FEDERAL REGISTER

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Agencies in this issue—

The President
Army Department
Atomic Energy Commission
Business and Defense Services Administration
Civil Aeronautics Board
Commodity Credit Corporation
Federal Aviation Administration
Federal Communications Commission
Federal Crop Insurance Corporation
Federal Home Loan Bank Board
Federal Maritime Commission
Federal Power Commission
Federal Trade Commission
Fish and Wildlife Service
Food and Drug Administration
General Services Administration
Immigration and Naturalization Service
Internal Revenue Service
Interstate Commerce Commission
Maritime Administration
Mines Bureau
National Park Service
Public Health Service
Securities and Exchange Commission
Small Business Administration
Tariff Commission

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Announcing First 10-Year Cumulation

TABLES OF LAWS AFFECTED
in Volumes 70–79 of the
UNITED STATES STATUTES AT LARGE

Lists all prior laws and other Federal instruments which were amended, repealed, or otherwise affected by the provisions of public laws enacted during the years 1956–1965. Includes index of popular name acts affected in Volumes 70–79.

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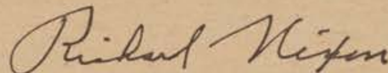
Title 3—THE PRESIDENT

Executive Order 11510

AMENDING EXECUTIVE ORDER NO. 11248, PLACING CERTAIN POSITIONS IN LEVELS IV AND V OF THE FEDERAL EXECUTIVE SALARY SCHEDULE

By virtue of the authority vested in me by section 5317 of title 5 of the United States Code, as amended, section 2 of Executive Order No. 11248 [1] of October 10, 1965, as amended, placing certain positions in level V of the Federal Executive Salary Schedule, is further amended by deleting "(18) Special Assistant for Regional Economic Coordination, Department of Commerce", and inserting in lieu thereof the following:

(18) Special Assistant to the Secretary for Policy Development, Department of Commerce.



THE WHITE HOUSE,
February 16, 1970.

[F.R. Doc. 70-2081; Filed, Feb. 16, 1970; 1:04 p.m.]

[1] 3 CFR, 1964–1965 Comp., p. 349; 30 F.R. 12999.

Rules and Regulations

Title 7—AGRICULTURE

Chapter IV—Federal Crop Insurance Corporation, Department of Agriculture

[Amdt. 1]

PART 413—TEXAS CITRUS CROP INSURANCE

Subpart—Regulations for the 1969 and Succeeding Crop Years

APPLICATION AND POLICY

Pursuant to the authority contained in the Federal Crop Insurance Act, as amended, the above-identified regulations are amended effective beginning with the 1970 crop year in the following respect:

Section 7(b) of the application and policy shown in § 413.25 is amended effective beginning with the 1970 crop year by adding a paragraph at the end thereto reading as follows:

If there is no break in continuity of participation, any premium reduction earned hereunder shall be transferred to (1) the contract of the insured's estate or surviving spouse in case of the death of the insured, (2) the contract of the person who succeeds the insured as the insured's transferee in operating only the same farm or farms, if the Corporation finds that such transferee has previously actively participated in the farming operation involved, or (3) the contract of the same insured who stops farming in one county and starts farming in another county.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

Adopted by the Board of Directors on February 3, 1970.

[SEAL] NELSON V. LITTLE,
Secretary, Federal Crop Insurance Corporation.

Approved: February 13, 1970.

CLIFFORD M. HARDIN,
Secretary of Agriculture.

[F.R. Doc. 70-2037; Filed, Feb. 17, 1970; 8:49 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[CCC Grain Price Support Regs., 1969 Crop Dry Edible Bean Supp., Amdt. 2]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1969 Crop Dry Edible Bean Loan and Purchase Program

MATURITY OF LOANS

The regulations issued by the Commodity Credit Corporation, published in 34 F.R. 8045 and amended in 34 F.R. 15414, containing specific requirements of the 1969 crop dry edible bean price support program are hereby amended as follows:

Section 1421.2482 is amended to extend the maturity date from April 30, 1970, to May 31, 1970, at the option of the producer and reads as follows:

§ 1421.2482 Maturity of loans.

Unless demand is made earlier, loans on dry edible beans will mature on April 30, 1970, except that loans will mature, subject to earlier demand, on May 31, 1970, in cases where the producer requests such later maturity date no later than April 30, 1970.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 301, 401, 63 Stat. 1053, 15 U.S.C. 714c, 7 U.S.C. 1421, 1441)

Effective upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on February 11, 1970.

CARROLL G. BRUNTHAVER,
Acting Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 70-1993; Filed, Feb. 17, 1970; 8:46 a.m.]

Title 12—BANKS AND BANKING

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

[23,789]

PART 555—BOARD RULINGS

Title Evidence

FEBRUARY 5, 1970.

Resolved that the Federal Home Loan Bank Board, for the purpose of permitting Federal savings and loan associations to make loans insured by the Federal Housing Administration on the security of real estate sold by the Department of Housing and Urban Development without obtaining new title evidence of first liens, hereby amends Part 555 of the rules and regulations for the Federal Savings and Loan System (12 CFR Part 555) by adding a new § 555.13 to read as follows:

§ 555.13 First liens on the security of properties sold by the Secretary of HUD.

Section 5(c) of the Home Owners' Loan Act of 1933, as amended, provides that Federal savings and loan associations may make mortgage loans insured by the Federal Housing Administration and secured by first liens on improved real estate. The Secretary of HUD, when disposing of properties which are acquired by lien under the default provisions of an earlier insured loan, may sell said properties to individuals and insure new loans to finance these purchases. In addition, the Department of HUD, upon the recommendation of the General Accounting Office, has provided, as set forth in §§ 230.390 and 230.402 of FHA regulations (24 CFR 230.390 and 230.402), the procedure whereby such mortgage loans may be insured without documentary evidence establishing the quality and validity of the mortgagee's lien. Since the FHA procedure offers protection to Federal associations tantamount to that of a first lien, such loans shall be considered to be secured by a first lien for purposes of the rules and regulations for the Federal Savings and Loan System, even though new title evidence has not been obtained.

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

By the Federal Home Loan Bank Board.

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

[F.R. Doc. 70-2013; Filed, Feb. 17, 1970; 8:47 a.m.]

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

[23,790]

PART 563—OPERATIONS

Title Evidence

FEBRUARY 5, 1970.

Resolved that the Federal Home Loan Bank Board, on the basis of consideration by it of the advisability of amending § 563.17-1 of the rules and regulations for Insurance of Accounts (12 CFR 563.17-1) for the purpose of relaxing the existing requirement for documentary evidence which must be obtained by insured institutions as to evidence of title in the case of loans insured by the Federal Housing Administration on the security of real estate sold by the Department of Housing and Urban Development, hereby amends § 563.17-1 by revising subdivision (vii) of paragraph (c)(1) of said section to read as follows, effective February 18, 1970:

§ 563.17-1 Examinations and audits; appraisals; establishment and maintenance of records.

* * * * *

(c) *Establishment and maintenance of records.* * * *

(1) *Records with respect to loans on the security of real estate.* * * *

(vii) An opinion signed by such institution's attorney-at-law, a title insurance policy, or other documentary

evidence customarily used in the jurisdiction in which such real estate security is located, affirming the quality and validity of such institution's lien on the real estate security for such loan: *Provided, however,* That such documentary evidence shall not be required with respect to any loan having Federal Housing Administration mortgage insurance as to which §§ 203.390 and 230.402 of the Federal Housing Administration Regulations (24 CFR 203.390 and 24 CFR 230.402) are applicable, and any such loan may be considered to be secured by a first lien without new title evidence.

* * * * *

(Secs. 402, 403, 48 Stat. 1256, 1257, as amended; 12 U.S.C. 1725, 1726. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943–48 Comp., p. 1071)

Resolved further that, since the above amendment is for the purpose of relieving present restrictions, the Board hereby finds that notice and public procedure on the amendment are unnecessary under the provisions of 12 CFR 508.11 and 5 U.S.C. 553(b); and, since the amendment relieves restriction, publication of the amendment for the 30-day period specified in 12 CFR 508.14 and 5 U.S.C. 553(d) prior to the effective date of the amendment is unnecessary; and the Board hereby provides that the amendment shall become effective as hereinbefore set forth.

By the Federal Home Loan Bank Board.

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

[F.R. Doc. 70-2014; Filed, Feb. 17, 1970; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No 69–EA–168; Amdt. 39–938]

PART 39—AIRWORTHINESS DIRECTIVES

Lycoming Aircraft Engines

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to amend AD 69–25–8 which is applicable to various Lycoming type aircraft engines.

AD 69–25–8 applies to the inspection of the spline type reduction gear assemblies used on the GO–435–C2A, GO–480, GSO–480, and IGSO–480 type engines, and all IGO–540 and IGSO–540 type engines. Review of the GO–480 and GSO–480 type engines using the flange type reduction gear assemblies 69346, 70412, and 71803 has revealed that they are susceptible to the same type of failure as the spline type reduction gear assemblies. The amendment will thus incorporate these assemblies into the AD.

Since a situation exists which requires expeditious promulgation of this amendment, notice and public procedure hereon would be contrary to the public interest and the amendment may be made effective in less than 30 days.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.85 (31 F.R. 13697), AD 69–25–8, § 39.13 of Part 39 of the Federal Aviation Regulations is amended as follows:

1. Delete the applicability paragraph and insert in lieu thereof:

Applies to Lycoming GO–435–C2A, GO–480, GSO–480, and IGSO–480 type engines using spline type reduction gear assemblies 72875 and 72879, GO–480 and GSO–480 type engines using flange type reduction gear assemblies 69346, 70412, and 71803 and IGO–540 and IGSO–540 type engines using reduction gear assemblies 72782, 74900, 75679, 76494, and 77731.

2. Amend the compliance paragraph by inserting the words "unless already accomplished" after the words "Compliance required"; by deleting the sentence commencing with "if the engine * * *"; by inserting the words "or 100 hours after the effective date of this AD whichever comes later" after "600 hours in service" and "700 hours in service".

3. Amend the note to delete the figures "319" and insert the figures "319A" in lieu thereof.

This amendment is effective February 19,1970.

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

Issued in Jamacia, N.Y., on February 6, 1970.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 70-1997; Filed, Feb. 17, 1970; 8:46 a.m.]

[Docket No. 70–EA–4; Amdt. 39–940]

PART 39—AIRWORTHINESS DIRECTIVES

McCauley Propellers

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to issue a new airworthiness directive applicable to McCauley type propellers installed with Lycoming 0–360 type engines on Mooney type M20C and M20D airplanes.

There have been reports of hub failures of McCauley 2D34C53/74E and 2D34C53–A/74E type propellers. Investigation of these failures, six of which had occurred in flight, disclosed that in each instance the propeller had been subjected to a ground strike, or similar incident resulting in bent blade, or blades. Although approved repairs were apparently accomplished at the time, subsequent service experience with these propellers has been unsatisfactory.

Since this deficiency may exist or develop in propellers of the same type design an airworthiness directive is being issued which will require, a hub replacement, maintenance and repair where necessary of affected propellers.

As a situation exists which requires expeditious adoption of this airworthiness directive, notice and public procedure hereon would be contrary to the public interest and the amendment may be made effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.85 (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new Airworthiness Directive:

MCCAULEY PROPELLERS. Applies to Models 2D34C53/74E and 2D34C53–A/74E propellers on Lycoming 0–360 series engines installed on Mooney M20C and M20D type aircraft which are or have been subjected to a ground strike or any other incident resulting in a bent blade, as well as propellers whose prior service history is unknown.

Compliance is required within the next 25 hours in service after the effective date of this AD, unless already accomplished.

To prevent hub failures, accomplish the following:

a. Remove propeller from the airplane and disassemble.

b. Prior to reinstallation on the airplane replace hub assembly (McCauley P/N C–3128) with a new hub Model B2D34C53–M, or reworked hub Model 2D34C53–M or 2D34C53–AM and clean, inspect, test, replace or repair the other components, reassemble the propeller, and lubricate as necessary, in occordance with FAA approved procedures.

c. If the propeller is subjected to a subsequent ground strike incident, and the new or reworked type hub is found to be undamaged after teardown and penetrant type inspections, it may be returned to service. (McCauley Service Bulletin No. 77 of November 28, 1969, and McCauley Manual No. 660115 pertain to this subject.)

This amendment is effective February 20, 1970.

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

Issued in Jamaica, N.Y., on February 9, 1970.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 70-1998; Filed, Feb. 17, 1970; 8:46 a.m.]

[Docket No. 70–EA–6; Amdt. 39–939]

PART 39—AIRWORTHINESS DIRECTIVES

McCauley Propellers

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to issue an airworthiness directive applicable to McCauley 2D36C14–(X)/78KM, 2D34C53–(X)/74E, and B2D34C53–(X) type propellers.

There have been reports of blade failures on the subject type propellers. An investigation of these failures disclosed that many were initiated by fatigue resulting from bending due to continued operation with foreign object damage. Subsequent vibration tests, conducted by the manufacturer established that this condition can be improved by lowering the peak vibratory stresses which occur in flight during low power operation. This can be accomplished if the operators of aircraft having the subject propeller engine combination installed were alerted and required to avoid continuous operation while descending between 2,250 and 2,550 r.p.m. with manifold pressure below 15'' Hg.

Sinces this deficiency may exist or develop in propellers of a like type design an airworthiness directive is being issued which requires inspection of the blades, repair or replacement of the blades as necessary, and the installation of a placard with the above operating restriction.

Since a situation exists which requires expeditious adoption of this amendment, notice and public procedure hereon would be contrary to the public interest and the amendment may be made effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.85 (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new Airworthiness Directive:

McCauley Propellers. Applies to 2D36C14-(X)/78KM, 2D34C53-(X)/74E, and B2D34C53-(X)/74E propellers on Lycoming 0-360 type engines.

Compliance required within the next 25 hours time in service after the effective date of this AD, unless already accomplished.

To prevent propeller mid-blade and tip failures accomplish the following:

a. Visually inspect blades for foreign object damage or cracks.

b. If blade is damaged, repair in accordance with instructions in McCauley Service Bulletin No. 76 dated November 28, 1969, or an equivalent method approved by the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region. Replace any cracked blades before further flight with a new blade which has been inspected and repaired if necessary in accordance with this AD.

c. Install the following placard near the tachometer: "Avoid continuous operation, while descending, between 2,250 and 2,550 r.p.m. with manifold pressure settings below 15 inches mercury".

This amendment is effective February 20, 1970.

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

Issued in Jamaica, N.Y., on February 9, 1970.

Wayne Hendershot,
Acting Director, Eastern Region.

[F.R. Doc. 70-1999; Filed, Feb. 17, 1970; 8:46 a.m.]

[Airspace Docket No. 69-EA-131]

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

Alteration of Federal Airway Segment

On December 10, 1969, a notice of proposed rule making was published in the Federal Register (34 F.R. 19510) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would realign VOR Federal airway No. 139 segment between Cofield, N.C., and Norfolk, Va.

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

In consideraton of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., April 30, 1970, as hereinafter set forth: In § 71.123 (35 F.R. 2009) V-139 is amended by deleting "INT Cofield 084°" and substituting "INT Cofield 077°" therefor.

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

Issued in Washington, D.C., on February 11, 1970.

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

[F.R. Doc. 70-2000, Filed, Feb. 17, 1970; 8:46 a.m.]

[Airspace Docket No. 70-WA-4]

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

Alteration of Control Zones and Transition Area

The purpose of these amendments to Part 71 of the Federal Aviation Regulations is to make editorial changes to the Amchitka, Alaska; Aniak, Alaska; Dillingham, Alaska; Homer, Alaska, and Nenana, Alaska, control zones and the Dillingham transition area.

The title of the Alaska Airman's Guide and Chart Supplement has been changed to Flight Information Publication Supplement Alaska. Accordingly, action is taken herein to make reference to the correct publication in the above mentioned control zones and transition area.

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

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

1. Section 71.171 (35 F.R. 2054) is amended as follows: In the Amchitka, Alaska; Aniak, Alaska; Dillingham, Alaska; Homer, Alaska; and Nenana, Alaska, control zones "Alaska Airman's Guide and Chart Supplement" is deleted and "Flight Information Publication Supplement Alaska" is substituted therefor.

2. Section 71.181 (35 F.R. 2134) is amended as follows: In the Dillingham, Alaska, transition area "Alaska Airman's Guide and Chart Supplement" is deleted and "Flight Information Publication Supplement Alaska" is substituted therefor.

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

Issued in Washington, D.C., on February 11, 1970.

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

[F.R. Doc. 70-2001; Filed, Feb. 17, 1970; 8:46 a.m.]

[Airspace Docket No. 69-EA-152]

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

Alteration and Revocation of VOR Federal Airway Segments

On January 6, 1970, a notice of proposed rule making was published in the Federal Register (35 F.R. 184) stating that the Federal Aviation Administration was considering amendments to Part 71 of the Federal Aviation Regulations that would alter and revoke several VOR Federal airway segments within the Boston, Mass., air route traffic control area.

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

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., April 2, 1970, as hereinafter set forth.

Section 71.123 (35 F.R. 2009) is amended as follows:

a. In V-3 "Boston, Mass., 256° radials;" is deleted and "Boston, Mass., 251° radials;" is substituted therefor.

b. In V-14 "INT Gardner 132° and Boston, Mass., 256° radials;" is deleted and "INT Gardner 128° and Boston, Mass., 251° radials;" is substituted therefor.

c. In V-149 all after "Wilkes-Barre, Pa." is deleted.

d. In V-153 all after "Lake Henry, Pa.;" is deleted and "Hancock, N.Y.; Georgetown, N.Y." is substituted therefor.

e. In V-229 "to Hartford, Conn." is deleted and "Hartford, Conn.; INT Hartford 044° and Gardner, Mass., 150° radials; Gardner." is substituted therefor.

f. In V-292 "Boston, Mass., 256° radials;" is deleted and "Boston, Mass., 251° radials" is substituted therefor.

g. In V-308 "Boston, Mass., 256° radials;" is deleted and "Boston, Mass., 251° radials;" is substituted therefor.

h. V-449 is amended to read:

V-449 From Lake Henry, Pa.; DeLancey, N.Y.; Albany, N.Y.

i. In V-475 all after "Madison, Conn.;" is deleted and "Norwich, Conn.; Providence, R.I.; INT Providence 013° and Boston, Mass., 223° radials; Boston." is substituted therefor.

j. V-457 is revoked.

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

Issued in Washington, D.C., on February 11, 1970.

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

[F.R. Doc. 70-2002; Filed, Feb. 17, 1970; 8:46 a.m.]

[Airspace Docket No. 69-WE-90]

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

Alteration of VOR Federal Airway Segment

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to make a minor realignment to the segment of VOR Federal airway No. 21 between Idaho Falls, Idaho, and Dubois, Idaho.

V-21 is presently aligned between Idaho Falls and Dubois via the intersection of Idaho Falls 030° T (013° M) and Dubois 155° T (137° M) radials. Action is taken herein to realign this airway segment via the intersection of Idaho Falls 030° T (013° M) and Dubois 157° T (139° M) radials. This minor realignment would permit V-21 segment to adjust to the arrival procedures utilized in the Idaho Falls terminal area.

Since this amendment is minor in nature and no substantive change in the regulation is effected, notice and public procedure thereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., April 30, 1970, as hereinafter set forth:

In § 71.123 (35 F.R. 2009) V-21 is amended by deleting "Dubois, Idaho, 155° radials;" and substituting "Dubois, Idaho, 157° radials;" therefor.

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

Issued in Washington, D.C., on February 11, 1970.

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

[F.R. Doc. 70-2003; Filed, Feb. 17, 1970; 8:46 a.m.]

[Airspace Docket No. 69-SO-149]

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

Alteration of Transition Area

On January 3, 1970, a notice of proposed rule making was published in the Federal Register (35 F.R. 106), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Pascagoula, Miss., transition area.

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

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., April 30, 1970, as hereinafter set forth.

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

Pascagoula, Miss.

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Jackson County Airport (lat. 30°22'43" N., long 88°29'37" W.); within 3 miles each side of the 082° bearing from Pascagoula RBN (lat. 30°22'53" N., long 88°29'33" W.), extending from the 6.5-mile radius area to 8.5 miles east of the RBN.

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

Issued in East Point, Ga., on February 9, 1970.

Gordon A. Williams, Jr.,
Acting Director, Southern Region.

[F.R. Doc. 70-2005; Filed, Feb. 17, 1970; 8:46 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

SUBCHAPTER E—RULES, REGULATIONS, STATEMENT OF GENERAL POLICY OR INTERPRETATION, AND EXEMPTIONS UNDER THE FAIR PACKAGING AND LABELING ACT

PART 500—REGULATIONS UNDER SECTION 4 OF THE FAIR PACKAGING AND LABELING ACT

Establishment of Effective Date; Withdrawal of Objection; Cancellation of Public Hearing (Bar Soap)

On May 27, 1969 (34 F.R. 8198), acting under the authority of the Fair Packaging and Labeling Act (secs. 4, 6, 80 Stat. 1297, 1299, 15 U.S.C. 1453, 1455), the Commission adopted the regulations promulgated on March 19, 1968 (33 F.R. 4718) except for that portion of § 500.7 (expression of both count and net weight per bar of soap required for multiunit packages of bar soap) which was stayed pending a public hearing, scheduled for June 30, 1969.

Subequent to the convening of the hearing on June 30, 1969, the hearing was suspended pending the Soap and Detergent Association's efforts to develop, under the guidance of the Department of Commerce, voluntary product standards for bar soaps. The efforts of the Soap and Detergent Association have been sufficiently productive to conclude that soap bars can be marked by weight. Time is required to disseminate to weights and measures officials appropriate inspection procedures, to redesign labels and wraps for bar soap, to print the redesigned labels and wraps, and finally to place in manufacturer's inventories the weight marked bar soap. The anticipated time period required to complete the aforementioned would end as of July 1, 1970. The Commission has concluded that a period of time extending to July 1, 1970, effectuate the industry's efforts to comply with the requirements of § 500.7 relevant to the marking of net weight on labeled and packaged bar soap is in the public interest. The Soap and Detergent Association, in the light of the Commission's conclusion, has withdrawn its objections to the requirements of § 500.7 negating the requirement for further hearings.

Accordingly, the Commission pursuant to the provisions of the Fair Packaging and Labeling Act (sections 4, 6, 80 Stat. 1297, 1299, 15 U.S.C. 1453, 1455) orders the adoption of that portion of § 500.7 which was stayed on May 27, 1969 (34 F.R. 8198) effective on July 1, 1970.

Issued: February 12, 1970.

By direction of the Commission.

[SEAL] Joseph W. Shea,
Secretary.

[F.R. Doc. 70-2007; Filed, Feb. 17, 1970; 8:46 a.m.]

PART 501—REGULATIONS EXEMPTING CERTAIN COMMODITIES FROM FULL OR PARTIAL COMPLIANCE WITH SECTION 4, FAIR PACKAGING AND LABELING ACT AND THE REGULATIONS THEREUNDER

Camera Film

In the matter of amending Subchapter E by the addition thereto of a new § 501.1 exempting camera film from certain requirements of Part 500:

Pursuant to the provisions of the Fair Packaging and Labeling Act (secs. 5, 6, 80 Stat. 1298, 1299, 1300; 15 U.S.C. 1454, 1455), notice is given that no objections were filed in the above-identified matter published in the Federal Register of January 3, 1970 (35 F.R. 75). Accordingly, the February 2, 1970 effective date of the new § 501.1 is confirmed.

Issued: February 11, 1970.

By direction of the Commission.

[SEAL] Joseph W. Shea,
Secretary.

[F.R. Doc. 70-2006; Filed, Feb. 17, 1970; 8:46 a.m.]

Title 32—NATIONAL DEFENSE

Chapter V—Department of the Army

SUBCHAPTER E—ORGANIZED RESERVES

PART 564—NATIONAL GUARD REGULATIONS

Termination of Appointment and Withdrawal of Federal Recognition

Section 564.5 is revised to read as follows:

§ 564.5 Termination of appointment and withdrawal of Federal recognition.

(a) *Purpose.* This section prescribes the procedures and criteria applicable to the termination of appointment as an officer of the Army National Guard of a State, Commonwealth of Puerto Rico, or the District of Columbia; and withdrawal of Federal recognition of Army National Guard officers by the Chief of the National Guard Bureau.

(b) *Policy.* (1) The termination of appointment as a commissioned officer of the Army National Guard of a State is a function of the State authorities concerned. Upon notification of termination of such State appointment, the Chief, National Guard Bureau, will withdraw the officer's Federal recognition.

(2) Announcement of withdrawal of Federal recognition is a function of the Chief, National Guard Bureau.

(3) The discharge of an officer from his appointment as a Reserve of the Army is a function of the Secretary of the Army.

(4) Discharge from the Army National Guard of a State may be effected for any reason prescribed in this section, or any provision of State laws.

(5) Unless discharged from his appointment as a Reserve commissioned officer of the Army, when Federal recognition of an officer is withdrawn, he becomes a member of the Army Reserve and ceases to be a member of the Army National Guard. Officers who are not extended permanent Federal recognition do not revert to the Army Reserve upon withdrawal of temporary Federal recognition unless they hold a current appointment as a Reserve commissioned officer of the Army.

(6) An officer discharged from the Army National Guard of one State and appointed the following day in the Army National Guard of another State remains a member of the Army National Guard of the United States, and does not become a member of the Army Reserve.

(c) *Definitions.*—(1) *Years of service.* (i) A Reserve commissioned officer's years of service are the greater of:

(*a*) The sum of:

(*1*) His years of service as a commissioned officer of any component of the Armed Forces or of the Army without specification of component;

(*2*) His years of service before June 15, 1933, as a commissioned officer in the federally recognized National Guard or in a federally recognized commissioned status in the National Guard, and in the National Guard after June 14, 1933 if his service was continuous from the date of his Federal recognition as an officer therein to the date of his appointment in the National Guard of the United States; and

(*3*) The years of constructive service credited to him; or

(*b*) The number of years by which his age exceeds 25 years.

(ii) No service may be counted more than once. For an officer credited with constructive service, no actual service before appointment may be counted for this purpose.

(iii) Service accrued while holding an appointment as a commissioned officer of the National Guard of the United States under the provisions of former section 111, National Defense Act, but serving as an enlisted man or warrant officer is not creditable in computing years of service.

(2) *Constructive service.* The years of service in an active status constructively credited upon appointment as a Reserve commissioned officer of the Army to reflect the officer's combined years of experience and education. If appointed with assignment to the Medical Corps, Dental Corps, Judge Advocate General's Corps, or Chaplains, the officer will, for the purpose of this section, be credited with such constructive service in an active status to which he is entitled in accordance with AR 135-100 or AR 135-101, as applicable.

(d) *Termination of State appointment.* Unless contrary to State law, the appointment of an Army National Guard officer should be terminated for the reasons listed below, which in general prescribe criteria for removal from an active status from the Army National Guard of the United States (ch. 363, title 10, U.S.C.). If the termination of appointment is contrary to State law, the National Guard Bureau will be notified in advance, where appropriate, and Federal recognition will be withdrawn in accordance with paragraph (e) of this section.

(1) *Death.*

(2) *Attainment of maximum age.* (i) An Army National Guard of the United States officer occupying the position of Chief, National Guard Bureau, or adjutant general or commanding general of a State, the District of Columbia or Puerto Rico, must be removed from an active status in the Army National Guard of the United States no later than the date he attains age 64.

(ii) Except as provided in subdivision (i) of this subparagraph, all officers who are not earlier removed from an active status by reason of time in grade, length of service, or other reasons must be removed from an active status in the Army National Guard of the United States on the last day of the month in which they attain age 60. The Secretary of the Army may approve retention beyond age 60 for major generals when a valid requirement exists and for whom there is no qualified replacement. Such retention will not exceed beyond age 62 (paragraph (f)(8) of this section).

(iii) Officers removed from an active status by reason of attainment of maximum age may be transferred to the Retired Reserve if they are qualified and apply therefor (paragraph (e) of this section).

(3) *Completion of maximum service.* (i) Except as otherwise indicated, officers in the grades shown below who are not earlier removed from an active status will be removed from an active status in the Army National Guard of the United States on the date which is 30 days after completion of the total years of service, or on the anniversary date indicated, whichever is later.

