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Title 7—AGRICULTURE

Chapter I—Consumer and Marketing Service (Standards, Inspection, Marketing Practices)

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

Subpart—U.S. Standards for Grades of Canned Spinach [1]

During the period of March 1, 1966 to January 1, 1969 three notices of proposed rule making were published in the FEDERAL REGISTER (31 F.R. 3253, 32 F.R. 6848, and 33 F.R. 4335) regarding the revision of the U.S. Standards for Grades of Canned Spinach. An extension of time to permit further study of the proposal was published in the FEDERAL REGISTER of February 25, 1969 (34 F.R. 2564).

After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notices, the U.S. Standards for Grades of Canned Spinach are hereby revised, pursuant to the Agricultural Marketing Act of 1946 (sec. 205, 60 Stat. 1090, as amended; 7 U.S.C. 1624).

Statement of considerations leading to the revision. Three notices of proposed rule making were published in the FEDERAL REGISTER during the period from March 1, 1966, to January 1, 1969, proposing changes in the Grade Standards for Canned Spinach, which had been in effect since 1950.

The proposals were initiated on the basis of a request from the spinach canning industry, to include the styles of "Cut or Sliced" and "Chopped" in the standards along with the style of "Whole Leaf" which was the only style provided for in these earlier standards. An adjustment in the recommended minimum drained weight was also suggested by the California Spinach canners to be more compatible to the maximum drained weight limits specified and enforced by the State of California Department of Public Health.

On its own initiative the U.S. Department of Agriculture introduced a different concept in grade standards from the traditional format. This new concept is based on the statistical attributes approach. The allowances for various types of defects were calculated to be as close as possible to the earlier standard.

[1] Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable State laws and regulations.

In 1967 the standards which had been in effect since 1950 were amended to include the proposed styles of "Cut or Sliced" and "Chopped" as well as the proposed drained weights. The spinach canning industry requested more time, however, to study the attributes concept. This time was carried through until January 1, 1970.

There have been no adverse comments received from the spinach canning industry regarding the proposed revision. There have been some formal and informal suggestions from representatives of the spinach canning industry in California to change the definitions for minor, major, and severe defects with respect to certain types of harmless extraneous material. These suggested changes would have the effect of increasing the allowance for this material. The industry has not provided data to substantiate the need for such an increase. Data and experience obtained over 4 years of study by the Department does not indicate a need for the suggested change. Furthermore, the definitions for harmless extraneous material in these revised canned spinach grade standards are the same as those contained in the grade standards for canned leafy greens (other than spinach). These latter standards have been in use since 1968 with no adverse comment as to the allowances for harmless extraneous material.

Therefore, the U.S. Standards for Grades of Canned Spinach are hereby adopted as proposed with the exception of some minor editorial changes. These changes will not alter in any way the quality levels for the various grade classifications as proposed.

The revised standards adopt the following changes from the previous standards in effect since 1950 and as amended in 1967:

(1) Requirements are based on the statistical attributes principle;

(2) The grade nomenclature for Grade C in the previous standards is now Grade B (this change is to provide more uniformity in grade nomenclature in the grade standards for processed fruits and vegetables);

(3) Allowances for various defects are based on specific acceptable quality levels (AQL's) for the different grade classifications which are adapted to specified sample unit sizes (Under this concept, the AQL remains the same for a specific grade classification regardless of the size of container in which the product is packed);

(4) The scoring system is eliminated;

(5) Objective definitions are provided for in the styles of "Cut Leaf" or "Sliced" and "Chopped";

(6) Separate allowances are provided for the style of "Chopped";

(7) Objective allowances for stem material are included in the various grade classifications; and

(8) A procedure for ascertaining compliance with stem material requirements is adopted.

The revised standards are as follows:

PRODUCT DESCRIPTION, STYLES, GRADES

Secs.
52.1901 Product description.
52.1902 Styles of canned spinach.
52.1903 Grades of canned spinach.

DEFINITIONS OF TERMS AND SYMBOLS

52.1904 Definitions of terms and symbols.

FILL OF CONTAINER

52.1905 Recommended fill of container.

RECOMMENDED DRAINED WEIGHTS

52.1906 Recommended drained weights.

FACTORS OF QUALITY

52.1907 Factors of quality.
52.1908 Sample unit size.

PRODUCT CHARACTERISTICS

52.1909 Classification of defects.

TOLERANCES FOR GRADE COMPLIANCE

52.1910 Tolerances for stem material.
52.1911 Tolerances for color, character, damage, harmless extraneous material.

ASCERTAINING PERCENTAGE OF STEM MATERIAL

52.1912 Method for ascertaining percentage of stem material.

LOT ACCEPTANCE

52.1913 Lot acceptance for drained weights.
52.1914 Lot acceptance for quality.

TALLY SHEET

52.1915 Tally sheet for canned spinach.

AUTHORITY: §§ 52.1901 to 52.1915 issued under sec. 205, 60 Stat. 1090, as amended; 7 U.S.C. 1624.

PRODUCT DESCRIPTION, STYLES, GRADES

§ 52.1901 Product description.

"Canned Spinach", as defined in the definitions and standards of identity for canned vegetables (21 CFR 51.990) issued pursuant to the Federal Food, Drug, and Cosmetic Act, means the product properly prepared from the succulent leaves of the spinach plant and is packed with the addition of water in hermetically sealed containers and sufficiently processed by heat to prevent spoilage. Citric acid or a vinegar may be added in a quantity not more than sufficient to permit effective processing by heat without discoloration or other impairment of the product. One or more of the optional seasoning ingredients specified in the aforesaid standards of identity may be added.

§ 52.1902 Styles of canned spinach.

(a) "Whole leaf" spinach consists substantially of the leaf and adjoining portion of the stem.

(b) "Cut leaf" or "Sliced" spinach consists of the leaf and adjoining portion of stem that has been cut predominantly into large pieces approximating three-fourths inch or more in the longest dimension or cut predominantly into approximate strips.

(c) "Chopped" spinach consists of the leaf and adjoining portion of stem that has been cut predominantly into small pieces less than approximately three-fourths inch in the longest dimension.

§ 52.1903 Grades of canned spinach.

(a) "U.S. Grade A" (or "U.S. Fancy") is the quality of canned spinach that has a good flavor and odor and is attractive in appearance and eating quality within the limitations set forth in this subpart as to:

(1) Color,
(2) Character,
(3) Stem material,
(4) Damage, and
(5) Harmless extraneous material.

(b) "U.S. Grade B" (or "U.S. Extra Standard") is the quality of canned spinach that has a good flavor and odor and is reasonably attractive in appearance and eating quality within the limitations set forth in this subpart as to:

(1) Color,
(2) Character,
(3) Stem material,
(4) Damage, and
(5) Harmless extraneous material.

(c) "Substandard" is the quality of canned spinach that fails to meet the requirements for "U.S. Grade B".

Definitions of Terms and Symbols

§ 52.1904 Definitions of terms and symbols.

(a) *Terms.*

Defect	Any specifically defined variation from a particular requirement.
Deviant	A sample unit that exceeds an upper limit (such as for stem material or various defect classifications) or fails to meet a lower limit (such as drained weights).
Sample	Any number of sample units to be used for inspection of a lot.
Sample unit	The entire contents of a container, a portion of the contents of a container, or a combination of the contents of two or more containers as specified to be used for inspection.
Sample average value.	The numerical value calculated by dividing the total number of applicable defects in a sample by the total number of sample units in that sample.

(b) *Symbols.*

$\overline{X}_d$	Minimum sample average drained weight.
LL	Lower limit for individual drained weights.
UL	Upper limit is the value which represents the maximum amount of stem material or the maximum number of defects a sample unit may have for a grade classification.

Fill of Container

§ 52.1905 Recommended fill of container.

The recommended fill of container is not incorporated in the grades of the finished product since fill of container, as such, is not a factor of quality for the purpose of these grades. The recommended fill of container for canned spinach is the maximum amount of spinach that can be sealed in a container and processed by heat without impairment of quality. It is recommended that the product and packing medium occupy not less than 90 percent of the water capacity of the container.

Recommended Drained Weights

§ 52.1906 Recommended drained weights.

(a) *General.* The recommended drained weight values in Table I of this subpart are not incorporated in the grades of the finished product, since drained weight, as such, is not a factor of quality for the purpose of these grades.

(b) *Method for ascertaining drained weight.* (1) The drained weight of canned spinach is determined when the product is at approximately room temperature (68° F.). The contents of the container is emptied upon a dry, previously weighed, U.S. Standard No. 8 circular sieve of proper diameter containing 8 meshes to the inch (0.0937 inch, ±3 percent, square openings). With the sieve flat on the tray, the container of spinach is placed open end down in the sieve in an upright position. The container is lifted off the spinach without spreading the spinach out on the sieve. The spinach is allowed to drain for exactly 2 minutes. The weight of the spinach and sieve minus the weight of the dry sieve is the drained weight of the spinach.

(2) A sieve 8 inches in diameter is used for the equivalent of a No. 3 size can (404 x 700) and smaller and a sieve 12 inches in diameter is used for containers larger than the equivalent of a No. 3 size can.

Table I—Recommended Minimum Drained Weights for Canned Spinach

Container designation (metal, unless otherwise stated)	Container size overall dimensions		Capacity—weight H_2O at 68° F. (avoirdupois ounces)	Minimum drained weight avoirdupois ounces)	
	Diameter (inches)	Height (inches)		*LL*	$\overline{X}_d$
8Z tall	2 1/16	3 4/16	8.65	4.8	5.2
No. 1 picnic	2 1/16	4	10.90	6.3	6.8
No. 300	3	4 7/16	15.20	8.6	9.1
No. 1 tall	3 1/16	4 11/16	16.60	9.4	10.0
No. 303	3 3/16	4 5/16	16.85	9.6	10.2
No. 303 glass			17.70	9.4	10.0
No. 2	3 7/16	4 9/16	20.50	11.9	12.6
No. 2½	4 1/16	4 11/16	29.75	17.6	18.6
No. 2½ glass			29.50	15.8	16.6
No. 10	6 3/16	7	109.45	54.7	58.4

Factors of Quality

§ 52.1907 Factors of quality.

The grade of a lot of canned spinach is based on requirements for product characteristics with respect to the following quality factors:

(a) Flavor and odor.
(b) Color.
(c) Character.
(d) Stem material.
(e) Damage.
(f) Harmless extraneous material.

§ 52.1908 Sample unit size.

(a) Compliance with the factors of flavor and odor, color, and character may be determined on: (1) The contents of an entire container, or (2) a representative subsample from containers yielding more than 10 ounces of drained weight.

(b) Compliance with requirements for harmless extraneous material other than plant material is determined on the contents of an entire container.

(c) Compliance with requirements for the factors of stem material, damage, and extraneous plant material shall be determined on subsamples as specified in Table II of this subpart.

Table II.—Sample Unit Size—Drained Spinach

Style	Containers smaller than No. 2½	No. 2½ containers	No. 10 containers
Whole leaf; cut leaf.	10 ounces	15 ounces	30 ounces.
Chopped	2 ounces	3 ounces	6 ounces.

Product Characteristics

§ 52.1909 Classification of defects.

(a) *General.* Scoreable defects in the factors of color, character, extraneous plant material, other extraneous material, and damaged spinach are outlined in Tables III, IV, and V.

(b) *Extraneous plant material.* Extraneous plant material includes root crowns and root stubs of the spinach plant and harmless grass and weeds of various kinds and texture.

(c) *Other extraneous material.* Other extraneous material includes grit, sand, silt, or other earthy material.

(d) *Damage.* Damage includes discoloration or other similar injury on a leaf or stem or portion thereof which damage affects, materially affects, or seriously affects the appearance or eating quality of the portion of spinach and/or entire product.

(e) *Degrees of defect classes.* Defects are classified as to minor, major, or severe. Each "X" mark in Tables III, IV, and V represents "one (1) defect".

