessary in connection with the growing winter season requirements of applicant's customers, particularly its expanding greater St. Louis area market.

The total estimated cost of the proposed facilities is $10,095,000, to be financed by cash on hand and that generated from operations, supplemented by interim bank borrowings.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 20, 1970, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 70-342; Filed, Jan. 12, 1970; 8:45 a.m.]

[Docket No. CP70-143]

LOWELL GAS CO.

Notice of Petition To Amend

JANUARY 9, 1970.

Take notice that on January 8, 1970, Lowell Gas Co. (petitioner), filed in Docket No. CP70-143 a petition to amend the order of the Commission issued December 17, 1969, pursuant to section 3 of the Natural Gas Act by authorizing petitioner to import from Algeria three shipments of 2,400 metric tons of liquefied natural gas in each shipment in lieu of the authorized three shipments of 2,000 metric tons of LNG in each shipment, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner states that although the weight of the lading was estimated to petitioner by the agent of the owners of the vessel as 2,000 metric tons at the time of the charter, actual practice has disclosed that the tare weight will usually exceed that amount and reach as much as 2,400 metric tons per vessel. Accordingly, petitioner requests that the Commission's order be amended by authorizing the importation of three shipments of 2,400 metric tons of LNG each from Algeria to the United States.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before January 15, 1970, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-507; Filed, Jan. 12, 1970; 8:50 a.m.]

FEDERAL RESERVE SYSTEM

FEDERAL OPEN MARKET COMMITTEE

Current Economic Policy Directive

In accordance with § 271.5 of its rules regarding availability of information, there is set forth below the Committee's Current Economic Policy Directive issued at its meeting held on October 7, 1969.[1]

The information reviewed at this meeting suggests that the pace of expansion in real economic activity was sustained in the third quarter by an acceleration of inventory investment, which about offset a further slackening in growth of private final sales. Some monthly economic measures have weakened recently, and slower overall growth is projected for the fourth quarter. Substantial upward pressures on prices and costs are persisting. Most market interest rates recently have risen to new highs as demands for funds have pressed against limited supplies. In September, on average, the money supply changed little as U.S. Government deposits rose considerably further, and bank credit increased slightly after 2 months of substantial decline. The outstanding volume of large-denomination CD's decreased further in September, and flows of consumer-type time and savings funds at banks and nonbank thrift institutions appear to have remained relatively weak. The U.S. foreign trade surplus increased a little in August. In August and September the deficit in the overall balance of payments on the liquidity basis was very large, although not as large as in preceding months; and the official settlements balance, which had been in surplus for more than a year, shifted into deficit, reflecting slackened Euro-dollar borrowing by U.S. banks and new speculative flows into Germany. Exchange market tensions were reduced somewhat when the German Government decided to cease temporarily official sales of marks, after which the exchange rate for that currency rose above the official parity. In light of the foregoing developments, it is the policy of the Federal Open Market Committee to foster financial conditions conducive to the reduction of inflationary pressures, with a view to encouraging sustainable economic growth and attaining reasonable equilibrium in the country's balance of payments.

To implement this policy, System open market operations until the next meeting of the Committee shall be conducted with a view to maintaining the prevailing firm

[1] The Record of Policy Actions of the Committee for the meeting of Oct. 7, 1969, is filed as part of the original document. Copies are available on request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

conditions in money and short-term credit markets: *Provided, however,* That operations shall be modified if bank credit appears to be deviating significantly from current projections.

By order of the Federal Open Market Committee, December 31, 1969.

ARTHUR L. BROIDA,
Deputy Secretary.

[F.R. Doc. 70-422; Filed, Jan. 12, 1970; 8:48 a.m.]

FEDERAL OPEN MARKET COMMITTEE

Authorization for System Foreign Currency Operations

In accordance with § 271.5 of its rules regarding availability of information, there is set forth below paragraph 2 of the Committee's Authorization for System Foreign Currency Operations, as amended at its meeting on October 7, 1969.