(*a*) Major General, 35 total years of service or on the fifth anniversary of his date of appointment in that grade, unless otherwise retained under the provisions of AR 135-32.

(*b*) Brigadier General and Colonel, 30 total years of service or on the fifth anniversary of his date of appointment in that grade.

(*c*) Lieutenant Colonel, and below, all branches, 28 total years of service.

(ii) Officers removed from an active status by reason of completion of maximum service may be transferred to the Retired Reserve if they are qualified and apply therefor (paragraph (g) of this section).

(4) *Resignation.* (i) An officer may tender his resignation to the State adjutant general through command channels. If accepted, the State authorities will publish an appropriate order, notify the officer concerned, and forward copies of the order to the Chief, National Guard Bureau, in accordance with existing regulations.

(ii) An officer without a remaining service obligation may submit a concurrent resignation from the Army National Guard of the State and from his appointment as a Reserve of the Army (ARN GUS), stating therein the reason for his resignation. If the resignation is approved by or on behalf of the Governor, orders announcing the acceptance of the resignation from the Army National Guard of the State only will be published. A signed copy of the concurrent resignation and acceptance will be forwarded to Commanding Officer, U.S. Army Administration Center (CO, USA AC) with a copy of the State orders of separation and other pertinent records.

(iii) When the resignation of an Army National Guard officer has been accepted and Federal recognition withdrawn, revocation of the acceptance order by the State adjutant general will not be considered as a basis for restoration of Federal recognition. If the officer desires to be reinstated it will be necessary that he be reappointed and again seek Federal recognition as an officer of the Army National Guard.

(iv) When an Army National Guard officer is permitted to resign, in lieu of appearance before an efficiency or fitness board, such resignation should be concurrently from the Army National Guard and as a Reserve of the Army (ARN GUS), and be processed in accordance with NGR 20-6.

(v) Resignations should not be accepted in the case of an officer against whom flagging action has been initiated pursuant to AR 600-31 or NGR 35, or when the officer is in default with respect to public property or funds.

(5) Absence without leave for 3 months.

(6) When dismissed pursuant to the approved sentence of a court-martial.

(7) Upon conviction of a felony or sentence to confinement in a Federal or State penitentiary or correctional institution after having been found guilty of an offense by a court other than a court-martial or other military court, and whose sentence has become final.

(8) Upon acceptance of a regular or reserve commission in another Armed Force, or in the U.S. Public Health Service, and Environmental Sciences Services Administration.

(9) Upon becoming a member of the Army Reserve.

(10) Upon enlistment in a regular or reserve component of any of the Armed Forces, or induction into active military service as an enlisted member.

(11) When Federal recognition has been withdrawn from his unit, unless he is transferred to an appropriate existing vacancy in another federally recognized unit or transferred to the Inactive Army National Guard.

(12) When a female officer becomes the parent, stepparent, foster parent, or guardian of a child under 18 years of age and is responsible for the child's care, custody, control, maintenance, or support.

(13) As a result of screening under any criteria contained in NGR 26-1.

(14) Upon failure of a first lieutenant, captain, or major to be selected for promotion to the next higher grade after second consideration under AR 135-155. Removal from an active status must be accomplished within 90 days after the selection board submits its report to the convening authority.

(15) When ecclesiastical indorsement of a chaplain is withdrawn.

(16) When officers of the Army Medical Service or of the Judge Advocate General's Corps lose the privilege to practice their profession because of misconduct, unethical practice, or other similar reasons.

(17) When a medical, dental, or veterinary student federally recognized in the Medical Service Corps to participate in the Medical Service Early Commissioning Program fails to pursue the course of instruction or fails to graduate from the medical, dental, or veterinary school in which enrolled.

(18) When the officer becomes medically disqualified for further military service.

(19) When a student Army National Guard officer with less than 3 years' commissioned service fails his basic branch course at a service school for disciplinary reasons, academic deficiencies, or deficiencies of leadership.

(20) In accordance with State laws or regulations requiring termination of appointment or discharge.

(21) Upon expiration of authorized period of time an officer has been assigned to the Inactive National Guard pursuant to NGR 30.

(e) *Withdrawal of Federal recognition.* Federal recognition of an officer of the Army National Guard will be withdrawn by the Chief, National Guard Bureau, for the following reasons:

(1) Discharge from his State appointment as an officer of the Army National Guard.

(2) For any reason indicated in paragraph (d) of this section that would necessitate his removal from an active status as a Reserve commissioned officer of the Army.

(3) Pursuant to the approved findings of a board of officers convened under the provisions of NGR 20-6.

(4) When an inspection under the provisions of section 105, title 32, United States Code, results in a determination that an officer lacks the required physical or other qualification.

(5) Withdrawal of the Federal recognition of the unit to which the officer is assigned, unless he is transferred to an existing vacancy in another federally recognized unit or to the Inactive Army National Guard.

(6) When an officer is transferred from a position in which he is recognized to a position for which there is no provision for recognition, or ceases to occupy a TOE, TD, or TO position appropriate to his grade and branch.

(7) Upon expiration of the authorized period of time an officer has been—

(i) In an excess status as provided by NGR 15, unless earlier reassigned to an appropriate TOE, TD, or TO position vacancy or transferred to the Inactive Army National Guard.

(ii) Carried as an additional officer pursuant to NGR 20, unless earlier reassigned to an appropriate TOE, TD, or TO position vacancy or transferred to the Inactive Army National Guard.

(iii) Permitted to decline a promotion after mandatory consideration and selection.

(iv) Under a waiver of technical requirements for professional qualifications pursuant to NGR 20-2.

(v) Retained in an aviation position after failing to qualify or becoming permanently disqualified for an aeronautical designation or flying status pursuant to NGR 95.

(vi) Assigned to the Inactive National Guard pursuant to NGR 30.

(8) Acceptance of mandatory promotion when no appropriate position vacancy or provision exists for Federal recognition in the higher grade.

(9) When an officer on active duty is selected for promotion pursuant to NGR 20-7 and the State does not promote him.

(10) When a second lieutenant is not promoted to the next higher grade on or before the date he completes 3 years promotion service. Names of second lieutenants who will not be promoted will be reported to the Chief, National Guard Bureau (Attention: ARPO), 30 days in advance of the date each will complete 3 years of promotion service.

(11) When a student Army National Guard officer with less than 3 years' commissioned service fails his basic branch course at a service school for disciplinary reasons, academic deficiencies, or deficiencies of leadership.

(12) As the result of a determination of ineligibility for permanent Federal recognition in the case of an officer who has been extended temporary Federal recognition. Temporary Federal recognition will automatically terminate 6 months from its effective date unless sooner withdrawn or replaced by permanent Federal recognition.

(13) Effective July 1, 1972. When a lieutenant colonel fails to complete the Command and General Staff College course, including Phase X, prior to the third anniversary of the effective date of his promotion/appointment to the grade of lieutenant colonel. (AMMEDD, JAGC, and CofCH officers are exempt from this requirement.)

(f) *Retention.* As officer may be retained in a federally recognized status for the following reasons:

(1) To qualify for retirement. An officer whose State appointment is to be terminated or whose Federal recognition is to be withdrawn under the provisions of paragraphs (d) (3) or (14) or (e)(7) (iii) of this section, or subparagraph (5) (ii)(*c*) of this paragraph who:

(i) On the date prescribed for discharge, is entitled to be credited with 18 or more but less than 19 years of qualifying Federal service for retired pay under 10 U.S.C. 1331-1337 (§§ 563.1-563.19 of this Chapter) shall be retained to the end of the retirement year during which he is credited with 20 years of satisfactory Federal service, or until the third anniversary of the date on which he would have been discharged, whichever is earlier, unless sooner separated for physical disability, cause, by reason of attaining maximum age, or discharge at his own request.

(ii) On the date prescribed for discharge, is entitled to be credited with 19 or more, but less than 20 years of qualifying Federal service for retired pay under 10 U.S.C. 1331-1337 (§§ 563.1-563.19 of this chapter) shall be retained to the end of the retirement year during which he is credited with 20 years of satisfactory Federal service, or until the second anniversary of the date on which he would have been discharged, whichever is earlier, unless sooner separated for physical disability, cause, by reason of attaining maximum age, or discharge at his own request.

(2) Upon specific authority of the Chief, National Guard Bureau, an officer of the Medical Corps, Dental Corps, Army Nurse Corps, Army Medical Specialist Corps, or Chaplain Corps may, with his consent and without regard to other provisions contained herein for removal by reason of years of service, be retained in an active status to a date not later than the date he becomes age 60 provided he earns a minimum of 50 retirement points each retirement year. This authority will not preclude the separation of an officer of the ARNGUS if selected for promotion by reason of mandatory consideration and there is no appropriate TOE or TO vacancy for his assignment in the higher

grade upon acceptance of such promotion.

(3) U.S. Property and Fiscal Officers may be retained in an active status until the end of the month in which they reach age 60 when specifically approved in accordance with NGR 16.

(4) Officers assigned to the Selective Service Section, State Headquarters and Headquarters Detachment, may be retained for any period but not beyond the end of the month in which they reach age 60, provided they are otherwise qualified. Requests for retention should be submitted to the Chief, National Guard Bureau, at least 6 months prior to the date they would otherwise be removed from an active status under sections 3848 or 3851 of title 10, United States Code.

(5) Officers employed as technicians or assigned to State Headquarters.

(i) Upon specific authority of the Chief, National Guard Bureau, acting for the Secretary of the Army, an officer employed as a technician under section 709 of title 32 or who is assigned to HHD of a State, Puerto Rico or the District of Columbia, and who would otherwise be removed from an active status under sections 3848 or 3851 of title 10 for length of service or time in grade and length of service be retained if:

(*a*) He is assigned to State Headquarters as a key staff officer and the State adjutant general concerned determines that his services are indispensable, or

(*b*) He is a technician and employed in a position for which Army National Guard membership is required.

(ii) Authorizations will provide for retention until the earliest of the following:

(*a*) End of month in which the officer reaches age 60.

(*b*) Attainment of eligibility for an immediate annuity at age 55 under the Civil Service Retirement System, or State retirement system for those technicians who elected to continue membership therein. The Chief, National Guard Bureau may waive this restriction for singularly outstanding individuals whose record clearly justify further retention.

(*c*) Termination of declination for promotion.

(*d*) Removal because of having twice failed of selection for promotion.

(*e*) Removal for cause or physical disability.

(iii) An officer retained under this exception is ineligible for attachment to another unit under provisions of NGR 15 for a period of more than 30 days in any 1 calendar year.

(iv) An officer retained under this exception is ineligible to be considered for Federal recognition in a higher grade without prior specific approval of the Secretary of the Army. Requests for such approval will not be submitted unless the officer has been selected for promotion by the most recent DA selection board that considered him for promotion.

(v) Requests for retention must be completely justified and submitted to Chief, National Guard Bureau, at least 6 months prior to date the officer would otherwise be removed from an active status because of completion of the years of service or time in grade provisions of sections 3848 or 3851 of title 10, United States Code.

(6) State adjutants general and officers in the grade of colonel or above occupying the position of assistant adjutant general in accordance with State codes are not subject to removal from an active status by virtue of maximum years of service.

(7) An officer who has qualified for retired pay may, with his consent and by order of the Secretary of the Army, be retained as provided in AR 135-32.

(8) Requests for retention of major generals beyond age 60 must be completely justified and submitted to Chief, National Guard Bureau, at least 6 months prior to attainment of age 60 of the officer concerned.

(g) *Transfer to the Retired Reserve.* (1) An officer separated from the Army National Guard for any of the reasons in paragraph (d) (2) or (3) of this Section may, if qualified, and he applies therefor, be transferred to the Retired Reserve in lieu of discharge from his appointment as a Reserve of the Army.

(2) Eligibility requirements for transfer to the Retired Reserve are contained in AR 140-10.

(3) An officer may submit an application for such assignment to CO, USAAC through the State adjutant general, concurrent with announcement of his separation as an officer of the Army National Guard. State separation orders should specify that such application has been submitted.

(h) *Status upon Termination of Federal recognition.* When the Federal recognition of an officer is terminated, he becomes a member of the Army Reserve unless he has been discharged from his appointment as a Reserve commissioned officer of the Army.

[NGR 20-4, Nov. 30, 1969] (Sec. 110, 70A Stat. 600; 32 U.S.C. 110)

For the Adjutant General.

RICHARD B. BELNAP,
Special Advisor to TAG.

[F.R. Doc. 70-1994; Filed, Feb. 17, 1970; 8:46 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 1—Federal Procurement Regulations

PART 1-12—LABOR

Subpart 1-12.9—Service Contract Act of 1965

UPDATING OF REFERENCES

This amendment revises paragraph (e) of the clause prescribed for Federal service contracts in excess of $2,500 to reflect changes in the addresses of some of the regional offices of the Bureau of Labor Standards and to indicate that the name of the "United States of America Standards Institute" is changed to the "American National Standards Institute, Incorporated." (See also 35 F.R. 883, Jan. 22, 1970.)

Section 1-12.904-1 is amended by the revision of paragraph (e) of the clause set forth therein, as follows:

§ 1-12.904-1 Clause for Federal service contracts in excess of $2,500.

* * * * *

SERVICE CONTRACT ACT OF 1965

* * * * *

(e) *Safe and sanitary working conditions.* The Contractor or subcontractor shall not permit any part of the services called for by this contract to be performed in buildings or surroundings or under working conditions provided by or under the control or supervision of the Contractor or subcontractor which are unsanitary or hazardous or dangerous to the health or safety of service employees engaged to furnish these services. Except insofar as a noncompliance can be justified as provided in § 1516.1(c) of Title 29 CFR, this will require compliance with the applicable standards, specification, and codes developed and published by the U.S. Department of Labor, any other agency of the United States, and any nationally recognized professional organization such as, without limitation, the following:

National Bureau of Standards, U.S. Department of Commerce.
Public Health Service, U.S. Department of Health, Education, and Welfare.
Bureau of Mines, U.S. Department of the Interior.
American National Standards Institute, Inc. (United States of America Standards Institute).
National Fire Protection Association.
American Society of Mechanical Engineers.
American Society for Testing and Materials.
American Conference of Governmental Industrial Hygienists.

Information as to the latest standards, specifications, and codes applicable to the contract is available at the office of the Director of the Bureau of Labor Standards, U.S. Department of Labor, Railway Labor Building, 400 First Street NW., Washington, D.C. 20212, or at any of the regional offices of the Bureau of Labor Standards as follows:

(1) North Atlantic Region, 341 Ninth Avenue, Room 920, New York, N.Y. 10001 (Connecticut, Maine, Massachusetts, New Hampshire, New York, Rhode Island, Vermont, New Jersey, and Puerto Rico).

(2) Middle Atlantic Region, Room 410, Penn Square Building, Juniper and Filbert Streets, Philadelphia, Pa. 19107 (Delaware, District of Columbia, Maryland, North Carolina, Pennsylvania, Virginia, and West Virginia).

(3) South Atlantic Region, 1371 Peachtree Street NE., Suite 723, Atlanta, Ga. 30309 (Alabama, Florida, Georgia, Mississippi, South Carolina, and Tennessee).

(4) Great Lakes Region, 848 Federal Office Building, 219 South Dearborn Street, Chicago, Ill. 60604 (Illinois, Indiana, Kentucky, Michigan, Minnesota, Ohio, and Wisconsin).

(5) Mid-Western Region, 1906 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106 (Colorado, Idaho, Iowa, Kansas, Missouri, Montana, Nebraska, North Dakota, South Dakota, Utah, and Wyoming).

(6) Western Gulf Region, 411 North Akard Street, Room 601, Dallas, Tex. 75201 (Arkansas, Louisiana, New Mexico, Oklahoma, and Texas).

(7) Pacific Region, 10353 Federal Building, 450 Golden Gate Avenue, Box 36017, San

Francisco, Calif. 94102 (Alaska, Arizona, California, Hawaii, Nevada, Oregon, Washington, and Guam).

* * * * *

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

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

Dated: February 11, 1970.

ROD KREGER,
Acting Administrator of General Services.

[F.R. Doc. 70-2023; Filed, Feb. 17, 1970; 8:48 a.m.]

Title 46—SHIPPING

Chapter IV—Federal Maritime Commission

SUBCHAPTER A—GENERAL PROVISIONS

[General Order 25, Docket No. 69-6]

PART 504—COLLECTION, COMPROMISE, AND TERMINATION OF ENFORCEMENT CLAIMS

In July 1966, Congress enacted the Federal Claims Collection Act (31 U.S.C. 951 et seq.). Designed to avoid unnecessary litigation before Federal courts, this Act, which became effective on January 16, 1967, authorizes the head of an agency [1] or his designee to settle civil claims arising out of the activities of the agency "that do not exceed $20,000." [2] Under the express terms of the Act, an agency may:

(1) Compromise any such claim, or (2) cause collection action on any such claim to be terminated or suspended where it appears that no person liable on the claim has the present or prospective financial ability to pay any significant sum thereon or that the cost of collecting the claim is likely to exceed the amount of recovery.

As contemplated by section 3(a) of the Act, the Comptroller General and the Attorney General have jointly issued detailed standards and procedures to be followed by Federal agencies in connection with the collection, compromise and termination of their civil claims. These Joint Regulations promulgated by the Justice Department and the General Accounting Office interpret the scope of the statute to include the settlement of statutory "penalties".

The Commission presently enforces civil penalties provided for by the Shipping Act, 1916, or the Intercoastal Shipping Act, 1933, by referring violations of these Acts to the Department of Justice for collection. In order to provide more flexibility in the disposal of these enforcement proceedings and to expedite the settlement of such cases at less cost, the Commission on February 25, 1969, served notice in the FEDERAL REGISTER (34 F.R. 2566-2567), that pursuant to the Federal Claims Collection Act of 1966 (F.C.C.A.) and in conformity with the Joint Regulations issued by the General Accounting Office and the Department of Justice (4 CFR 101-105), it was considering promulgating rules pertaining to the administrative collection, compromise, or termination of enforcement claims not exceeding $20,000 which may arise under the provisions of the Shipping Act, 1916, and the Intercoastal Shipping Act, 1933.

Section 504.1 of the proposed rules incorporates by reference the Joint Regulations, and states that they are to be supplemented "by the prescription of procedures necessary and appropriate for Federal Maritime Commission operations." This section further excludes from the ambit of the proposed rules claims "based on conduct violative of the antitrust laws" and those "as to which there is an indication of fraud or misrepresentation." Section 504.2 (a) and (b) would define a "debtor" as any person who is subject to civil penalties or forfeitures for violation of sections 14b, 15, 18, and 21 of the Shipping Act, 1916, as amended, and an "enforcement claim" as a civil penalty or forfeiture claim not exceeding $20,000 which may arise under any of the foregoing provisions.

Proposed § 504.3 authorizes the Commission to proceed against a "debtor" for the collection of an "enforcement claim" by the mailing of a letter of notice of claim and demand, informing the "debtor" of the statutory and factual basis for the claim and the "amount of the claim". Upon failure to respond to the demand or to settle within a reasonable time, the Commission is further authorized to refer the "uncollected and unsettled claim" to the Department of Justice or "offset" the "claim" where the "debtor" receives compensation from the Government or has a judgment against the United States for a liquidated amount. Section 504.4 sets forth the settlement procedure and refers to the appropriate forms for settling and paying such "claims", which forms include provisions for safeguarding the "debtor" against the commencement of a civil action or other claim arising out of the same subject matter. Finally, proposed § 504.5 establishes the various accepted methods of payment of claims.

Six comments were filed by, or on behalf of, 12 steamship conferences. Replies to these comments were filed by Hearing Counsel, and there were submitted answers to these replies. The Commission has carefully considered the position of the parties and the final rules promulgated herein have been drafted with the parties' comments and arguments in mind. Comments and arguments not specifically discussed or reflected herein have been considered and found not relevant, material or justified.

Although some conferences generally favor the principles and purposes underlying the proposed rules, several other conferences challenge the Commission's authority to issue the rules on the basis of the Joint Regulations. These latter conferences take the position that the F.C.C.A. never contemplated "penalty" or "forfeiture" claims and that, to the extent the Joint Regulations make the provisions of that Act applicable to such claims, they are unauthorized by statute and void.

As we acknowledged in the preamble to our notice of proposed rulemaking in this proceeding:

While the statute itself did not include the word "penalty", the regulations promulgated by the Justice Department and the Government Accounting Office interpret the scope of the statute to include the collection of "statutory penalties". The interpretation placed on the statute by the Justice Department is significant in that it sponsored the bill and was the sole witness at the hearings.

Therefore, whatever may be the merits of objections directed to the Joint Regulations, it is clear that this Commission is not the proper forum to litigate the validity of those regulations.[3] Objections addressed to the validity or standing of the Joint Regulations are neither relevant nor material to the present rulemaking proceeding. The fact of the matter is that the Joint Regulations have heretofore been followed by the Interstate Commerce Commission in drafting its "penalty" claims collection rules and remain unchallenged by the courts or Congress some 3 years after their issuance. We see no justifiable reason to delay the issuance of our rules any longer.

One party is of the opinion that in order to provide adequate notice of the Joint Regulations and to minimize any misunderstanding as to what is contained therein, the Joint Regulations should be appended to the proposed rules rather than incorporated by reference. We see no purpose to be served by adopting this suggestion. The Joint Regulations have been made part of the Code of Federal Regulations and, as such, are readily available and accessible to all. "Adequate notice" has therefore been provided and there can be no question of a "misunderstanding as to what is contained therein." The claim collection rules, heretofore adopted by other governmental agencies, incorporate by reference rather than append the Joint Regulations. We see no reason to do otherwise. In the interest of further clarity, however, § 504.1 of the proposed rules has been amended by inserting the proper United States Code and Code of Federal Regulations citations where appropriate and applicable.

The exemption of claims "based on conduct violative of the antitrust laws" found in § 504.1 of the proposed rules is alleged to cause uncertainty as to whether section 15 enforcement claims are within the scope of the rules. One

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[1] "Agency" is so defined as to include a "commission, board, or other group of individuals having the decision-making responsibility for the agency."

[2] Specifically excluded from the scope of the Act, however, are claims arising from "fraud" or "misrepresentation" or "based in whole or in part on conduct in violation of the antitrust laws."

[3] We might point out, however, that Hearing Counsel have presented a strong and convincing argument in support of the proposition that "penalty" claims were in fact intended to be covered by the provisions of the F.C.C.A.

commentator would interpret the proposed rules as excluding from their scope all section 15 penalties because "any Section 15 violation must be considered to raise issues of 'conduct in violation of the antitrust laws' ". Another party takes the position that all claims for section 15 penalties should be included within the scope of the proposed rules and, to this end, it is urged that the antitrust exclusion be eliminated in its entirety from the final rules or, "at the very least", § 504.1 should be amended to provide that the exception with respect to conduct violative of the antitrust laws does not include claims under section 15 to recover penalties for "unfiled section 15-type agreements".

We cannot agree that the rules as they presently read are ambiguous on their face or give rise to any "uncertainties". Section 504.1, which carves out an exception with respect to conduct violative of the antitrust laws, and § 504.2, which includes within the scope of the rules claims based on section 15 violations, are not conflicting provisions, since all section 15 violations do not necessarily raise antitrust issues. A determination as to whether a particular section 15 violation gives rise to a claim which can be settled under the rules is best made on an ad hoc basis. Since we are not now prepared to specify authoritatively what "types" of section 15 agreements penalty claims either do or do not fall within the scope of the proposed rules, we see no reason to amend § 504.1.

Two comments express concern regarding the proper interpretation of the $20,000 maximum limitation found in § 504.3(a) of the proposed rules. After pointing out that there appear to be three possible constructions of the $20,000 maximum limitation, namely: (1) The maximum penalty recoverable under the statute must not be more than $20,000, (2) the total claim demanded cannot exceed $20,000, or (3) the maximum settlement authorized may not exceed $20,000, one commentator argues that the "settlement" or "compromise" figure is "the only realistic test of the $20,000 maximum figure". Fear is expressed by some parties that the $20,000 limitation figure for applicability of the rules might lead to the setting of penalties at a lower level than would otherwise be appropriate in order to assert jurisdiction.

While we will concede that § 504.2(a) as it relates to the $20,000 limitation is indeed subject to several interpretations and accordingly, should be clarified, we cannot agree that the "settlement" amount should be made the test of whether a claim falls within the $20,000 limitation, imposed by the F.C.C.A. and the Joint Regulations. Rather, we concur with Hearing Counsel that the maximum liability for each claim must be under $20,000 for the provisions of these rules to apply. This, we believe to be the more appropriate and realistic test.

The majority of the penalty provisions contained in the Shipping Act and the Intercoastal Shipping Act provide for a penalty of "not more than" or "up to" a certain maximum amount per violation. Therefore, in determining whether a particular claim can be settled under the Commission's rules, the maximum potential penalty assessable under the statute should be considered. If that sum is $20,000 or more, the settlement mechanisms set forth in these rules should not come into play. Therefore, in order to eliminate any uncertainty that might exist as to the exact meaning of the $20,000 limitation contained in § 504.2(a) of the rules, we are amending that provision to read as follows:

(a) "Enforcement claims" are all separate civil penalty or forfeiture claims based on violations or alleged violations of sections 14b, 15, 18, and 21 of the Shipping Act, 1916, and the provisions of the Intercoastal Shipping Act, 1933, for which the maximum penalty recoverable under the statute does not exceed $20,000.

One party points out that while section 102.2 of the Joint Regulations provides that three written demands, at 30-day intervals, will normally be made unless a response to the first or second demand indicates that different action should be taken, § 504.3 of the Commission's proposed rules "seemingly" permits the Commission to take further action after only one demand letter has been sent. In view of the fact that there "may be some instances in which a single demand letter may not reach the debtor", the Commission is urged to amend this rule to provide for the three written demands. In this regard, it is suggested that the following sentence be added after the second sentence of § 504.3: "Three written demands, at thirty-day intervals, will normally be made unless a response to the first or second demand indicates that further demand would be futile, or unless contrary action is indicated by the circumstances."

As presently drafted, § 504.3 merely sets forth the steps for commencing the claim collection and settlement procedures. It was never intended to deny a "debtor", within the meaning of the proposed rules, any of the procedures guaranteed to him in the Joint Regulations. Nevertheless, we think the suggested amendment has merit. Therefore, in order to remove any doubts as to the applicability of the Joint Regulations, we are incorporating into the final rules the requirement that "three written demands" be made on a debtor.

An interested party believes that the settlement procedure outlined in § 504.3 of the proposed rules should be specifically made available to a "debtor" at any stage of a proceeding before the Commission. To this end, an amendment to § 504.3 is proposed which would make the settlement procedure available from the time that a complaint is filed with the Commission or the Commission of its own motion issues an order of investigation up to the time the matter is either settled or referred to the Department of Justice. Hearing Counsel concur and recommend adoption of this amendment "with the proviso that initiation of settlement discussions shall not act as a stay of the proceedings".

We are of the opinion that the above-proposed revisions have considerable merit. Accordingly, we have incorporated into the final rules, under a new § 504.3(b), a provision allowing a "debtor" to take advantage of the settlement procedures outlined during any stage of the proceeding before the Commission. Moreover, in order to belay certain fear expressed by Hearing Counsel that "settlement discussions" entered into pursuant to this provision might delay or otherwise obstruct proceedings already in progress, the following language has been inserted at the end of § 504.3(b): "Initiation of this procedure shall not act as a stay of the proceedings."

The inclusion of the offset provision in § 504.3 is objected to on the grounds that "[s]ince the amount of the claims for alleged violations of the acts administered by the Commission cannot be said to be 'liquidated or certain in amount,' " the offset procedures are inappropriate to the present rules. It is therefore suggested that the offset provision be deleted "in its entirety". Hearing Counsel urge the retention of the offset provision, pointing out that section 21 of the Shipping Act, 1916, provides for the forfeiture of a sum—"one hundred dollars for each day"—which is "liquidated and certain in amount". On the basis of Hearing Counsel's reply, one conference suggests that the offset provision be at least amended so as to limit its application to those claims arising under section 21.