TABLE III—WHOLE LEAF; CUT LEAF; CHOPPED STYLES

Quality factors	Defects	Minor	Major	Severe
Color	Color appearance is:			
	Adversely affected to a degree that is noticeable		X	
	Adversely affected to a degree that is objectionable.			X
Character	Appearance or eating quality, due to a mushy texture, disintegration, ragged cutting, or shredded leaves and shredded stems or portions thereof, as applicable for the style, is:			
	Adversely, but not seriously, affected		X	
	Seriously affected			X
Extraneous plant material	Root crown: Any significant portion of the solid area of the plant between the root and attached leaves.		X	
	Root stub: Any portion of the root whether or not leaves are attached.			X
Other extraneous material	Grit, sand, silt, or other earthy material:			
	A trace that no more than slightly affects appearance or eating quality.		X	
	Presence materially affects appearance or eating quality.			X

TABLE IV

Quality factors	Defects	Minor	Major	Severe
	WHOLE LEAF; CUT LEAF STYLES			
	Grass and Weeds (Aggregate measurement)			
Extraneous plant material	(1) Green, fine, tender stringlike blades and stems:			
	3 inches or less	X		
	More than 3 inches but not more than 8 inches		X	
	More than 8 inches			X
	(2) Green and coarse:			
	½ inch or less	X		
	More than ½ inch but not more than 2 inches		X	
	More than 2 inches			X
	(3) Other than green—of any texture or kind:			
	½ inch or less		X	
	More than ½ inch			X
	Seed Head:			
	Longer than 1 inch or objectionable regardless of size		X	
	CHOPPED STYLE			
	Grass and Weeds (Aggregate measurement)			
	(1) Green, fine, tender stringlike blades and stems:			
	¾ inch or less	X		
	More than ¾ inch but not more than 2 inches		X	
	More than 2 inches			X
	(2) Green and coarse:			
	¾ inch or less		X	
	More than ¾ inch			X
	(3) Other than green—of any texture or kind:			
	Any amount			X
	Seed Head—Pieces affect appearance or eating quality:			
	More than slightly but not materially	X		
	Materially		X	
	Seriously			X

TABLE V

Quality factors	Defects	Minor	Major	Severe
	WHOLE LEAF; CUT LEAF STYLES			
	Discoloration or other injury (affecting the appearance or eating quality)			
Damage	Less than 1 square inch that more than slightly but not materially affects	X		
	Less than 1 square inch that materially affects		X	
	1 square inch or more but less than 4 square inches that affects to any degree		X	
	More than 4 square inches that affects to any degree			X
	CHOPPED STYLE			
	Discoloration or other injury (affecting the appearance or eating quality)			
	Any area that materially affects	X		

TOLERANCES FOR GRADE COMPLIANCE

§ 52.1910 Tolerances for stem material.

Stem material is that portion of the spinach plant below the point of attachment to the leaf. Allowances for stem material for the respective grade are shown in Table VI, based on the method for ascertaining the amount of stem material outlined in this subpart (See § 52.1912).

TABLE VI

TOLERANCES FOR STEM MATERIAL (ALL STYLES)

Grade classification	*Upper Limit (UL) for the sample unit*
U.S. Grade A	25 percent by weight.
U.S. Grade B	30 percent by weight.

§ 52.1911 Tolerances for color, character, damage, harmless extraneous material.

TABLE VII(a)—WHOLE LEAF; CUT LEAF STYLES

For container sizes: Less than No. 2½ (sample unit size—10 ozs.)		Number of defects permitted in a sample unit		Sample average value
Grade classification	Defect classification	Upper limit (UL)	Maximum allowed for deviants	
U.S. Grade A	Severe	1	2	0.25
	Major	4	6	1.50
	Total [2]	8	11	4.0
U.S. Grade B	Severe	2	3	0.50
	Major	8	11	4.0
	Total [2]	18	23	12.0

[2] "Total"—the sum of severe, major, and minor defects.

TABLE VII (b)—WHOLE LEAF; CUT LEAF STYLES

For container size: No. 2½ (sample unit size—15 ozs.)		Number of defects permitted in a sample unit		Sample average value
Grade classification	Defect classification	Upper limit (UL)	Maximum allowed for deviants	
U.S. Grade A	Severe	1	3	0.375
	Major	5	8	2.25
	Total [2]	10	14	6.0
U.S. Grade B	Severe	2	4	0.75
	Major	10	14	6.0
	Total [2]	26	32	18.0

[2] "Total"—the sum of severe, major, and minor defects.

TABLE VII(c)—WHOLE LEAF; CUT LEAF STYLE

For container size: No. 10 (sample unit size—30 ozs.)		Number of defects permitted in a sample unit		Sample average value
Grade classification	Defect classification	Upper limit (UL)	Maximum allowed for deviants	
U.S. Grade A	Severe	2	4	0.75
	Major	8	12	4.5
	Total [2]	18	23	12.0
U.S. Grade B	Severe	4	6	1.5
	Major	18	23	12.0
	Total [2]	47	55	36.0

[2] "Total"—the sum of severe, major, and minor defects.

TABLE VIII(a)—CHOPPED STYLE

For container sizes: Less than No. 2½ (sample unit size—2 ozs.)		Number of defects permitted in a sample unit		Sample average value
Grade classification	Defect classification	Upper limit (UL)	Maximum allowed for deviants	
U.S. Grade A	Severe	1	2	0.25
	Major	4	6	1.50
	Minor (grass and weeds)	4	7	2.0
	Total [3]	22	27	15.0
U.S. Grade B	Severe	2	3	0.50
	Major	8	11	4.0
	Minor (grass and weeds)	10	14	6.0
	Total [3]	51	59	40.0

[3] "Total"—the sum of severe, major, and minor defects including minor grass and weeds.

TABLE VIII(b)—CHOPPED STYLE

For container size: No. 2½ (sample unit size—3 ozs.)		Number of defects permitted in a sample unit		Sample average value
Grade classification	Defect classification	Upper limit (UL)	Maximum allowed for deviants	
U.S. Grade A	Severe	1	3	0.375
	Major	5	8	2.25
	Minor (grass and weeds)	6	9	3.0
	Total [3]	31	38	22.5
U.S. Grade B	Severe	2	4	0.75
	Major	10	14	6.0
	Minor (grass and weeds)	14	19	9.0
	Total [3]	74	85	60.0

[3] "Total"—the sum of severe, major, and minor defects including minor grass and weeds.

TABLE VIII(c)—CHOPPED STYLE

For container size: No. 10 (sample unit size—6 ozs.)		Number of defects permitted in a sample unit		Sample average value
Grade classification	Defect classification	Upper limit (UL)	Maximum allowed for deviants	
U.S. Grade A	Severe	2	4	0.75
	Major	8	12	4.5
	Minor (grass and weeds)	10	14	6.0
	Total [3]	57	66	45.0
U.S. Grade B	Severe	4	6	1.50
	Major	18	23	12.0
	Minor (grass and weeds)	26	32	18.0
	Total [3]	140	153	120.0

[3] "Total"—the sum of severe, major, and minor defects including minor grass and weeds.

ASCERTAINING PERCENTAGE OF STEM MATERIAL

§ 52.1912 Method for ascertaining percentage of stem material.

(a) *Method for separation*—(1) *Whole leaf; cut leaf styles.* (i) Have available two dry, previously weighed U.S. Standard No. 8 circular sieves containing 8-meshes to the inch (0.0937, ±3 percent, square openings), not to exceed 8 inches in diameter.

(ii) Place the sample unit of spinach in water in a deep grading tray. With gentle agitation, separate the leaves. Remove the individual leaves from the water and cut the attached stem off just below the last point of attachment of leaf material.

(iii) Place the stem material on one sieve and the leaf material on another sieve. Remove all detached stems and pieces of stem and detached leaves and pieces of leaves from the water and place on their respective screen.

(2) *Chopped style.* Place the sample unit, approximately one ounce at a time, in water in a deep grading tray. Remove the loose stem material and place on a dry sieve as mentioned under (a)(1) of this section. Pour the remaining leaf material on another sieve. Repeat until the stem material has been removed from the entire sample unit.

(b) *Drained weight of separated material.* (1) Allow the leaf material and stem material to drain for 2 minutes from the time the separation has been completed.

(2) Weigh separately: (i) The screen and leaf material, and (ii) the screen and stem material. The weight of the screen and leaf material minus the weight of the screen is the weight of the leaf material. The weight of the screen and stem material minus the weight of the screen is the weight of stem material.

(c) *Calculations.* The percent of stem material is the weight of drained stem material divided by the sum of the weights of drained stem material and drained leaf material.

$$\frac{\text{Weight of stem material}}{\text{Weight of stem material} + \text{weight of leaf material}} = \text{Percent of stem material.}$$

LOT ACCEPTANCE

§ 52.1913 Lot acceptance for drained weights.

A lot of canned spinach is considered as meeting the minimum drained weights when the following criteria are met:

(a) The average of the drained weights from all the containers in the sample meets the average drained weight in Table I of this subpart (designated as $\overline{X}_d$); and

(b) The number of deviants for drained weight do not exceed the applicable acceptance number specified in the single sampling plan in the Regulations Governing Inspection of Processed Fruits, Vegetables, and Related Products (§§ 52.1 to 52.87).

§ 52.1914 Lot acceptance for quality.

A lot of canned spinach shall be considered as meeting the quality requirements for the applicable grade when the following criteria are met:

(a) *Flavor and odor.* All sample units meet the requirements for flavor and odor.

(b) *Stem material.* (1) The number of sample units which exceed the upper limits (UL) for stem material as applicable for the grade (deviants), specified in Table VI, does not exceed the acceptance number specified for the sample size in the Single Sampling Plan of the Regulations Governing Inspection of Processed Fruits, Vegetables, and Related Products (§§ 52.1 to 52.87).

(2) Deviants for stem material are permitted in addition to the deviants allowed for other quality factors.

(c) *Color, character, damage, harmless extraneous material.* (1) The number of sample units which exceed the

upper limit (UL) for these defects for the applicable grade (deviants), specified in Tables VII(a), VII(b), VII(c), VIII(a), VIII(b), and VIII(c), does not exceed the acceptance number specified for the sample size in the Single Sampling Plan of the Regulations Governing Inspection of Processed Fruits, Vegetables, and Related Products (§§ 52.1–52.87); and

(2) The sample average values for the various defect classifications specified in Tables VII(a), VII(b), VII(c), VIII(a), VIII(b), and VIII(c) are not exceeded; and

(3) No sample unit exceeds the maximum number of defects allowed for deviants as specified in Tables VII(a), VII (b), VII(c), VIII(a), VIII(b), and VIII (c).

TALLY SHEET

§ 52.1915 Tally sheet for canned spinach.

No., size, kind of container								
Label statements								
Container mark or identification:								
Cans								
Glass								
Cases								
Net weight (ounces)								
Vacuum (inches)								
Drained weight (ounces)								Average
Style								
Quality factors	Defects							
	Sample unit			Sample unit			Sample average value	
	Minor	Major	Severe	Minor	Major	Severe		
Color								
Character								
Damage								
Harmless extraneous material							Minor	Major / Severe
Total (each class.)								
Total: Minor								
Total: Major								
Total: Severe								
Stem material: A–UL=25%			%			%		
Stem material: B–UL=30%								
Flavor and odor:								
Good								
Objectionable								

The U.S. Standards for Grades of Canned Spinach (which is the fourth issue) contained in this subpart shall become effective 30 days after publication hereof in the FEDERAL REGISTER.

Dated: February 17, 1970.

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

[F.R. Doc. 70–2210; Filed, Feb. 25, 1970; 8:45 a.m.]

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

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 730—RICE

Subpart—1970–71 Marketing Year

PROCLAMATION OF RESULTS OF MARKETING QUOTA REFERENDUM

Section 730.1506 is issued to announce the results of the rice marketing quota referendum for the marketing year August 1, 1970, through July 31, 1971, under the provisions of the Agricultural Adjustment Act of 1938, as amended. The Secretary proclaimed a marketing quota for rice for the 1970–71 marketing year and announced that a referendum would be held during the period January 19 to 23, 1970, each inclusive, by mail ballot in accordance with Part 717 of this chapter.

Since the only purpose of § 730.1506 is to announce the referendum result, it is hereby found and determined that compliance with the notice, public procedure, and 30-day effective date provisions of 5 U.S.C. 553 is unnecessary.

§ 730.1506 Proclamation of the results of the rice marketing quota referendum for the marketing year 1970–71.

In a referendum of farmers engaged in the production of rice of the 1969 crop held by mail ballot during the period January 19 to 23, 1970, each inclusive, 13,964 voted. Of those voting, 12,629, or 90.4 percent favored quotas for the marketing year beginning August 1, 1970. Therefore, rice marketing quotas will be in effect for the 1970–71 marketing year.

(Secs. 354, 375, 52 Stat. 61, as amended, 66, as amended; 7 U.S.C. 1354, 1375)

Effective date. Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on February 17, 1970.

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

[F.R. Doc. 70–2347; Filed, Feb. 25, 1970; 8:50 a.m.]

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

[Navel Orange Reg. 198]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 907.498 Navel Orange Regulation 198.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907, 33 F.R. 15471), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such

meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on February 24, 1970.

(b) *Order.* (1) The respective quantities of Naval oranges grown in Arizona and designated part of California which may be handled during the period February 27, 1970, through March 5, 1970, are herby fixed as follows:

(i) District 1: 948,000 cartons.

(ii) District 2: 240,000 cartons.

(iii) District 3: 12,000 cartons.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

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

Dated: February 25, 1970.

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

[F.R. Doc. 70–2467; Filed, Feb. 25, 1970; 11:25 a.m.]

[Valencia Orange Reg. 300]

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

Limitation of Handling

§ 908.600 Valencia Orange Regulation 300.