2. The Federal Open Market Committee directs the Federal Reserve Bank of New York to maintain reciprocal currency arrangements ("swap" arrangements) for System Open Market Account for periods up to a maximum of 12 months with the following foreign banks, which are among those designated by the Board of Governors of the Federal Reserve System under section 214.5 of Regulation N, Relations with Foreign Banks and Bankers, and with the approval of the Committee to renew such arangements on maturity:

Foreign bank:	*Amount of arrangement (millions of dollars equivalent)*
Austrian National Bank	200
National Bank of Belgium	500
Bank of Canada	1,000
National Bank of Denmark	200
Bank of England	2,000
Bank of France	1,000
German Federal Bank	1,000
Bank of Italy	1,000
Bank of Japan	1,000
Bank of Mexico	130
Netherlands Bank	300
Bank of Norway	200
Bank of Sweden	250
Swiss National Bank	600
Bank for International Settlements:	
Dollars against Swiss francs	600
Dollars against authorized European currencies other than Swiss francs	1,000

NOTE: For paragraph 1 of the authorization, see 34 F.R. 9044; for paragraph 3, see 33 F.R. 8470; and for paragraphs 4 through 10, see 32 F.R. 9583.

By order of the Federal Open Market Committee, December 31, 1969.

ARTHUR L. BROIDA,
Deputy Secretary.

[F.R. Doc. 70-423; Filed, Jan. 12, 1970; 8:48 a.m.]

FEDERAL OPEN MARKET COMMITTEE

Continuing Authority Directive With Respect to Domestic Open Market Operations

In accordance with § 271.5 of its rules regarding availability of information, there is set forth below (1) paragraph 2 of the Committee's Continuing Authority Directive with respect to Domestic Open Market Operations, as amended at its meeting on October 7, 1969, and (2) paragraph 3 of such directive, as added at such meeting.

2. The Federal Open Market Committee authorizes and directs the Federal Reserve Bank of New York to purchase directly from the Treasury for the account of the Federal Reserve Bank of New York, or, if the New York Reserve Bank is closed, any other Reserve Bank for its own account (with discretion, in cases where it seems desirable, to issue participations to one or more Federal Reserve Banks) such amounts of special short-term certificates of indebtedness as may be necessary from time to time for the temporary accommodation of the Treasury: *Provided,* That the rate charged on such certificates shall be a rate one-fourth of 1 percent below the discount rate of the Federal Reserve Bank of New York at the time of such purchases: *And provided further,* That the total amount of such certificates held at any one time by the Federal Reserve Banks shall not exceed $1 billion.

3. In order to insure the effective conduct of open market operations, the Federal Open Market Committee authorizes and directs the Federal Reserve Banks to lend U.S. Government securities held in the System Open Market Account to Government securities dealers and to banks participating in Government securities clearing arrangements conducted through a Federal Reserve Bank, under such instructions as the Committee may specify from time to time.

NOTE: For the remainder of the directive see 32 F.R. 9584.

By order of the Federal Open Market Committee, December 31, 1969.

ARTHUR L. BROIDA,
Deputy Secretary.

[F.R. Doc. 70-424; Filed, Jan. 12, 1970; 8:48 a.m.]

SOCIETY CORP.

Order Approving Acquisition of Bank Stock by Bank Holding Company

In the matter of the application of Society Corp., Cleveland, Ohio, for approval of acquisition of up to 100 percent (less directors' qualifying shares) of the voting shares of The American Bank, Port Clinton, Ohio.

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 Society Corp., Cleveland, Ohio, a registered bank holding company, for the Board's prior approval of the acquisition of up to 100 percent (less directors' qualifying shares) of the voting shares of The American Bank, Port Clinton, Ohio.

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Superintendent of Banks for the State of Ohio and requested his views and recommendation. The Superintendent recommended approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on August 26, 1969 (34 F.R. 13681), 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 has expired and all those received have been considered by the Board.

It is hereby ordered, For the reasons set forth in the Board's statement[1] of this date, 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 Cleveland, pursuant to delegated authority.

Dated at Washington, D.C., this 29th day of December 1969.