We cannot agree to the deletion or modification of the offset provision contained in § 504.3. The offset provision, as presently drafted, is abundantly clear. By its very terms, it would apply only where (1) the debtor has failed to respond to the demand letter or letters, and (2) the amount of the claim is liquidated or certain in amount. It would clearly not be applicable to claims arising under sections 14b or 15, which the amount of the penalty claim is not "liquidated" or "certain in amount". Thus, the fears expressed by certain parties are manifestly unfounded. Since it is our opinion the present language of § 504.(a)(1) is clear, unambiguous and effects the result desired, we see no reason or purpose to be served by amending it.

It is also suggested that the proposed form of the Settlement Agreement Form, attached as Appendix A of the proposed rules, should be amended to include a recital that such Agreement Form is entered into by the Debtor without admission of violation, "at least in instances where there has been no Commission finding and conclusion of violation which is upheld on review or which is no longer subject to review * * *." While in general agreement with this suggestion, Hearing Counsel take the position that it should be implemented only in those cases where there has been no prior Commission decision on the merits. In such cases, Hearing Counsel would embody into the Settlement

Agreement Form the following provision:

It is expressly understood and agreed that this instrument is, and is to be construed to be, only a covenant not to sue for recovery of civil penalties or forfeitures.

While we see the merits of incorporating into the Settlement Agreement Form a provision indicating the limited scope of the settlement where there has been no formal action by the Commission, we find the provision proposed by Hearing Counsel to be somewhat vague and unnecessarily broad. It is our opinion that the following language is more responsive to the objection raised and would leave no misunderstanding as to the purpose of the provision:

It is expressly understood and agreed that this instrument is not to be construed as an admission of guilt by undersigned-respondent to the alleged violations set forth above.

Accordingly, this provision shall be incorporated into the Settlement Agreement Form as one of the stipulations and terms of settlement.

Finally, the Commission is urged to amend the proposed rules to provide for (1) an administrative hearing on the penalty issue with a determination on the record, and (2) judicial review of any penalty assessment.

Certainly, the Commission's staff would take into consideration all facts and factors in assessing a penalty. To require a formal administrative hearing on this issue would, however, defeat the purpose of the proposed rules, which is to avoid excessive litigation and expense.

As to the second point raised, it must be remembered that review of Commission Orders remains subject to review by the Court of Appeals under 28 U.S.C. 2342(3) and the present rules in no way affect existing law in this respect. It must also be kept in mind that a "debtor" is never obligated to pay or attempt to compromise a claim pursuant to the proposed rules. Any claim settlement would have to first be agreed on by all parties. If the "debtor" for any reason does not consent to satisfying the claim as determined by the Commission, that claim would be referred to the Department of Justice and the "debtor" would be entitled to a trial de novo in a U.S. District Court.

Therefore, pursuant to section 3 of the Federal Claims Collection Act of 1966 (31 U.S.C. 951, et seq.) and in conformity with the joint regulations issued by the Department of Justice and the General Accounting Office (4 CFR Parts 101–105), Title 46 CFR, is hereby amended by the addition of a new Part 504, as follows:

Sec.
504.1 Incorporation by reference; scope.
504.2 Definitions.
504.3 Notice of claim and demand; request for settlement.
504.4 Compromise and termination of claims; submission by debtor.
504.5 Settlement.
504.6 Payment of claims.

AUTHORITY: The provisions of this Part 504 issued under sec. 3, 80 Stat. 309; 31 U.S.C. 952.

§ 504.1 Incorporation by reference; scope.

The provisions of this part incorporate by this reference the Joint Regulations (4 CFR Parts 101–105), issued by the Comptroller General and the Attorney General of the United States under section 3 of the Federal Claims Collection Act of 1966 (31 U.S.C. 951, et seq.) to prescribe standards for the administrative collection, compromise, or termination of agency collection action and supplement those regulations by the prescription of procedures necessary and appropriate for Federal Maritime Commission operations. The provisions of this part do not apply to any claim based on conduct violative of the antitrust laws or to any claim as to which there is an indication of fraud or misrepresentation: *Provided, however*, That matters submitted to the Department of Justice for consideration where there is an indication of fraud or misrepresentation may be returned to the Federal Maritime Commission for further handling in accordance with 4. CFR 101.3 (Joint Regulations).

§ 504.2 Definitions.

For the purposes of this part:

(a) "Enforcement claims" are all separate civil penalty or forfeiture claims based on violations or alleged violations of sections 14b, 15, 18, and 21 of the Shipping Act, 1916, and the provisions of the Intercoastal Shipping Act, 1933, for which the maximum penalty recoverable under the statute does not exceed $20,000.

(b) "Debtor" is any person, corporation, or other entity subject to civil penalties or forfeitures for violation of sections 14b, 15, 18, and 21 of the Shipping Act, 1916, and the provisions of the Intercoastal Shipping Act, 1933.

§ 504.3 Notice of claim and demand; request for settlement.

(a) The administrative collection of enforcement claims will be commenced with the mailing of a letter of notice of claim and demand to the debtor. This letter shall inform the debtor of the statutory and factual basis for the claim, the amount of the claim, and the availability of Commission personnel for discussion of the claim should the debtor so desire. Three written demands, at 30-day intervals, will normally be made unless a response to the first or second demand indicates that further demand would be futile, or unless contrary action is indicated by the circumstances. Where appropriate, the demand letter or letters shall further advise the debtor that his failure to respond to the demand letter(s) or to settle the claim within a reasonable time may result in the Commission giving consideration to other courses of action, such as, but not limited to:

(1) Collection of the claim by offset where the debtor is receiving pay or compensation from the Federal Government or has obtained a judgment against the United States and where the amount of the claim is liquidated or certain in amount.

(2) Referral of the uncollected and unsettled claim to the Department of Justice.

(b) Whenever any debtor is a party to a proceeding before the Commission, he may, during any stage of such proceeding or any appeal or appeals therefrom, by a letter to the Commission request an opportunity to discusss the settlement of any enforcement claim which may arise out of such proceeding. The Commission shall promptly thereafter designate Commission personnel for such discussion. Discussions may be held thereafter until the matter is either settled or referred to the Department of Justice for consideration. Initiation of this procedure shall not act as a stay of the proceeding.

§ 504.4 Compromise and termination of claims; submissions by debtor.

When discussing a claim with Commission personnel, a debtor may submit any oral or written material or information in answer to the Notice of Claim and Demand explaining, mitigating, showing extenuating circumstances, or, where there has been no formal proceeding on the merits, denying the violation. Material or information so presented will be considered in making the final determination as to whether the claim should be terminated or compromised, and the amount for which it will be compromised.

§ 504.5 Settlement.

(a) Upon the debtor's agreement to settle a claim, he shall be provided with a Settlement Agreement Form (Appendix A), to be signed, in duplicate, and returned. This form, after reciting the basis for the claim, will contain a statement evidencing the debtor's agreement to settlement of the claim for the amount set forth in the agreement and shall also embody an "Approval and Acceptance" provision. Upon final payment of the claim in the agreed amount, one copy of the Settlement Agreement shall be returned to the debtor with the "Approval and Acceptance" thereon signed by the General Counsel of the Commission.

(b) All correspondence, forms, or other instruments regarding the collection, compromise, or termination of any claim under this part should be addressed to the General Counsel, Federal Maritime Commission, 1405 I Street NW., Washington, D.C. 20573.

§ 504.6 Payment of claims.

Payment of claims by the debtor shall be made by:

(a) A bank cashier's check or other instrument acceptable to the Commission.

(b) Regular installments by check after the execution of a promissory note containing a confess-judgment agreement (Appendix B).

(c) A combination of the above-offered alternatives.

All checks or other instruments submitted in payment of claims shall be

made payable to "Federal Maritime Commission".

Effective date. The provisions of this Part 504 will become effective 30 days after publication in the FEDERAL REGISTER.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

APPENDIX A

SETTLEMENT AGREEMENT

Whereas, consideration is being given to the institution of civil action against the undersigned respondent for recovery of penalty claims arising under the provisions of the ______________________ Act, 19__, as amended, by virtue of certain alleged violations of section ______ of said Act, each of which is particularly identified, and set forth below:

Whereas, the undersigned respondent is desirous of expeditiously settling the matter according to the terms and conditions hereof and the avoidance of delay and expense incident to litigation; and,

Whereas, the Federal Claims Collection Act of 1966 (31 U.S.C. 951, et seq.) authorizes settlement of certain designated enforcement claims arising under the civil penalty provisions of the Shipping Act, 1916, and the Intercoastal Shipping Act, 1933.

Now, therefore, in consideration of the premises herein, the undersigned respondent herewith tenders to the Federal Maritime Commission the sum of $______[1] upon the following stipulations and terms of settlement:

1. Upon acceptance of this agreement of settlement in writing by the General Counsel of the Federal Maritime Commission, this instrument shall forever bar the commencement or institution of any civil action or other claim for recovery of penalties from respondent based upon those specific acts or things done or alleged to have been done or arising from those acts or things set forth and described above.

2. The undersigned voluntarily signs his instrument and states that no promises or representations have been made to the respondent other than the agreements and consideration herein expressed.

3. It is expressly understood and agreed that this instrument is not to be construed as an admission of guilt by undersigned-respondent to the alleged violations set forth above.[2]

Dated and executed this ______ day of ____________ 19__.

____
(Name of Person or Corporation)

____
(Signature of Officer or Owner)

Approval and Acceptance

Above Terms and Conditions and Amount of Consideration Approved and Accepted:

[1] Payment will be made in one, or a combination of, the following methods:
(a) A bank cashier's check or other instrument acceptable to the Commission.
(b) Regular installments by check after the execution of a promissory note, copy of which will be attached to this agreement.

[2] This provision will apply only in those instances where there has been no formal proceeding on the merits as to the alleged violations.

By the Federal Maritime Commission:

____
(General Counsel)

____
(Date)

APPENDIX B

PROMISSORY NOTE CONTAINING AGREEMENT FOR JUDGMENT

For value received (insert name of debtor), promises to pay to the order of the Federal Maritime Commission the sum of $______ Dollars in monthly installments by a bank cashier's or a certified check of not less than $______ Dollars each, on or before the first day of each calendar month until such obligation arising under the Federal Claims Collection Act of 1966 (31 U.S.C. 951) and described in Appendix A attached and made a part hereof is fully paid. If any such installment shall remain unpaid for a period of 10 days, the entire amount of this obligation less payments actually made, shall thereupon become immediately due and payable at the option of the Federal Maritime Commission without demand or notice, said demand and notice being hereby expressly waived.

(Insert name of debtor) does hereby authorize and empower the said U.S. attorney, any of his assistants or any attorney of any court of record, Federal or State, to appear for it and to enter and confess judgment against it for the entire amount of this obligation, less payments actually made, at any time after the same becomes due and payable, as herein provided, in any court of record, Federal or State; to waive the issuance and service of process upon it in any suit on this obligation; to waive any venue requirement in such suit; to release all errors which may intervene in entering up such judgment or in issuing any execution thereon; and to consent to immediate execution on said judgment.

(Insert name of debtor) hereby ratify and confirm all that said attorney may do by virtue hereof.

Dated and executed this ______ day of ____________ 197__.

____
(Insert Name of Debtor)

____
(President)

[F.R. Doc. 70-2020; Filed, Feb. 17, 1970; 8:48 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 18540; FCC 70-146]

PART 97—AMATEUR RADIO SERVICE

Licensing and Operating Experience Requirements for Amateur Extra Class License

Report and Order. 1. On May 9, 1969, the Commission released a notice of proposed rule making in the above-entitled matter (RM-1311). The notice was duly published in the FEDERAL REGISTER on May 14, 1969 (34 F.R. 7660). By order released August 14, 1969, the Commission extended the time for filing comments and reply comments until August 26, 1969, and September 12, 1969, respectively (34 F.R. 13429). All comments filed in response to the notice have been fully considered.

2. The proposal has a two-fold purpose. First, it is concerned with that part of rule § 97.51(a) which provides for the issuance of a two-letter call sign (a call sign having two-letters following the numeral) to an Amateur Extra licensee first licensed at least 25 years prior to the date of his application. Under the present rules, a two-letter call sign is not assignable to Commission licensees who had a foreign-issued, rather than a Commission-issued, license 25 years or more prior to the request for such assignment. Secondly, § 97.9(a)(1) of the rules presently requires that an applicant for an Amateur Extra Class license must have held for at least 2 years a valid Commission-issued amateur license other than Novice or Technician. The purpose of this rule is to help assure that applicants for the highest class amateur operator license have acquired practical operating experience for a reasonable time at a Conditional Class level or above. However, one effect of the rule is to deny recognition for such experience when acquired under amateur licenses issued by other countries. The proposed amendments would recognize the operating experience acquired under a foreign amateur license, so that an Amateur Extra Class licensee who was first licensed at least 25 years earlier by a foreign government would be eligible for the two-letter station call sign, and an applicant for the Amateur Extra Class license could be given credit for that experience toward the 2-year waiting period for such license.

3. Twenty-three comments have been submitted, all of which have been carefully considered. Most of the comments support the proposal, but some ask for further amendments. The American Radio Relay League and several others suggest:

a. Either a reduction or an elimination of the 2-year waiting period for the Amateur Extra Class license.

b. Establishment of "grandfather" rights to former Amateur Extra First Class licensees so that they may enter the Amateur Extra Class ranks. (The Amateur Extra First Class license was issued between June 1923 and June 1933).

c. Permit the issuance of a single-letter prefix and a three-letter suffix (popularly known as a 1X3) station call sign to an Amateur Extra Class licensee regardless of tenure.

The foregoing suggestions are all beyond the scope of this proceeding and would require consideration in a separate rule making proceeding.

4. The three opposing comments received base their objections on the premises that there are not enough two-letter call signs available to satisfy all those amateurs who may request them and that the examination standards of foreign countries are lower than those of the United States. The number of two-letter calls still available is more than adequate to satisfy the current requirements, and it is not believed that the

number of newly qualified persons would be sufficient to create a shortage.

5. Further, the two-letter call sign is a privilege accorded to Amateur Extra Class licensees with long (25 years) operating experience, and the Commission does not believe it is equitable to deny this privilege to naturalized citizens who previously had obtained their experience under a license from a foreign government.

6. The Commission does not believe that the standard of amateur examinations administered by foreign governments is relevant to this matter, since in each case the licensee would be required to pass a Commission-administered amateur examination. Recognition of a foreign amateur operating experience is also consistent with the recognition extended to alien amateurs under the reciprocal operating provisions contained in Subpart G of Part 97.

7. In view of the foregoing, the Commission finds that the amendments to §§ 97.51(a)(5) and 97.9(a)(1) in the Amateur Radio Service, as set forth in the attached appendix, are in the public interest, convenience, and necessity. The authority for such amendments is contained in sections 4(i) and 303 of the Communications Act of 1934, as amended.

8. *Accordingly, it is ordered*, That effective March 23, 1970, §§ 97.51(a)(5) and 97.9(a)(1) of the Commission's Amateur Radio Service Rules are amended as set forth below.

9. *It is further ordered*, That this proceeding is terminated.

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

Adopted: February 11, 1970.

Released: February 13, 1970.

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

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

1. Section 97.9(a)(1) is revised as follows:

§ 97.9 Eligibility for new operator license.

* * * * *

(a) *Amateur extra class*. * * * (1) at any time prior to receipt of his application by the Commission has held for at least 2 years an amateur operator license of other than the Novice or Technician Class, issued by any agency of the U.S. Government, or submits proof that he held for a period of 2 years an amateur operator license at least equivalent to a General Class license issued by a foreign government, or * * *

* * * * *

2. Section 97.51(a)(5) is revised to read as follows:

§ 97.51 Assignment of call signs.

(a) * * *

(5) One unassigned two-letter call sign (a call sign having two letters following the numeral) may be assigned to a previous holder of a two-letter call sign, the prefix of which consisted of not more than a single letter. Additionally, a two-letter call sign may be assigned to an Amateur Extra Class licensee who submits evidence that he held any amateur radio operator or station license, issued by any agency of the U.S. Government or by any foreign government, 25 years or more prior to the receipt date of an application for such assignment. Applicants for two-letter call signs are not permitted to select a specific assignment except in accordance with subparagraphs (1) and (2) of this paragraph.

* * * * *

[F.R. Doc. 70-2017; Filed, Feb. 17, 1970; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 191]

HAZARDOUS SUBSTANCES: DEFINITIONS AND PROCEDURAL AND INTERPRETATIVE REGULATIONS

Labeling of Extremely Flammable Contact Adhesives

In 1967 the Food and Drug Administration expressed concern by letter to a trade association of manufacturers of extremely flammable contact adhesives (also known as contact bonding cements) over several reports of accidental fires, some involving fatalities, associated with use of such products. The trade association proposed certain additional cautionary labeling which would more adequately warn of the hazards. The Food and Drug Administration agreed to the adequacy of the proposed additional warnings but stated that the decision would be reconsidered should the labeling prove to be inadequate at a future time.

The Commissioner of Food and Drugs subsequently received requests to make the aforementioned labeling available to all manufacturers and distributors of such articles in the interest of uniform labeling throughout the industry. Having considered these requests and other relevant information, the Commissioner concludes that Part 191 should be amended as proposed below to provide interested persons with the minimum acceptable warning statement for such adhesives.

Accordingly, pursuant to provisions of the Federal Hazardous Substances Act (sec. 10(a), 74 Stat. 378; 15 U.S.C. 1269) and under authority delegated to him (21 CFR 2.120), the Commissioner proposes that Part 191 be amended by adding thereto a new section, as follows:

§ 191.___ Extremely flammable contact adhesives; labeling.

(a) Extremely flammable contact adhesives, also known as contact bonding cements, when distributed in containers intended or suitable for household use may be misbranded under the act if the containers fail to bear a warning statement adequate for the protection of the public health and safety.

(b) The following warning statement is considered as the minimum cautionary labeling adequate to meet the requirements of section 2(p)(1) of the act with respect to containers of more than one-half pint of contact adhesives having a flashpoint at or below 20° F., when the only hazard foreseeable is that caused by the extreme flammability of the mixture:

DANGER!

EXTREMELY FLAMMABLE

VAPORS MAY CAUSE FLASH FIRE

Vapors may ignite explosively.

Prevent buildup of vapors—open all windows and doors—use only with cross-ventilation.

Keep away from heat, sparks, and open flame.

Do not smoke, extinguish all flames and pilot lights, and turn off stoves, heaters, electric motors, and other sources of ignition during use and until all vapors are gone.

Close container after use.

Keep out of reach of children.

(c) The words that are in capital letters in the warning statement set forth in paragraph (b) of this section should be printed on the main (front) panel or panels of the container in capital letters of the type size specified in § 191.101(c). The balance of the cautionary information may appear together on another panel provided the front panel bears a statement such as "Read carefully other cautions on _____________ panel," the blank being filled in with the identification of the specific label panel bearing the balance of the cautionary labeling. It is recommended that a borderline be used in conjunction with the cautionary labeling.

(d) If an article has additional hazards, or contains ingredients listed in § 191.7 as requiring special labeling, appropriate additional front and rear panel precautionary labeling is required.

Any interested person may, within 30 days from the date of publication of this notice 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 comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof.

Dated: February 10, 1970.

SAM D. FINE,
Associate Commissioner for Compliance.

[F.R. Doc. 70-2008; Filed, Feb. 17, 1970; 8:47 a.m.]

Public Health Service

[42 CFR Part 71]

FOREIGN QUARANTINE

Disinsecting of Aircraft

Notice is hereby given that the Administrator, Health Services and Mental Health Administration, proposes to amend § 71.102 of Part 71 of Title 42, Code of Federal Regulations. The purpose of the proposed amendments is to provide increased protection against insect borne disease and to substitute for the insecticidal aerosols which are now prescribed in regulations and which contain DDT, an aerosol based upon a recently developed formula which does contain DDT.

Inquiries may be addressed, and data, views, and arguments may be submitted in writing, in triplicate, to the Director, National Communicable Disease Center, 1600 Clifton Road NE., Atlanta, Ga. 30333. All relevant material received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered.

It is proposed to make any amendment that is adopted effective immediately upon publication in the FEDERAL REGISTER.

Section 71.102(b)(1) would be amended to read as follows:

(1) The insecticide shall be Insecticidal Aerosol G-1707, the formula for which is given below, or an insecticide found by the Administrator, Health Services and Mental Health Administration, upon application, to be substantially as effective.

Formula for Insecticidal Aerosol G-1707:

Component:	Percent by weight
Pyrethrum extract (20% pyrethrins)	2.25
Tropital	2.70
Petroleum distillates	10.05
Propellents 11 and 12 (3:7)	85.00

(Sec. 361, 58 Stat. 703; 42 U.S.C. 264)

Dated: January 6, 1970.

ALAN W. DONALDSON,
Acting Administrator, Health Services and Mental Health Administration.

Approved: February 12, 1970.

ROBERT H. FINCH,
Secretary.

[F.R. Doc. 70-2015; Filed, Feb. 17, 1970; 8:47 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 70-SO-2]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Union City, Tenn., transition area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Area Manager, Memphis Area Office, Chief, Air Traffic Branch, Post Office Box 18097, Memphis, Tenn. 38118. All communications recieved within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Federal Aviation Administration, Southern Region, Room 724, 3400 Whipple Street, East Point, Ga.

The Union City transition area described in § 71.181 (35 F.R. 2134) would be redesignated as:

That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of Everett-Stewart Airport (lat. 36°-22'50" N. long. 88°59'15" W.); within 3 miles each side of Dyersburg VORTAC 037° radial, extending from the 5.5-mile radius area to 25.5 miles northeast of the VORTAC; within 3 miles each side of the 186° and 347° bearings from Union City RBN (lat. 36°23'06" N., long. 88°58'50" W.), extending from the 5.5-mile radius area to 8.5 miles north and 8.5 miles south of the RBN; and that airspace extending upward from 1,200 feet above the surface within 4.5 miles east and 9.5 miles west of the 347° bearing from Union City RBN, extending from the RBN to 18.5 miles north; excluding the portion within the State of Tennessee.

The application of Terminal Instrument Procedures (TERPs) and current airspace criteria to the Union City terminal area requires the following actions:

700-foot transition area. 1. Increase the basic radius circle predicated on the Union City Airport from 5 to 5.5 miles.

2. Increase the extension predicated on the Dyersburg VORTAC 037° radial 2 miles in width and decrease it 0.5 mile in length.

3. Increase the extensions predicated on the 186° and 347° bearings from Union City RBN 2 miles in width and 0.5 mile in length.

1,200-foot transition area. 1. Revoke the extension predicated on the 186° bearing from Union City RBN since it is incorporated into the Tennessee 1,200-foot transition area.

2. Increase the extension predicated on the 347° bearing from Union City RBN 1 mile in width and 6.5 miles in length.

The proposed alterations are required to provide controlled airspace in the Union City terminal area in climb from 700 feet above the surface and in descent to 1,000 feet above the surface.

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

Issued in East Point, Ga., on February 9, 1970.

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

[F.R. Doc. 70-2004; Filed, Feb. 17, 1970; 8:46 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 16222]

STANDARD METHOD FOR CALCULATING RADIATION

Order Extending Time for Filing Comments and Reply Comments

In the matter of amendment of Part 73 of the Commission's rules to specify, in lieu of the existing MEOV concept, a standard method for calculating radiation for use in evaluating interference, coverage and overlap of mutually prohibited contours in the standard broadcast service.

1. On November 24, 1969, the Commission released a further notice of proposed rule making in this proceeding (FCC 69-1269) inviting comments on the modified proposals in the above-captioned proceeding. The time presently designated for filing comments and reply comments is February 9, 1970, and March 13, 1970, respectively.

2. On February 4, 1970, the Association of Federal Communications Consulting Engineers (AFCCE) filed a petition for a 60-day extension of time in which to file comments. It states that it has actively participated in this rule making and is desirous of continuing to participate. AFCCE states further that the additional time is required so that it can permit circularization among its membership of further comments and for discussion thereupon among the membership prior to their adoption for filing in the instant proceeding.

3. We are of the view that the requested additional time is warranted and would serve the public interest: *Accordingly, it is ordered,* That the time for filing comments is extended to and including April 9, 1970, and for the filing of reply comments to and including May 13, 1970.

4. This action is taken pursuant to authority found in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended and § 0.281(d)(8) of the Commission's rules.

Adopted: February 6, 1970.

Released: February 10, 1970.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] GEORGE S. SMITH,
Chief, Broadcast Bureau.

[F.R. Doc. 70-2019; Filed, Feb. 17, 1970; 8:48 a.m.]

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

[8 CFR Part 238]

PREINSPECTION OF CERTAIN AIR TRAVELERS OUTSIDE UNITED STATES

Reimbursable Costs

Pursuant to section 553 of title 5 of the United States Code (80 Stat. 383), notice is hereby given of the proposed issuance of the following rules to become effective March 22, 1970, pertaining to the reimbursable costs for preinspection of certain air travelers outside the United States. In accordance with section 553, interested persons may submit to the Commissioner of Immigration and Naturalization, Room 757, 119 D Street NE., Washington, D.C. 20536, written data, views, or arguments, in duplicate, relative to the proposed rules. Such representations may not be presented orally in any manner. All relevant material received within 20 days following the date of publication of this notice will be considered.

Part 238 is amended by adding the following section to read as follows:

§ 238.5 Preinspection of air travelers outside the United States.

(a) *General.* Preinspection is the inspection of air travelers under the immigration laws of the United States at places outside the United States where Service personnel are stationed for that purpose. At the request of an airline, travelers on a direct flight to the United States from a place outside thereof may be preinspected prior to departure from such place. A charge based on the reimbursable excess cost to the Service of providing preinspection services as defined in paragraph (b) of this section shall be made to the airline.

(b) *Reimbursable excess cost.* The reimbursable excess cost is the difference between the cost of inspecting air travelers under the immigration laws of the United States upon arrival therein assuming no preinspection was provided, and the cost of providing preinspection for air travelers at the place of preinspection. While such excess cost shall include all items attributable to the preinspection operation, it does not include the salary or personnel regularly assigned to a preinspection station other than approved salary differentials related to the foreign assignment and the salary of relief details made necessary by reason of the nature of the operation. The cost includes, among other things, the following allowances and expenses: Housing allowances; post of duty allowances; education allowances; transportation costs incident to the assignment to the foreign station and return, including transportation of families and household effects; home leave and associated transportation costs; and equipment, supplies and administrative costs including costs of supervising the preinspection installation.

(c) *Determination.* The reimbursable excess cost described in paragraph (b) of this section shall be determined for each preinspection installation. On the basis

of the excess cost figure for each installation, the excess cost of providing preinspection service for a biweekly pay period shall be determined. The initial schedule of biweekly excess cost will be based on the actual excess cost for fiscal year 1969 as follows:

Installation	Excess cost of preinspection fiscal year 1969	Biweekly excess cost
Montreal, Canada	$40,348	$1,552
Toronto, Canada	77,015	2,962
Kindley Field, Bermuda	25,735	990
Nassau, Bahama Islands	43,326	1,666
Vancouver, Canada	27,035	1,040
Winnipeg, Canada	7,178	276

Thereafter, a quarterly (ending with the pay period closely corresponding to June 30, September 30, December 31, and March 31) cost analysis will be conducted and the schedule of biweekly excess costs will be adjusted so that the current biweekly excess cost schedule will reflect the actual excess costs of the previous quarter. Such schedules of biweekly costs for each installation will be published in the FEDERAL REGISTER. The biweekly excess cost in effect at an installation at the time the charge is made shall be used in calculating the prorated charge for preinspection service for each airline in accordance with paragraph (d) of this section.

(d) *Charges.* The charge to each airline for preinspection service shall be its prorated share of the applicable excess cost prorated to the aircraft receiving such services during the billing period on the following basis: 5 percent shall be distributed equally among the airlines serviced; 10 percent shall be distributed proportionately as the number of flights inspected for each airline bears to the total number of flights inspected; and 85 percent shall be distributed proportionately as the number of passengers and/or crew inspected for each airline bears to the total number of passengers and/or crew inspected.

(e) *Overtime compensation.* Inspection services for which overtime compensation is provided by the Act of March 2, 1931 (46 Stat. 1467; 8 U.S.C. 1353 a and b), and the expenses recovered thereunder are in no way affected by this section.

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

Dated: February 13, 1970.