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

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on February 24, 1970.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period February 27, 1970, through March 5, 1970, are hereby fixed as follows:

(i) District 1: Unlimited;

(ii) District 2: Unlimited;

(iii) District 3: 105,009 cartons.

(2) As used in this section, "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

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

Dated: February 25, 1970.

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

[F.R. Doc. 70–2468; Filed, Feb. 25, 1970; 11:25 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Areas Quarantined

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

1. In § 76.2, in paragraph (e) (4) relating to the State of Illinois, subdivision (iii) relating to Greene County is amended to read:

(e) * * *

(4) *Illinois.*

* * * * *

(iii) That portion of Greene County comprised of Linder, Rockbridge, Rubicon, and Wrights Townships.

* * * * *

2. In § 76.2 paragraph (e) (9) relating to the State of Missouri is amended to read:

(e) * * *

(9) *Missouri.* (i) That portion of Dunklin County bounded by a line beginning at the junction of State Highway 53 and the Missouri-Arkansas State line; thence, following State Highway 53 in a southeasterly direction to State Highway B; thence, following State Highway B in a westerly direction to State Highway BB; thence, following State Highway BB in a westerly direction to the Missouri-Arkansas State line; thence, following the Missouri-Arkansas State line in a generally northwesterly direction to its junction with State Highway 53.

(ii) That portion of Scott County bounded by a line beginning at the junction of County Road JJ, County Road P and the Scott-Cape Girardeau County line; thence, following County Road JJ in an easterly direction to the Missouri Pacific Railroad track; thence, following the Missouri Pacific Railroad track in a southeasterly direction to Ditch No. 19; thence, following Ditch No. 19 in an easterly direction to the Caney Creek; thence, following the west bank of Caney Creek in a southerly direction to the Benton-Oran Gravel Road; thence, following the Benton-Oran Gravel Road in a generally easterly direction to U.S. Highway 61; thence, following U.S. Highway 61 in a southwesterly direction to State Highway 91; thence, following State Highway 91 in a westerly direction to the Scott-Stoddard County line; thence, following the Scott-Stoddard County line in a generally northerly direction to the Scott-Cape Girardeau County line; thence, following the Scott-Cape Girardeau County line in a northerly direction to its junction with County Road JJ and County Road P.

3. In § 76.2, in paragraph (e) (12) relating to the State of North Carolina, subdivision (ii) relating to Greene and Lenoir Counties, subdivision (vi) relating to Pasquotank County, and subdivision (vii) relating to Wilson County are deleted.

4. In § 76.2 in paragraph (e) (13) relating to the State of Oklahoma, a new subdivision (iii) relating to Seminole

and Pottawatomie Counties is added to read:

(e) * * *

(13) *Oklahoma.* * * *

(iii) The adjacent portions of Seminole and Pottawatomie Counties bounded by a line beginning at the junction of U.S. Highway 270 and State Highway 56; thence, following State Highway 56 in a generally southwesterly direction to State Highways 99, 3; thence, following State Highways 99, 3 in a generally westerly direction to State Highway 39; thence, following State Highway 39 in a westerly direction to State Highway 59; thence, following State Highway 59 in a northerly direction to U.S. Highway 177; thence, following U.S. Highway 177 in a northerly direction to U.S. Highway 270; thence, following U.S. Highway 270 in a southeasterly direction to its junction with State Highway 56.

5. In § 76.2, in paragraph (e)(16) relating to the State of Texas, subdivision (i) is amended and a new subdivision (xii) relating to Harris County is added to read:

(e) * * *

(16) *Texas.* (i) Dallas, Falls, Fayette, Henderson, Houston, Lee, and Upshur Counties.

* * * * *

(xii) That portion of Harris County bounded by a line beginning at the junction of Interstate Highway 10 and the Harris-Fort Bend County line; thence, following Interstate Highway 10 in an easterly direction to the Harris-Chambers County line; thence, following the Harris-Chambers County line in a northwesterly direction to the Harris-Liberty County line; thence, following the Harris-Liberty County line in a northwesterly direction to the Harris-Montgomery County line; thence, following the Harris-Montgomery County line in a generally southwesterly direction to the Harris-Waller County line; thence, following the Harris-Waller County line in a northwesterly direction to the northwest corner of Harris County and continuing along this line in a southeasterly direction to the Harris-Fort Bend County line; thence, following the Harris-Fort Bend County line in a southeasterly direction to its junction with Interstate Highway 10.

6. In § 76.2, in subparagraph (e)(17) relating to the State of Virginia, subdivision (i) relating to City of Virginia Beach County is amended to read:

(e) * * *

(17) *Virginia.* (i) That portion of City of Virginia Beach County comprised of Lynhaven Borough.

* * * * *

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

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

The amendments quarantine a portion of City of Virginia Beach County in Virginia; a portion of Greene County in Illinois; a portion of Dunklin County in Missouri; and portions of Pottawatomie and Seminole Counties in Oklahoma because of the existence of hog cholera. This action is deemed necessary to prevent further spread of the disease. The restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will apply to such counties.

The amendments also exclude portions of Wilson, Pasquotank, Greene, and Lenoir Counties in North Carolina; all of Nueces and Wilson Counties and a part of Harris County in Texas from the areas heretofore quarantined because of hog cholera. Therefore, the restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will not apply to the excluded areas, but will apply to the quarantined areas described in § 76.2. Further, the restrictions pertaining to the interstate movement from nonquarantined areas contained in said Part 76 will apply to the areas excluded from quaratine.

Insofar as the amendments impose certain further restrictions necessary to prevent the interstate spread of hog cholera they must be made effective immediately to accomplish their purpose in the public interest. Insofar as they relieve restrictions, they should be made effective promptly in order to be of maximum benefit to affected persons.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendments are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making them effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C. this 20th day of February 1970.

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

[F.R. Doc. 70–2346; Filed, Feb. 25, 1970; 8:49 a.m.]

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. Q]

PART 217—INTEREST ON DEPOSITS

Premiums; Method of Computing Interest

§ 217.147 Premiums not considered payment of interest.

Section 217.2(b) of the Board's Regulation Q, relating to the payment of interest on deposits, provides that, for purposes of the regulation, "any payment to or for the account of any depositor as compensation for the use of funds constituting a deposit shall be considered interest." In applying this provision on and after March 1, 1970, the Board of Governors will regard premiums (whether in the form of merchandise, credit, or cash) given by member banks to their depositors as an advertising or promotional expense rather than a payment of interest if (a) the premium is given to a depositor only at the time of the opening of a new account or an addition to an existing account; (b) the premium is not given to any depositor on a recurring basis; and (c) the value of the premium or, in the case of articles of merchandise, the wholesale cost (excluding shipping and packaging costs) does not exceed $5, except that the value or wholesale cost may be not more than $10 if the amount of the deposit is $5,000 or more.

§ 217.148 Information regarding computation of interest on deposits.

Section 217.6(f) of the Board's Regulation Q, relating to payment of interest on deposits, provides:

(f) *Accuracy of advertising.* No member bank shall make any advertisement, announcement, or solicitation relating to the interest paid on deposits that is inaccurate or misleading or that misrepresents its deposit contracts.

Within the spirit of this provision and in order to avoid misunderstandings on the part of its customers, every member bank should inform the holder of a time or savings account at the time of the opening of such account as to the method that will be used in computing and paying interest on the account, including any provision for nonpayment of interest on deposits made after the beginning of an interest-payment period or withdrawn before the end of such period. In addition, if the bank subsequently makes a change in such method that will be less favorable to a depositor than the previous method, notice of such change should be mailed to each depositor at his last known address.

(12 U.S.C. 248(i). Interprets and applies 12 U.S.C. 371a, 371b, and 461)

By order of the Board of Governors, February 12, 1970.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[F.R. Doc. 70–2311; Filed, Feb. 25, 1970; 8:47 a.m.]

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER B—FEDERAL HOME LOAN BANK SYSTEM

[No. 23,835]

PART 526—LIMITATIONS ON RATE OF RETURN

Amendments Relating to Give-Aways

FEBRUARY 19, 1970.

Resolved that the Federal Home Loan Bank Board, upon the basis of its consideration of the advisability of amending

Part 526 of the regulations for the Federal Home Loan Bank System (12 CFR Part 526) for the purpose of imposing certain limitations on member institutions with respect to the use of give-aways, hereby amends §§ 526.1 and 526.2 of said Part 526 as follows, effective March 1, 1970:

1. Section 526.1 is amended by revising paragraph (f) thereof and by adding a new paragraph (i), to read as follows:

§ 526.1 Definitions.

As used in this Part 526—

* * * * *

(f) *Return.* The term "return" means any dividend, interest, distribution, payment, give-away, or other economic benefit received by an account holder or any other person on or with respect to a savings account, except as otherwise provided in § 526.2.

* * * * *

(i) *Give-away.* The term "give-away" means any premium (whether in the form of merchandise, credit, or cash) given by a member institution to induce the opening of a new savings account or an addition to an existing savings account.

2. Section 526.2 is amended by adding a new paragraph (f), to read as follows:

§ 526.2 Maximum rate of return.

* * * * *

(f) *Give-aways.* In calculating the rate of return on a savings account, the value of give-away shall not be included as part of the return on such account if:

(1) The give-away is given in connection with a promotional campaign to increase savings accounts and not on a recurring basis; and

(2) The value of the give-away, which shall be its cost to the member institution (excluding shipping and packaging costs, if applicable), does not exceed—

(i) $5, for the opening of a new account, or for an addition to an existing account, of less than $5,000.

(ii) $10, for the opening of a new account, or for an addition to an existing account, of $5,000 or more.

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

Resolved further that, since affording notice and public procedure on the above amendments would delay the amendments from becoming effective for a period of time and since it is in the public interest that the amendments become effective without such delay, the Board hereby finds that notice and public procedure thereon are contrary to the public interest under the provisions of 12 CFR 508.11 and 5 U.S.C. 553(b); and, for the same reason, the Board also finds that publication of such amendments for the 30-day period specified in 12 CFR 508.14 and 5 U.S.C. 553(d) prior to the effective date thereof would likewise be contrary to the public interest; and the Board hereby provides that the amendments shall become effective as hereinbefore set forth.

By the Federal Home Loan Bank Board.

[SEAL] JACK CARTER, *Secretary.*

[F.R. Doc. 70–2342; Filed, Feb. 25, 1970; 8:49 a.m.]

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

[No. 23,817]

PART 545—OPERATIONS

Amendment Relating to Investment in National Housing Partnerships

FEBRUARY 17, 1970.

Resolved that the Federal Home Loan Bank Board, upon the basis of consideration by it of the advisability of amending Part 545 of the rules and regulations for the Federal Savings and Loan System (12 CFR Part 545) for the purpose of implementing the authority contained in section 416(b) of Public Law 91–152, approved December 24, 1969, which amended section 5(c) of the Home Owners' Loan Act of 1933 to authorize Federal savings and loan associations to make certain investments relating to National Housing Partnerships, hereby amends said Part 545 by adding a new § 545.9–3, immediately after § 545.9–2 thereof, to read as follows, effective February 25, 1970:

§ 545.9–3 Investments in corporations and partnerships authorized by title IX of the Housing and Urban Development Act of 1968.

Without regard to any other provision of this part, a Federal association which has a charter in the form of Charter K (rev.) or Charter N may invest an aggregate amount not exceeding 1 percent of its assets in:

(a) Shares of stock issued by the National Corporation for Housing Partnerships or by any other corporation created pursuant to title IX of the Housing and Urban Development Act of 1968;

(b) Limited partnership interests in The National Housing Partnership or in any other limited partnership formed pursuant to section 907(a) of that Act; and

(c) Any partnership, limited partnership, or joint venture formed pursuant to section 907(c) of that Act.

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

Resolved further that, since affording notice and public procedure on the above amendment would delay the amendment from becoming effective for a period of time and since it is in the public interest for the additional authority granted in the amendment to become effective without delay, the Board hereby finds that notice and public procedure on said amendment are contrary to the public interest under the provisions of 12 CFR 508.11 and 5 U.S.C. 553(b); and for the same reason the Board also finds that publication of said 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 said amendment would likewise be contrary to the public interest; and the Board hereby provides that said amendment shall become effective as hereinbefore set forth.

By the Federal Home Loan Bank Board.

[SEAL] JACK CARTER, *Secretary.*

[F.R. Doc. 70–2341; Filed, Feb. 25, 1970; 8:49 a.m.]

[No. 23,836]

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

PART 563—OPERATIONS

Amendment Relating to Give-Aways

FEBRUARY 19, 1970.

Resolved that the Federal Home Loan Bank Board, upon the basis of its consideration of the advisability of amending § 563.24 of the rules and regulations for Insurance of Accounts (12 CFR § 563.24) for the purpose of eliminating certain restrictions on the use of give-aways by insured institutions, hereby amends said § 563.24 by revising it to read as follows, effective March 1, 1970:

§ 563.24 Sales plans; give-aways.