By order of the Board of Governors.[2]

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[F.R. Doc. 70-384; Filed, Jan. 12, 1970; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[812-2276]

BUSINESS DEVELOPMENT CORPORATION OF NEBRASKA

Notice of Filing of Application for Order Declaring Company Exempt

JANUARY 6, 1970.

Notice is hereby given that Business Development Corporation of Nebraska ("applicant"), 14th and M Streets, Lincoln, Nebr. 68508, a corporation organized under the Nebraska Business Development Corporation Act, authorizing and governing the organization and operation of business development corporations in the State of Nebraska, has filed an application pursuant to section 6(c) of the Investment Company Act of 1940 ("Act") for an order exempting applicant from the provisions of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations therein, which are summarized below.

Applicant has been formed for the purpose of promoting the economic development of Nebraska by providing financing not otherwise readily available to assist existing businesses and to encourage new industry and expanded employment in Nebraska. It provides a

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

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

vehicle by which the resources of financial institutions of the State can be pooled to meet needs that no one of these institutions would meet alone. Under the Nebraska Business Development Corporation Act, banks, insurance companies, and other financial institutions may become members of applicant, thereby agreeing to lend a small percentage of their capital and surplus, or its equivalent, to applicant upon its call. Applicant is also authorized to make application for loans from the Small Business Administration under sections 501 and 502 of the Small Business Investment Act of 1958, as amended.

Applicant represents that its members will acquire its promissory notes for investment and not with a view to public distribution except members may resell such notes to other financial institutions acquiring same on a comparable basis.

In order to obtain equity capital, applicant proposes to offer for sale 50,000 shares of its common stock at the par value of $10 per share. A registration statement with respect to such offering has been filed with this Commission under the Securities Act of 1933. Applicant represents that it will offer and sell its shares only to sophisticated investors who are capable of understanding and assuming the risks involved, whose motivation in purchasing such shares is to stimulate the economy of the State of Nebraska with the hope of indirect rather than direct reward, and who will acquire such shares with the intention of retaining them and not for resale and will furnish applicant a written representation to this effect. No commission or discount will be paid to anyone in connection with the sale of the stock by the applicant.

It is anticipated that applicant will invest principally in loans of from 5 to 15 years. It is not contemplated that applicant will have a significant investment in equity securities, nor will it engage in short-term trading of equity securities or purchase such securities with a view to controlling, dominating, or influencing the management policies of other companies. Investments made by applicant will be passed upon by a loan committee comprised of one-third of the board of directors, a majority of which will be commercial bankers.

Applicant may accept, but will not solicit, contributions to an administrative expense fund. Such fund will be segregated from all other assets of applicant; will be used to pay for salaries, advertising and other administrative expenses; will never be available for loan and, upon applicant's liquidation or dissolution, will revert to a foundation or institution having similar goals as applicant.

Since applicant will be engaged in the business of investing, and since it proposes to acquire investment securities having a value exceeding 40 percent of its total assets, applicant is an investment company within the definition of section 3(a) of the Act and is required to register unless exempted pursuant to section 6(c) of the Act. Section 6(c) of the Act provides, among other things, that the Commission, by order upon application, may conditionally or unconditionally exempt any person from any provision or provisions of the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant states that it has been formed and will operate in order to accomplish the public purposes of the Nebraska Business Development Corporation Act, which are the stimulation and promotion of the business prosperity and economic welfare of the State of Nebraska, the encouragement of new industry, and the expansion of existing businesses and industries throughout Nebraska. Applicant further states that neither it nor the holders of its securities are or will be motivated primarily by the prospects of possible profits of applicant, but by the purposes set forth in the Nebraska Business Development Corporation Act. Applicant asserts that the nature of applicant and of its proposed operation is such that its regulation under the Act is not necessary to accomplish the purposes of the Act and that applicant should be granted an exemption pursuant to section 6(c) of the Act.

Notice is hereby given that any interested person may, not later than January 21, 1970, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 70–408; Filed, Jan. 12, 1970; 8:47 a.m.]