RAYMOND F. FARRELL,
Commissioner of Immigration and Naturalization.

[F.R. Doc. 70-2054; Filed, Feb. 17, 1970; 8:50 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Internal Revenue Service

NATHAN WOLINSKY

Notice of Granting of Relief

Notice is hereby given that Nathan Wolinsky, 14 Running Brook Road West, Trenton, N.J., has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on October 24, 1941, in the Municipal Court of Hamilton Township, N.J., of a crime punishable by imprisonment for a term exceeding one year. Unless relief is granted, it will be unlawful for Nathan Wolinsky because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Nathan Wolinsky to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Nathan Wolinsky's application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144, it is ordered that Nathan Wolinsky be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 10th day of February 1970.

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

[F.R. Doc. 70-2016; Filed, Feb. 17, 1970; 8:47 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Mines

MECHANIZED MINING SECTION; SEPARATE SPLITS OF AIR

Application for Extension of Time

Subsection (r) of section 303 of the Federal Coal Mine Health and Safety Act of 1969 (Public Law 91-173; 83 Stat. 742) provides that each mechanized mining section of a coal mine shall be ventilated with a separate split of intake air directed by overcasts, undercasts, or the equivalent, except an extension of time, not in excess of 9 months, may be permitted by the Secretary, under such conditions as he may prescribe, whenever he determines that subsection (r) cannot be complied with on the operative date of Title III of the Act.

Section 509 of the Act provides that subsection (r) of section 303 shall become operative 90 days after the date of enactment of the Act. The Act was enacted on December 30, 1969. Subsection (r) of section 303 will become operative March 30, 1970, and operators of coal mines subject to the Act must comply with subsection (r) on and after March 30, 1970, unless an extension of time has been permitted.

The term "mechanized mining section" means an area of a mine in which coal is mined with one set of production equipment, characterized in a conventional mining section by a single loading machine, or in a continuous mining section by a single continuous mining machine, and which is comprised of a number of contiguous working places.

If it is not possible for an operator of a coal mine to comply with the provisions of subsection (r) of section 303 on March 30, 1970, he may apply for an extension of time to the Coal Mine Safety District Manager of the U.S. Bureau of Mines in whose district the mine is located. The application should be submitted on or before March 20, 1970.

An extension of time may not be made beyond December 30, 1970.

The operator shall submit the following information with the application for extension of time:

(a) Name of mine;

(b) Location of mine (Town, County, and State);

(c) Operator's name and address;

(d) Date of application;

(e) Length of time requested for extension;

(f) Number and location of working sections involved;

(g) A detailed description of the physical conditions which exist in the mine which make it not possible for the operator to comply with the provisions of subsection (r) of section 303 of the Act on March 30, 1970. The operator shall describe and set forth the action which has been taken to meet the requirements of subsection (r) and the reasons why such action cannot meet the requirements of subsection (r) by March 30, 1970;

(h) A detailed description of the operator's plan for compliance. The plans shall describe and set forth the actions to be taken by the operator and the scheduled date of completion of the necessary changes or adjustments in the mine ventilation, mine development, and mining system; and

(i) A detailed description of the ventilation system and the methods which the operator proposes to use to protect the miners during the extension period.

The Coal Mine Safety District Manager of the U.S. Bureau of Mines will advise the operator of the conditions which must be met during the period of extension and the length of such period and the operator shall comply with such conditions as may be imposed during the extension period.

WALTER J. HICKEL,
Secretary of the Interior.

FEBRUARY 16, 1970.

[F.R. Doc. 70-2122; Filed, Feb. 17, 1970; 8:50 a.m.]

Fish and Wildlife Service

[Docket No. Sub-B-83]

DOROTHY M. O'HARA, INC.

Notice of Hearing

FEBRUARY 13, 1970.

Dorothy M. O'Hara, Inc., % F. J. O'Hara & Sons, Inc., Tillson Wharf, Rockland, Maine 04841, has applied for a fishing vessel construction differential subsidy to aid in the construction of a 110-foot length overall steel vessel to engage in the fishery for groundfish (cod, cusk, haddock, hake, ocean perch, and pollock), lobsters, scallops, and flounders.

Notice is hereby given pursuant to the provisions of the U.S. Fishing Fleet Improvement Act (Public Law 88-498) and notice and hearing on subsidies (50 CFR Part 257) that a hearing in the above-entitled proceedings will be held on March 23, 1970, at 10 a.m., e.s.t., in Room 3356, Interior Building, 18th and C Streets NW., Washington, D.C. Any person desiring to intervene must file a petition of intervention with the Director, Bureau of Commercial Fisheries, as prescribed in 50 CFR Part 257, at least 10 days prior to the date set for the hearing. If such petition of intervention is granted, the place of the hearing may be changed to a field location. Telegraphic notice will be given to the parties

in the event of such a change, along with the new location.

C. E. PETERSON,
Chief,
Division of Financial Assistance.

[F.R. Doc. 70-1984; Filed, Feb. 17, 1970; 8:45 a.m.]

[Docket No. Sub-B-67]

TRAWLER FORDHAM, INC.

Notice of Hearing

FEBRUARY 13, 1970.

Trawler Fordham, Inc., % F. J. O'Hara & Sons, Inc., Tillson Wharf, Rockland, Maine 04841, has applied for a fishing vessel construction differential subsidy to aid in the construction of a 115-foot length overall steel stern trawler to engage in the fishery for groundfish (cod, cusk, haddock, hake, ocean perch, and pollock), lobsters, scallops, and flounders.

Notice is hereby given pursuant to the provisions of the U.S. Fishing Fleet Improvement Act (Public Law 88-498) and notice and hearing on subsidies (50 CFR Part 257) that a hearing in the above-entitled proceedings will be held on March 23, 1970, at 10 a.m., e.s.t., in Room 3356, Interior Building, 18th and C Streets NW., Washington, D.C. Any person desiring to intervene must file a petition of intervention with the Director, Bureau of Commercial Fisheries, as prescribed in 50 CFR Part 257, at least 10 days prior to the date set for the hearing. If such petition of intervention is granted, the place of the hearing may be changed to a field location. Telegraphic notice will be given to the parties in the event of such a change, along with the new location.

C. E. PETERSON,
Chief,
Division of Financial Assistance.

[F.R. Doc. 70-1983; Filed, Feb. 17, 1970; 8:45 a.m.]

[Docket No. Sub-B-60]

TRAWLER LIBERTY II, INC.

Notice of Hearing

FEBRUARY 13, 1970.

Trawler Liberty II, Inc., 20 Chilton Street, Plymouth, Mass. 02360, has applied for a fishing vessel construction differential subsidy to aid in the construction of an 86-foot length overall aluminum vessel to engage in the fishery for groundfish (cod, cusk, haddock, hake, ocean perch, and pollock), whiting, and flounders.

Notice is hereby given pursuant to the provisions of the U.S. Fishing Fleet Improvement Act (Public Law 88-498) and notice and hearing on subsidies (50 CFR Part 257) that a hearing in the above-entitled proceedings will be held on March 20, 1970, at 10 a.m., e.s.t., in Room 3356, Interior Building, 18th and C Streets NW., Washington, D.C. Any person desiring to intervene must file a petition of intervention with the Director, Bureau of Commercial Fisheries, as prescribed in 50 CFR Part 257, at least 10 days prior to the date set for the hearing. If such petition of intervention is granted, the place of the hearing may be changed to a field location. Telegraphic notice will be given to the parties in the event of such a change, along with the new location.

C. E. PETERSON,
Chief,
Division of Financial Assistance.

[F.R. Doc. 70-1985; Filed, Feb. 17, 1970; 8:45 a.m.]

National Park Service

BRYCE CANYON ET AL.

Notice of Intention To Extend Concession Contract

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 Director of the National Park Service, proposes to extend the concession contract with Utah Parks Co., authorizing it to provide concession facilities and services for the public at Bryce Canyon, Grand Canyon (North Rim), and Zion National Parks, and Cedar Breaks National Monument, Utah and Arizona, for a period of one (1) year from January 1, 1970, through December 31, 1970.

The foregoing concessioner has performed its obligations under the previous contract 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 contract and in the negotiation of a new contract. However, under the Act cited above, the Secretary 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 Chief, Office of Concessions Management, National Park Service, Washington, D.C. 20240, for information as to the requirements of the proposed contract.

Dated: February 11, 1970.

THOMAS F. FLYNN, Jr.,
Assistant Director,
National Park Service.

[F.R. Doc. 70-2010; Filed, Feb. 17, 1970; 8:47 a.m.]

FORT McHENRY NATIONAL MONUMENT AND HISTORIC SHRINE

Notice of Intention To Negotiate a Concession Contract

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 Director of the National Park Service, proposes to negotiate a concession contract with Evelyn Hill Corp. authorizing it to continue to provide concession facilities and services for the public at Fort McHenry National Monument and Historic Shrine for a period of five (5) years from January 1, 1970 through December 31, 1974.

The foregoing concessioner has performed its obligations under an expired contract 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 contract and in the negotiation of a new contract. However, under the Act cited above, the Secretary 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 Chief, Office of Concessions Management, National Park Service, Washington, D.C. 20240, for information as to the requirements of the proposed contract.

Dated: February 11, 1970.

THOMAS F. FLYNN, Jr.,
Assistant Director,
National Park Service.

[F.R. Doc. 70-2011; Filed, Feb. 17, 1970; 8:47 a.m.]

TRUNK BAY, VIRGIN ISLANDS NATIONAL PARK

Notice of Intention To Extend 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 Director of the National Park Service, proposes to extend the concession permit with Caneel Bay Plantation, Inc., authorizing it to provide concession facilities and services for the public at Trunk Bay, Virgin Islands National Park, for a period of two (2) weeks from May 17, 1970, through May 31, 1970.

The foregoing concessioner has performed its obligations under the expiring 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 extension of the permit. However, under the Act cited above, the Secretary 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 Chief, Office of Concessions Management, National Park Service, Washington, D.C.

20240, for information as to the requirements of the proposed extension.

Dated: February 10, 1970.

THOMAS F. FLYNN, Jr.,
Assistant Director,
National Park Service.

[F.R. Doc. 70-2012; Filed, Feb. 17, 1970; 8:47 a.m.]

DEPARTMENT OF COMMERCE

Business and Defense Services Administration

CALIFORNIA INSTITUTE OF TECHNOLOGY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 70-00016-01-78030. Applicant: California Institute of Technology, 1201 East California Boulevard, Pasadena, Calif. 91109. Article: Spectrophotometer, Model 225. Manufacturer: Bodenseewerk Perkin-Elmer and Co., GMBH, West Germany.

Intended use of article: The article will be used for the following:

1. A study of the electronic structure of N, N-dialkydithiocarbamatoferrate (III) complexes.
2. The investigation of the electronic and vibrational excitation phenomena in molecular crystals at liquid N_2 and liquid He temperatures.
3. High-resolution, low-temperature studies are being conducted on a variety of coordination compounds.
4. Studies involving anisotropic solvent as an orienting medium in the infrared.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article is an infrared recording spectrophotometer which is capable of operating over the wave number range of 5,000 to 200 reciprical centimeters (cn^{-1}). The most closely comparable domestic instrument, the Model IR-12 spectrophotometer, has a wave number range of 4,000 to 200 cn^{-1}. The additional upper range of the foreign article is pertinent to the purposes for which this article is intended to be used.

For this reason, we find that the Beckman Model IR-12 spectrophotometer is not of equivalent scientific value to the foreign article for the purposes for which the article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 70-1995; Filed, Feb. 17, 1970; 8:46 a.m.]

UNIVERSITY OF CALIFORNIA

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 70-00039-33-46040. Applicant: University of California, Morgan Hall, Berkeley, Calif. 94720. Article: Electron microscope, Model EM 300. Manufacturer: Philips Electronic Instruments, The Netherlands.

Intended use of article: The article will be used for a wide variety of research programs in biological areas. Current projects include the following:

1. Fine structure studies of the microannelid, Enchytraeus fragmentosus.
2. Characterization of isolated nuclear and mitochondrial INA from Enchytraeus fragmentosus and Caenorhabditis briggsae.
3. The effect of exposure to NO_2 and other air pollutants on cardiopulmonary lipid structures.
4. Damage to red blood cells in cholesterol-fed guinea pigs.
5. Relationships between structure and mitochondrial fatty acid composition.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article has a guaranteed resolving power of 3.5 angstroms. The most closely comparable domestic instrument available at the time the application was submitted was the EMU-4B electron microscope which was formerly manufactured by the Radio Corporation of America (RCA) and which is currently being produced by Forgflo Corp. (Forgflo). The EMU-4B has a guaranteed resolving power of 5 angstroms. (The lower numerical rating in terms of angstroms, the better the resolving power.) We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated December 16, 1969, that the additional resolving capability of the foreign article is pertinent to the purposes for which the article is intended to be used. We, therefore, find that the Model EMU-4B electron microscope is not of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 70-1996; Filed, Feb. 17, 1970; 8:46 a.m.]

Maritime Administration

[Docket S-245]

OCEANIC STEAMSHIP CO.

Notice of Hearing

A notice was published in the FEDERAL REGISTER of March 14, 1969 (34 F.R. 5262), inviting views and comments regarding an application dated February 5, 1969, filed by the Oceanic Steamship Co., for a waiver under section 804 of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1222) to permit its parent company, Matson Navigation Co., to engage in operations under a Container Space Agreement, No. FMC 9779, with two Japenese companies, Nippon Yusen Kaisha and Showa Shipping Co., Ltd. The Agreement involves two vessels of Matson Navigation Co. and two vessels of the Japanese companies which will provide weekly service between Japan and California.

Various comments from several U.S.-flag transpacific operators having been received, the Maritime Administrator has concluded that a public hearing, though not required by law, may be of assistance in determining whether to grant or deny the requested waiver.

Accordingly, in the exercise of his discretionary authority, the Maritime Administrator hereby gives notice that a public hearing will be held on the application.

Interested parties may inspect this application in the Office of Subsidy Administration, Maritime Administration, Room 4077, General Accounting Office Building, 441 G Street NW., Washington, D.C.

The purpose of the hearing is to receive evidence relevant to, whether special circumstances and good cause exist so as to justify a waiver of the provisions of section 804 with regard to those activities and operations covered by said Agreement No. FMC-9779 which fall within said section 804.

The hearing will be before the Chief Hearing Examiner, of the Maritime Administration (or a designee of his office), as the duly authorized representative of the Maritime Administrator, in Room 4519, General Accounting Office, 441 G Street NW., Washington, D.C. Prehearing conference on this matter will convene at 10 a.m. on March 10, 1970, and a recommended decision will be issued.

Any American-flag carrier by water having any interest (within the meaning of section 804) in the foregoing application and desiring to be heard on the referred-to issues pertinent to section 804 must file such request by close of business on March 5, 1970, with the Secretary, Maritime Subsidy Board/Maritime Administration, in writing, in triplicate, stating clearly and concisely the grounds of interest, and the alleged facts relied on in support of its position in the matter. Notwithstanding any provision of the Maritime Subsidy Board/Maritime Rules of Practice and Procedure (46 CFR Part 201), any request to participate in the hearing which is received after the close of business March 5, 1970, will not be entertained in this proceeding.

If no requests to participate in the hearing are received within the specified time, or if it is determined that submitted requests to participate do not demonstrate sufficient interest to warrant a hearing, the Maritime Administrator will take such action as may be deemed appropriate.

Dated: February 13, 1970.

By order of the Maritime Administrator.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 70-2120; Filed, Feb. 17, 1970; 8:50 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[DESI 9843V]

SUCCINYLCHOLINE CHLORIDE

Drugs for Veterinary Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated a report from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the drug Anectine which contains 20 milligrams of succinylcholine chloride per cubic centimeter and is marketed by Burroughs Wellcome & Co., Inc., 1 Scarsdale Road, Tuckahoe, N.Y. 10707. The product is intended for use in animals as a muscle relaxant during surgical procedures and is administered by injection.

The Academy concluded that the product is probably effective for the intended use, however; the drug labeling should contain necessary directions for use and warnings regarding use of the drug in diseased animals, use in animals having prior or concurrent exposure to cholinesterase inhibitors, administration of atropine sulfate prior to certain uses of the drug, lack of anesthetic effect of the drug itself, specific recommended dose levels for those species in which use of the drug has been documented with regard to efficacy and dosage. The Food and Drug Administration concurs with the findings of the Academy.

This announcement is published (1) to inform the holders of new animal drug applications of the findings of the Academy and of the Food and Drug Administration and (2) to inform all interested persons that such articles may be marketed provided they are the subject of approved new animal drug applications and otherwise comply with all other requirements of the Federal Food, Drug, and Cosmetic Act.

Holders of new animal drug applications are provided 6 months from the publication hereof in the FEDERAL REGISTER to submit revised labeling or adequate documentation in support of the labeling used.

Written comments regarding this announcement, including requests for an informal conference, may be addressed to the Bureau of Veterinary Medicine, Food and Drug Administration, 200 C Street SW., Washington, D.C. 20204.

The holder of the application for the subject drug has been mailed a copy of the NAS-NRC report. Any manufacturer, packer, or distributor of a drug of similar composition and labeling to this drug, or any other interested person, may also obtain a copy by writing to the Food and Drug Administration, Press Relations Office, 200 C Street, Washington, D.C. 20204.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 502, 512, 52 Stat. 1050-51, 82 Stat. 343-51; 21 U.S.C. 352, 360b) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: February 10, 1970.

SAM D. FINE,
Associate Commissioner for Compliance.

[F.R. Doc. 70-2009; Filed, Feb. 17, 1970; 8:47 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-297]

NORTH CAROLINA STATE UNIVERSITY

Order Extending Construction Permit Completion Date

North Carolina State University having filed a request dated November 17, 1969, for an extension of the latest completion date specified in Construction Permit No. CPRR-106 which authorizes construction of the PULSTAR nuclear research reactor facility on the University's campus at Raleigh, N.C., and good cause having been shown for this extension pursuant to section 185 of the Atomic Energy Act of 1954, as amended, and 10 CFR § 50.55(b) of the Commission's regulations: *It is hereby ordered,* That the latest completion date of Construction Permit No. CPRR-106 is extended from April 1, 1970, to April 1, 1971.

Dated at Bethesda, Md., 9th day of February 1970.

For the Atomic Energy Commission.

DONALD J. SKOVHOLT,
Assistant Director for Reactor Operations, Division of Reactor Licensing.

[F.R. Doc. 70-2022; Filed, Feb. 17, 1970; 8:48 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 21814; Order 70-2-54]

CONTINENTAL AIR LINES, INC.

Establishment of Service Mail Rates; Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 13th day of February 1970.

By petition filed January 16, 1970, Continental asks the Board to set fair and reasonable mail rates effective on and after December 5, 1969, for the transportation of mail by air between Majuro, Trust Territory Islands of the Pacific and the Republic of Nauru, Nauru Island. By Order 69-10-40 the Board established a rate of $1 per ton-mile for carriage of mail by Continental in their Trust Territory Service. Continental asks that this same rate be made applicable to the Majuro-Nauru service. On January 23, 1970, the Postmaster General filed a reply supporting Continental's petition.

Although neither party asked for the establishment of standard mileage for this service in their petition and reply, the Board on its own initiative proposes that the standard mileage for Majuro to Nauru be set at 612 miles.

Upon consideration of Continental's petition, the reply of the Postmaster General and other matters officially noticed, the Board proposes to issue an order including the following findings and conclusions:

1. On and after December 5, 1969, the fair and reasonable final service mail rates to be paid by the Postmaster General to Continental Air Lines, Inc., for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith between Republic of Nauru, Nauru Island, and Majuro, Trust Territory Islands of the Pacific, shall be the rates established in Order 69-10-40, October 9, 1969.

2. The standard mileage for mail service by Continental Air Lines, Inc., between Republic of Nauru, Nauru Island and Majuro, Trust Territory Islands of the Pacific shall be 612 miles.

3. The foregoing findings and conclusions shall be implemented by the following amendments to Board orders:

(a) Order 69-10-40 as amended by Order 69-12-28 should be further amended by deleting the word "and" before "within" and adding after the words "* * * within the Trust Territory, * * *" in paragraph (1) of the ordering paragraph the words "and between Majuro and Nauru Island."

(b) Order 69-10-40 as amended by Order 69-12-28 should be further amended to add to Appendix A standard mileage of 612 miles for the service between MAJ-UIT.

Accordingly, pursuant to the Federal Aviation Act of 1958 and particularly sections 204(a) and 406 thereof,

It is ordered, That:

1. All interested persons and particularly Continental Air Lines, Inc., and the Postmaster General are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions.

2. Further procedures herein shall be in accordance with 14 CFR Part 302 as specified in the attached appendix.

3. This order shall be served on Continental Air Lines, Inc., and the Postmaster General.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] PHYLLIS T. KAYLOR,
Acting Secretary.

APPENDIX

1. Further procedures related to the attached order shall be in accordance with 14 CFR Part 302, and notice of any objection to the rate or to the other findings and conclusions proposed therein, shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after service of this order;

2. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating therein the findings and conclusions proposed therein and fix and determine the final rate specified therein;

3. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307).

[F.R. Doc. 70-2035; Filed, Feb. 17, 1970; 8:49 a.m.]

JAPAN AIR LINES CO., LTD.

Notice of Proposed Approval of Application

In the matter of application of Japan Air Lines Co., Ltd., for disclaimer of jurisdiction or approval under section 408 of the Federal Aviation Act, Docket 21843.

Notice is hereby given, pursuant to the statutory requirements of section 408(b) of the Federal Aviation Act of 1958, as amended, that the undersigned intends to issue the attached order under delegated authority on February 19, 1970. Prior to such time interested persons may file comments or request a hearing with respect to the action proposed in the order.

Dated at Washington, D.C., February 13, 1970.

A. M. ANDREWS,
Director,
Bureau of Operating Rights.

[Docket 21843]

ORDER OF APPROVAL

Issued under delegated authority.

Application of Japan Air Lines Co., Ltd., for disclaimer of jurisdiction or approval under section 408 of the Federal Aviation Act.

By application filed January 26, 1970, Japan Air Lines Co., Ltd. (JAL), requests that the Board disclaim jurisdiction over or approve, pursuant to section 408(b) of the Federal Aviation Act of 1958, as amended (the Act), the lease of one Boeing 727 aircraft (aircraft) by JAL from World Airways, Inc. (World). JAL is a foreign air carrier which holds a permit authorizing it to engage in foreign air transportation between points in Japan and points in the United States, and beyond to points in Europe and Asia. JAL also possesses authority from the Civil Aviation Bureau of Japan to engage in domestic air transportation within Japan. World is a certificated air carrier holding supplemental authority from the Board pursuant to which it conducts operations in various areas of the world, including the Far East.

By a lease agreement dated January 22, 1970, World has agreed to lease the aircraft to JAL for a period of 13 months beginning on February 23, 1970, and terminating on March 31, 1971. JAL has the option of extending the agreement for two additional periods of 1 year each, but not beyond March 31, 1973. The rental will be in the amount of U.S. $1,057,310 for the first term of 13 months, for the aircraft, plus specified additional amounts to cover airframe and engine overhaul. The rental payment for the aircraft will be reduced to $840,000 for the first renewal year, and to $780,000 for the second such year elected by JAL. The aircraft will be flown exclusively by JAL crews, and JAL will have complete control over operation of the aircraft. With the exception of rotable spare parts and engines, JAL will provide complete support and maintenance for the aircraft. JAL will also pay for complete insurance coverage for the aircraft.

The application asserts that JAL's need for the aircraft has arisen because the demand for service on JAL's domestic routes has exceeded the capacity planned for such routes through purchase of equipment of the type and size of the aircraft in question.[1] In order to satisfy its additional requirements, JAL entered into the instant lease agreement with World. In this connection, JAL intends to use the aircraft exclusively in its domestic operations. For this reason, it is alleged that the lease arrangement will not adversely affect any U.S. air carrier.

It appears that the aircraft involved in the instant lease represents approximately 5.92 percent of the current value of World's aircraft and spare engines. Added to the two previously leased to JAL, all three leased aircraft would represent approximately 17.77 percent of World's aircraft and spare engines. The aircraft involved in the instant lease will be withdrawn from World's MAC services in Southeast Asia, where it had been used in R & R (Rest and Rehabilitation) operations.

[1] In anticipation of its domestic air transportation requirements, JAL had purchased 12 Boeing 727 aircraft, the last of which has been delivered.

The applicant asserts that approval of the instant lease agreement will not result in a control of an air carrier engaged in air transportation, nor will it result in creating a monopoly or tend to restrain competition, since the aircraft will be used solely in domestic air transportation in Japan. Furthermore, it is submitted that the rent payment will be of benefit to World as well as to the U.S. balance of payments problem.

No objections to the application or requests for a hearing have been received.

Notice of intent to dispose of the application without a hearing has been published in the FEDERAL REGISTER, and a copy of such notice has been furnished by the Board to the Attorney General not later than the day following the date of such publication, both in accordance with the requirements of section 408(b) of the Act.

Upon consideration of the application, it is concluded that the lease involves a substantial part of the properties of World and, therefore, is subject to section 408 of the Act. However, it is further concluded that the transaction does not affect the control of an air carrier directly engaged in the operation of aircraft in air transportation, does not result in creating a monopoly and does not tend to restrain competition. Furthermore, no person disclosing a substantial interest in the proceeding is currently requesting a hearing, and it is concluded that the public interest does not require a hearing. The lease will enable JAL to meet its domestic obligations without depriving World of aircraft necessary to meet its own commitments. Under all the circumstances, it appears that approval of the lease would not be inconsistent with the public interest.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.13, it is found that the foregoing transaction should be approved under section 408(b) of the Act without a hearing.

Accordingly, it is ordered:

1. That the subject lease by JAL of a Boeing 727-173C aircraft and related parts and spare engines from World be and it hereby is approved; and

2. That, to the extent not granted, the application be and it hereby is denied.

Persons entitled to petition the Board for review of this order pursuant to the Board's regulations, 14 CFR 385.50, may file such petitions within 10 days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period unless within such period a petition for review thereof is filed, or the Board gives notice that it will review this order on its own motion.

[SEAL] -------------,
Secretary.

[F.R. Doc. 70-2036; Filed, Feb. 17, 1970; 8:49 a.m.]

[Docket 21912; Order 70-2-46]

TRANS CARIBBEAN AIRWAYS, INC.

Extension of Applicability of Off-Peak Fares From Puerto Rico to New York/Newark; Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 12th day of February 1970.

By tariff revision[1] marked to become effective February 14, 1970, Trans Caribbean Airways, Inc. (TCA), proposes to extend the application of its night third-class fares (night tourist) to include the additional flight departure period of 7:31 a.m. through 9:50 a.m. for northbound departures from San Juan to New York/Newark. Presently these night fares apply between the hours of 8 p.m. and 7:30 a.m. The proposal does not bear an expiration date.

Eastern Air Lines, Inc. (Eastern), and Pan American World Airways, Inc. (Pan American), have filed complaints against TCA's proposal. The complainants assert that extension of the flight departure time by over 2 hours would result in an unfair competitive advantage for TCA in relation to the other carriers operating in the market; that the proposal is discriminatory; and that such a proposal would cause considerable diversion of regular fare passengers from other morning and early afternoon northbound flights. The complainants also contend that the further extension of availability of a so-called "night" fare into the mid-morning hours with an arrival in the early afternoon is unlawful on its face, and clearly inconsistent with the Board's offpeak fare policy, and that no adequate supporting statement required by § 221.165 of the Board's economic regulations has been supplied.

In support of its filing and in answer to the complaints, TCA states that the proposal stems from special circumstances surrounding a particular flight (Flight 404) which presently departs San Juan at 9:45 a.m. and arrives Newark at 12:20 p.m.[2] TCA asserts that it wishes to apply night third-class fares to Flight 404 because the 9:45 a.m. departure of this flight is undesirable for regular daytime traffic; that tourists either check out of their hotels early enough to use earlier flight departures at night fares or check out in midafternoon in order to have the advantage of an additional day in San Juan; and that the proposed application of night third-class fares to the early hours of the morning will have little impact upon other carriers.

Upon consideration of the tariff proposal, the complaints and answers thereto, and other relevant matters, the Board finds that the proposal 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.