Every applicant for insurance which uses salesmen, sales agencies, surplus certificates, or other sales plans shall submit, with its application, full details thereof. No insured institution shall, directly or indirectly enter into, extend, or renew any contract, agreement, understanding, or arrangement that authorizes or permits any person other than such institution itself to promise, offer, or give a give-away, or to pay or absorb any of the cost of a give-away promised, offered, or given for or in connection with the solicitation, the opening, or any increase of any account in such institution, or which authorizes or permits any person other than such institution itself to pay or to absorb any of the cost of any give-away advertising for or in connection with any such solicitation, opening, or increase; and no such institution shall accept the opening or any increase of any account for or in connection with which any person other than such institution gives a give-away or pays or absorbs any of the cost of any give-away advertising, or of any give-away given, for or in connection with any such solicitation, opening, or increase. As used in this section: the term "give" means to give, to sell or dispose of for less than full monetary value or with any agreement or undertaking, contingent or otherwise, for repurchase or redemption, whether total or partial, or to offer, promise, or agree to do any of the foregoing; the term "give-away" means any money, property, service, or other thing of value, whether tangible or intangible; and the term "account" means an account of an insurable type.

(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 restriction, 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] JACK CARTER,
Secretary.

[F.R. Doc. 70-2343; Filed, Feb. 25, 1970; 8:49 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airworthiness Docket No. 70-WE-6-AD; Amdt. 39-944]

PART 39—AIRWORTHINESS DIRECTIVES

AiResearch Turboprop Engine TPE331-1 and -2

Pursuant to the authority delegated to me by the Administrator (31 F.R. 13697) an airworthiness directive was adopted on February 5, 1970, and made effective immediately as to all known United States operators of aircraft with certain serial number AiResearch Model TPE331-1 and -2 turboprop engines installed in, but not limited to Mooney MU-2, Merlin 2B, Volpar Turboliner and Short Skyvan aircraft. AiResearch Service Bulletin No. 587, dated February 5, 1970, or later FAA-approved revision, describes an acceptable repair or modification procedure to correct the problem.

The directive requires an initial and repetitive inspection of the engine oil filter and the installation of a placard which requires that if abrupt and complete loss of torque indication occurs, the engine be shutdown and the cause determined. The oil filter inspection may be discontinued and the placard removed after an appropriate modification to the engine.

Since it was found that immediate corrective action was required, notice and public procedure thereon was impractical and contrary to the public interest and good cause existed for making the airworthiness directive effective immediately as to all known operators of aircraft with AiResearch Model TPE331-1 and -2 turboprop engines by specific serial numbers by individual telegrams dated February 5, 1970.

These conditions still exist and the airworthiness directive is hereby published in the FEDERAL REGISTER as an Amendment to § 39.13 of Part 39 of the Federal Aviation Regulations to make it effective as to all persons.

Pursuant to the authority of the Federal Aviation Act of 1958, as amended, delegated to me by the administrator, the following airworthiness directive applicable to AiResearch Model TPE331-1 and -2 S/N engines: 90005, 90009, 90010, 90011, 90014, 90016, 90017, 90018, 90019, 90022, 90023, 90024, 90027, 90028, 90029, 90030, 91003, 91004, 91005, 91006, 91009, 91011, 91013 through 91021, 91023, 91024, 91025, 91027, 92001, 92002, 92003, 92004, 92005, 92007, 92010, 92012, 92013, 92014, 92016 through 92027, 93007, 93008, 93009, 93010; installed in but not limited to Mooney MU-2, Merlin 2B, Volpar Turboliner, and Short Skyvan aircraft is effective upon receipt of this telegram. This directive necessary because of a serious engine failure caused by backing off of the high speed pinion retaining nut. To detect and prevent engine failures from this cause, the following is required:

(A) Within 10 hours time in service unless previously accomplished within the last 15 hours time in service, and at intervals not to exceed 25 hours time in service thereafter, remove the engine oil filter and inspect the filter for metal particles. If an abnormal quantity of metal particles is found, accomplish Item (C) before further operation of the engine. At each inspection a replacement filter must be installed and the filter which was removed shall be returned for laboratory examination to AiResearch or to a facility approved by the Chief, Aircraft Engineering Division, Western Region. Any finding of unacceptable metal contamination by AiResearch or other approved facility will be communicated to the owner or operator and the FAA. Upon receipt of such notice the engine shall then not be operated until Item (C) is accomplished. 25 hours oil filter special inspections may be discontinued upon completion of Item (C).

(B) Within 10 hours time in service, install a placard in full view of the pilot to read: "If abrupt and complete loss of torque indication occurs, shut down the engine and determine the cause." This placard may be removed when Item (C) is accomplished.

(C) Within 150 hours time in service unless previously accomplished, rework or replace the high speed pinion gear shaft assembly, P/N 869337-2, -3, or -4, in accordance with AiResearch Service Bulletin No. 587, dated February 5, 1970, or later FAA-approved revisions.

This amendment is effective upon publication in the FEDERAL REGISTER for all persons except those to whom it was made effective immediately by telegram dated February 5, 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 Los Angeles, Calif., on February 13, 1970.

LEE E. WARREN,
Acting Director,
FAA Western Region.

[F.R. Doc. 70-2295; Filed, Feb. 25, 1970; 8:46 a.m.]

[Airworthiness Docket No. 69-WE-29-AD; Amdt. 39-943]

PART 39—AIRWORTHINESS DIRECTIVES

General Dynamics Model 30 and 30A Airplanes

Pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), an airworthiness directive was adopted on January 30, 1970, and made effective immediately as to all known U.S. operators of General Dynamics Model 30 and 30A airplanes. This directive amends Amendment 39-917 (35 F.R. 307), AD 70-1-4.

Since it was found that immediate corrective action was required, notice and public procedure thereon was impracticable and contrary to the public interest and good cause existed for making the airworthiness directive effective immediately as to all known U.S. operators of General Dynamics Model 30 and 30A airplanes by individual telegram dated January 30, 1970. These conditions still exist and the airworthiness directive amending Amendment 39-917 (35 F.R. 307), AD 70-1-4, is hereby published in the FEDERAL REGISTER as an amendment to § 39.13 of Part 39 of the Federal Aviation Regulations to make it effective as to all persons.

Pursuant to the authority of the Federal Aviation Act of 1958, delegated to me by the Administrator, the following amendment to Airworthiness Directive 70-1-4 applicable to operators of General Dynamics Corp. Models 30 and 30A airplanes certificated in all categories is effective immediately upon receipt of this telegram because of new technical information received since issuance of that AD. After issuing amendment 39-917 (35 F.R. 307), AD 70-1-4, the Agency has determined that the repair specified under paragraph (b)(2) is not as effective as previously believed; that this repair also prevents adequate reinspection of the affected area of the aft tang, and that an alternative rework and inspection procedure for the beam cap must be prescribed due to the unavailability of kits necessary for compliance with paragraph (c)(1) of the AD.

This telegram deletes the requirement for the steel reinforcement installed on cracked tangs in accordance with paragraph (b)(2)(i) of AD 70-1-4; requires that the crack in any tang be routed out instead of stop drilled as prescribed by Service Bulletin 57-9 dated September 22, 1969; requires the rework of cracked beams having cracks with certain maximum limits, and prescribes repetitive inspection programs if an airplane with a cracked tang or cracked beam cap is to be continued in service prior to the installation of the defined beam cap reinforcement.

GENERAL DYNAMICS CORP. Applies to Models 30 and 30A airplanes. Effective immediately upon receipt of this telegram, AD 70-1-4 is amended as follows:

A. Revise paragraph (b)(1)(ii) to read: Install the beam cap reinforcement specified in paragraph (c)(1).

B. Revise paragraph (b)(2) to read: If cracks are found which are confined to the beam tang: (i) Within the next 50 hours' time in service, remove any steel tang reinforcement previously installed per General Dynamics Service Bulletin 57–9 and, unless previously accomplished, remove all evidence of cracking or any stop drilling by routing with a 0.50 radius router in accordance with Detail K on Convair Drawing No. 30–17827. Verify by dye penetrant or eddy current technique that all evidence of cracking has been removed. (ii) Rework any newly detected tang cracks by routing as prescribed in (b)(2)(i). (iii) At intervals not to exceed 250 hours' time in service following any rework per (i) or (ii) above, reinspect such reworked areas by eddy current or dye penetrant technique to determine whether any new cracking has developed. If sufficient tang material remains, any new cracking which is detected may be routed out per (i), above. If cracking has progressed into spar cap, rework per (b)(3) below. (iv) The reinspection of any spar tang which has been reworked so as to remove all indication of cracking may be discontinued when the spar cap is reinforced per (c)(1) below.

C. Amend paragraph (b)(3) to read: If cracks are found in the beam cap and any such crack does not exceed a total area of 0.50 square inch or does not extend chordwise along the upper surface of the beam cap for more than 0.75 inch: (i) Remove all evidence of cracking by routing with a router having a minimum radius of 0.50 inch. The cross sectional area removed by routing must not exceed 0.50 square inch. Break all sharp corners and polish all routed surfaces and confirm by eddy current or dye penetrant technique that no evidence of cracking remains. (ii) At intervals not to exceed 50 hours' time in service, reinspect all beam caps which have been reworked per (b)(3)(i), above, using dye penetrant or eddy current technique to determine that no new cracking has developed. (iii) The reinspection program required by paragraph (b)(3)(ii) may be discontinued when the beam cap reinforcement is installed per (c)(1) below:

D. Add paragraph (b)(4) to read: If cracks are found in the beam cap extending beyond the limitations specified in (b)(3) above, the beam must be replaced with a new beam prior to further flight.

E. The inspection required by this AD may be discontinued for any uncracked landing gear support beam or for any support beam which has been reworked as prescribed above when the beam is reinforced in accordance with paragraph (2)(c) of General Dynamics Service Bulletin 57–9, dated September 22, 1969, or later FAA-approved revision, or an equivalent reinforcement approved by the Chief, Aircraft Engineering Division, FAA Western Region. The installation of machine tapered straps on the MLG beam flanges described in General Dynamics Service Bulletin No. 57–3, dated September 21, 1962, or later FAA-approved revision, or an equivalent approved installation must be accomplished prior to or concurrently with the rework of Service Bulletin 57–9.

F. A further amendment of this AD will be accomplished at such time as new service bulletin information is issued by the manufacturer or any additional requirements or clarifications are found necessary."

This amends Amendment 39–917 (35 F.R. 307), AD 70–1–4.

This amendment is effective February 26, 1970, and was effective upon receipt for all recipients of the telegram dated January 30, 1970, which contained this amendment.

(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 Los Angeles, Calif., on February 13, 1970.

LEE E. WARREN,
Acting Director,
FAA Western Region.

[F.R. Doc. 70–2296; Filed, Feb. 25, 1970; 8:46 a.m.]

[Docket No. 10035; Amdt. 39–948]

PART 39—AIRWORTHINESS DIRECTIVES

Hawker Siddeley Heron Model D.H. 114 Airplanes

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive applicable to Hawker Siddeley Heron Model D.H. 114 airplanes, superseding Amendment 39–157, AD 60–12–2, was published in the FEDERAL REGISTER, 34 F.R. 20277. The proposed AD requires cleaning and inspection of the main spar lower pick up fittings, the center section lower boom lugs, and the wing-to-fuselage lower main attachment bolts; reworking damaged areas or replacing damaged parts; replacing obsolete fuselage lower main attachment bolts with replacement bolts; and cleaning, protecting, and sealing the wing-to-fuselage lower joint upon reassembly of the wing to the fuselage.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

HAWKER SIDDELEY. Applies to Heron Model D.H. 114 Airplanes.

Compliance is required as indicated.

To reduce the possibility of fatigue failure of the wing-to-fuselage lower main root joint assembly, accomplish the following:

(a) Within the next six months after the effective date of this AD, unless accomplished within the last 4 years and 6 months, once thereafter within 5 years since the last inspection, and thereafter at intervals not to exceed 6,750 hours' time in service or 7 years since the last inspection, whichever occurs first, remove the wings, clean and inspect the main spar lower pick up fittings, the center section spar lower boom lugs, and the wing-to-fuselage lower main attachment bolts for corrosion, fretting, and fatigue cracks. Rework the damaged areas as necessary or replace the damaged parts with serviceable parts of the same part number except for the obsolete fuselage lower main attachment bolts noted in paragraphs (b), (c), and (d). The requirements of this paragraph must be accomplished in accordance with Hawker Siddeley Technical News Sheet Heron (114) No. W.9, dated February 24, 1969, or an FAA-approved equivalent, except that magnetic particle and dye penetrant inspection methods may be employed in lieu of the crack testing method called for in that Technical News Sheet.