[File No. 1–3421]

CONTINENTAL VENDING MACHINE CORP.

Order Suspending Trading

JANUARY 6, 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 January 7, 1970, through January 16, 1970, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 70–409; Filed, Jan. 12, 1970; 8:47 a.m.]

[81–101–3]

ECONOMICS LABORATORY INTERNATIONAL, LTD.

Notice of Application and Opportunity for Hearing

JANUARY 6, 1970.

Notice is hereby given that Economics Laboratory International, Ltd. (ELIL) has filed an application pursuant to section 12(h) of the Securities Exchange Act of 1934, as amended ("the Act"), for an order exempting it from the registration provisions of section 12(g) of the Act. Exemption from section 12(g) will have the additional effect of exempting ELIL from section 13 or 14 of the Act and any officer, director, or beneficial owner of more than 10 percent of ELIL's capital stock from section 16 thereof.

Section 12(g) of the Act requires the registration of the equity securities of every issuer which is engaged in, or in a business affecting interstate commerce, or whose securities are traded by use of the mails or any means or instrumentality of interstate commerce, and on the last day of the fiscal year has total assets exceeding $1 million and a class of equity securities held of record initially by 500 or more persons. Registration is terminated 90 days after the issuer files a certification with the Commission that the number of holders of the registered class of securities is fewer than 300 persons.

Section 12(h) empowers the Commission to exempt, in whole or in part, any issuer or class of issuer from the registration, periodic reporting and proxy solicitations of the Act, if the Commission finds by reason of the number of public investors, amount of trading interest in the securities, the nature and extent of the securities of the issuer, or otherwise,

that such exemption is not inconsistent with the public interest or the protection of investors.

The application of ELIL states, in part:

1. ELIL was incorporated in Delaware on July 8, 1968, and is a wholly owned subsidiary of Economics Laboratory, Inc. ("Ec-Lab"), a Delaware corporation. Ec-Lab is registered pursuant to section 12 (g) of the Exchange Act and subject to the provisions of that Act.

2. ELIL was formed to make investments in cash loans to foreign subsidiaries of Ec-Lab. In July 1968, ELIL offered and sold $10 million 4¾ percent convertible debentures (convertible into Ec-Lab common stock). The offerees were not citizens or residents of the United States. In March 1969, Ec-Lab had a registration statement on Form S-7 declared effective by the Commission. This statement covered the Ec-Lab common stock underlying the convertible debentures of ELIL.

3. ELIL presently has assets in excess of $1 million and equity security holders in excess of 500. To ELIL's knowledge, no such holders are citizens or residents of the United States. There is no public trading market for the debentures in the United States.

4. ELIL has waived a hearing on this matter.

For a more detailed statement of the information presented, all persons are referred to said application which is on file in the offices of the Commission at 500 North Capitol Street NW., Washington, D.C.

Notice is further given that any interested person not later than January 26, 1970, may submit to the Commission in writing his views or any substantial facts bearing on this application or the desirability of a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 500 North Capitol Street NW., Washington, D.C. 20549, and should state briefly the nature of the interest of the person submitting such information or requesting the hearing, the reason for such request, and the issues of fact and law raised by the application which he desires to controvert. At any time after said date, an order granting the application may be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 70-410; Filed, Jan. 12, 1970; 8:47 a.m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area 746]

KENTUCKY

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of December 1969, because of the effects of certain disasters, damage resulted to residences and business property located in Harlan County, Ky.;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property, situated in the aforesaid county, and areas adjacent thereto, suffered damage or destruction resulting from floods occurring on December 31, 1969.

OFFICE

Small Business Administration Regional Office, 600 Federal Place, Louisville, Ky. 40202.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to July 31, 1970.

Dated: January 2, 1970.

HILARY SANDOVAL, Jr.,
Administrator.

[F.R. Doc. 70-432; Filed, Jan. 12, 1970; 8:48 a.m.]