In permitting carriers to establish offpeak reduced fares, the Board has followed a policy of requiring that flights to which such fares apply depart from the point of origin and/or arrive at the point of destination at an offpeak relatively inconvenient time. Flights departing during the additional period proposed by Trans Caribbean would both depart and arrive at desirable daylight hours and would thereby appear to be inconsistent with the principles underlying the Board's offpeak fare policy. There appears little doubt that a 9:45 a.m. departure at night coach fares would divert traffic from higher rated daytime services, and we can find no justification for the resulting dilution in revenues.

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 is instituted to determine whether the provisions of the explanations of the reference marks [1] and [2] on 56th Revised Page 6 of Trans Caribbean Airways, Inc.'s tariff CAB No. 26 (Trans Caribbean Airways, Inc., Series), 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 of the explanations of the reference marks [1] and [2] on 56th Revised Page 6 of Trans Caribbean Airways, Inc.'s tariff CAB No. 26 (Trans Caribbean Airways, Inc., Series) are suspended and their use deferred to and including May 14, 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. Except to the extent granted herein, the complaints of Eastern Air Lines, Inc., in Docket 21854, and Pan American World Airways, Inc., in Docket 21859, are hereby dismissed;

4. To the extent granted herein the complaints of Eastern Air Lines, Inc., in Docket 21854, and Pan American World Airways, Inc., in Docket 21859, be consolidated in this docket;

5. This investigation be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated; and

6. A copy of this order be filed with the above-named tariff and served upon Trans Caribbean Airways, Inc., Eastern Air Lines, Inc., and Pan American World Airways, Inc., which are hereby made parties 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. 70-1981; Filed, Feb. 17, 1970; 8:45 a.m.]

[1] Revision to Trans Caribbean Airways, Inc.'s Tariff CAB No. 26, filed Jan. 15, 1970.

[2] TCA's Flight 404, offering first, second, and third classes of service is presently operated on Monday, Wednesday, and Friday.

[Docket 21913; Order 70-2-53]

UNITED AIR LINES, INC.

Increased General Commodity Rates Between Minneapolis/St. Paul and Cities in New York; Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 13th day of February 1970.

By tariff revisions filed January 16, 1970 and marked to become effective February 15, 1970, United Air Lines, Inc. (United), proposes to increase its local general commodity rates between Minneapolis/St. Paul, on the one hand, and Buffalo and Rochester, on the other. The proposed increases range from 7 to 17 percent above United's currently effective rates. United justifies the proposed increases by asserting that the increased rates are based on mileages which reflect new service restrictions established by Order 69-11-93.

No complaints have been filed against the proposed increases. While the Board, in the Buffalo-Twin Cities Nonstop Service Investigation, imposed a one stop, or two stop, requirement with respect to service between the Twin Cities and Buffalo or Rochester, respectively, United has provided this service via Chicago and accordingly these mandatory stops have not resulted in an increase in United's operating mileages in this market. Moreover, United's routings via Chicago result in greater mileages than would be obtained by applications of either greater circle or the shortest authorized mileages. United has presented no reasons why the Board should permit a rate increase based upon a Chicago routing. Trunk carriers generally gear their rates to the great circle mileages, and the Board has previously questioned the use of the operating mileage by trunkline carriers for rate making purposes.[1]

Upon consideration of all relevant matters, the Board finds that United's proposal may be unjust, unreasonable, unjustly discriminatory, unduly preferential, 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 rates and provisions described in Appendix A attached hereto,[2] and rules, regulations, and practices affecting such rates 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 rates

[1] Increased general commodity rates from Detroit proposed by American Airlines, Inc., Order 68-11-113, dated Nov. 25, 1968.

[2] Filed as part of the original document.

and provisions, and rules, regulations, or practices affecting such rates and provisions;

2. Pending hearing and decision by the Board, the rates and provisions described in Appendix A attached hereto are suspended and their use deferred to and including May 15, 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. A copy of this order shall be filed with the tariff and served on United Air Lines, Inc., which is hereby made a party to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] PHYLLIS T. KAYLOR, *Acting Secretary.*

[F.R. Doc. 70-2034; Filed, Feb. 17, 1970; 8:49 a.m.]

[Docket 21761; Order 70-2-48]

WEIGHT LIMITATION INVESTIGATION

Order on Reconsideration

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 12th day of February 1970.

By Order 70-1-15, dated January 5, 1970, the Board instituted an investigation to determine whether Part 298 of the Board's economic regulations should be amended in such a manner as to change the existing 12,500-pound weight limitation restriction.

On January 15, 1970, Wien Consolidated Airlines, Inc. (Wien), filed a petition for reconsideration and modification of Order 70-1-15 in which the carrier requests that air taxi service within the State of Alaska be excluded from the scope of the investigation. In support of its petition, Wien represents, inter alia, that a substantial portion of intra-Alaska certificated services are provided with aircraft under 12,500 pounds and that relaxation of the weight limitation would therefore adversely affect the Board's certificated air carriers, divert revenues, and add to the subsidy burden; that in the year ended September 30, 1969, Wien operated over 1½ million revenue aircraft miles with such small equipment in scheduled services; and that there is no evidence to support any urgent need for use of large aircraft in Alaska. An answer in support of Wien's petition was filed by Alaska Airlines, Inc., and no other pleadings were filed.

Upon consideration of the pleadings and all the relevant facts, we have decided to deny Wien's petition. We recognize, as Wien points out, that many points in Alaska receive service from certificated carriers operating air taxi type equipment and to this extent the situation is different in Alaska. However, under Part 298 (§298.21(c)) an air taxi operator may not provide regular service between points where a certificated carrier schedules two or more single-plane round trips per week including flagstops. Under these circumstances, it is not clear that a liberalization of the weight limitation restriction insofar as Alaska is concerned would have an adverse effect on certificated carriers providing service within Alaska. Moreover, Wien and other carriers similarly situated are free to argue at the hearing that the 12,500-pound limitation should not be changed.

In addition to acting herein on Wien's petition, we deem it appropriate to take this opportunity to expand on certain provisions in Order 70-1-15. In the investigation order in question, we indicated that one of the problems which warranted consideration in the investigation was the desirability of imposing terms, conditions, and limitations on the exercise of any broadened authority which may be granted. In order to avoid any misunderstanding of that provision, we wish to make clear that the investigation will not include any issue of certificating air taxi operators.[1] With the clarification set forth above, this proceeding is now ready to go to the next procedural stage which will be the issuance of a Notice of Prehearing Conference.

Accordingly, it is ordered, That:

1. The petition for reconsideration and modification of Order 70-1-15 filed by Wien Consolidated Airlines, Inc., be and it hereby is denied; and

2. The investigation instituted by Order 70-1-15, be and it hereby is set for hearing at a time and place hereafter designated.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK, *Secretary.*

[F.R. Doc. 70-1982; Filed, Feb. 17, 1970; 8:45 a.m.]

[1] Any party would, of course, be free to argue in opposition to a change in the weight limitation restriction that air taxi operators should be certificated if they wish to operate equipment in excess of the 12,500-pound limitation. This investigation, however, will not consider the question of issuing certificates in this proceeding.

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 18308 etc.; FCC 70-127]

CHRISTIAN VOICE OF CENTRAL OHIO ET AL.

Memorandum Opinion and Order Designating Application for Hearing on Stated Issues

In regard applications of Christian Voice of Central Ohio, Gahanna, Ohio, requests: 104.9 mc., No. 285; 3 kw. (horizontal), 1.969 kw. (vertical); 300 feet, Docket No. 18308, File No. BPH-6137; Delaware-Marysville Broadcasting Service, Inc., Delaware, Ohio, requests: 104.9 mc., No. 285; 3 kw.; 224 feet, Docket No. 18309, File No. BPH-6199; Delaware-Gahanna FM Radio Broadcasting Station, Inc., Delaware, Ohio, requests: 104.9 mc., No. 285; 3 kw.; 300 feet, Docket No. 18793, File No. BPH-7004, for construction permits.

1. The Commission has before it for consideration the above-captioned applications and informal pleadings and correspondence regarding acceptance of the Delaware-Gahanna FM Radio Broadcasting Station ("D-G") application.

2. In order to place the current situation in perspective, some background discussion is required. On September 5, 1968, the Commission designated for hearing mutually exclusive new FM applications of Christian Voice of Central Ohio ("CVCO") and Delaware-Marysville Broadcasting Service, Inc. ("D-M"). Included was a 307(b) issue, because CVCO proposed a Gahanna, Ohio, station location and D-M, a Delaware, Ohio, station location. Subsequent negotiations between CVCO and D-M led to the January 23, 1969, filing of a joint petition for approval of an agreement, among other things, looking toward dismissal of the D-M application and grant of the CVCO application. The Review Board, however, was unable to determine that withdrawal of the D-M application would not impede the objectives of section 307(b); and as a result it required local publication to invite the filing of a successor application to D-M's. In response, the subject application by D-G was tendered on May 12, 1969.

3. In a series of informal filings which began even before the subject D-G application was tendered, CVCO has argued that the application would not be/had not been substantially complete and acceptable for filing on the May 12, 1969, "cut-off" date on which it was tendered. In this regard, CVCO raises three principal points: D-G lacked legal capacity to file, lacked a financial basis for effectuating its plans, and failed to observe the applicable requirements in its specification of site and facilities. These points will be considered below.

4. In its objections CVCO states that the promoters of applicant, Delaware-Gahanna FM Radio Broadcasting Station, violated the Ohio "Blue Sky" laws by selling unregistered interests in the proposed station and had been enjoined from any further efforts to sell such securities. Thus, according to CVCO, D-G was not a legal entity possessing the requisite qualifications to file as of May 12, 1969. In its view, any subsequent qualification of the securities (in this case, interests in the proposed station) did not relate back to make the application substantially complete and otherwise acceptable on the earlier date on which the application had been tendered. D-G did not dispute the existence of a cease and desist order by the Ohio Division of Securities resulting from its noncompliance with the registration procedures for selling securities, but it contends that subsequent action by the Ohio

authorities operated to correct any defect nunc pro tunc. Similarly involved in this question is the matter of D-G's financial qualifications, since it relied on sale of securities to finance the proposed station. CVCO argues that as of the "cut-off" date applicant was under order not to proceed with the sale of securities, thus, in its view D-G had no plan of financing with the result that its application was not substantially complete. D-G in effect counters that this situation was corrected nunc pro tunc and that financial qualifications as such is not a matter to consider in accepting an application but only in determining whether to grant it.

5. Regardless of the nunc pro tunc effect of the qualification of D-G's securities, it was a legal entity at the time the application was tendered. While the Ohio authorities acted to halt sale of applicant's securities, it did not find it unqualified to do business in Ohio or question its existence as a legal entity. While the Ohio actions may have cast doubt upon D-G's ability to effectuate this proposal, the situation has been altered by the action of the Ohio authorities dissolving the cease and desist order and accepting the subsequent incorporation of the applicant. Such questions as remain are relevant to its qualifications, not to the acceptability of its application for filing. Although we do not find in the circumstances surrounding issuance of the cease and desist order matters sufficient to raise a disqualification issue, we do believe that it would be appropriate to consider the matter under the contingent comparative issue. Similarly on the matter of D-G's financial plan, it is now able to proceed. However, as discussed below, it has not demonstrated that it possesses the requisite financial qualifications.

6. CVCO also argued that the application was unacceptable for filing because of the failure to comply with the requirements of § 1.525(b)(6) of our rules. Specifically, it states that in order for the application to be acceptable for filing the applicant must specify the same frequency, the same community, substantially the same engineering characteristics and service to substantially the same area as the withdrawing applicant. CVCO sees in D-G's choice of a different site and use of a higher antenna height, deviation from these standards and urges rejection of the application on these grounds. In particular, CVCO points to the covering of a substantial part of Columbus, Ohio, by D-G's 1 mv/m contour as indicating a substantial difference in the facilities and/or coverage of the original proposal as compared to its successor. D-G responded with a statement that protection to a University of Ohio Observatory required use of a different site from which an increase in height was required to properly cover Delaware. CVCO disputes (a) the necessity of protecting the observatory (no rule, it says, requires such protection),[1] (b) D-G's intimation that only a site in the vicinity of the area chosen would meet applicable requirements, and (c) the need to increase antenna height to the degree done by D-G.[2]

7. In our view the differences between the D-M and D-G proposals are not sufficient to form a basis for refusal to accept the latter application. The requested power is identical and the change in height (from 224 feet to 300 feet) and site of only a few miles is not sufficient to question applicant's proposing substantially the same engineering characteristics and coverage area. This is especially true since the original coverage area is essentially included in the currently proposed area. Although the population within the 1 mv/m contour has increased by virtue of the partial coverage of Columbus, this does not alter the above view or require us to conclude that D-G does not propose to serve the original community in the sense required by § 1.525(b)(6). This is not to say that a 307(b) Suburban question does not exist, for we believe it does. Thus, while this coverage of Columbus does not require rejection of the application, it does require a Berwick[3] issue and such an issue will be specified.

8. On the basis of the foregoing analysis we have concluded that the subject D-G application should be accepted for filing. We now turn to the matter of the issues applicable to the hearing to be held following our consolidation of this application into the CVCO proceeding. Although the issues specified below are intended to supersede those originally specified, there is one exception. Now pending before the Review Board is a request to modify the outstanding Berwick issue against CVCO. It is not our intention to pass on this matter which remains to be decided by the Review Board.

9. According to its application, Delaware-Gahanna FM Radio Broadcasting Station would require $40,300 to construct and operate its proposed station for 1 year without reliance on revenues. To meet this requirement, applicant has shown net liquid assets of $7,490 and a bank loan of $12,928, for a total of $20,418. It also relies on various stock subscriptions but none of the subscribers has documented its ability to meet its commitment. In addition, applicant has budgeted only approximately $16,486 for salaries of three full-time and three part-time employees as well as other expenses of operation such as maintenance, ultilities, performance rights contracts, news wire service, etc. Accordingly, a financial issue will be specified.

10. In Suburban Broadcasters, 30 FCC 951 (1961), our public notice of August 22, 1968, FCC 68-847, 13 RR 2d 1903, and City of Camden (WCAM), 18 FCC 2d 412 (1969), we indicated that applicants were expected to provide full information on their awareness of and responsiveness to local community needs and interests. In this case Delaware-Gahanna FM Radio Broadcasting Station has not adequately provided a listing of specific programs responsive to specific community needs as evaluated. As a result, we are unable at this time to determine whether it is aware of and responsive to the needs of its area. Accordingly, a Suburban issue is required.

11. Since no determination has yet been reached on whether the antenna proposed by Delaware-Gahanna FM Radio Broadcasting Station would constitute a menace to air navigation, an issue regarding this matter is required.

12. The respective proposals, although for different communities, would serve substantial areas in common. Consequently, in addition to determining, pursuant to section 307(b) of the Communications Act of 1934, as amended, which of the proposals would better provide a fair, efficient and equitable distribution of radio service, a contingent comparative issue will also be specified.

13. A full comparison of the programing proposals is warranted when one applicant proposes predominantly specialized programing and the other, general market programing—Ward L. Jones, FCC 67-82 (1967); Policy Statement on Comparative Broadcast Hearings, 1 FCC 2d 393, footnote 9 at 397 (1965). In this case, Christian Voice of Central Ohio proposes predominantly religious programing and Delaware-Gahanna FM Radio Broadcasting Station, general market programing. Therefore, the programing proposals of the applicants may be compared under the contingent comparative issue.

14. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, because the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

15. *It is ordered*, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the application of Delaware-Gahanna FM Broadcasting Station is accepted for filing, and is designated for consolidated hearing with the applications of Christian Voice of Central Ohio, and Delaware-Marysville Broadcasting Service, Inc., at a time and place to be specified in a subsequent order, upon the following issues:

(1) To determine the basis for Delaware-Gahanna FM Radio Broadcasting Station's estimate of $16,486 for salaries and other expenses, whether said estimate is reasonable, whether additional funds as may be required are available, and, in the light thereof, whether this applicant is financially qualified.

(2) To determine the efforts made by Delaware-Gahanna FM Radio Broadcasting Station to ascertain the community needs and interests of the area

[1] However, see the Commission's recent rule making actions in Docket 18687 to change TV channel assignments to protect this observatory—FCC 70-55; Public Notice 5693, Mimeo No. 42935 (1970).

[2] CVCO also states that waiver of § 73.203 (b) of our rules is required because the channel in question is not within 10 miles of the listed community of Columbus as now required by that section. However, as we made clear in Valley Broadcasting Co., 18 FCC 2d 564 (1969), an applicant which filed in response to publication pursuant to § 1.525 is entitled to utilize the provision in effect when the predecessor application was filed. Since the 25-mile limit was in effect at the time D-M's application was filed, D-G's application is subject to the same standard with which it complies.

[3] Berwick Broadcasting Corporation, 12 FCC 2d 8 (1968).

to be served and the means by which the applicant proposes to meet those needs and interests.

(3) To determine whether the proposal of Delaware-Gahanna FM Radio Broadcasting Station would realistically provide a transmission service for Delaware, Ohio, or for another larger community.

(4) To determine whether there is a reasonable possibility that the tower height and location proposed by Delaware-Gahanna FM Radio Broadcasting Station would constitute a menace to air navigation.

(5) To determine the areas and populations which would receive FM service of 1 mv/m or greater intensity from the respective proposals together with the availability of other primary aural services in such areas.

(6) To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the proposals would better provide a fair, efficient, and equitable distribution of radio service.

(7) To determine, in the event it is concluded that a choice between applications should not be based solely on considerations relating to section 307(b), which of the proposals would, on a comparative basis, better serve the public interest.

(8) To determine in the light of the evidence adduced pursuant to the foregoing issues, which, if either, of the applications for construction permit should be granted.

16. *It is further ordered,* That the Federal Aviation Administration is made a party to the proceeding.

17. *It is further ordered,* That to avail itself of the opportunity to be heard, Delaware-Gahanna FM Radio Broadcasting Station, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney shall, within twenty (20) days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

18. *It is further ordered,* That Delaware-Gahanna FM Radio Broadcasting Station shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing within the time and manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: February 4, 1970.

Released: February 12, 1970.

FEDERAL COMMUNICATIONS COMMISSION,[4]

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 70-2018; Filed, Feb. 17, 1970; 8:47 a.m.]

[4] Commissioner Robert E. Lee concurring in the result; Commissioner Cox absent.

FEDERAL MARITIME COMMISSION

LATIN AMERICA/GUAM 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:

H. P. Blok, Agent, Latin America/Guam Agreement, 417 Montgomery Street, San Francisco, Calif. 94104.

Agreement No. 8591-1, between Barber Line A/S, Flota Mercante Grancolombiana, S.A., and Prudential-Grace Lines, Inc. (Latin American Carriers) and Pacific Far East Line, Inc. (Guam Carrier), covers the establishment and maintenance of agreed rates, charges and practices on cargo moving under through bills of lading between ports served by the Latin American Carriers in the Canal Zone, Republic of Panama, Chile, Colombia, Costa Rica, Ecuador, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Peru, and Venezuela, on the one hand, and Guam M.I., on the other, with transshipment at Pacific Coast ports of the United States and Canada.

Agreement No. 8591-1 has the essential characteristics of a rate-fixing agreement and accordingly (1) contains provision for admission, withdrawal and expulsion of members in conformity with General Order 9; (2) contains a self-policing and arbitration provision pursuant to General Order 7; and (3) provides for telephone polls and meetings, and the submittal of minutes of meetings and other records of actions taken by the parties to the Commission pursuant to General Order 18. In addition, the parties are authorized to designate an agent who shall be responsible for (1) maintaining the agreement records, and (2) complying with the filing requirements of the Commission, including the filing of a tariff.

Agreement No. 8591-1 will supersede and cancel Latin America/Guam Agreement No. 8591.

Dated: February 13, 1970.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[F.R. Doc. 70-2021; Filed, Feb. 17, 1970; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Dockets Nos. G-3491, etc.]

PHILLIPS PETROLEUM CO. ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions to Amend Certificates [1]

FEBRUARY 9, 1970.

Take notice that each of the applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before March 3, 1970, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

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

GORDON M. GRANT,
Secretary.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
G-3491 D 1-15-70	Phillips Petroleum Co., Bartlesville, Okla. 74003.	El Paso Natural Gas Co., acreage in Lea County, N. Mex.	(1)	--------
G-7241 C 1-19-70	Aztec Oil & Gas Co. (Operator) et al., 2000 First National Bank Bldg., Dallas, Tex. 75202.	El Paso Natural Gas Co., Fruitland Formation, San Juan County, N. Mex.	13.0	15.025
G-13103 D 1-19-70	do	Southern Union Gathering Co., Aztec Pictured Cliffs Pool, San Juan County, N. Mex.	Decline in pressure	--------
G-14892 D 12-11-69	United States Smelting Refining & Mining Co., University Club Bldg., 136 East South Temple, Salt Lake City, Utah 84111.	El Paso Natural Gas Co. Ignacio Field, La Plata County, Colo.	Assigned	--------
G-18119 E 1-13-70	Ladd Petroleum Corp. (successor to McCulloch Oil Corp. (Operator) et al.), 830 Denver Club Bldg., Denver, Colo. 80202.	El Paso Natural Gas Co., Ignacio-Blanco Field, La Plata County, Colo.	[2] 15.0081	15.025
G-18141 C 12-9-69	Southern Petroleum Exploration, Inc.	El Paso Natural Gas Co., Dakota Formation, Rio Arriba County, N. Mex.	13.0	15.025
G-19145 C 1-15-70	J. Glenn Turner, 1700 Mercantile Bank Bldg., Dallas, Tex. 75201.	El Paso Natural Gas Co., Basin-Dakota Field, Rio Arriba County, N. Mex.	13.0	15.025
G-19220 E 1-16-70	Ladd Petroleum Corp. (successor to McCulloch Oil Corp. (Operator) et al.).	Southern Union Gathering Co., acreage in La Plata County, Colo.	[2] 15.0017	15.025
G-20484 (CS66-119) C&F 1-8-70 [3]	Mobil Oil Corp., Post Office Box 1774, Houston, Tex. 77001.	El Paso Natural Gas Co., Jalmat Field, Lea County, N. Mex.	12.57	14.65
CI61-234 C 12-11-69	Caulkins Oil Co. (Operator), agent for Caulkins Producing Co. et al., 315 Majestic Bldg., Denver, Colo. 80202.	El Paso Natural Gas Co., acreage in Rio Arriba County, N. Mex.	[4] 13.0	15.025
CI61-299 E 1-19-70	Ladd Petroleum Corp. (successor to McCulloch Oil Corp. (Operator) et al.).	El Paso Natural Gas Co., Basin-Dakota Field, San Juan County, N. Mex.	[2] 15.0619	15.025
CI61-453 E 1-15-70	Dal-Ken Corp. (successor to Kelly, Butterworth & Lemann), c/o John R. Haller, agent, Box 353, Worthington, Ohio 43085.	Equitable Gas Co., acreage in Lewis County, W. Va.	25.0	15.325
CI61-548 (CS66-119) C&F 1-9-70 [3]	Mobil Oil Corp. (Operator) et al	El Paso Natural Gas Co., Langlie-Mattix and Jalmat Fields, Lea County, N. Mex.	10.0	14.65
CI61-564 E 1-19-70	Ladd Petroleum Corp. (successor to McCulloch Oil Corp. (Operator) et al.).	El Paso Natural Gas Co., Ignacio Blanco Field, La Plata County, Colo.	[2] 15.0	15.025
CI61-776 E 1-15-70	Dal-Ken Corp. (successor to Kelly, Butterworth & Lemann).	Equitable Gas Co., acreage in Lewis County, W. Va.	25.0	15.325
CI61-1184 E 1-19-70	Ladd Petroleum Corp. (sucessor to McCulloch Oil Corp. (Operator) et al.).	El Paso Natural Gas Co., Ignacio Blanco Field, La Plata County, Colo.	[2] 15.0081	14.73
CI61-1212 E 1-15-70	Dal-Ken Corp. (successor to Kelly, Butterworth & Lemann).	Equitable Gas Co., acreage in Lewis County, W. Va.	25.0	15.325
CI61-1631 E 1-15-70	do	do	25.0	15.325

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
CI62-197 E 1-22-70	Ladd Petroleum Corp. (successor to McCulloch Oil Corp. (Operator) et al.).	El Paso Natural Gas Co., Ignacio Blanco Field, La Plata County, Colo.	[2] 15.0081	15.025
CI62-578 E 1-12-70	Reading & Bates, Inc. (Operator) et al. (successor to Thornton Petroleum Corp. (Operator) et al.), 1100 Philtower Bldg., Tulsa, Okla. 74103.	Northern Natural Gas Co., Hansford Field, Hansford County, Tex.	[5] 18.0	14.65
CI62-598 E 1-22-70	Ladd Petroleum Corp. (successor to McCulloch Oil Corp. (Operator) et al.).	El Paso Natural Gas Co., Basin-Dakota Field, San Juan County, N. Mex.	[2] 15.0619	15.025
CI62-821 E 12-1-69	Lloyd G. Jackson (successor to Ashland Oil & Refining Co.), Post Office Box 498, Hamlin, W. Va. 25523.	United Fuel Gas Co., acreage in Kanawha County, W. Va.	[6] 26.0	15.325
CI65-205 E 1-12-70	Reading & Bates, Inc. (successor to Thornton Oil Co.).	West Lake Natural Gasoline Co. & Atlantic Richfield Co., Nena Lucia Field, Nolan County, Tex.	[7] 9.0	14.65
CI65-485 11-28-69 [8]	Union Oil Co. of California (Operator) et al., Union Oil Center, Los Angeles, Calif. 90017.	El Paso Natural Gas Co., Red Hills Unit No. 1, Lea County, N. Mex.	[9] 18.48	14.65
CI66-470 C 1-16-70	Sun Oil Co. (DX Division), Post Office Box 2039, Tulsa, Okla. 74102.	Arkansas Louisiana Gas Co., Arkoma Area, Reed A No. 1 Unit, Le Flore County, Okla.	[10] 16.015	14.65
CI66-470 C 1-16-70 [11]	do	Arkansas Louisiana Gas Co., Bledsoe No. 1 Well, Le Flore County, Okla.	[10] 16.015	14.65
CI66-478 C 1-15-70	Thomas E. Berry et al., Post Office Box 488, Stillwater, Okla. 74074.	Arkansas Louisiana Gas Co., acreage in Haskell County, Okla.	15.0	14.65
CI67-11 E 12-22-69	Lear Petroleum Corp. (successor to J. M. Huber Corp.), Post Office Box 7512, 5772 Canyon Expressway, Amarillo, Tex. 79109.	Panhandle Eastern Pipe Line Co., Mocane Field, Beaver County, Okla.	[12] 17.0	14.65
CI67-286 1-16-70 [13]	Monsanto Co. (Operator) et al., 1300 Post Oak Tower, 5051 Westheimer, Houston, Tex. 77027.	Arkansas Louisiana Gas Co., Arkoma Area, Sequoyah County, Okla.	[14] 15.0	14.65
CI67-600 (CI70-650) [15] C 1-15-70	Texaco, Inc., Post Office Box 52332, Houston, Tex. 77052.	Northern Natural Gas Co., Gage Area, Ellis County, Okla.	[12] [16] 17.0	14.65
CI68-665 C 12-29-69	George Mitchell & Associates, Inc., et al., 12th Floor, Houston Club Bldg., Houston, Tex. 77002.	Arkansas Louisiana Gas Co., acreage in Sequoyah County, Okla.	14.5	14.65
CI69-1136 C 1-19-70	J. S. Turner, Post Office Box 108, Shreveport, La. 71102.	United Gas Pipe Line Co., Flat Creek Field, Winn Parish, La.	18.5	15.025
CI70-642 A 1-14-70	W. C. McBride, Inc., 25 North Brentwood Blvd., Clayton, Mo. 63105.	Natural Gas Pipeline Co. of America, Grand Valley East Area, Beaver County, Okla.	17.0	14.65
CI70-643 A 1-15-70	Royal Oil & Gas Corp., 115 South Sixth St., Clark Bldg., Indiana, Pa. 15701.	United Fuel Gas Co., Center District, Gilmer County, W. Va.	27.0	15.325
CI70-644 A 1-15-70	Texas Pacific Oil Co., Inc., 1700 One Main Place, Dallas, Tex. 75250.	Arkansas Louisiana Gas Co., Southeast Nash Area, Grant County, Okla.	[17] 17.0	14.65
CI70-645 (CS66-49) E 1-12-70	Reading & Bates, Inc. (successor to Thornton Oil Co.).	Northern Natural Gas Co., East Ozona Canyon Field, Crockett County, Tex.	16.0	14.65
CI70-646 A 1-13-70	Arthur J. Wessely (Operator) et al., 2002 Republic National Bank Bldg, Dallas, Tex. 75202.	Arkansas Louisiana Gas Co., South Quinton Field, Pittsburg County, Okla.	[17] 16.0	14.65
CI70-647 (CI70-112) F 1-14-70	Hill Oil & Gas Co. (successor to John H. Hill), 100 Southland Center, Dallas, Tex. 75201.	Panhandle Eastern Pipe Line Co., Northwest Six Mile Field, Beaver County, Okla.; and Southwest Cedardale Field, Woodward County, Okla.	[12] 17.0	14.65
CI70-648 (CI66-1310) F 1-14-70	Samedan Oil Corp. et al. (successor to Getty Oil Co. (Operator) et al.), Post Office Box 909, Ardmore, Okla. 73401.	Northern Natural Gas Co., Keenan Field, Woodward County, Okla.	[12] 17.0	14.65
CI70-649 A 1-15-70	Getty Oil Co., Post Office Box 1404, Houston, Tex. 77001.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Grand Isle Block 42, Grand Isle Area, Offshore Laforche Parish, La.	21.25	15.025
CI70-651 A 1-16-70	Atlantic Richfield Co., Post Office Box 2819, Dallas, Tex. 75221.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Grand Isle Block 42 Field, Offshore Louisiana.	[18] 20.0	15.025