(b) For airplanes which have had installed the obsolete fuselage lower main attachment bolts listed in table (1 below, at the next wing removal after the effective date of this AD, replace the obsolete bolts with the replacement bolts listed in table (2) below:

(1)	(2)
Obsolete Bolt P/Ns	*Replacement Bolts P/Ns*
14.FS.15	14FS.6669
14.FS.3985	14FS.6669
14.FS.6399	14FS.6669
14.2FS.1555	14.2FS.575
RD.14W.173ND	RD.14FS.274
RD.14W.175ND	RD.14FS.275
RD.14FS.262	RD.14FS.271
RD.14FS.259	RD.14FS.272
RD.14FS.260	RD.14FS.273
RD.14FS.165	RD.14FS.273

(c) For airplanes which have had installed the obsolete fuselage lower main attachment bolts listed in table (1) below, at the next wing removal after the effective date of this AD ream the wing center section spar boom lugs and main spar lower pick up fittings in accordance with Hawker-Siddeley repair drawings RD.14FS.263 and RD.14FS.270, and replace the obsolete bolts with the replacement bolts listed in table (2) below:

(1)	(2)
Obsolete Bolt P/Ns	*Replacement Bolt P/Ns*
RD.14FS.254	RD.14FS.271
RD.14FS.232	RD.14FS.272
RD.14FS.223	RD.14FS.273

(d) For airplanes which have had installed fuselage lower main attachment bolts other than those listed as either obsolete or replacement bolts in paragraphs (b) and (c), at the next wing removal after the effective date of this AD report the part number of the installed bolts to the Chief, Aircraft Certification Staff, FAA, Europe, Africa, and Middle East Region to obtain the identification of the required replacement bolts (reporting approved under Bureau of Budget No. 04.R0174). Upon receipt of notice giving the part numbers of the required replacement bolts, and prior to reassembling the wing to the fuselage, install the replacement bolts specified in the notification.

(e) Upon reassembly of the wing to the fuselage following completion of the actions required by paragraphs (a) through (d), clean, protect, and seal the wing-to-fuselage lower joint in accordance with Hawker Siddeley Technical News Sheet Heron (114) No. W.9, Issue 4, dated February 24, 1969, or an FAA-approved equivalent.

(f) For purposes of computing the compliance times for this AD, the inspection, rework, replacement of defective parts, and protection and sealing accomplished in accordance with AD 60–12–2 before the effective date of this AD may be considered the last prior accomplishment of paragraph (a) of this AD.

This supersedes Amendment 39–157, AD 60–12–2.

This amendment becomes effective March 28, 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 Washington, D.C., on February 18, 1970.

EDWARD C. HODSON,
Acting Director,
Flight Standards Service.

[F.R. Doc. 70–2297; Filed, Feb. 25, 1970; 8:46 a.m.]

[Airspace Docket No. 69-SO-64]

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

Designation of Transition Area

On January 8, 1970, a notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 324), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Tullahoma, Tenn., 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 following transition area is added:

TULLAHOMA, TENN.

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Arnold Air Force Station (lat. 35° 23'33" N., long. 86°05'10" W.); within 3 miles each side of the Arnold VOR 216° radial, extending from the 8.5-mile radius area to 8.5 miles southwest of the VOR.

(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 16, 1970.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 70-2301; Filed, Feb. 25, 1970; 8:46 a.m.]

[Airspace Docket No. 69-SO-158]

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

Alteration of Control Zone and Transition Area

On January 8, 1970, a notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 322), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Florence, S.C., control zone and 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 § 71.171 (35 F.R. 2054), the Florence, S.C., control zone is amended to read:

FLORENCE, S.C.

Within a 5-mile radius of Florence Municipal Airport (lat. 34°11'17" N., long. 79°-43'28" W.); within 3 miles each side of Florence VOR 052° and 232° radials, extending from the 5-mile radius zone to 8.5 miles northeast of the VOR.

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

FLORENCE, S.C.

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Florence Municipal Airport (lat. 34°11'17" N., long. 79°43'28" W.).

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

Issued in East Point, Ga., on February 16, 1970.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 70-2302; Filed, Feb. 25, 1970; 8:46 a.m.]

[Airspace Docket No. 69-SO-162]

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

Alteration of Transition Area

On January 8, 1970, a notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 323), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Edenton, N.C., transition area.

Subsequent to publication of the notice Coast and Geodetic Survey refined the final approach bearings for the NDB (ADF) Runway 5 and NDB (ADF) Runway 19 standard instrument approach procedures from 216° and 350° to 218° and 352° respectively. It is necessary to alter the description to reflect these changes. Since these amendments are minor in nature, notice and public procedure hereon are unnecessary and action is taken herein to amend the description accordingly.

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

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

EDENTON, N.C.

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Edenton Municipal Airport (lat. 36°01'30" N., long. 76°33'30" W.); within 3 miles each side of the 218° and 352° bearings from Edenton RBN (lat. 36°01'33" N., long. 76°33'57" W.), extending from the 6.5-mile radius area to 8.5 miles southwest and north 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 16, 1970.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 70-2303; Filed, Feb. 25, 1970; 8:46 a.m.]

[Airspace Docket No. 70-WA-9]

PART 73—SPECIAL USE AIRSPACE

Designation of Prohibited Area

The purpose of this amendment to Part 73 of the Federal Aviation Regulations is to designate a prohibited area near Thurmont, Md.

The Federal Aviation Administration has been requested to prohibit the flight of aircraft in the vicinity of the Naval Support Facility, Thurmont, Md. In order to provide adequate safeguards for the protection of the aeronautical activity at this facility and persons or property on ground, the Administrator has determined it necessary in the interest of safety to designate certain airspace above the Naval Support Facility, Thurmont, Md., as a prohibited area.

Since there is a requirement for the immediate adoption of this regulation, further notice and the public procedure are impracticable and good cause exists for making this regulation effective in less than 30 days.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended as hereinafter set forth.

1. Section 73.90 is added as follows:

P-40 THURMONT, MD.

Boundaries. That airspace within a one nautical mile radius of the Naval Support Facility, lat. 39°30'53" N., long. 77°28'01" W.

Designated altitudes. Surface to 5,000 feet MSL.

Time of designation. Continuous.

Using agency. Administrator, Federal Aviation Administration, Washington, D.C.

This amendment becomes effective on February 24, 1970, and is adopted under the authority of Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348) and Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on February 24, 1970.

WILLIAM M. FLENER,
Director, Air Traffic Service.

[F.R. Doc. 70-2464; Filed, Feb. 25, 1970; 10:10 a.m.]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

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

O,O-Diethyl O-[p-(Methylsulfinyl) phenyl] Phosphorothioate

A petition (PP 9F0789) was filed with the Food and Drug Administration by Chemagro Corp., Post Office Box 4913, Hawthorn Road, Kansas City, Mo. 64120, proposing the establishment of tolerances for residues of the insecticide and nematicide *O,O*-diethyl *O*-[*p*-(methylsulfinyl)phenyl] phosphorothioate in or on

the raw agricultural commodities popcorn, potatoes, sweet corn, and tomatoes at 0.1 part per million. Subsequently, the petitioner amended the petition by requesting additional tolerances for the subject pesticide in or on popcorn (forage and fodder) and sweet corn (forage and fodder) at 1 part per million and in meat, fat, and meat byproducts of cattle, goats, and sheep at 0.02 part per million.

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

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

1. Since finite residues of the pesticide chemical are not reasonably expected to transfer to meat of hogs and horses or to eggs, milk, or poultry from the proposed uses, tolerances regarding these items are unnecessary. The usage is classified in the category specified in § 120.6(a)(3).

2. The tolerances established by this order will protect the public health,

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and under authority delegated to the Commissioner (21 CFR 2.120), § 120.234 is revised to read as follows to establish the subject tolerances:

§ 120.234 *O,O*-Diethyl *O*-[*p*-(methylsulfinyl)phenyl] phosphorothioate; tolerances for residues.

Tolerances are established for the combined residues of the insecticide and nematicide *O,O*-diethyl *O*-[*p*-(methylsulfinyl)phenyl] phosphorothioate and its cholinesterase-inhibiting metabolites in or on raw agricultural commodities as follows:

1 part per million in or on field corn (forage and fodder), popcorn (forage and fodder), and sweet corn (forage and fodder).

0.1 part per million in or on field corn (grain), onions (dry), popcorn, potatoes, sweet corn, and tomatoes.

0.05 part per million in or on pineapples and pineapple forage.

0.02 part per million (negligible residue) in or on bananas.

0.02 part per million in meat, fat, and meat byproducts of cattle, goats, and sheep.

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

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

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

Dated: February 18, 1970.

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

[F.R. Doc. 70-2286; Filed, Feb. 25, 1970; 8:45 a.m.]

PART 121—FOOD ADDITIVES

Subpart C—Food Additives Permitted in Feed and Drinking Water of Animals or for the Treatment of Food-Producing Animals

AMPROLIUM

The Commissioner of Food and Drugs, having evaluated data submitted in an application (12-350V) filed by Merck, Sharp & Dohme Research Laboratories, Division of Merck & Co., Inc., Rahway, N.J. 07065, and other relevant material, concludes that § 121.210 should be amended to provide for the safe and effective use of amprolium in the feed of laying chickens for the prevention of coccidiosis. Pending recodification of previously established regulations in Part 121 under regulations to be established under the provisions of section 512(i) of the Federal Food, Drug, and Cosmetic Act, this order is in accordance with § 3.517 *New animal drugs; transitional provisions re section 512 of the Act.*

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (Sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)), in accordance with § 3.517, and under authority delegated to the Commissioner (21 CFR 2.120), § 121.210(c) is amended by adding a new item to table 1, as follows:

§ 121.210 Amprolium.

* * * * * * *

(c) * * *

TABLE 1—AMPROLIUM IN COMPLETE CHICKEN AND TURKEY FEED

Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
* * *	* * *	* * *	* * *	* * *	* * *
7.1 * * *					
8.1 Amprolium	113.5 (0.0125%)			For laying chickens	Prevention of coccidiosis.

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

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

(Sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i))

Dated: February 13, 1970.

SAM D. FINE,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 70-2285; Filed, Feb. 25, 1970; 8:45 a.m.]

PART 121—FOOD ADDITIVES

Subpart C—Food Additives Permitted in Feed and Drinking Water of Animals or for the Treatment of Food-Producing Animals

COUMAPHOS

The Commissioner of Food and Drugs, having evaluated the information submitted in an application (40-001V) filed by Chemagro Corp., Post Office Box 4913, Kansas City, Mo. 64120, and other relevant material, concludes that § 121.304 should be amended (1) to provide for the safe and effective use of coumaphos in the feed of chickens for the control of specified gastrointestinal parasites and (2) to include a uniform restriction regarding use of coumaphos in pelleted feeds. Pending recodification of previously established regulations in Part 121 under regulations to be established under the provisions of section 512(i) of the Federal Food, Drug, and Cosmetic Act, this order is in accordance with § 3.517 *New animal drugs; transitional provisions re section 512 of the Act.*

Therefore, pursuant to provisions of the act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)), in accordance with § 3.517, and under authority delegated to the Commissioner (21 CFR 2.120), § 121.304(a) is revised to read as follows:

§ 121.304 Coumaphos (*O,O*-diethyl *O*-3-chloro-4-methyl-2-oxo-2H-1-benzopyran-7-yl phosphorothioate).

* * * * * * *

(a) It is used as follows:

	Amount	Limitations	Indications for use
1. Coumaphos	0.00012 lb. (0.054 gm.) per 100 lb. body weight per day.	For beef and dairy cattle; feed for the duration of fly season in a complete feed containing 0.0033% or in a feed supplement containing not over 0.0066% coumaphos; do not feed to animals less than 3 months old; not for use in pelleted feeds.	As an aid in the reduction of fecal breeding flies through control of fly larvae.
2. Coumaphos	0.0002 lb. (0.091 gm.) per 100 lb. body weight per day.	For beef and dairy cattle; feed 0.0002 lb. (0.091 gm.) per 100 lb. animal weight per day for 6 days in a complete feed containing not over 0.0056% coumaphos; not for use in pelleted feeds.	Control of infestations of gastrointestinal roundworms (genera *Cooperia* spp., *Haemonchus* spp., *Nematodirus* spp., *Ostertagia* spp., *Trichostrongylus* spp.).
3. Coumaphos	36.3 gm. per ton (0.004%).	For chickens in complete feed; administer continuously for from 10 to 14 days; do not feed to chickens under 8 weeks of age nor within 10 days of vaccination or other conditions of stress; when reinfection occurs, treatment should be repeated 3 weeks after end of previous treatment; as sole medication; not for use in pelleted feeds.	For control of capillary worm (*Capillaria obsignata*) and as an aid in control of common roundworm (*Ascaridia galli*) and cecal worm (*Heterakis gallinae*).