[Declaration of Disaster Loan Area 747]

VIRGINIA

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of December 1969, because of the effects of certain disasters, damage resulted to residences and business property located in Wise, Scott, and Lee Counties, Va.;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property, situated in the aforesaid counties, and areas adjacent thereto, suffered damage or destruction resulting from floods occurring on December 31, 1969.

OFFICE

Small Business Administration Regional Office, 400 North Eighth Street, Richmond, Va. 23240.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to July 31, 1970.

Dated: January 2, 1970.

HILARY SANDOVAL, Jr.,
Administrator.

[F.R. Doc. 70-431; Filed, Jan. 12, 1970; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

[S.O. 1002; Car Distribution Direction 75, Amdt. 3]

BOSTON AND MAINE CORP. AND MAINE CENTRAL RAILROAD CO.

Car Distribution

Upon further consideration of Car Distribution Direction No. 75, and good cause appearing therefor:

It is ordered, That:

Car Distribution Direction No. 75 be, and it is hereby, amended by substituting the following paragraph (4) for paragraph (4) thereof:

(4) *Expiration date.* This direction shall expire at 11:59 p.m., February 1, 1970, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., January 11, 1970, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., January 7, 1970.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 70-427; Filed, Jan. 12, 1970; 8:48 a.m.]

[S.O. 1002; Car Distribution Direction 76, Amdt. 3]

PENN CENTRAL CO. ET AL.

Car Distribution

Penn Central Co., Boston and Maine Corp., and Maine Central Railroad Co.

Upon further consideration of Car Distribution Direction No. 76, and good cause appearing therefor:

It is ordered, That:

Car Distribution Direction No. 76 be, and it is hereby, amended by substituting the following paragraph (4) for paragraph (4) thereof:

(4) *Expiration date.* This direction shall expire at 11:59 p.m., February 1, 1970, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall became effective at 11:59 p.m., January 11, 1970, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it

be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., January 7, 1970.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 70-429; Filed, Jan. 12, 1970; 8:48 a.m.]

FOURTH SECTION APPLICATION FOR RELIEF

JANUARY 8, 1970.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41854—*Edible flour or meal to gulf ports.* Filed by Southwestern Freight Bureau, agent (No. B-121), for interested rail carriers. Rates on edible flour or meal, in carloads, as described in the application, from points in southwestern and western trunkline territories, to gulf ports, Pensacola, Fla., to Corpus Christi, Tex. (for export).

Grounds for relief—Revision of commodity description.

Tariffs—Supplement 58 to The Atchison, Topeka and Santa Fe Railway Co. tariff ICC 15044, and eight other schedules named in the application.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 70-428; Filed, Jan. 12, 1970; 8:48 a.m.]

[Notice 475]

MOTOR CARRIER TRANSFER PROCEEDINGS

JANUARY 8, 1970.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-71788. By order of December 31, 1969, the Motor Carrier Board approved the transfer to H. L. White Mover, Inc., 7 Pine Avenue, Keene, N.H. 03431, of the operating rights in Certificate No. MC-39032 issued May 14, 1969, to Rebie B. White, doing business as H. L. White, Mover, 7 Pine Avenue, Keene, N.H. 03431, authorizing the transportation of general commodities, with usual exceptions, between points in that part of Massachusetts, Vermont, and New Hampshire within 25 miles of, and including, Keene, N.H.; such merchandise as is dealt in by wholesale, retail, and chain grocery and food business houses, and in connection therewith, equipment, material, and supplies, between points in Windham, Windsor, and Orange Counties, Vt., Sullivan, Cheshire, and Grafton Counties, N.H., and Franklin and Worcester Counties, Mass., and household goods, between points in New Hampshire, on the one hand, and, on the other, points in Massachusetts, Vermont, New Hampshire, Rhode Island, Connecticut, and New York.