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
CI70-652 A 1-16-70	Petroleum, Inc., 300 West Douglas, Wichita, Kans. 67202.	Transwestern Pipeline Co., Ivanhoe Field, Beaver County, Okla.	[12] 19.0	14.65
CI70-653 A 1-19-70	French Creek Gas Co., 105 Lee St., Gassaway, W. Va. 26624.	Equitable Gas Co., acreage in Upshur County, W. Va.	25.0	15.325
CI70-654 A 1-20-70	Sun Oil Co., 1608 Walnut St., Philadelphia, Pa. 19103.	Transcontinental Gas Pipe Line Corp., Various Fields, Starr and Jim Hogg Counties, Tex.	19.0	14.65
CI70-655 A 1-21-70	Ada Land Co., (Operator) et al., Post Office Box 844, Houston, Tex. 77001.	Southern Natural Gas Co., Kokomo Field, Walthall County, Miss.	[12] 21.25	15.025
CI70-656 A 1-21-70	Aquitaine Oil Corp., Houston Natural Gas Bldg., Suite 1919, Houston, Tex. 77002.	Transcontinental Gas Pipe Line Corp., Block 224 Field, Ship Shoal Area, Gulf of Mexico, Offshore Louisiana.	21.25	15.025
CI70-657 A 1-21-70	Sun Oil Co	do	21.25	15.025
CI70-658 A 1-21-70	Bradco Oil & Gas Co. (Operator) et al., 2338 Bank of the Southwest Bldg., Houston, Tex. 77002.	Texas Eastern Transmission Corp., Southwest Lake Boeuf Field, Lafourche Parish, La.	[19] 20.0	15.025
CI70-659 A 1-21-70	Amerada Hess Corp., Post Office Box 2040, Tulsa, Okla. 74102.	Ni-Gas Supply, Inc., Elk City Area, Beckham County, Okla.	[13] 21.0	14.65
CI70-660 A 1-21-70	Cities Service Oil Co., Post Office Box 300, Tulsa, Okla. 74102.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Grand Isle Block 42 Field, Offshore Louisiana.	21.25	15.025
CI70-661 B 1-21-70	Kerr-McGee Corp., Kerr-McGee Bldg., Oklahoma City, Okla. 73102.	Northern Natural Gas Co., Northeast Ivanhoe Field, Beaver County, Okla.	Depleted	
CI70-663 B 1-22-70	Lamar Hunt, 1401 Elm St., Dallas, Tex. 75202.	Natural Gas Pipeline Co. of America, Clayton Field, Live Oak County, Tex.	Depleted	

[1] Deletes the J. C. Estlack No. 1 well. Said well is no longer capable of producing gas against desired pressure.
[2] Rate in effect subject to refund in Docket No. RI64-475.
[3] Adds acreage acquired from George L. Buckles et al., Docket No. CS66-119.
[4] By letter filed Dec. 29, 1969, Applicant agreed to accept certificate at 13 cents per Mcf.
[5] Rate in effect subject to refund in Docket No. RI68-678.
[6] Rate in effect subject to refund in Docket No. RI67-245.
[7] Rate in effect subject to refund in Docket No. RI65-435. An increase in rate to 9.5 cents per Mcf has been suspended in Docket No. RI70-59.
[8] Application to amend certificate to cover Tenneco Oil Co.'s nonsignatory working interest.
[9] Rate in effect subject to refund in Docket No. RI69-149. A proposed rate of 19.60 cents per Mcf is suspended in Docket No. RI70-95.
[10] Subject to upward B.t.u. adjustment.
[11] Also adds interest of co-owner, Roy W. Reed.
[12] Subject to upward and downward B.t.u. adjustment.
[13] Amendment to certificate filed to add interest of nonoperators.
[14] Subject to reduction for compression and/or treating costs, if required.
[15] Application was erroneously assigned Docket No. CI70-650 as an initial service. Docket No. CI70-650 is canceled and application will be processed as an amendment to add acreage in Docket No. CI67-600.
[16] Contract provides for rate of 18 cents per Mcf; however, Applicant states its willingness to accept certificate at 17 cents per Mcf, plus B.t.u. adjustment.
[17] Subject to deduction for compression, if required.
[18] Contract provides for rate of 21.25 cents per Mcf; however, Applicant states its willingness to accept certificate at 20 cents per Mcf, adjusted for quality as prescribed in Opinion No. 546.
[19] Applicant agrees to accept a limited term certificate at rates of 20 cents and 18.5 cents per Mcf for the respective sales of gas-well gas and casinghead gas. The term of the certificate is to expire upon the delivery of 100 million Mcf or 5 years after initial delivery, whichever occurs first.

[F.R. Doc. 70-1937; Filed, Feb. 17, 1970; 8:45 a.m.]

[Docket No. CP64-89]

CITIES SERVICE GAS CO. AND NATURAL GAS PIPELINE COMPANY OF AMERICA

Notice of Joint Petition To Amend

FEBRUARY 11, 1970.

Take notice that on February 4, 1970, Cities Service Gas Co. (Cities Service), Post Office Box 25128, Oklahoma City, Okla. 73125, and Natural Gas Pipeline Company of America (Natural), 122 South Michigan Avenue, Chicago, Ill. 60603, filed in Docket No. CP64-89 a petition to amend further the order of the Commission issued on January 2, 1964, as amended, to authorize the extension of time for the period within which Cities Service and Natural may exchange natural gas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicants propose to extend the time during which they may exchange up to 60,000 Mcf of natural gas per day pursuant to the aforementioned order, as amended, from May 1, 1970, to May 1, 1975. Applicants state that the extension of time will enable Cities Service to continue to utilize its excess capacity in its South of Blackwell System to meet the growing demands of its present customers.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 6, 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 in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-1987; Filed, Feb. 17, 1970; 8:45 a.m.]

[Docket No. RI66-236, RI66-355]

MOBIL OIL CORP. ET AL.

Notice of Continuance

FEBRUARY 12, 1970.

Mobil Oil Corp. (Operator) et al., Docket No. RI66-236; Ashland Oil & Refining Co., Docket No. RI66-335.

On February 5, 1970, Mobil Oil Corp. and Ashland Oil & Refining Co. filed a joint motion requesting a continuance of the prehearing conference set for February 24, 1970, by order issued December 24, 1969, in the above-designated matter. The motion states that Phillips Petroleum Co. and the Commission Staff either favor the continuance or will not oppose it.

Upon consideration, notice is hereby given that the prehearing conference is continued until April 7, 1970, at 10 a.m., e.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C. 20426.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-1988; File, Feb. 17, 1970; 8:45 a.m.]

[Docket No. CP70-184]

PANHANDLE EASTERN PIPE LINE CO.

Notice of Application

FEBRUARY 12, 1970.

Take notice that on February 3, 1970, Panhandle Eastern Pipe Line Co. (Applicant), Post Office Box 1642, Houston, Tex. 77001, filed in Docket No. CP70-184 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 facilities to be used in the transportation of natural gas in interstate commerce for resale, 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 winter contract demand of its existing resale customers by approximately 100,000 Mcf per day, with lesser increases for nonwinter months. To implement this program Applicant proposes to install 10,000 compressor horsepower at its existing Montezuma compressor station, increase the horsepower rating at its Houstonia compressor station to 10,000 horsepower, increase the reservoir gas content at its Waverly storage field by 1,500,000 Mcf in the Galesville formation, increase the reservoir gas content of the Howell storage field by 500,000 Mcf, and install miscellaneous measurement facilities and other appurtenances.

The total estimated cost of the proposed facilities is $8,279,000, which will be financed by short-term loans and the issuance of debentures on other securities.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 6,

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. 70-1989; Filed, Feb. 17, 1970; 8:45 a.m.]

[Docket No. CP70-185]

TENNESSEE GAS PIPELINE CO.

Notice of Application

FEBRUARY 12, 1970.

Take notice that on February 4, 1970, Tennessee Gas Pipeline Co., a division of Tenneco Inc. (applicant), Tenneco Building, Houston, Tex. 77002, filed in Docket No. CP70-185 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 facilities to be used for the transportation and sale of natural gas in interstate commerce for resale, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate approximately 12.5 miles of 36-inch mainline loop in Ohio and Pennsylvania and 32,000 additional compressor horsepower facilities at five existing compressor stations in Mississippi and Alabama. Applicant states that the proposed facilities are necessary to meet the increased requirements of existing customers and will provide additional contract quantity of 86,986 Mcf per day.

The total estimated cost of the proposed facilities is $20,139,000, which will be financed by general funds and borrowings under existing revolving credit agreements.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 6, 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 rule 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. 70-1990; Filed, Feb. 17, 1970; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 500-1]

CHILL-CAN INDUSTRIES, INC.

Order Suspending Trading

FEBRUARY 12, 1970.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Chill-Can Industries, Inc. (a Florida corporation) and all other securities of Chill-Can Industries, Inc., 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 February 12, 1970, through February 21, 1970, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 70-2024; Filed, Feb. 17, 1970; 8:48 a.m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority No. 30-A (Region IX)]

REGIONAL DIVISION CHIEFS ET AL.

Delegation of Authority To Conduct Program Activities in Region IX

Pursuant to the authority delegated to the Regional Director by Delegation of Authority No. 30-A, 34 F.R. 18836, published in the FEDERAL REGISTER on November 25, 1969, and amended in 34 F.R. 20076 and 35 F.R. 1073, the following authority is hereby redelegated to the positions as indicated herein:

I. *Regional Division Chiefs, Regional Counsel, and Staffs*—A. *Chief and Assistant Chief, Financing Division.* 1. To approve or decline business loans not exceeding $350,000 (SBA share) and economic opportunity loans not exceeding $25,000 (SBA share).

2. a. To approve or decline disaster direct and immediate participation loans up to the total SBA share of (1) $50,000 per household for repairs or replacement of the home and/or not to exceed an additional $10,000 allowable for household goods and personal items, but in no event may the money loaned for physical loss or damage exceed $55,000 for a single disaster on home loans, except for funds to refinance prior liens or mortgages, which may be approved in addition to the foregoing limits for amounts up to $50,000; and (2) $350,000 on disaster business loans (excluding displaced business loans), except to the extent of refinancing of a previous SBA disaster loan; and to approve disaster guaranteed loans up to $500,000 and to decline them in any amount.

b. To approve displaced business loans up to $350,000 (SBA share) and to decline them in any amount.

3. To enter into business, economic opportunity, disaster, and displaced business loan participation agreements with banks.

4. To execute loan authorizations for Central Office and regional approved loans and loans approved under delegated authority, said execution to read as follows:

(Name), Administrator
By ______________________
(Name)
Title of person signing.

5. To cancel, reinstate, modify, and amend authorizations for fully undisbursed business, economic opportunity, disaster loans, and displaced business loans.

6. To extend the disbursement period on all loan authorizations or fully undisbursed loans.

7. To approve service charges by participating banks not to exceed 2 percent per annum on the outstanding principal balance of construction loans and loans involving accounts receivable and inventory financing.

**8. To establish disaster field offices upon receipt of advice of the designation of a disaster area; to advise on the making of disaster loans; to appoint as a processing representative any bank in the disaster area; and to close disaster field offices when no longer advisable to maintain such offices.

9. *Size determinations for financing only.* To make initial size determinations in all cases within the meaning of the Small Business Size Standards Regulations, as amended, except sections 501 and 502 loans, and further to make product classification decisions for financing purposes only. Product classification decisions for procurement purposes are made by contracting officers.

10. *Eligibility determinations for financing only.* To determine eligibility of applicants for assistance under any program of the Agency, except the SBIC and community economic development programs, in accordance with Small Business Administration standards and policies. No authority is hereby delegated to declare the nonapplicability of eligibility limitations to a community emergency as set forth in § 120.2(e) of SBA Loan Policy Regulations.

B. *Supervisory Loan Officers (Financing Division).* 1. To approve or decline business, disaster, and displaced business loans not exceeding $50,000 (SBA share) and economic opportunity loans not exceeding $25,000 (SBA share).

2. To enter into business, economic opportunity, disaster, and displaced business loan participation agreements with banks.

3. To execute loan authorizations for Central Office and regional approved loans and loans approved under delegated authority, said execution to read as follows:

(*Name*), *Administrator*
By ________________________
(Name)
Title of person signing.

4. To cancel, reinstate, modify, and amend authorizations for fully undisbursed business, economic opportunity, disaster loans, and displaced business loans.

5. To extend the disbursement period on all loan authorizations or fully undisbursed loans.

6. To approve service charges by participating banks not to exceed 2 percent per annum on the outstanding balance on construction loans and loans involving accounts receivable and inventory financing.

C. *Loan Officer (Financing Division).* 1. To approve minor modifications in the authorization.

2. To extend the disbursement period.

D. *Chief, Community Economic Development Division.* 1. To approve or decline section 501 State development company loans and section 502 local development company loans up to $350,000 (SBA share) when project cost does not exceed $1 million, provided the chief concurs in at least one prior recommendation.

2. To extend the disbursement period on sections 501 and 502 loan authorizations or fully undisbursed sections 501 and 502 loans.

3. To execute sections 501 and 502 loan authorizations for Central Office and regional approved loans and loans approved under delegated authority, said execution to read as follows:

(*Name*), *Administrator*
By ________________________
(Name)
Chief, Community Economic Development Division.

4. To cancel, reinstate, modify, and amend authorizations for fully undisbursed sections 501 and 502 loans.

5. To enter into section 502 loan participation agreements with banks.

6. To approve or decline applications for the direct guarantee of the payment of rent not to exceed $500,000.

7. To issue and modify commitment letters, said issuance to read as follows:

(*Name*), *Administrator*
By ________________________
(Name)
Chief, Community Economic Development Division.

8. To disburse approved EDA loans, as authorized.

9. *Eligibility determinations for financing only.* To determine eligibility of applicants for assistance under the sections 501 and 502 programs of the Agency in accordance with Small Business Administration standards and policies.

10. *Size determinations for financing only.* To make initial size determinations in all sections 501 and 502 loans within the meaning of the Small Business Size Standards Regulations, as amended, and further, to make product classification decisions for sections 501 and 502 loans only. Product classification decisions for procurement purposes are made by contracting officers.

E. *Economic Development Specialists (Community Economic Development).* 1. To extend the disbursement period on fully undisbursed sections 501 and 502 loans.

2. To cancel, reinstate, modify, and amend authorizations for fully undisbursed sections 501 and 502 loans.

3. To enter into section 502 loan participation agreements with banks.

4. To disburse approved EDA loans, as authorized.

F. *Chief and Assistant Chief, Loan Administration Division.* 1. To take all necessary actions in connection with the administration, servicing, collection, and liquidation of all loans, exclusive of litigated matters, and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing.

a. The assignment, endorsement, transfer and delivery (but in all cases without representation, recourse, or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator.

b. The execution and delivery of contracts of sale or of lease or sublease, quitclaim, bargain and sale of special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. The approval of bank applications for use of liquidity privilege under the loan guaranty plan.

d. To advertise regarding the public sale of (a) collateral in connection with the liquidation of loans, and (b) acquired property.

e. Except: (1) To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; and (2) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement.

2. To take all necessary action in liquidating Economic Development Administration (EDA) loans, exclusive of litigated matters, and acquired collateral, when and as authorized by EDA.

3. To service claims arising under all lease insurance policies issued in the region, approving the payment, or recommending denial of such claims.

4. To take all actions necessary to mitigate losses from lease guarantees.

G. *Supervisory Loan Officer (Loan Administration Division).* 1. To take all necessary actions in connection with the administration, servicing, collection, and liquidation of all loans, exclusive of litigated matters, and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing.

a. The assignment, endorsement, transfer and delivery (but in all cases without representation, recourse, or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents, and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator.

b. The execution and delivery of contracts of sale or of lease or sublease, quitclaim, bargain and sale of special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, and such other

instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. The approval of bank applications for use of liquidity privilege under the loan guaranty plan.

d. To advertise regarding the public sale of (a) collateral in connection with the liquidation of loans, and (b) acquired property.

e. Except: (1) To compromise or sell any primary obligation or other evidence of indebtedness owned to the Agency for a sum less than the total amount due thereon; (2) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement; (3) to authorize the liquidation of a loan; and (4) the cancellation of authority to liquidate.

2. To take all necessary action in liquidating Economic Development Administration (EDA) loans, exclusive of litigated matters, and acquired collateral, when and as authorized by EDA.

3. To service claims arising under all lease insurance policies issued in the region, approving the payment, or recommending denial of such claims.

4. To take all actions necessary to mitigate losses from lease guarantees.

H. *Loan Officer (Loan Administration Division)*. 1. To approve the following actions concerning all current direct and participation loans and First Mortgage Plan 502 loans.

a. Use of such portions of the cash surrender value of assigned life insurance as are required to pay premiums due on the policy.

b. Release of dividends on assigned life insurance or consent to application of dividends against premiums due or to become due.

c. Minor modifications in the authorizations.

d. Extension of disbursement period.

e. Extension of initial principal payments.

f. Adjustment of interest payment dates.

g. Release of hazard insurance checks not in excess of $500 and endorsement of such checks on behalf of the Agency where SBA is named as joint loss payee.

h. Release of equipment with or without consideration where the value of equipment being released does not exceed $500.

I. *Region Claims Review Committee.* To consist of the Chief, Loan Administration Division, acting as chairman; Regional Counsel; and Chief, Financing Division, who will meet and consider reasonable and properly supported compromise proposals of indebtedness owed to the Agency and to take final action on such proposals provided such action represents the majority recommendation of the committee on claims not in excess of $5,000 (including CPC advances but excluding interests), or represents the unanimous recommendations of said committee on claims in excess of $5,000 but not exceeding $100,000 (including CPC advances but excluding interest).

J. *Chief, Procurement and Management Assistance Division (Reserved)*.

K. *Regional Counsel.* 1. To close and disburse approved SBA loans and rehabilitation loans for Department of Housing and Urban Development.

2. To close approved EDA loans, as authorized.

3. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents; and certify to the participating bank that such documents are in compliance with the paritcipation authorization.

4. To conduct all litigation activities, including SBIC matters, as assigned, and to take all action necessary in connection with litigated matters; and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing.

a. The assignment, endorsement, transfer, and delivery (but in all cases without representation, recourse or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator, as to all litigated matters.

b. The execution and delivery of contracts of sale or of lease or sublease, quitclaim, bargain and sale of special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates, and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing, as to all litigated matters.

c. Except: (1) To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; and (2) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement.

5. To take all necessary action in liquidating Economic Development Administration (EDA) loans having litigative aspects when and as authorized by EDA.

L. *Regional Attorneys.* 1. To close and disburse approved SBA loans and rehabilitation loans for Department of Housing and Urban Development.

2. To close approved EDA loans, as authorized.

3. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents; and certify to the participating bank that such documents are in compliance with the participation authorization.

4. To conduct all litigation activities, including SBIC matters, as assigned, and to take all action necessary in connection with litigated matters; and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, with the exception of the following, which are reserved to the regional counsel:

a. The assignment, endorsement, transfer, and delivery of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator, as to all litigated matters.

b. The execution and delivery of contracts of sale or of lease or sublease, quitclaim, bargain and sale of special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates, and such other instruments in writing as may be appropriate and necessary to effectuate

5. To take all necessary action in liquidating Economic Development Administration (EDA) loans having litigative aspects, when and as authorized by EDA.

M. *Chief, Administrative Division.* 1. To purchase reproductions of loan documents, chargeable to the revolving fund, requested by U.S. attorneys in foreclosure cases.

2. To (a) purchase office supplies and equipment, including office machines and rent regular office equipment and furnishings; (b) contract for repair and maintenance of equipment and furnishings; (c) contract for services required in setting up and dismantling and moving SBA exhibits and; (d) issue Government bills of lading.

3. In connection with the establishment of disaster loan offices, to obligate Small Business Administration to reimburse General Services Administration for the rental of office space.

4. To rent motor vehicles from the General Services Administration and to rent garage space for the storage of such vehicles when not furnished by this Administration.

N. *Office Services Manager or Office Services Assistant.* 1. To (a) purchase office supplies and equipment, including office machines and rent regular office equipment and furnishings; (b) contract for repair and maintenance of equipment and furnishings; (c) contract for services required in setting up and dismantling and moving SBA exhibits; and (d) issue Government bills of lading.

2. To rent motor vehicles from the General Services Administration and to rent garage space for the storage of such vehicles when not furnished by this Administration.

II. *District Directors* — A. *Financing Program.* 1. To approve or decline business loans not exceeding $350,000 (SBA share) and economic opportunity loans not exceeding $25,000 (SBA share).

2. a. To approve or decline disaster direct and immediate participation loans up to the total SBA share of (1) $50,000 per household for repairs or replacement of the home and/or not to exceed an additional $10,000 allowable for household goods and personal items, but in no event may the money loaned for physical loss or damage exceed $55,000 for a single disaster on home loans, except for funds to refinance prior liens or mortgages, which may be approved in addition to the foregoing limits for amounts up to $50,000; and (2) $350,000 on disaster business loans (excluding displaced buisness loans), except to the extent of refinancing of a previous SBA disaster loan; and to approve disaster guaranteed loans up to $500,000 and to decline them in any amount.

b. To approve or decline displaced business loans up to $350,000 (SBA share).

3. To enter into business, economic opportunity, disaster, and displaced business loan participation agreements with banks.

4. To execute loan authorizations for Central Office and regional approved loans and for loans approved under delegated authority, said execution to read as follows:

(Name), *Administrator*,
By ________________________
(Name)
District Director.
(City)

5. To cancel, reinstate, modify, and amend authorizations for business, economic opportunity, disaster loans, and displaced business loans.

6. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

7. To approve service charges by participating banks not to exceed 2 percent per annum on the outstanding principal balance of construction loans and loans involving accounts receivable and inventory financing.

**8. To establish disaster field offices upon receipt of advice of the designation of a disaster area; to advise on the making of disaster loans; to appoint as a processing representative any bank in the disaster area; and to close disaster field offices when no longer advisable to maintain such offices.

9. No authority is hereby delegated to declare the nonapplicability of eligibility limitations to a community emergency as set forth in § 120.2(e) of SBA Loan Policy Regulations.

B. *Community Economic Development Program*. **1. To approve or decline section 501 State development company loans and section 502 local development company loans up to $350,000 (SBA share) when project cost does not exceed $700,000, provided the district director concurs in at least one prior recommendation.

2. To extend the disbursement period on sections 501 and 502 loan authorizations or undisbursed portions of sections 501 and 502 loans.

3. To execute sections 501 and 502 loan authorizations for Central Office and regional approved loans and for loans approved under delegated authority, said execution to read, as follows:

(Name), *Administrator*,
By ________________________
(Name)
District Director.
(City)

4. To cancel, reinstate, modify, and amend authorizations for sections 501 and 502 loans.

5. To enter into section 502 loan participation agreements with banks.

6. To approve or decline applications for the direct guarantee of the payment of rent not to exceed $500,000.

7. To issue and modify commitment letters, said issuance to read as follows:

(Name), *Administrator*,
By ________________________
(Name)
District Director.
(City)

8. To disburse approved EDA loans, as authorized.

C. *Loan Administration Program*. 1. To take all necessary actions in connection with the administration, servicing, collection, and liquidation of all loans, exclusive of litigated matters, and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing.

a. The assignment, endorsement, transfer, and delivery (but in all cases without representation, recourse, or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator.

b. The execution and delivery of contracts of sale or of lease or sublease, quitclaim, bargain and sale of special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. The approval of bank applications for use of liquidity privilege under the loan guaranty plan.

d. To advertise regarding the public sale of (a) collateral in connection with the liquidation of loans, and (b) acquired property.

e. Except: (1) To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; and (2) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement.

2. To take all necessary action in liquidating Economic Development Administration (EDA) loans, exclusive of litigated matters, and acquired collateral, when and as authorized by EDA.

3. To service claims arising under all lease insurance policies issued in the district approving the payment, or recommending denial of such claims.

4. To take all actions necessary to mitigate losses from lease guarantees.

D. *Procurement and Management Assistance Program (Los Angeles District Director Only)*. **1. To approve applications for Certificates of Competency up to but not exceeding $250,000 bid value received from small business concerns which are located within the geographical jurisdiction of his district office, with the exception of rereferred cases.

**2. To deny an application for a Certificate of Competency when the district director agrees with an adverse survey report as to production or credit, unless application for an SBA loan is being filed, which, if approved, might change the credit aspects of the case.

E. *Administrative*. 1. To purchase reproductions of loan documents, chargeable to the revolving fund, requested by U.S. attorneys in foreclosure cases.

2. To (a) purchase office supplies and equipment, including office machines and rent regular office equipment and furnishings; (b) contract for repair and maintenance of equipment and furnishings; (c) contract for services required in setting up and dismantling and moving SBA exhibits and; (d) issue Government bills of lading.

3. In connection with the establishment of disaster loan offices, to obligate Small Business Administration to reimburse General Services Administration for the rental of office space.

4. To rent motor vehicles from the General Services Administration and to rent garage space for the storage of such vehicles when not furnished by this Administration.

F. *Eligibility determinations*. To determine eligibility of applicants for assistance under any program of the Agency, except the SBIC program, in accordance with Small Business Administration standards and policies.

G. *Size determinations*. To make initial size determinations in all cases within the meaning of the Small Business Size Standards Regulations, as amended, and further, to make product classification decisions for financing purposes only. Product classification decisions for procurement purposes are made by contracting officers.

H. *Legal services*. 1. To close and disburse approved SBA loans and rehabilitation loans for Department of Housing and Urban Development.

2. To close approved EDA loans, as authorized.

3. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents; and certify to the participating bank that such documents are in compliance with the participation authorization.

4. To conduct all litigation activities, including SBIC matters, as assigned, and

to take all action necessary in connection with the liquidation of all litigated matters; and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing.

a. The assignment, endorsement, transfer and delivery (but in all cases without representation, recourse, or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposits, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator.

b. The execution and delivery of contracts of sale or of lease or sublease, quitclaim, bargain and sale of special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates, and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. Except: (1) To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; and (2) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement.

5. To take all necessary action in liquidating Economic Development Administration (EDA) loans having litigative aspects, when and as authorized by EDA.

III. *District Division Chiefs, District Counsel and Staffs*—A. *Chief, Financing Division*. 1. To approve or decline business loans not exceeding $350,000 (SBA share) and economic opportunity loans not exceeding $25,000 (SBA share).