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

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

(Sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i))

Dated: February 16, 1970.

SAM D. FINE,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 70-2284; Filed, Feb. 25, 1970; 8:45 a.m.]

SUBCHAPTER D—HAZARDOUS SUBSTANCES

PART 191—HAZARDOUS SUBSTANCES: DEFINITIONS AND PROCEDURAL AND INTERPRETATIVE REGULATIONS

Toy Rocket Propellant Devices

The Commissioner of Food and Drugs has received requests from the National Association of Rocketry, Washington, D.C., and Estes Industries, Estes, Colo., submitted pursuant to section 3(c) of the Federal Hazardous Substances Act and § 191.62 of the regulations thereunder, to exempt toy rocket propellant devices from certain of the labeling requirements of section 2(p)(1) of the act.

Based on information submitted in the request, and other relevant material, the Commissioner concludes that the exemption can be granted under certain conditions. Because of the small size of the individual propellant devices, it is necessary to select the limited wording and information that would be of the most value to users. On this basis, the information set forth below must be used on the individual propellant devices, and full labeling must accompany any retail containers and appear on any accompanying literature that bears directions for use. Accordingly, pursuant to provisions of the act (sec. 3(c), 74 Stat. 374; 15 U.S.C. 1262) and under authority delegated to the Commissioner (21 CFR 2.120), § 191.63(a) is amended by adding a new subparagraph, as follows:

§ 191.63 Exemption for small packages, minor hazards, and special circumstances.

(a) * * *

(36) Individual toy rocket propellant devices and separate delay train and/or recovery system activation devices intended for use with premanufactured model rocket engines are exempted from bearing the full labeling required by section 2(p)(1) of the act insofar as such requirements would otherwise be necessary because the articles are flammable or generate pressure: *Provided*, That:

(i) The devices are designed and constructed in accordance with the specifications in § 191.65(a) (8) or (9).

(ii) Each individual device or retail package of devices bears the following:

(*a*) The statement "Warning—Flammable: Read instructions before use."

(*b*) The common or usual name of the article.

(*c*) A statement of the type of engine and use classification.

(*d*) Instructions for safe disposal.

(*e*) Name and place of business of manufacturer or distributor.

(iii) Each individual rocket engine or retail package of rocket engines distributed to users is accompanied by an instruction sheet bearing complete cautionary labeling and instructions for safe use and handling of the individual rocket engines.

Notice and public procedure and delayed effective date are unnecessary prerequisites to this promulgation, and I so find, since the Federal Hazardous Substances Act contemplates such modification of labeling requirements under certain conditions.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER.

(Sec. 3(c), 74 Stat. 374; 15 U.S.C. 1262)

Dated: February 13, 1970.

SAM D. FINE,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 70-2287; Filed, Feb. 25, 1970; 8:45 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 18772; FCC 70-174]

PART 73—RADIO BROADCAST SERVICES

FM Broadcast Stations, Table of Assignments, Fredericksburg, Tex.

In the matter of amendment of § 73.202, Table of Assignments, FM Broadcast Stations (Fredericksburg, Tex.), Docket No. 18772, RM-1457.

Report and Order. 1. The Commission has before it for consideration its notice of proposed rule making, FCC 69-1378, issued in this proceeding on December 17, 1969, and published in the FEDERAL REGISTER on December 24, 1969, 34 F.R. 20216, inviting comments on a proposal to assign Channel 266 to Fredericksburg, Tex. This action was in response to a petition filed on May 19, 1969, and supplemented on July 9, 1969, by Gillespie Broadcasting Co., licensee of Station KNAF(AM), daytime-only, Fredericksburg, Tex.

2. Fredericksburg is located about 70 miles west of Austin and, with a population of 4,629 persons, is the largest community and county seat of Gillespie County, population 10,048 (1960 U.S. Census). The only local aural service presently authorized in the county is petitioner's daytime-only AM station at Fredericksburg; there are no FM assignments in the county. Petitioner submits that, in addition to Gillespie County, no FM assignments have been provided in the adjoining counties of Mason, Llano, Blanco, and Kendall, and that the nearest FM stations to Fredericksburg are located 66 to 70 miles distant at San Antonio and Austin. It is alleged that much of the rural areas within the aforesaid counties have "white" and "gray" areas with respect to both AM and FM services, and that Fredericksburg has neither AM nor FM nighttime service available.

3. According to petitioner's engineering showing, the proposed assignment, when based on anticipated Class C operation of 100 kw. at 500 feet at a site about 7.5 miles northwest of Fredericksburg, would enable service to be provided to an existing "white" area of 3,350 square miles and a "gray" area of 595 square miles, containing respective populations of 30,208 and 2,810 persons. It is indicated that such an operation would provide a first FM service to an area 372 percent greater than would be possible with maximum Class A facilities, 3 kw. at 300 feet. The study further shows that limited areas would develop where future assignment of Channels 265A, 266, and 267 would be preempted, if the requested assignment were adopted. However, it does not appear that the areas affected include any community of comparable size that does not already have an FM assignment, or that does not have a petition pending seeking a technically unrelated assignment.

4. We find that sufficient showing has been made to clearly establish that Fredericksburg merits assignment of a first FM channel. We indicated in the notice for this proceeding that a community of the size involved here would ordinarily be considered only for a Class A assignment. However, because of the relatively isolated location of the community with respect to other aural services, the anticipated size of facilities that would be installed and the significant showing as to first and second full-time FM service that would be provided thereby, we are of the opinion that assignment of a Class C instead of a Class A channel is justified in this case. Further, potential preclusion of needed assignments to other communities, for which other channels are not available, is not indicated in this case. Finally, there were no opposing comments or counterproposals filed in response to the notice. In light of these favorable considerations, we conclude that adoption of the proposed assignment of Channel 266 to Fredericksburg, Tex., will serve the public interest, and we are therefore adopting it. It is expected that any applications filed for the assignment will be for facilities comparable to that considered in the showings provided by the petitioner herein. It should be noted that a transmitter site for Channel 266 will require a site at least 1 mile west of the center of Fredericksburg to satisfy the minimum spacing requirements of the rules.

5. Authority for the adoption of the amendment is contained in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended.

6. In view of the foregoing determinations: *It is ordered,* That effective April 3, 1970, § 73.202 of the Commission's rules and regulations is amended to include the following entry:

City	*Channel No.*
Fredericksburg, Tex	266

7. *It is further ordered,* That this proceeding *Is terminated.*

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

Adopted: February 18, 1970.

Released: February 20, 1970.

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

[F.R. Doc. 70-2313; Filed, Feb. 25, 1970; 8:47 a.m.]

[FCC 70-178]

PART 73—RADIO BROADCAST SERVICES

Transmitter Performance Measurements by FM Broadcast Stations

Order. 1. Paragraph (b) of § 73.254 of the rules sets forth the equipment performance measurements which must be made by the licensee of each FM broadcast station at least once each calendar year. These measurements must be made of the performance of the main transmitter and of the alternate main transmitter, if any (see § 73.256). However, such measurements of auxiliary transmitter performance (see § 73.255) are not required. This exception was formerly specifically stated in § 73.254(b), but the pertinent language was inadvertently omitted when this paragraph was last revised in 1968.

2. It is the purpose of this proceeding to amend paragraph (b) to the extent necessary to correct the above described omission.

3. Since the contemplated amendment is corrective and recognizes an exemption, prior notice, rule making proceedings and publication before the amendment becomes effective are unnecessary (5 U.S.C. sec. 553).

4. Pursuant to the authority found in sections 4(i), 303(g), and 303(r) of the Communications Act of 1934, as amended: *It is ordered,* That effective February 20, 1970, the introductory text of paragraph (b) of § 73.254 is amended to read as follows:

§ 73.254 Required transmitter performance.

* * * * *

(b) The licensee of each FM broadcast station shall make equipment performance measurements at least once each calendar year: *Provided, however,* That the dates of completion of successive sets of measurements shall be no more than 14 months apart. One set of measurements shall be made during the 4 month period preceding the filing date of the application for renewal of station license. Equipment performance measurements for auxiliary transmitters are not required. Equipment performance measurements shall be made with equipment adjusted for normal program operation and shall include all circuits between the main studio microphone terminals and the antenna circuit, including telephone lines, preemphasis circuits and any equalizers employed, except for microphones, and without compression if a compression amplifier is installed. The measurement program shall yield the following information:

* * * * *

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

Adopted: February 18, 1970.

Released: February 20, 1970.

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

[F.R. Doc. 70-2315; Filed, Feb. 25, 1970; 8:47 a.m.]

[Docket No. 18685; FCC 70-177]

PART 73—RADIO BROADCAST SERVICES

Television Broadcast Stations, Table of Assignments, Wilmington, Del.

Report and Order. 1. On September 24, 1969, the Commission adopted a notice of proposed rule making, released September 26, 1969 (FCC 69-1045) in the above-entitled matter, which proposed the reservation of Channel 12 at Wilmington, Del., for noncommercial educational use. Interested parties were afforded an opportunity to comment on or before November 4, 1969, and to reply to such comments on or before November 14, 1969. Brief comments were filed by WHYY, Inc. (WHYY), the licensee of WHYY-TV, Channel 12 at Wilmington, and the Association of Maximum Service Telecasters, Inc. (MST).

2. Wilmington, Del., with a population of 95,827 (located in New Castle County, population, 307,446, population figures from 1960 U.S. Census) has assigned to it two unreserved television Channels, 12 and 61. There is an application pending for the use of Channel 61 by Rollins Broadcasting of Delaware, Inc., BPCT-3207. Since 1963 WHYY-TV has been providing a noncommercial educational service to Wilmington and the greater Delaware valley region, which includes, in addition to Wilmington, among its major communities, Philadelphia, Pa., and Camden and Trenton, N.J. Thus, Channel 12 has been used for over 6 years as a noncommercial educational station even though it is an unreserved channel.

3. This proceeding was instituted at the same time as the acceptance for filing of an application by WHYY to move its transmitter location to the Philadelphia antenna farm (at short separations). In this connection, paragraph 2 of the notice stated:

> Whatever the merits of the proposal, since WHYY-TV is the only noncommercial educational station assigned to Delaware which is on the air, it is desirable to assure that the channel will remain a Wilmington assignment (with the licensee having an obligation to serve the needs and interests of that city and State), and will remain committed to educational use.

4. WHYY's comment in this rule making proceeding vigorously supports the reserved designation for its operation,

maintaining that such a designation would assist it in its task and program of bringing the Delaware valley region educational television service in the present and future. MST's brief comment in no way opposes the reservation but does indicate that it intends to oppose the shift of the transmitter site for WHYY–TV, on short spacing grounds, in the separate proceeding considering the WHYY application.

5. At this time, in this proceeding, the Commission makes no judgment concerning the possible shift of the WHYY–TV transmitter site. We do, however, note the fact that WHYY has been bringing Wilmington and the Delaware valley region noncommercial educational service on Channel 12 since 1963, and that the city of Wilmington has the possibility of its own local commercial television service on Channel 61. In view of the de facto status of Channel 12 at Wilmington as a noncommercial educational service since 1963, the quality and importance of that service, the availability of commercial service in the area, and the sound administrative policy of having educational services broadcast on reserved channels, we have come to the conclusion that it is in the public interest to reserve Channel 12 for educational use at Wilmington. We note WHYY's support and the absence of objection.

6. Authority for the action taken herein is contained in sections 4(i), 303, 307(b), and 316 of the Communications Act of 1934, as amended.

7. *Accordingly, it is ordered,* That effective April 3, 1970, the Table of Assignments in § 73.606(b) of the Commission's rules is amended, insofar as the city listed below is concerned, to read as follows:

City	*Channels*
Wilmington, Del	*12, 61

8. *It is further ordered,* That the license for WHYY–TV is modified to specify operation as a non-commercial educational station on Channel *12 at Wilmington, Del. The licensee will be expected to comply with all regulations pertaining to such educational stations effective April 3, 1970.

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

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

Adopted: February 18, 1970.

Released: February 20, 1970.

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

[F.R. Doc. 70–2314; Filed, Feb. 25, 1970; 8:47 a.m.]

Title 50—WILDLIFE AND FISHERIES

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

PART 33—SPORT FISHING

Parker River National Wildlife Refuge, Mass.

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

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

MASSACHUSETTS

PARKER RIVER NATIONAL WILDLIFE REFUGE

Sport fishing on the Parker River National Wildlife Refuge, Mass., is permitted from May 1 through October 15, 1970, and at other times by special permit from the Refuge Manager, in the Public Use Area on the ocean side of Plum Island consisting of 218 acres extending from the south boundary of the Swimming and Bathing Area to the south boundary of the Refuge. This area is delineated on maps available at refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, Mass. 02109. Sport fishing shall be in accordance with all applicable State and Town regulations.