No. MC-FC-71807. By order of January 6, 1970, the Motor Carrier Board approved the transfer to Hi Line Trucking, Inc., Plentywood, Mont., of the operating rights in certificate No. MC-124949 (Sub-No. 1) issued September 4, 1963, to Paraffin Service, Inc., Glendive, Mont., authorizing the transportation of water, and oilwell and gaswell drilling fluids, except crude oil, between points in Montana, North Dakota, South Dakota, and Wyoming. John R. Davidson, Esq., Kurth, Conner, Jones & Davidson, Room 805, Midland Bank Building, Billings, Mont. 59101, attorney for applicants.

No. MC-FC-71808. By order of January 6, 1970, the Motor Carrier Board approved the transfer to Shanahan's Express, Inc., Merchantville, N.J., of the operating rights in certificates Nos. MC-28142 and MC-28142 (Sub-No. 1) issued August 29, 1952, and October 7, 1968, respectively, to James J. Shanahan, Merchantville, N.J., authorizing the transportation of general commodities, except those of unusual value, classes A and B explosives, household goods, films, alcoholic beverages, fresh meats, and commodities requiring special equipment, between Philadelphia, Pa., and Bordentown, N.J., serving all intermediate points and the off-route point of Crosswicks, N.J., and general commodities, with usual exceptions, between Philadelphia, Pa., on the one hand, and, on the other, points in Monmouth and Ocean Counties, N.J., south of a line extending from Trenton to Asbury Park, not including Trenton and points within 10 miles of Pemberton, N.J., and north of New Jersey Highway 72 V. Baker Smith and Alfred N. Lowenstein, 123 South Broad Street, Philadelphia, Pa. 19109, attorneys for applicants.

No. MC-FC-71813. By order of December 30, 1969, the Motor Carrier Board approved the transfer to Stordahl Truck Lines, Inc., Thief River Falls, Minn., of certificates Nos. MC-89782 (Sub-No. 8) and MC-89782 (Sub-No. 9) issued December 7, 1964, and January 10, 1967, respectively, to Arthur V. Stordahl, doing business as Stordahl Truck Lines, Thief River Falls, Minn., authorizing the transportation of: General commodities, between specified points in Minnesota. Robert A. Wurst, Post Office Box 8, Thief River Falls, Minn. 56701, attorney for applicants.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 70-430; Filed, Jan. 12, 1970; 8:48 a.m.]

CUMULATIVE LIST OF PARTS AFFECTED—JANUARY

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 January.

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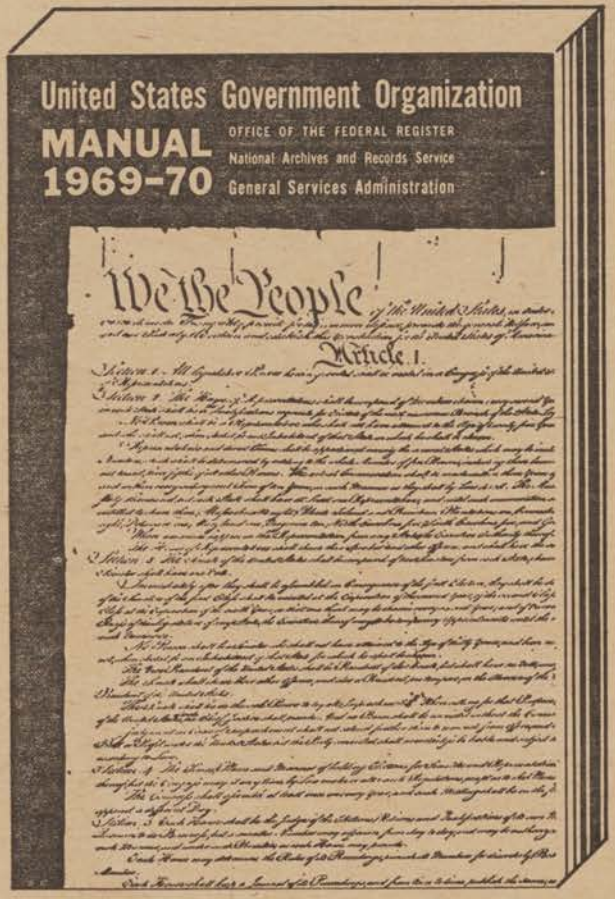

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