2. a. To approve or decline disaster direct and immediate participation loans up to the total SBA share of (1) $50,000 per household for repairs or replacement of the home and/or not to exceed an additional $10,000 allowable for household goods and personal items, but in no event may the money loaned for physical loss or damage exceed $55,000 for a single disaster on home loans, except for funds to refinance prior liens or mortgages, which may be approved in addition to the foregoing limits for amounts up to $50,000; and (2) $350,000 on disaster business loans (excluding displaced business loans), except to the extent of refinancing of a previous SBA disaster loan; and to approve disaster guaranteed loans up to $350,000 and to decline them in any amount.

b. To approve or decline displaced business loans up to $350,000 (SBA share).

3. To enter into business, economic opportunity, disaster, and displaced business loan participation agreements with banks.

4. To execute loan authorizations for Central Office, regional, and district approved loans and for loans approved under delegated authority, said execution to read as follows:

(*Name*), *Administrator*
By ______________________
(Name)
Title of person signing.

5. To cancel, reinstate, modify, and amend authorizations for fully undisbursed business, economic opportunity, disaster loans, and displaced business loans.

6. To extend the disbursement period on all loan authorizations or fully undisbursed loans.

7. To approve service charges by participating banks not to exceed 2 percent per annum on the outstanding principal balance of construction loans and loans involving accounts receivable and inventory financing.

8. *Size determinations for financing only*. To make initial size determinations in all cases within the meaning of the Small Business Size Standards Regulations, as amended, except sections 501 and 502 loans, and further to make product classification decisions for financing purposes only. Product classification decisions for procurement purposes are made by contracting officers.

9. *Eligibility determinations for financing only*. To determine eligibility of applicants for assistance under any program of the Agency, except the SBIC and community economic development programs, in accordance with Small Business Administration standards and policies. No authority is hereby delegated to declare the nonapplicability of eligibility limitations to a community emergency as set forth in § 120.2(e) of SBA Loan Policy Regulations.

B. *Supervisory Loan Officer (Financing Division), if assigned*. 1. To enter into business, economic opportunity, disaster, and displaced business loan participation agreements with banks.

2. To execute loan authorizations for Central Office, regional, and district approved loans, said execution to read as follows:

(*Name*), *Administrator*
By ______________________
(Name)
Title of person signing.

3. To cancel, reinstate, modify, and amend authorizations for fully undisbursed business, economic opportunity, disaster loans, and displaced business loans.

4. To extend the disbursement period on all loan authorizations or fully undisbursed loans.

5. To approve service charges by participating banks not to exceed 2 percent per annum on the outstanding balance on construction loans and loans involving accounts receivable and inventory financing.

C. *Loan Officer (Financing Division)*. 1. To approve minor modifications in the authorization.

2. To extend the disbursement period.

D. *Chief, Community Economic Development Division*. 1. To extend the disbursement period on sections 501 and 502 loan authorizations or fully undisbursed sections 501 and 502 loans.

2. To execute sections 501 and 502 loan authorizations for Central Office, regional, and district approved loans, said execution to read, as follows:

(*Name*), *Administrator*
By ______________________
(Name)
Chief, Community Economic Development Division.

3. To cancel, reinstate, modify, and amend authorizations for fully undisbursed sections 501 and 502 loans.

4. To enter into section 502 loan participation agreements with banks.

5. To issue and modify commitment letters, said issuance to read, as follows:

(*Name*), *Administrator*
By ______________________
(Name)
Chief, Community Economic Development Division.

6. To disburse approved EDA loans, as authorized.

E. *Economic Development Specialist (Community Economic Development)*. 1. To extend the disbursement period on fully undisbursed sections 501 and 502 loans.

2. To cancel, reinstate, modify and amend authorizations for fully undisbursed sections 501 and 502 loans.

3. To enter into section 502 loan participation agreement with banks.

4. To disburse approved EDA loans, as authorized.

F. *Chief, Loan Administration Division*. 1. To take all necessary actions in connection with the administration, servicing, collection, and liquidation of all loans, exclusive of litigated matters; and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing.

a. The assignment, endorsement, transfer and delivery (but in all cases without representation, recourse, or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator.

b. The execution and delivery of contracts of sale or of lease or sublease, quitclaim, bargain and sale of special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. The approval of bank applications for use of liquidity privilege under the loan guaranty plan.

d. To advertise regarding the public sale of (1) collateral in connection with the liquidation of loans, and (2) acquired property.

e. Except: (1) To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; (2) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement; (3) to authorize the liquidation of a loan; and (4) the cancellation of authority to liquidate.

2. To take all necessary action in liquidating Economic Development Administration (EDA) loans, exclusive of litigated matters, and acquired collateral, when and as authorized by EDA.

3. To service claims arising under all lease insurance policies issued in the district approving the payment, or recommending denial of such claims.

4. To take all actions necessary to mitigate losses from lease guarantees.

G. *Supervisory Loan Officer (Loan Administration Division), if assigned.* 1. To take all necessary actions in connection with the administration, servicing, collection, and liquidation of all loans, exclusive of litigated matters, and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing.

a. The assignment, endorsement, transfer and delivery (but in all cases without representation, recourse, or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator.

b. The execution and delivery of contracts of sale or of lease or sublease, quitclaim, bargain and sale of special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. The approval of bank applications for use of liquidity privilege under the loan guaranty plan.

d. To advertise regarding the public sale of (1) collateral in connection with the liquidation of loans, and (2) acquired property.

e. Except: (1) To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; (2) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement; (3) to authorize the liquidation of a loan; and (4) the cancellation of authority to liquidate.

2. To take all necessary action in liquidating Economic Development Administration (EDA) loans, exclusive of litigated matters, and acquired collateral, when and as authorized by EDA.

3. To service claims arising under all lease insurance policies issued in the district, approving the payment, or recommending denial of such claims.

4. To take all actions necessary to mitigate losses from lease guarantees.

H. *Loan Officer (Loan Administration Division).* 1. To approve the following actions concerning all current direct and participation loans and First Mortgage Plan 502 loans:

a. Use of such portions of the cash surrender value of assigned life insurance as are required to pay premiums due on the policy.

b. Release of dividends on assigned life insurance or consent to application of dividends against premiums due or to become due.

c. Minor modifications in the authorization.

d. Extension of disbursement period.

e. Extension of initial principal payments.

f. Adjustment of interest payment dates.

g. Release of hazard insurance checks not in excess of $500 and endorsement of such checks on behalf of the Agency where SBA is named as joint loss payee.

h. Release of equipment with or without consideration where the value of equipment being released does not exceed $500.

I. *Chief, Procurement and Management Assistance Division (Reserved).*

J. *District Counsel.* 1. To close and disburse approved SBA loans and rehabilitation loans for Department of Housing and Urban Development.

2. To close approved EDA loans, as authorized.

3. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents; and certify to the participating bank that such documents are in compliance with the participation authorization.

4. To conduct all litigation activities, including SBIC matters, as assigned, and to take all action necessary in connection with litigated matters, loans classified as in litigation; and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing.

a. The assignment, endorsement, transfer and delivery (but in all cases without representation, recourse or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator as to all litigated matters.

b. The execution and delivery of contracts of sale or of lease or sublease, quitclaim, bargain and sale of special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates, and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing, as to all litigated matters.

c. Except: (1) To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; (2) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement; (3) to authorize the liquidation of a loan; and (4) the cancellation of authority to liquidate.

5. To take all necessary action in liquidating Economic Development Administration (EDA) loans having litigative aspects when and as authorized by EDA.

K. *District Attorneys.* 1. To close and disburse approved SBA loans and rehabilitation loans for Department of Housing and Urban Development.

2. To close approved EDA loans, as authorized.

3. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents; and certify to the participating bank that such documents are in compliance with the participation authorization.

4. To conduct all litigation activities, including SBIC matters, as assigned, and to take all action necessary in connection with litigated matters; and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, with the exception of the following, which are reserved to the district counsel:

a. The assignment, endorsement, transfer and delivery of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator, as to all litigated matters.

b. The execution and delivery of contracts of sale or of lease or sublease, quitclaim, bargain and sale of special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates, and such other instruments in writing as may be

appropriate and necessary to effectuate the foregoing, as to all litigated matters.

5. To take all necessary action in liquidating Economic Development Administration (EDA) loans having litigative aspects when and as authorized by EDA.

L. *Chief, Administrative Division.* 1. To purchase reproductions of loan documents, chargeable to the revolving fund, requested by U.S. attorneys in foreclosure cases.

2. To (a) purchase office supplies and equipment, including office machines and rent regular office equipment and furnishings; (b) contract for repair and maintenance of equipment and furnishings; (c) contract for services required in setting up and dismantling and moving SBA exhibits; and (d) issue Government bills of lading.

3. In connection with the establishment of disaster loan offices, to obligate Small Business Administration to reimburse General Services Administration for the rental of office space.

4. To rent motor vehicles from the General Services Administration and to rent garage space for the storage of such vehicles when not furnished by this Administration.

M. *Office Services Manager or Office Services Assistant.* 1. To (a) purchase office supplies and equipment, including office machines and rent regular office equipment and furnishings; (b) contract for repair and maintenance of equipment and furnishings; (c) contract for services required in setting up and dismantling and moving SBA exhibits; and (d) issue Government bills of lading.

2. To rent motor vehicles from the General Services Administration and to rent garage space for the storage of such vehicles when not furnished by this Administration.

IV. *Branch Manager—Fairbanks, Alaska.* **1. To approve or decline disaster direct and immediate participation loans up to the total SBA share of (a) $50,000 per household for repairs or replacement of the home and/or not to exceed an additional $10,000 allowable for household goods and personal items, but in no event may the money loaned for physical loss or damage exceed $55,000 for a single disaster on home loans, except for funds to refinance prior liens or mortgages, which may be approved in addition to the foregoing limits for amounts up to $50,000; and (b) $350,000 on disaster business loans except to the extent of refinancing of a previous SBA disaster loan; and to approve or decline disaster guaranteed loans in an amount not exceeding $350,000 (SBA share).

**2. To execute loan authorizations for Central and regional office approved loans and disaster loans approved under delegated authority, said execution to read as follows:

(*Name*), *Administrator*,

By ------------------------
(Name)
Branch Manager.
(City)

**3. To cancel, reinstate, modify, and amend authorizations for disaster loans approved under delegated authority.

**4. To extend the disbursement period on disaster loan authorizations or undisbursed portions of disaster loans.

5. To purchase reproductions of loan documents, chargeable to the revolving fund, requested by U.S. attorneys in foreclosure cases.

6. To (a) purchase office supplies and equipment, including office machines, and rent regular office equipment and furnishings; (b) contract for repair and maintenance of equipment and furnishings; (c) contract for services required in setting up and dismantling and moving SBA exhibits; and (d) issue Government bills of lading.

7. To rent motor vehicles from the General Services Administration and to rent garage space for the storage of such vehicles when not furnished by this Administration.

V. The specific authority delegated herein, indicated by double asterisk (**), cannot be redelegated.

VI. The authority delegated herein to a specific position may be exercised by an SBA employee designated as acting in that position.

Effective date: January 20, 1970.

DONALD MCLARNAN,
Regional Director, Region IX.

[F.R. Doc. 70-2025; Filed, Feb. 17, 1970; 8:48 a.m.]

UCC VENTURE CORP.

Notice of Application for License as Minority Enterprise Small Business Investment Company

Notice is hereby given concerning the filing of an application with the Small Business Administration (SBA) pursuant to § 107.102 of the Regulations Governing Small Business Investment Companies (33 F.R. 326, 13 CFR Part 107) under the name of UCC Venture Corp., 1300 Frito Lay Tower, Dallas, Tex. 75235, for a license to operate in the State of Texas as a minority enterprise small business investment company (MESBIC) under the provisions of the Small Business Investment Act of 1958, as amended (Act) (15 U.S.C. 661 et seq.).

The proposed Officers and Directors are as follows:

Walter Winn Durham, 3523 Townsend Street, Dallas, Tex. President, Treasurer, Director.
Billy Medina, 2511 Viva Drive, Mesquite, Tex. Secretary, Director.
Joe Willard Kirven, 3214 Carpenter Street, Dallas, Tex. Director.
Samuel Evans Wyly, 3905 Beverly Drive, Dallas, Tex. Director.
Charles Neual Brewer, 13436 Mill Grove Lane, Dallas, Tex. Director.
Allan Watson Steelman, 6707 Gatson Avenue, Dallas, Tex. Director.
Ronald Morrison Hawkins, 6531 Orchid Lane, Dallas, Tex. Director.

The stock of the company will be wholly owned by University Computing Co., 1300 Frito Lay Tower, Dallas, Tex., a publicly owned concern.

The company will begin operations with a capitalization of $155,000. As a MESBIC, the company's investment policy states that its investments will be made solely to small business concerns which will contribute to a well-balanced national economy by facilitating ownership in such small concerns by persons whose participation in the free enterprise system is hampered because of social and economic disadvantages. Special emphasis will be given to investments in socially and economically disadvantaged concerns located within the State of Texas. No concentration in any particular industry is planned.

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed owner and management and the probability of successful operation of the new company under their management, including adequate profitability and financial soundness, in accordance with the Act and regulations.

Notice is further given that any interested person may, not later than February 19, 1970, at 5 p.m., submit to SBA in writing, relevant comments on the proposed company. Any communication should be addressed to: Associate Administrator for Investment, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416.

A copy of this notice shall be published in a newspaper of general circulation in Dallas, Tex.

Dated: February 5, 1970.

For SBA (Pursuant to delegated authority).

A. H. SINGER,
Associate Administrator for Investment.

[F.R. Doc. 70-1986; Filed, Feb. 17, 1970; 8:45 a.m.]

TARIFF COMMISSION

[337-L-37]

AMPICILLIN

Notice of Complaint Received

The U.S. Tariff Commission hereby gives notice of the receipt on January 27, 1970, of a complaint under section 337 of the Tariff Act of 1930 (19 U.S.C. 1337), filed by Beecham Group Ltd., and Beecham, Inc., of Clifton, N.J., alleging unfair methods of competition and unfair acts in the importation and sale of ampicillin which is embraced within claim 5 of U.S. Patent No. 2,985,648 owned by Beecham Group Ltd. Zenith Laboratories, Inc., Northvale, N.J., has been named as an importer of the subject products.

In accordance with the provisions of § 203.3 of its rules of practice and procedure (19 CFR 203.3), the Commission has initiated a preliminary inquiry into the allegations of the complaint for the purpose of determining whether there is good and sufficient reason for a full investigation, and if so whether the Commission should recommend to the President the issuance of a temporary order of exclusion from entry under section 337(f) of the tariff act.

A copy of the complaint is available for public inspection at the Office of the Secretary, U.S. Tariff Commission, 8th

and E Streets NW., Washington, D.C., and at the New York office of the Tariff Commission located in Room 437 of the Customhouse.

Information submitted by interested persons which is pertinent to the aforementioned preliminary inquiry will be considered by the Commission if it is received not later than March 30, 1970. Such information should be sent to the Secretary, U.S. Tariff Commission, 8th and E Streets NW., Washington, D.C. 20436. A signed original and nineteen (19) true copies of each document must be filed.

Issued: February 13, 1970.

By order of the Commission.

[SEAL] KENNETH R. MASON, *Secretary.*

[F.R. Doc. 70-2026; Filed, Feb. 17, 1970; 8:48 a.m.]

[337-L-38]

PANTY HOSE

Notice of Complaint Received

The U.S. Tariff Commission hereby gives notice of the receipt on January 30, 1970, of a complaint under section 1337 of title 19 of the United States Code, filed on behalf of Tights, Inc., Greensboro, N.C., alleging unfair methods of competition and unfair acts in the importation and sale of certain panty hose, which have the effect or tendency to substantially injure an industry in the United States. The unfair methods or acts are alleged to be the importation and sale in the United States of panty hose embraced within the claim of U.S. Patent No. Re 25,360 owned by the complainant. The following parties have been named as importers and/or sellers of the subject imports:

Charles Department Store, Asheboro, N.C. (made in Canada).
Lovable, 2400 Piedmont Road, Atlanta, Ga. (made in France).
Brown Hosiery, New York, N.Y. (made in Finland).

In accordance with the provisions of § 203.3 of its rules of practice and procedure (19 CFR 203.3), the Commission has initiated a preliminary inquiry into the allegations of the complaint for the purpose of determining whether there is good and sufficient reason for a full investigation, and if so whether the Commission should recommend to the President the issuance of a temporary order of exclusion from entry under section 337(f) of the tariff act (19 U.S.C. 1337(f)).

A copy of the complaint is available for public inspection at the office of The Secretary, U.S. Tariff Commission, 8th and E Streets NW., Washington, D.C., and at the New York office of the Tariff Commission located in Room 437 of the Customhouse.

Information submitted by interested persons which is pertinent to the aforementioned preliminary inquiry will be considered by the Commission if it is received not later than April 1, 1970. Such information should be sent to the Secretary, U.S. Tariff Commission, 8th and E Streets NW., Washington, D.C. 20436. A signed original and nineteen (19) true copies of each document must be filed.

Issued: February 13, 1970.

By order of the Commission.

[SEAL] KENNETH R. MASON, *Secretary.*

[F.R. Doc. 70-2027; Filed, Feb. 17, 1970; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

FEBRUARY 13, 1970.

Protests to the granting of an application must be prepared in accordance with § 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. 41891—*Beet or cane sugar to Danville, Ill.* Filed by Western Trunk Line Committee, agent (No. A-2617), for interested rail carriers. Rates on sugar, beet or cane, dry, in bulk, in carloads, as described in the application, also shipments refused or returned in reverse direction, from Montana, Trans-Continental and western trunkline territories, to Danville, Ill.

Grounds for relief—Market competition.

Tariffs—Supplemental 92 to Western Trunk Line Committee, agent, tariff ICC A-4481, and three other schedules named in the application.

FSA No. 41892—*Beet or cane sugar to Danville, Ill.* Filed by Southwestern Freight Bureau, agent (No. B-133), for interested rail carriers. Rates on sugar, beet or cane, dry, in bulk in covered hopper cars, in carloads, as described in the application, from Bayport, Hereford, Houston, and Sugar Land, Tex., to Danville, Ill.

Grounds for relief—Market competition.

Tariff—Supplements 4 and 5 to Southwestern Freight Bureau, agent, tariff ICC 4886.

FSA No. 41893—*Superphosphate from Occidental, Fla.* Filed by O. W. South, Jr., agent (No. A6157), for interested rail carriers. Rates on superphosphate, not defluorinated superphosphate, nor feed grade superphosphate, in carloads, as described in the application, from Occidental, Fla., to Madison and Marshall, Wis.

Grounds for relief—Market competition.

Tariff—Supplement 44 to Southern Freight Association, agent, tariff ICC S-818.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 70-2033; Filed, Feb. 17, 1970; 8:49 a.m.]

[Notice 6]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

FEBRUARY 13, 1970.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules—Motor Carriers of Property, 1969 (49 CFR 1042.4(d) (11)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.4(d) (11)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.4(d) (12)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules—Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 30204 (Deviation No. 22), HEMINGWAY TRANSPORT, INC., 438 Dartmouth Street, New Bedford, Mass. 02740, filed February 4, 1970. Carrier's representative: Carroll B. Jackson, 5600 Midlothian Turnpike, Richmond, Va. 23225. Carrier proposes to operate as a *common carrier,* by motor vehicle, of *general commodities,* with certain exceptions, over a deviation route as follows: From Richmond, Va., over Interstate Highway 95 to junction U.S. Highway 17, thence over U.S. Highway 17 to junction U.S. Highway 50, near Paris, Va., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Richmond, Va., over U.S. Highway 1 via Baltimore, Md., to New York, N.Y. (also from Baltimore over U.S. Highway 40 to junction U.S. Highway 13, thence over U.S. Highway 13 to Philadelphia, Pa., thence over U.S. Highway 1 to New York; also from Baltimore over U.S. Highway 40 to junction U.S. Highway 130, thence over U.S. Highway 130 to junction U.S. Highway 1, thence over U.S. Highway 1 to New York); and (2) from Winchester, Va., over U.S. Highway 50 to Fairfax, Va., thence over Virginia

Highway 236 to Alexandria, Va., thence over U.S. Highway 1 to New York, N.Y., and return over the same routes.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 70-2030; Filed, Feb. 17, 1970; 8:49 a.m.]

[Notice 15]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

FEBRUARY 13, 1970.

The following publications are governed by the new Special Rule 247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

No. MC 61264 (Sub-No. 16) (Republication), filed May 10, 1965, published in FEDERAL REGISTER issue of May 26, 1965, and republished, this issue. Applicant: PILOT FREIGHT CARRIERS, INC., Post Office Box 615, Winston-Salem, N.C. 27102. Applicant's representative: William F. King, Suite 301, Tavern Square, 421 King Street, Alexandria, Va. 22314. By decision and order entered in the above-entitled proceeding on August 11, 1969, the Commission, Division 1, found that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier, by motor vehicle, over irregular routes, of general commodities, with the usual exceptions, between certain points. An order of the Commission, Division 1, acting as an Appellate Division, dated January 29, 1970, and served February 11, 1970, upon reconsideration, finds, as modified, that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce as a *common carrier* by motor vehicle over regular routes, of *general commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment;

(1) Between Charlotte, N.C., and Jacksonville, Fla., from Charlotte over U.S. Highway 21 to Columbia, S.C., thence over Interstate Highway 26 to junction Interstate Highway 95, thence over Interstate Highway 95 to Jacksonville (also from Columbia over U.S. Highway 321 to Savannah, Ga., thence over U.S. Highway 17 to Jacksonville), and return over the same route, serving Charlotte for purposes of joinder only, serving intermediate points in North and South Carolina for purpose of joinder only, and serving all other points in North and South Carolina as off-route points for purposes of joinder only; (2) between the junction of U.S. Highway 321 and U.S. Highway 301, at or near Ulmers, S.C., and Jacksonville, Fla., from the junction of U.S. Highway 321 and U.S. Highway 301 over U.S. Highway 301 to junction U.S. Highway 1, at or near Folkston, Ga., thence over U.S. Highway 1 to Jacksonville, and return over the same route, serving the junction of U.S. Highway 321 and U.S. Highway 301 for purposes of joinder only, serving intermediate points in South Carolina for purposes of joinder only and serving all other points in South Carolina as off-route points for purposes of joinder only; (3) between Jacksonville and Tampa, Fla., from Jacksonville over U.S. Highway 17 to junction Interstate Highway 4 (also from Jacksonville over Interstate Highway 95 to junction Interstate Highway 4), thence over Interstate Highway 4 to Tampa, and return over the same route, serving all intermediate points;

(4) Between Jacksonville, Fla., and the junction of U.S. Highway 301 and Interstate Highway 4 located about 2 miles east of Tampa, Fla., over U.S. Highway 301, serving all intermediate points; (5) between Waldo, Fla., and the junction of Florida Highway 24 and Interstate Highway 75, at or near Gainesville, Fla., over Florida Highway 24, serving all intermediate points; (6) between Miami, Fla., and the junction of Interstate Highway 95 and Interstate Highway 4, at or near Daytona Beach, Fla., over Interstate Highway 95, serving all intermediate points; (7) between Jacksonville and Miami, Fla., over U.S. Highway 1, serving all intermediate points; (8) between the junction of Interstate Highway 75 and Sunshine State Parkway, at or near Wildwood, Fla., and the junction of Sunshine State Parkway and Interstate Highway 95, at or near North Miami Beach, Fla., over Sunshine State Parkway, serving all intermediate points; (9) between the junction of Sunshine State Parkway and U.S. Highway 17, at or near Taft, Fla., and Kissimmee, Fla., over U.S. Highway 17, serving all intermediate points; (10) between Charlotte, N.C., and Atlanta, Ga., over Interstate Highway 85, serving Charlotte for purposes of joinder only, serving Atlanta only for purposes of joinder of the authority granted herein, serving intermediate points in North and South Carolina for purposes of joinder only, and serving all other points in North and South Carolina as off-route points for purposes of joinder only; (11) between Atlanta, Ga., and the junction of Interstate Highway 75 and U.S. Highway 41, at or near Bolingbroke, Ga., over Interstate Highway 75 (also from Atlanta over U.S. Highway 41 to said junction), serving no intermediate points and serving the termini for purposes of joinder only, of the authority granted herein;

(12) Between the junction of Interstate Highway 75 and U.S. Highway 41, at or near Bolingbroke, Ga., and Tampa, Fla., over Interstate Highway 75, serving the junction of Interstate Highway 75 and U.S. Highway 41 for purposes of joinder only, of the authority granted herein, and serving all intermediate points in Florida; and (13) between Columbia, S.C., and the junction of U.S. Highway 319 and Interstate Highway 75, at or near Tifton, Ga., from Columbia over U.S. Highway 1 to Wadley, Ga., thence over U.S. Highway 319 to junction Interstate Highway 75, and return over the same route, serving Columbia for purposes of joinder only, serving the junction of U.S. Highway 319 and Interstate Highway 75, at or near Tifton, Ga., only for the purposes of joinder of the authority granted herein, serving intermediate points in South Carolina for purposes of joinder only, and serving all other points in South Carolina as off-route points for purposes of joinder only, notwithstanding any terms, conditions, and limitations contained in applicant's other authorities, routes (1) through (13) inclusive may be joined at common points of service with the carrier's existing authority as set forth in the carrier's certificate No. MC 61264, issued February 21, 1968, to operate between points in North Carolina and South Carolina, on the one hand, and, on the other, Akron, Ohio, and points in Ohio within 25 miles thereof, and points in the Cleveland, Ohio, commercial zone, as defined by the Commission. Service is authorized at all points in Florida (except those in Leon and Wakulla Counties, Fla., and those located west of such counties) as off-route points in connection with applicant's regular-route operations over the Florida portions of the routes described above. Service at points in Florida is restricted against the transportation of traffic moving locally between any two points both of which are in Florida. Service over any or all of the routes described above is restricted against the transportation of traffic which originates at or is destined to, points in Tennessee, Kentucky, Michigan, Indiana, Illinois, Wisconsin, Minnesota, Iowa, Missouri, and Ohio. Because it is possible that other persons who have relied upon the application as published may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC-83885 (Sub-No. 2) (Republication), filed October 23, 1964, published in the FEDERAL REGISTER issue of November 11, 1964, and republished this issue. Applicant: UNITED STATES TRUCKING CORPORATION, 66 Murray Street, New York, N.Y. Applicant's representative: Herbert Burstein, 160

Broadway, New York, N.Y. 10038. In the above-entitled proceeding, the Commission, Operating Rights Review Board No. 3, made and entered its decision and order on June 20, 1966, denying the application. Upon consideration of the record, and for good cause shown, by order of August 7, 1969, the proceeding was reopened for further consideration on the present record. An order of the Commission, Division 1, Acting as an Appellate Division, decided January 13, 1970, and served January 27, 1970, finds, on further consideration, that operation by applicant in interstate or foreign commerce, as a *contract carrier* by motor vehicle over irregular routes, of *sugar and blends of sugar with other sweeteners*, from Brooklyn, N.Y., to points in Bergen, Essex, Hudson, Hunterdon, Mercer, Middlesex, Monmouth, Morris, Passaic, Somerset, Sussex, Union, and Warren Counties, N.J., limited to a transportation service to be performed under continuing contract or contracts with American Sugar Co., of New York, N.Y., will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and our rules and regulations thereunder; that a permit authorizing such operations should be issued concurrently with the receipt of applicant's written request for modification of its existing certificate in No. MC-11712 so as to restrict said certificate against service to or from the facilities of American Sugar Co., of New York, N.Y., and restricted also against the transportation of the commodities authorized in this proceeding, after the lapse of 30 days from the date of publication in the FEDERAL REGISTER of a statement of the authority granted herein, and provided that no petition for leave to intervene as described above is received during such period; that the holding by applicant of the permit authorized to be issued in this proceeding and the holding by applicant of the certificates heretofore issued to it, including the certificate herein required to be modified, and the holding by Direct Winters Transport, Ltd., of its certificates, will be consistent with the public interest and the national transportation policy, subject to the right of the Commission, which is hereby expressly reserved, to impose such terms, conditions, or limitations in the future as it may find necessary in order to insure that applicant's operations shall conform to the provisions of section 210 of the act.