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

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

FEBRUARY 18, 1970.

[F.R. Doc. 70–2290; Filed, Feb. 25, 1970; 8:45 a.m.]

PART 33—SPORT FISHING

Elizabeth Alexandra Morton National Wildlife Refuge, N.Y.

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

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

NEW YORK

ELIZABETH ALEXANDRA MORTON NATIONAL WILDLIFE REFUGE

Sport fishing from the shore in tidal waters and access thereto by walking is permitted on the Elizabeth Morton National Wildlife Refuge, Sag Harbor, N.Y., through December 31, 1970. The refuge is delineated on a map available at refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, Mass. 02109. Sport fishing shall be in accordance with all applicable state regulations.

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

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

FEBRUARY 18, 1970.

[F.R. Doc. 70–2289; Filed, Feb. 25, 1970; 8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

[42 CFR Part 71]

FOREIGN QUARANTINE

Disinsecting of Aircraft

Correction

In F.R. Doc. 70–2015 appearing on page 3119 in the issue for Wednesday, February 18, 1970, the word "not" should be inserted between the words "does" and "contain" in the penultimate line of the first paragraph.

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[9 CFR Part 327]

MEAT INSPECTION

Eligibility of Bulgaria and Romania for Importation of Meat Products Into the United States

Notice is hereby given in accordance with the administrative procedure provisions in 5 U.S.C. 553, that pursuant to the authority contained in the Federal Meat Inspection Act (34 Stat. 1260, as amended by the Wholesome Meat Act of 1967, 81 Stat. 584, 21 U.S.C. 601 et seq.) the Consumer and Marketing Service proposes to amend § 327.2 of the Federal Meat Inspection Regulations (9 CFR 327) by changing paragraph (b) of that section to include the words "Bulgaria" and "Romania" in alphabetical order in the list of countries specified therein from which certain products (meat, meat food product, and meat byproduct) may be imported into the United States as provided in said regulations.

Statement of considerations. The Federal Meat Inspection Act prohibits the importation of meat products into the United States unless they comply with all the inspection, building construction standards, and all other provisions of the Act and regulations issued thereunder applicable to meat products in commerce within the United States. The laws and regulations of Bulgaria and Romania concerning these matters have been reviewed and found acceptable. Further, actual observations of the export meat inspection program in these countries indicate that they operate on a par with Federal inspection in the United States, and that reliance can be placed upon certificates issued by their officials for export of meat products to the United States. Accordingly, it is proposed to amend the Regulations Governing the Meat Inspection of the U.S. Department of Agriculture as specified above.

Any person who wishes to submit written data, views, or arguments concerning the proposed amendment may do so by filing them in duplicate with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, within 30 days after the date of publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Done at Washington, D.C., on February 20, 1970.

ROY W. LENNARTSON,
Administrator.

[F.R. Doc. 70–2345; Filed, Feb. 25, 1970; 8:49 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 70–SO–18]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Jacksonville, N.C., control zone and 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, Southern Region, Air Traffic Division, Post Office Box 20636, Atlanta, Ga. 30320. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace 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 Jacksonville control zone described in § 71.171 (35 F.R. 2054) would be redesignated as:

Within a 5-mile radius of New River MCAS (lat. 34°42'25" N., long. 77°26'35" W.); within 3 miles each side of the 046° and 226° bearings from New River RBN, extending from the 5-mile radius zone to 8.5 miles northeast and southwest of the RBN; within 2 miles each side of New River TACAN 236° radial, extending from the 5-mile radius zone to 9.5 miles southwest of the TACAN; excluding the portion within R–5306C.

The Jacksonville 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 an 8.5-mile radius of New River MCAS (lat. 34°42'25" N., long. 77°26'35" W.); excluding the portion within R–5306B and C.

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

CONTROL ZONE

1. Increase the extensions predicated on the 046° and 226° bearings from New River MCAS RBN 2 miles in width and 0.5 mile in length.

2. Designate an extension predicated on New River MCAS TACAN 236° radial 4 miles in width and 9.5 miles in length.

TRANSITION AREA

1. Revoke the present one in its entirety.

2. Designate an 8.5-mile basic radius circle predicated on New River MCAS.

The proposed alterations are required to provide controlled airspace protection for IFR operations in climb to 1,200 feet above the surface and in descent from 1,500 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 13, 1970.

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

[F.R. Doc. 70–2298; Filed, Feb. 25, 1970; 8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 70–SW–7]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the

Federal Aviation Regulations to alter controlled airspace in the Silver City, N. Mex., terminal area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Southwest Region, Federal Aviation Administration, Post Office Box 1689, Fort Worth, Tex. 76101. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Division. 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 Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Tex. An informal docket will also be available for examination at the Office of the Chief, Air Traffic Division.

It is proposed to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth.

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

SILVER CITY, N. MEX.

Within a 5-mile radius of Silver City-Grant County Airport (lat. 32°38'25" N., long. 108°09'15" W.), and within 3 miles each side of the Silver City VOR 141° radial extending from the 5-mile radius zone to 9 miles southeast of the VOR. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

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

SILVER CITY, N. MEX.

That airspace extending upward from 700 feet above the surface within an 8-mile radius of Silver City-Grant County Airport (lat. 32°38'25" N., long. 108°09'15" W.), and within 3.5 miles each side of the Silver City VOR 141° radial extending from the 8-mile radius area to 10 miles southeast of the VOR; and that airspace extending upward from 1,200 feet above the surface within 6 miles northeast and 9.5 miles southwest of the Silver City VOR 141° and 321° radials extending from 8 miles northwest to 29 miles southeast of the VOR.

The proposed alteration is required to provide controlled airspace for aircraft executing a revised VOR–1 instrument approach procedure to Silver City-Grant County Airport and to conform the controlled airspace to current criteria.

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

Issued in Fort Worth, Tex., on February 13, 1970.

A. L. COULTER,
Acting Director, Southwest Region.

[F.R. Doc. 70–2304; Filed, Feb. 25, 1970; 8:47 a.m.]

[14 CFR Part 73]

[Airspace Docket No. 69–WE–71]

PROHIBITED AREA

Proposed Designation

The Federal Aviation Administration is considering an amendment to Part 73 of the Federal Aviation Regulations that would designate a prohibited area at the Rocky Mountain Arsenal, Denver, Colo.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 5651 West Manchester Avenue, Post Office Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

If the airspace action proposed in this docket is adopted, a prohibited area would be designated as follows:

ROCKY MOUNTAIN ARSENAL, DENVER, COLO.

Boundaries: Beginning at lat. 39°48'45" N., long. 104°50'46" W.; to lat. 39°50'00" N., long. 104°50'46" W.; to lat. 39°51'22" N., long. 104°50'18" W.; to lat. 39°51'22" N., long. 104°48'00" W.; to lat. 39°48'45" N., long. 104°48'00" W.; to point of beginning.

Designated altitudes: Surface to 7,000 feet MSL.

Time of designation: Continuous.

Using agency: Commanding Officer, Rocky Mountain Arsenal, Denver, Colo.

The purpose of the proposed prohibited area is to prohibit the flight of aircraft at low altitudes over the Rocky Mountain Arsenal toxic storage yards and the toxic agent munitions facilities where munitions and agents are either in storage or in process of disassembly and detoxification. There is increasing concern that an aircraft could crash into the toxic agent storage or handling area with catastrophic results. To reduce this probability, the designation of the above described prohibited area is proposed.

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

Issued in Washington, D.C., on February 17, 1970.

W. M. FLENER,
Director, Air Traffic Service.

[F.R. Doc. 70–2299; Filed, Feb. 25, 1970; 8:46 a.m.]

[14 CFR Part 75]

[Airspace Docket No. 69–SO–161]

JET ROUTE SEGMENTS

Proposed Designation

The Federal Aviation Administration (FAA) is considering amendments to Part 75 of the Federal Aviation Regulations which would designate segments of Jet Route Nos. 66 and 151.

Interested persons may participate in the proposed rule making by submitting such writen data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Post Office Box 20636, Atlanta, Ga. 30320. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The FAA is considering the following airspace actions:

1. Extend Jet Route No. 66 from Memphis, Tenn., to Rome, Ga., via the intersection of the Memphis 096° T (091° M) and Rome 286° T (285° M) radials.

2. Extend Jet Route No. 151 from Birmingham, Ala., to St. Louis, Mo., via the intersection of the Birmingham 335° T (332° M) and Farmington, Mo., 139° T (134° M) radials; and Farmington.

The extension of J–66 from Memphis to Rome will provide an additional route for turbojet aircraft operating between the Memphis and Atlanta, Ga., terminal areas. Radar coverage is available along the entire proposed route segment and will be utilized to insure that aircraft while operating along the proposed route do not penetrate the Columbus No. 2 ISJTA and Restricted Area R–2104A.

The extension of J–151 will provide an additional route for turbojet aircraft operating between St. Louis and the

Atlanta and various Florida terminal areas. Aircraft utilizing this route will be normally cleared at altitudes above the Columbus No. 4 ISJTA.

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

Issued in Washington, D.C. on February 17, 1970.

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

[F.R. Doc. 70-2300; Filed, Feb. 25, 1970; 8:46 a.m.]

Federal Highway Administration

[49 CFR Part 393]

[Docket No. MC-19; Notice No. 70-4]

SMOKING ON BUSES

Notice of Proposed Rule Making

A petition for rule making has been filed by Mr. Ralph Nader, asking the Administrator to amend the Motor Carrier Safety Regulations to prohibit smoking by occupants of buses subject to the jurisdiction of the Federal Highway Administration. The amendment to Part 393 of title 49, CFR, would add a new section which would provide that "No bus shall be driven while cigars, cigarettes, and pipes are being smoked therein by passengers or drivers."

In support of the proposal, the petitioner alleges that lighted cigars, cigarettes, and pipes present a fire hazard owing to their close proximity to flammable upholstery and interior trim and because buses carry volatile fuel. It is also alleged that smoking interferes with the driver's ability to operate the bus safely, in that the act of lighting, smoking, and extinguishing a cigarette distracts his attention from his duties, because smoking by passengers produces a pall that can reduce driver visibility, and because "the ever-present danger of fire doubtless creates a nagging psychological distraction for many drivers." The petitioner contends that there are adverse physiological effects upon persons who breathe tobacco smoke. It is alleged that these effects reduce driver efficiency, affect drivers' abilities, and cause immediate and severe symptoms in drivers with specific respiratory or allergic conditions. Finally, the petitioner contends that smoking on buses may generate potentially dangerous concentrations of carbon monoxide and other dangerous gases in the interiors of those vehicles. A memorandum on the medical aspects of smoking as a hazard to nonsmokers is annexed to the petition.

To assist him in determining whether the Motor Carrier Safety Regulations should be amended to prohibit operation of buses while their occupants are smoking, the Administrator invites interested persons to submit written data, views, or arguments pertaining to the subject-matter of the petition for rule making. Comments should be accompanied by appropriate supporting data and information. The Administrator particularly invites the submission of empirical data bearing on the propensity of buses to be involved in highway accidents as the result of smoking by drivers, passengers, or both.

Comments, identifying the docket number and the notice number, should be submitted in three copies to the Bureau of Motor Carrier Safety, Federal Highway Administration, 400 Seventh Street SW., Washington, D.C. 20591. All comments received before the close of business on April 17, 1970, will be considered by the Administrator before further action is taken. Both a copy of the petition for rule making and all comments received will be available for examination in the Rules Docket at the above address before and after the closing date for comments.

This notice of proposed rule making is issued under the authority of section 204 of the Interstate Commerce Act, as amended (49 U.S.C. 304), section 6 of the Department of Transportation Act (49 U.S.C. 1655), and the delegation of authority by the Secretary at 49 CFR 1.4(c).

Issued on February 16, 1970.

F. C. TURNER,
Federal Highway Administrator.

[F.R. Doc. 70-2294; Filed, Feb. 25, 1970; 8:46 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[Albuquerque Area Office Redelegation Order 2]

SUPERINTENDENTS ET AL., ALBUQUERQUE

Delegations of Authority; Revision

JANUARY 27, 1970.

Part 10 BIAM 4 was published at 34 F.R. 6934 (F.R. Doc. 89-4942) in the issue of April 25, 1969. The purpose of this document is to rescind that delegation of authority and substitute in lieu thereof the following:

Albuquerque Area Office Redelegation Order 2

PART 1—GENERAL

PART 1—GENERAL

SECTION 1.1 *Authorities from the Area Director.* The authorities of the Commissioner of Indian Affairs delegated to the Area Director in 10 BIAM 3 are hereby redelegated to superintendents and school superintendents in the Albuquerque Area as set forth in Part II.

SEC. 1.2 *Future Delegations.* This redelegation does not include future delegations of authorities from the Commissioner to the Area Director unless further provided.