NOTICE OF FILING OF PETITION

No. MC 30319 (Sub-No. 23) (Notice of Filing of Petition for Reopening and Reconsideration for the Sole Purpose of Modifying or Removing Two Restrictions as They Apply at Yorktown, Tex.), filed February 2, 1970. Petitioner: SOUTHERN PACIFIC TRANSPORT COMPANY, a corporation, Dallas, Tex. Petitioners representatives: Damon R. Capps and Edwin N. Bell, 1600 Esperson Building, Houston, Tex. 77002. Petitioner requests the Commission to remove two restrictions applicable at Yorktown, Tex., on a route between Yorktown and the junction of Texas Highway 72 and U.S. Highway 87 at a point approximately 5 miles west of Cuero, Tex. The distance of the entire route involved is 12 miles, and Yorktown is the only point that would be affected. The operating rights over this particular route contain, among others, the following restrictions: "The service to be performed by said carrier shall be limited to service which is auxiliary, or supplemental to the train service of the Southern Pacific Co., hereinafter called the Railroad, except at Runge and Nordheim, Tex. "Said carrier shall not render any service to or from any point not a station on the rail line of the Railroad, except at Runge and Nordheim, Tex." By the instant petition, petitioner seeks to have changed the two restrictions in question by having them read: "The service to be performed by said carrier shall be limited to service which is auxiliary, or supplemental of the train service of the Southern Pacific Transportation Co., hereinafter called the Railroad, except at Runge, Nordheim, and Yorktown, Tex. "Said carrier shall not render any service to or from any point not a station on the rail line of the Railroad, except at Runge, Nordheim, and Yorktown, Tex." Any interested person desiring to participate, may file an original and six copies of his written representations, views, or arguments in support of, or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 69224 (Notice of Filing of Petition for Modification of Certificate), filed January 28, 1970. Petitioner: H & W MOTOR EXPRESS COMPANY. Petitioner's representative: David I. Harfeld, 39 South La Salle Street, Chicago, Ill. 60603. Petitioner holds authority in No. MC 69224 to conduct operations as a motor common carrier, over irregular routes, transporting: Electric power line construction and materials and equipment, between Dubuque, Clinton, and Decorah, Iowa, on the one hand, and, on the other, points in Minnesota within 75 miles of Dubuque, Iowa. By the instant petition, petitioner requests that its certificate No. MC 69224, bearing service date of August 22, 1961, be modified, by deleting the qualifying and totally meaningless phrase "within 75 miles of Dubuque, Iowa," in order that the authority in question clearly and accurately reflects service for which authority initially was sought under the "grandfather" procedures some 30 years ago, and which has been continuously performed by it since that time. Any interested person desiring to participate, may file an original and six copies of his written representatives, view or argument in support of, or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 123900 (Notice of Filing of Petition for Modification and Amendment of Permit to reflect Addition of Subsidiaries of Contracting Shipper), filed February 2, 1970. Petitioner: DORIC TRANSPORTATION CORP., New York, N.Y. Petitioner's representative: Bert Collins, 140 Cedar Street, New York, N.Y. 10006. The permit in No. 123900, issued March 26, 1968, reflects the following: "Restriction: The operations authorized above are limited to transportation service to be performed under a continuing contract or contracts with American Book-Stratford Press, Inc." The purpose of this petition is also to have such plantsite restriction reflect "American Book-Stratford Press, Inc., and/or its subsidiaries." Petitioner requests that its permit be amended as it relates to American Book-Stratford Press, Inc., as described below: "Irregular routes: *Printed paper, unprinted paper, books, and materials, and supplies* used in the production of printed paper and books, between Saddle Brook, N.J., on the one hand, and on the other, points in the New York, N.Y., commercial zone as defined by the Commission. Restriction: The operations authorized above are limited to a transportation service to be performed under a continuing contract or contracts, with American Book-Stratford Press, Inc., and/or its subsidiaries. *Printed and unprinted paper, books, and materials, and supplies*, used in the production of printed paper and books, except in bulk, between the plantsite of American Book-Stratford Press, Inc., and/or its subsidiaries, at Cornwall, N.Y., on the one hand, and, on the other, the plantsite of American-Stratford Press, Inc., and/or its subsidiaries, at Saddle Brook, N.J., and New York, N.Y. *Books*, printed, finished and unfinished, from the plantsite of American Book-Stratford Press, Inc., and/or its subsidiaries, at New York, N.Y., to points in Hudson, Bergen, Passaic, Essex, and Union Counties, N.J., with no transportation for compensation on return except as otherwise authorized. From the plantsite of American Book-Stratford Press, Inc., and/or its subsidiaries, at Saddle Brook, N.J., to points in Nassau County, N.Y., with no transportation for compensation on return except as otherwise authorized. Restriction: The operations authorized under the two commodity descriptions next above are limited to a transportation service to be performed, under a continuing contract, or contracts, with American Book-Stratford Press, Inc., and/or its subsidiaries." Any interested person desiring to participate, may file an original and six copies of his written representations, views or argument in support of, or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

APPLICATION FOR CERTIFICATE OR PERMIT WHICH IS TO BE PROCESSED CONCURRENTLY WITH APPLICATION UNDER SECTION 5 GOVERNED BY SPECIAL RULE 240 TO THE EXTENT APPLICABLE

No. MC 112713 (Sub-No. 120), filed January 22, 1970. Applicant: YELLOW FREIGHT SYSTEM, INC., 92d Street at State Line Road, Kansas City, Mo. 64114. Applicant's representatives: Richard K. Andrews, 1500 Commerce Trust Building,

Kansas City, Mo. 64106 and David Axelrod, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, (1) Between points in the territory composed of the following portions of counties in California: (a) Tulare County, west of the western boundaries of the Sierra National Forest, the Sequoia National Park, and the Sequoia National Forest; (b) Madera County, south and west of the southern and western boundaries of the Sierra National Forest; (c) Kings County, north and east of California State Highway 33 and (d) Fresno County, north and east of California State Highway 33, and south and west of the southern and western boundaries of the Sierra National Forest. NOTE: Applicant intends joinder at Fresno, Calif. This is a matter directly related to MC-F-10731 published in the FEDERAL REGISTER issue of January 20, 1970, wherein applicant seeks to purchase the operating rights of American Cartage Co. MC 120642 (Sub-No. 1). If a hearing is deemed necessary, applicant requests it be held at Bakersfield, Fresno, or any other conveniently located site in California.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's Special Rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F-10724. (Supplement) (ECKLEY TRUCKING & LEASING, INC.—Purchase (Portion)—CRETE CARRIER CORP.), published in the January 28, 1970, issue of the FEDERAL REGISTER, on page 1135. This supplemental notice to delete a portion of the authority sought to be transferred. The portion of the authority sought to be transferred which is eliminated reads: Construction materials, except in bulk, contractors' equipment, engines, hoists, forms, equipment and supplies, for the account of Dravo Corp., as a contract carrier, over irregular routes, between Marietta, Ohio; Benton, Ala.; Whiskey Bay Bridge Job Site, La.; the plantsite of Dravo Corp., at Neville Island, Pa., and Black River Falls Job Site, Wis., on the one hand, and, on the other, points in Alabama, Arizona, Arkansas, Connecticut, Delaware, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermon, Virginia, West Virginia, Wisconsin, Wyoming, and the District of Columbia. (NOTE: This temporarily operated authority has ceased and the permanent authority application has been withdrawn.)

No. MC-F-10744. Authority sought for purchase by TWIN CITY FREIGHT, INC., 2280 Ellis Avenue, St. Paul, Minn. 55114, of the operating rights and property of EVANS TRANSFER, INC., Post Office Box 1163, Grand Forks, N. Dak. 58201, and for acquisition by W. E. ELSHOLTZ, also of St. Paul, Minn., of control of such rights and property through the purchase. Applicants' attorney: Alan Foss, 502 First National Bank Building, Fargo, N. Dak. 58102. Operating rights sought to be transferred: Under a certificate of registration, in Docket No. MC-121373 Sub-No, 1, covering the transportation of property, as a common carrier, in intrastate commerce, within the State of North Dakota. Vendee is authorized to operate as a *common carrier* in Minnesota and North Dakota. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-10745. Authority sought for purchase by UNIVERSAL TRANSPORT, INC., Post Office Box 268, Rapid City, S. Dak. 57701, of the operating rights and property of C. A. MUCK (GERTRUDE B. MUCK, EXECUTRIX), doing business as MUCK TRANSFER, Hettinger, N. Dak. 58639, and for acquisition by C. W. BURNETTE, Post Office Box 100, Newcastle, Wyo. 82701, CHARLES LEIN, BRUCE LEIN, both of Box 3124, Rapid City, S. Dak. 57701, and ELDON JOHNSTON, Wheatland, Wyo. 82201, of control of such rights and property through the purchase. Applicants' attorneys: Stockton and Lewis, The 1650 Grant Street Building, Denver, Colo. 80203. Operating rights sought to be transferred: *General commodities*, except those of unusual value, bulk liquids, farm machinery, livestock, emigrant movables, and household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, as a *common carrier*, over irregular routes, between Hettinger, New England, Mott, and Bowman, N. Dak., and points in North Dakota within 35 miles of each, on the one hand, and, on the other, Rapid City, S. Dak., and points in South Dakota within 65 miles of Rapid City; *household goods* as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, emigrant movables, livestock, and farm machinery, between Hettinger, New England, Mott, and Bowman, and points in North Dakota within 35 miles of each, on the one hand, and, on the other, points in South Dakota, with restriction; *general commodities*, except those of unusual value, bulk liquids, farm machinery, and household goods as defined by the Commission, between Hettinger, New England, Mott, and Bowman, N. Dak., and points in North Dakota within 35 miles of each, on the one hand, and, on the other, points in South Dakota on and west of South Dakota Highway 65 and on and north of U.S. Highway 212, with restrictions; *cement*, between points in North Dakota, with restriction; and *general commodities*, except classes A and B explosives, and petroleum products, in bulk, in tank vehicles, between points in Adams County, N. Dak., on the one hand, and, on the other, points in North Dakota, with restrictions. Vendee is authorized to operate as a *common carrier* in Colorado, Arizona, Kansas, Nebraska, New Mexico, Oklahoma, Texas, Utah, Wyoming, South Dakota, North Dakota, Minnesota, and Montana. Application has been filed for temporary authority under section 210a(b).

No. MC-F-10746. Authority sought for purchase by BRIGGS TRANSPORTATION CO., 2360 West County Road C, St. Paul, Minn. 55113, of a portion of the operating rights of NORTH EASTERN MOTOR FREIGHT, INC., 5231 Monroe Street, Denver, Colo., and for acquisition by GEORGE E. BRIGGS and MICHAEL P. WARDWELL, both also of 2360 West County Road C, St. Paul, Minn. 55113, of control of such rights through the purchase. Applicants' attorneys: Einar Viren, 904 City National Bank Building, Omaha, Nebr. 68102, and Alvin J. Meiklejohn, Jr., 420 Denver Club Building, Denver, Colo. 80202. Operating rights sought to be transferred: *General commodities*, except those of unusual value, and except livestock, dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, as a *common carrier*, over regular routes, between Denver, Colo., and Sidney, Nebr., serving no intermediate points. Vendee is authorized to operate as a *common carrier* in Minnesota, Illinois, Wisconsin, Nebraska, Iowa, and Indiana. Application has not been filed for temporary authority under section 210a(b). NOTE: No. MC—29555 Sub-55 is a matter simultaneously filed. If a hearing is deemed necessary, Applicants request that it be held in Denver, Colo.

No. MC-F-10747. Authority sought for purchase by R.D.S. TRUCKING CO., INC., 931 North Main Road, Vineland, N.J. 08360, of the operating rights of CHARLES MOLINELLI, INC., Vineland, N.J. 08360, and for acquisition by RALPH DAUITO, JR., ANGELINA DAUITO, both of 1630 Fairmont Avenue, Vineland, N.J., and RALPH DAUITO, SR., Northeast Boulevard, Vineland, N.J., of control of such rights through the purchase. Applicants' representative: Blanton P. Bergen, 137 East 36th Street, New York, N.Y. 10016. Operating rights sought to be transferred: *General commodities*, excepting, among others, classes A and B explosives, household goods, and commodities in bulk, as a *common carrier*, over irregular routes, from Philadelphia, Pa., to points in Cumberland County, N.J.; *agricultural commodities*, from certain specified points in New Jersey, to points in Delaware, Maryland, New York, Pennsylvania, and the District of Columbia; *canned goods*, from Landisville, N.J., to New York, N.Y., and Philadelphia, Pa., from East Vineland, N.J., to Landisville, N.J.; *empty baskets*, from Baltimore, Md., and New York, N.Y., to Minotola, N.J.; and *fertilizer materials*, from Philadelphia, Pa., to Carteret and Elizabethport, N.J. Vendee is authorized to operate as a *common carrier* in New Jersey, Alabama, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana,

Michigan, Mississippi, Missouri, North Carolina, Ohio, South Carolina, Tennessee, and West Virginia. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-10748. Authority sought for purchase by SHEEHAN CARRIERS, INC., Lime Kiln Road, Suffern, N.Y. 10901, of a portion of the operating rights of VICTORY CORPORATION (Magnus Lipton, Assignee for the Benefit of Creditors), 460 Washington Street, New York, N.Y. 10013, and for acquisition by JOSEPH F. SHEEHAN, also of Suffern, N.Y., of control of such rights through the purchase. Applicants' attorney: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Operating rights sought to be transferred: *General commodities*, excepting, among others, classes A and B explosives, household goods, and commodities in bulk, as a *common carrier*, over regular routes, between Winsted, Conn., and New Haven, Conn., serving certain intermediate points, and the off-route points of Harwinton and Plymouth, Conn., between Winsted, Conn., and Waterbury, Conn., serving certain intermediate and off-route points, between Winsted, Conn., and New York, N.Y., serving certain intermediate and off-route points, between Hartford, Conn., and Torrington, Conn., serving certain intermediate and off-route points, between New York, N.Y., and Danbury, Conn., serving the intermediate points of Greenwich and Norwalk, Conn., and the off-route point of Bethel, Conn., restricted; also New Milford, Conn., and points in New Jersey within 30 miles of Columbus Circle, New York, N.Y., as off-route points restricted to hats and commodities used in the manufacture thereof; *general commodities*, excepting, among others, classes A and B explosives, household goods, and commodities in bulk, over irregular routes, between Winsted, Conn., and New Haven, Conn., between Winsted, Conn., and Waterbury, Conn., as above, on the one hand, and, on the other, certain specified points in Connecticut, and Millerton, N.Y.; *machinery, yarn, and electrical appliances*, between Winsted, Conn., and New York, N.Y.; *copper wire, scrap wire, and empty spools and reels*, between Ossining, N.Y., and Winsted, Conn.; *scrap paper*, from Chappaqua, N.Y., to Riverton, Conn.; *wrapping paper*, from Riverton, Conn., to Chappaqua, N.Y.; *cord wood*, from Riverton, Conn., to Hastings, N.Y.; *nursery stock*, from Colebrook, Conn., and points in Connecticut within 25 miles of Colebrook, to certain specified points in New York, and New Jersey; *paper*, from Chappaqua, N.Y., to Bridgeport and Riverton, Conn., from Riverton, Conn., to New York, N.Y.; and *feed, grass seed, peat moss, molasses, rabbit skins, beet pulp, and cod liver oil*, in containers, from points in the New York, N.Y., commercial zone as defined by the Commission to Winsted, Conn. Vendee is authorized to operate as a *common carrier* in New York, New Jersey, and Pennsylvania. Application has been filed for temporary authority under section 210a(b).

No. MC-F-10749. Authority sought for control by SMITH & SOLOMON TRUCKING COMPANY, How Lane, New Brunswick, N.J. 08903, of EAST COAST FREIGHT LINES, 3005 West Marshall Street, Richmond, Va. 23230, and for acquisition by LEON SMITH and IRVING SMITH, both also of New Brunswick, N.J., of control of EAST COAST FREIGHT LINES, through the acquisition by SMITH & SOLOMON TRUCKING COMPANY. Applicants' attorney: Herbert Burstein, 30 Church Street, New York, N.Y. 10007. Operating rights sought to be controlled: *General commodities*, excepting, among others, dangerous explosives, household goods and commodities in bulk, as a *common carrier*, over regular routes, between Richmond, Va., and New York, N.Y., serving all intermediate points, and at off-route points in the New York, N.Y. commercial zone, as defined by the Commission in 1 M.C.C. 665, and those in New York and New Jersey within 25 miles of New York, N.Y., with restrictions, service is not authorized between Washington, D.C., and Alexandria, Va., for the movement of traffic originating at either point designated to the other, between Richmond, Va., and Petersburg, Va., serving all intermediate points, and the off-route points of Hopewell, Va., and Federal Reformatory Camp, Petersburg, Va.; over numerous alternate routes for operating convenience only; and *general commodities*, excepting, among others, classes A and B explosives, household goods and commodities in bulk, over irregular routes, between Richmond, Va., and the Richmond Deep Water Terminal near Richmond. SMITH & SOLOMON TRUCKING COMPANY is authorized to operate as a *common carrier* in New York, New Jersey, Maryland, Pennsylvania, Michigan, Texas, Wisconsin, Connecticut, Massachusetts, Rhode Island, Maine, Delaware, Virginia, North Carolina, South Carolina, Georgia, Indiana, Illinois, Florida, West Virginia, Tennessee, Kentucky, Alabama, Mississippi, Ohio, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC-F-10750. Authority sought for purchase by BUDIG TRUCKING CO., 1100 Gest Street, Cincinnati, Ohio 45203, of the operating rights and property of HOWARD FLORA, doing business as HOWARD FLORA FREIGHT LINE, 1051 East Second Street, Maysville, Ky. 41056, and for acquisition by OTTO M. BUDIG, OTTO M. BUDIG, JR., and GEORGE J. BUDIG, all also of Cincinnati, Ohio, of control of such rights and property through the purchase. Applicants' attorneys: Jack B. Josselson, 700 Atlas Bank Building, Cincinnati, Ohio 45202, and Mr. George M. Catlett, 703 McClure Building, Frankfort, Ky. 40601. Operating rights sought to be transferred: Under a certificate of registration, in Docket No. MC-99351 Sub 2, covering the transportation of general commodities, as a common carrier, in intrastate commerce, within the State of Kentucky; and *general commodities*, excepting among others, household goods and commodities in bulk, as a *common carrier*, over regular routes, between Maysville, Ky., and Vanceburg, Ky., serving all intermediate points, restricted against service to those points in Ohio located within the commercial zones of Maysville and Vanceburg, Ky., as defined by the Commission; between Augusta and Maysville, Ky., over Kentucky Highway 8, serving all intermediate points; with restriction. Vendee is authorized to operate as a *common carrier* in Ohio, Kentucky, and Indiana. Application has not been filed for temporary authority under section 210a(b). NOTE: No. MC-77016 Sub 10, is a matter directly related.

No. MC-F-10751. Authority sought for purchase by CARAVAN REFRIGERATED CARGO, INC., Post Office Box 6188, Dallas, Tex. 75222, of a portion of the operating rights of BILYEU REFRIGERATED TRANSPORT CORPORATION, Post Office Box 688, Marshall, Mo. 65340, and for acquisition by J & T ASSOCIATES, INC., also of Dallas, Tex., of control of such rights through the purchase. Applicants' attorney: Paul M. Daniell, 1600 First Federal Building, Atlanta, Ga. 30303. Operating rights sought to be transferred: *Meats, meat products, and meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, except commodities in bulk, in tank vehicles, as a *common carrier*, over irregular routes, from the plantsite of Producers Packing Co. near Garden City, Kans., to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Minnesota, Missouri, Nebraska, Ohio, Pennsylvania, Tennessee, Virginia, and West Virginia, with restriction; and *food products* (except frozen food products, commodities, in bulk, in tank vehicles, and meats, meat products, meat byproducts, and articles distributed by meat packinghouses as described in sections A and C of appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766), from Columbus, Ohio, to points in Texas, Oklahoma, Arkansas, Louisiana, Kansas, and Missouri, with restriction. Vendee is authorized to operate as a *common carrier* in all States in the United States (except Vermont, Alaska, and Hawaii). Application has been filed for temporary authority under section 210a(b).

No. MC-F-10753. Authority sought for purchase by ARLEDGE TRANSFER, INC., Post Office Box 157, Burlington, Iowa 52601, of a portion of the operating rights of DEARMIN TRANSFER, INC., Wapello, Iowa 52653, and for acquisition by JAMES G. ARLEDGE, also of Burlington, Iowa, of control of such rights through the purchase. Applicants' attorney: Thomas F. Kilroy, 2111 Jefferson Davis Highway, Arlington, Va. 22202. Operating rights sought to be transferred: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities requiring

special equipment, and those injurious or contaminating to other lading, as a *common carrier*, over regular routes, between Newport, Iowa, and Galesburg and Peoria, Ill., serving the intermediate and off-route points of Bartonville, Ill., restricted to traffic moving to or from Peoria; and points within 10 miles of Newport, without restriction. Vendee is authorized to operate as a *common carrier* in Iowa, Illinois, Missouri, Wisconsin, Indiana, Minnesota, Nebraska, North Dakota, South Dakota, and Michigan. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-10754. Authority sought for continuance in control by CROWN MOVING & STORAGE, INC., 2501 East 56th Street, Indianapolis, Ind. 46205, through common management with WHEATON VAN LINES, INC., a motor carrier subject to Part II of the Act, of CROWN MOVING & STORAGE, INC., OF ILLINOIS, 2501 East 56th Street, Indianapolis, Ind. 46205, and for acquisition by E. S. WHEATON, RICHARD J. WHEATON, C. W. ZIMMERMAN, C. LLOYD KROGER, R. L. SHEETS, and WHEATON VAN LINES, INC., all also of Indianapolis, Ind. 46205, of control of CROWN MOVING & STORAGE, INC., OF ILLINOIS, through the acquisition by CROWN MOVING & STORAGE, INC. Applicants' attorney: Alan F. Wohlstetter, 1 Farragut Square South, Washington, D.C. 20006. Operating rights sought to be controlled: (This authority in No. MC-133500 Sub-1, is contingent upon approval of this Section 5 Application, pursuant to report and order, by Review Board No. 1, dated August 18, 1969.) Used household goods, as a common carrier, over irregular routes, between points in Kenosha, Racine, Milwaukee, and Waukesha Counties, Wis., Lake and Porter Counties, Ind., and points in Illinois on and north of U.S. Highway 136, with restrictions. (This authority is temporarily operated under MC-133500 TA.) CROWN MOVING & STORAGE, INC., holds no authority from this Commission. However, WHEATON VAN LINES, INC., 2525 East 56th Street, Indianapolis, Ind. 46220. Mail: Post Office Box 55191, Indianapolis, Ind. 46205, which Vendee is under common control through management is authorized to operate as a *common carrier* in all points in the United States (except Alaska and Hawaii). Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary*.

[F.R. Doc. 70-2031; Filed, Feb. 17, 1970; 8:49 a.m.]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

FEBRUARY 13, 1970.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by § 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

State Docket No. MC-4479 Sub 9, filed January 26, 1970. Applicant: KNOXVILLE-MARYVILLE MOTOR EXPRESS, INC., 2335 Texas Avenue, Knoxville, Tenn. 37921. Applicant's representative: Blaine Buchanan, 1024 James Building, Chattanooga, Tenn. 37402. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general property*, except household goods, liquid commodities in bulk, fly ash, dry cement, and dry fertilizer in bulk, and dry acids and dry chemicals in bulk, between Rogersville, Tenn., and points within 2 miles thereof on the one hand, and on the other, all points in Tennessee within 50 miles of Knoxville, Tenn., over irregular routes; between Jefferson City, Tenn., and Rogersville, Tenn., over a regular route serving all intermediate points: from Jefferson City over U.S. Highway 11E to junction Tennessee Highway 66A at or near Whitesburg, thence over Tennessee Highway 66A (and Tennessee Highway 70) to Rogersville and return over the same route. No duplicate authority is sought. The above routes are to be tacked or joined to all of applicant's present routes and areas for through transportation and interchange of freight both intrastate and interstate.

HEARING: Wednesday, April 1, 1970, at 9:30 a.m., Commission's Hearing Room, Cordell Hull Building, Nashville, Tenn. Requests for procedural information, including the time for filing protests, concerning this application should be addressed to the Tennessee Public Service Commission, Cordell Hull Building, Nashville, Tenn. 37219, and should not be directed to the Interstate Commerce Commission.

State Docket No. MT-8767, filed December 22, 1969. Applicant: TAN LINE, INC., 2 Johnsfield Court, Huntington Station, N.Y. 11746. Applicant's representative: George A. Olsen, 69 Tonnelle Avenue, Jersey City, N.J. 07306. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *Baggage and personal effects*, between Kennedy and La Guardia airports on the one hand, and, on the other, all points in the State of New York. Both intrastate and interstate authority sought.

HEARING: Not yet assigned. Requests for procedural information, including the time for filing protest, concerning this application should be addressed to New York State Public Service Commission, 44 Holland Avenue, Albany, N.Y. 12208, and should not be directed to the Interstate Commerce Commission.

State Docket No. 16260, filed January 20, 1970. Applicant: G. A. HORNADY, CECIL M. HORNADY AND B. C. HORNADY, doing business as HORNADY BROTHERS TRUCK LINE, Drewery Road, Monroeville, Ala. Applicant's representative: Robert E. Tate, Post Office Box 517, Evergreen, Ala. 36401.Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *General commodities* (except commodities in bulk and exlosives), between points in Monroe County, Ala., and between Monroe County, Ala., on the one hand, and Jefferson County, Ala., on the other. Both intrastate and interstate authority sought.

HEARING: Contact Alabama Public Service Commission. Requests for procedural information, including the time for filing protests, concerning this application should be addressed to the Alabama Public Service Commission, Post Office Box 991, Montgomery, Ala. 36102, and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary*.

[F.R. Doc. 70-2032; Filed, Feb. 17, 1970; 8:49 a.m.]

[No. MC-C-6748]

SMOKING BY PASSENGERS AND OPERATING PERSONNEL ON INTERSTATE BUSES

Republication of Notice of Filing of Petition for Institution of Rulemaking Proceeding

FEBRUARY 13, 1970.

Petitioner: RALPH NADER, Washington, D.C. Petitioner's representative: William A. Dobrovir, 1660 L Street NW., Washington, D.C. 20036. The following publication appeared in the February 14, 1970, issue of the FEDERAL REGISTER. It is being republished to assure full notice of the matters contained therein. Representations in support, or in opposition to the petition are due March 16, 1970.

By petition filed January 8, 1970, petitioner seeks institution of a rulemaking proceeding for the purpose of establishing a rule which would prohibit the smoking of cigars, cigarettes, or pipes by passengers and operating personnel on all passenger carrying motor vehicles operating in interstate or foreign commerce. It is petitioner's position that section 204(a)(1) of the Interstate Commerce Act, 49 U.S.C. 304(a)(1), empowers the Commission to make reasonable requirements with respect to continuous and adequate service; that section 208 of the act, 49 U.S.C. 308, empowers the Commission to place conditions in certificates of public convenience and necessity to carry out the requirements established under 49 U.S.C. 304(a)(1); and that section 204(a)(3a) of the act, 49

U.S.C. 304(a)(3a), empowers the Commission to establish reasonable requirements with respect to comfort of passengers on motor carriers of migrant workers. Petitioner seeks to invoke the Commission's authority to provide for adequacy of service, and contends that adequacy of service includes provision for the health and comfort of passengers on buses. Petitioner offers as an exhibit a memorandum summarizing certain scientific findings dealing with the health hazards of smoking, and he argues that smoking constitutes a serious hazard to the health of petitioner and all nonsmoking passengers. A parallel petition has been filed with the Department of Transportation. Any interested person desiring to participate shall file an original and seven copies of his written representations, views, and arguments in support of, or against, the petition within 30 days from the date of publication in the FEDERAL REGISTER. In addition, any person submitting matter in support of the petition should include therein a draft of the rule he believes should be adopted.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 70-2029; Filed, Feb. 17, 1970; 8:48 a.m.]

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