SEC. 1.3 *Limitations.* Delegations of authority made by this order are not to be construed as depriving the Area Director of the authority conferred on him by the Commissioner of Indian Affairs. The authority delegated to an employee is limited to those matters which are normally under his jurisdiction and for which he is responsible.

SEC. 1.4 *Appeals.* Any action taken by any superintendent pursuant to this order shall be subject to the right of appeal to the Area Director, Albuquerque Area Office. Any such appeal shall be made and processed in accordance with 25 CFR 2.

SEC. 1.5 *Exceptions.* The exceptions to the authorities delegated to the Area Director in 10 BIAM 3.3 also apply here.

SEC. 1.6 *Authority of Assistant Area Directors.* The Assistant Area Directors and persons authorized to act in their stead during their absences may severally exercise any and all authority conferred upon the Area Director by the Commissioner of Indian Affairs.

PART 2—AUTHORITY OF AGENCY SUPERINTENDENTS AND SCHOOL SUPERINTENDENTS

FUNCTIONS RELATING TO SOCIAL SERVICES

SEC. 2.1 *Approval of Sentences.* The approval of sentences imposed on Indian employees of the Bureau of Indian Affairs by courts of Indian Offenses as provided in 25 CFR 11.2(d) and by tribal courts as provided by Law and Order Codes.

SEC. 2.2 *Appointment, Approval, and Removal of Judges.* The appointment, approval, and removal of judges of Courts of Indian Offenses pursuant to the provisions of 25 CFR Part 11 and of judges of tribal courts as provided by Law and Order Codes.

SEC. 2.3 *Relocation Services to Indians.* Approval of third (or more) request for relocation services for Indians applying under Employment Assistance program (25 CFR Part 34).

SEC. 2.4 *Deputy Special Officers' Commissions.* The issuance of deputy special officers' commissions to persons working in law enforcement for the maintenance of law and order on Indian reservations.

FUNCTIONS RELATING TO LANDS AND MINERALS

SEC. 2.11 *Rights-of-Way.* To the Superintendents of Jicarilla, Northern and Southern Pueblos and Southern Ute Agencies only, the authority of the Area Director relating to rights-of-way over Indian lands pursuant to 25 CFR, Part 161, provided the form of instrument granting the particular right-of-way or easement has been approved by the Field Solicitor, and provided further that no grant or renewal of a right-of-way shall be for an amount less than the fair market value as appraised or approved by the Area Branch of Appraisals.

SEC. 2.12 *Preservation of Antiquities.* The authority of the Area Director relating to the excavation of ruins and archeological sites and the gathering of objects of antiquity on Indian reservations purusant to 25 CFR 132.

SEC. 2.13 *Mineral Leases and Permits.* (a) To the Superintendents of Jicarilla, Northern and Southern Pueblos, and Southern Ute Agencies only, the authority of the Area Director relating to the granting of permission to negotiate permits and leases of tribal and individually owned trust or restricted land for sand, gravel, pumice and building stone, and the approval of permits and leases for sand, gravel, pumice, and building stone, which provide for a duration not in excess of five (5) years inclusive of any provisions for extensions or renewals thereof. The authority conferred by (a) of this section includes the approval or other appropriate administrative action required on all subleases, assignments of mining permits or mineral leases now or hereafter in force on tribal or restricted allotted lands, bonds and other instruments required in connection with such leases, subleases, permits or assignments on materials set forth in (a). The acceptance of voluntary surrender of such leases by lessees, cancellation of

leases for violation of the terms thereof, and approval of agreements for settlement of claims for damages to Indian lands resulting from mineral operations.

(b) To the Superintendents of Jicarilla, Northern and Southern Pueblos, and Southern Ute Agencies only, the authority of the Area Director relating to oil and gas leases on tribal or individually owned Indian lands pursuant to 25 CFR, Parts 171 and 172. This authority does not apply to:

(1) The approval of leases of ceded or surplus lands unless title thereto has been restored to the tribe, or the leasing of such lands is authorized by a specific statute.

(2) Approval of leases on lands purchased or reserved for agency or school purposes.

(3) Approval of leases, assignments and bonds on any forms except those approved by the Commissioner of Indian Affairs.

(4) Modification of any forms approved by the Commissioner of Indian Affairs.

(5) Approval of amendments to oil and gas or other mining leases or to assignments.

(6) Extension of time for drilling.

SEC. 2.14 *Surface Leases.* To the superintendents of Jicarilla, Northern and Southern Pueblos, and Southern Ute Agencies only, the authority of the Area Director relating to surface leasing and permitting pursuant to 25 CFR 131. With the exception of homesite leases covering tribal land leased to tribal members or to tribal housing authorities for homesite purposes this authority does not apply to:

(1) Approval of leases or permits which provide for a duration in excess of ten (10) years inclusive of any provisions for extensions or renewals thereof.

(2) Amendment or modification of leases which change the purpose or reduce the rental of such leases.

(3) Approval of permits covering Government-owned land.

(4) Waiving or lowering of fees pursuant to 25 CFR, Part 131.13(b).

SEC. 2.15 *Sales of Improvement of Tribal Lands.* The approval, with tribal consent, of sales of improvements made upon tribal lands by individual Indians.

FUNCTIONS RELATING TO SOIL AND MOISTURE CONSERVATION

SEC. 2.40 *Soil and Moisture Conservation.* Soil and moisture conservation operations on Indian lands, pursuant to the President's Reorganization Plan IV of 1940 (54 Stat. 1235), and the Soil Conservation Act of April 27, 1935 (16 U.S.C. sec. 590a).

FUNCTIONS RELATING TO INDIAN IRRIGATION PROJECTS

SEC. 2.50 *Operation and Maintenance Orders.* The issuance of irrigation operation and maintenance orders fixing per acre assessments against lands included in Indian irrigation projects to which water can be delivered, under authority of the Acts of August 1, 1914 (38 Stat. 583, 25 U.S.C. 385) and March 7, 1928 (45 Stat. 210, 25 U.S.C. 387).

FUNCTIONS RELATING TO CREDIT AND FINANCING

SEC. 2.60 *Loan Agreements and Modifications.* The approval of applications for and modifications of loans to individuals subject to the availability of funds pursuant to 25 CFR Part 91, providing amounts and conditions of loans shall be consistent with and shall not exceed the limitations as set forth in Bureau approved declarations of policy and plans of operations and where the indebtedness of individuals to the United States does not exceed $10,000.

SEC. 2.61 *Enforcement Terms, Loan Agreements.* The taking of necessary steps upon failure of individual borrowers or cooperative associations to conform to the terms of their loan agreements from tribes, bands, credit associations or the United States pursuant to 25 CFR 91.10.

SEC. 2.64 *Approval of Partial Releases and Satisfactions.* The approval of partial releases and satisfactions of mortgages given as security for loans to individuals from the United States made pursuant to 25 CFR Part 91.

SEC. 2.65 *Accounting and Records Systems.* The inspection of approved accounting and records systems of incorporated and unincorporated tribes and bands, corporate and tribal enterprises, cooperatives, and credit associations, pursuant to 25 CFR Part 91.

SEC. 2.66 *Loan Security.* The approval of mortgages of trust chattels and crops on trust or restricted land of an Indian, and assignments of income from trust or restricted land of an Indian, as security for a loan by any lender.

SEC. 2.67 *Assignments of Trust Property.* The approval of assignments of any trust property of an Indian, except land, and authority to act as the Indian's attorney-in-fact to execute leases of any trust land in which the Indian borrower may have an interest and to apply the rentals on the Indian's indebtedness, for a loan made pursuant to 25 CFR Parts 91 and 92.

SEC. 2.68 *Release of U.S. Interests.* The release of interests of the United States in any trust or restricted property of an Indian, except land.

FUNCTIONS RELATING TO TRADING WITH INDIANS

SEC. 2.80 *Traders' Licenses.* The issuance of licenses to traders with the Indian tribes and the removal and revocation of licenses pursuant to 25 CFR Parts 251 and 252.

FUNCTIONS RELATING TO FOREST AND RANGE MANAGEMENT

SEC. 2.90 *Forest Management.* (a) Issue advertisements and approve timber sale contracts on approved forms involving an estimated stumpage volume of not to exceed 100,000 feet, board measure, pursuant to 25 CFR 141.8 and 25 CFR 141.13.

(b) Approve contracts, pursuant to 25 CFR 141.13, for the sale of timber from individual allotments without regard to estimated volumes, on approved forms executed under authority of an approved general contract with such provisions incorporated therein as the approving officer of the general contract shall stipulate.

(c) Issue timber cutting permits on approved forms pursuant to 25 CFR 141.19 (a) and (b), but not including paragraph (c).

(d) Hire temporary labor, rent equipment, purchase tools and supplies, and pay for their transportation to extinguish forest or range fires pursuant to 25 CFR 141.21.

(e) Accept payment of damages in full in settlement of civil trespass cases pursuant to 25 CFR 141.22 when such settlement is not in excess of $1,000. "Payment of damages in full" means payment of the maximum amount due under applicable law.

SEC. 2.95 *Waiver of Technical Defects.* The authority of the Area Director relating to the Waiver of Technical Defects in advertisements and proposals for the sale of grazing privileges.

SEC. 2.96 *Grazing Privileges.* The authority of the Area Director relating to the approval of award, modification, assignment, and cancellation of grazing permits pursuant to 25 CFR Part 151 provided the permits approved at the beginning of a contract period are according to schedule of allocated and advertised range units approved by the Area Director, and provided further that permits shall not be issued at a rental rate less than the minimum approved by the Area Director.

SEC. 2.97 *Sales of Grazing Privileges.* The authority of the Area Director relating to the negotiation of sales of grazing privileges subsequent to advertisement.

FUNCTIONS RELATING TO THE CONVEYANCE OF BUILDINGS AND IMPROVEMENTS

SEC. 2.110 *Conveyance of Buildings and Improvements.* The authority contained in the Act of August 6, 1956 (70 Stat. 1057). This Act permits the conveyance to Indian tribes of title to federally owned buildings and improvements (including personal property used in connection therewith) no longer required by the Bureau and also declaration of forfeiture of such conveyances.

FUNCTIONS RELATING TO FUNDS AND FISCAL MATTERS

SEC. 2.120 *Individual Indian Moneys.* All those matters set forth in 25 CFR Part 104.

SEC. 2.121 *Approval of Employment of Attorneys for Individual Indians.* The approval of the employment of attorneys for individual Indians and the determination and payment of fees paid on a quantum meruit basis from restricted or trust funds.

FUNCTIONS RELATING TO ROADS

SEC. 2.130 *Closing of Roads.* The authority to close roads when required for public safety, fire prevention or suppression, fish and game protection, or to prevent damage to unstable roadbed pursuant to 25 CFR 162.6.

SEC. 2.131 *Transfer of Jurisdiction for Maintenance to States.* Authority to enter into an agreement with a State for

the transfer to the State of jurisdiction with respect to the maintenance of roads constructed or improved to adequate standards pursuant to 25 CFR 162.8.

SEC. 2.132. *Agreements for Cooperation in Construction, etc., With State.* Authority to enter into agreements with States for cooperation in construction, maintenance, repair, and improvement of roads subject to regulation in 25 CFR 162.9 providing for road facilities for both Indian lands that are not subject to taxation by a State and for other lands in such State, provided appropriated funds are not obligated beyond the year in which they are available. Also authority to enter into agreements with an Indian tribe for contribution from tribal funds pursuant to 25 CFR 162.9.

PART 3—AUTHORITY OF AREA PROPERTY AND SUPPLY OFFICER

SEC. 3.1 *Buy Indian Act.* The contracting and procurement authority for the Area Director under the "Buy Indian Act," Section 23 of the Act of June 25, 1910 (36 Stat. 861 as amended; 25 U.S.C. 47) is redelegated to the Albuquerque Area Property and Supply Officer.

WALTER O. OLSON,
Area Director.

Approved: February 13, 1970.

WILLIAM J. BENHAM,
Acting Commissioner of Indian Affairs.

[F.R. Doc. 70-2288; Filed, Feb. 25, 1970; 8:45 a.m.]

Bureau of Land Management

SCHEDULE OF GRAZING FEES, 1970

Pursuant to the authority vested in the Secretary of the Interior by the Taylor Grazing Act, notice is hereby given of the schedule of grazing fees for the 1970 grazing fee year beginning March 1, 1970, and ending February 28, 1971, for grazing use of the Federal range.

For the purpose of establishing charges for grazing use, one animal unit month shall be considered equivalent to grazing use by one cow, five sheep, or 0.5 of one horse for 1 month (one horse for 1 month equals two AUMs).

Billings shall be issued in accordance with the rates prescribed in this notice.

INSIDE GRAZING DISTRICTS

Pursuant to Departmental regulations (43 CFR 4115.2-1(k)), fees for use of the Federal range, including LU (Land Utilization) land within grazing districts, except as otherwise herein provided shall be $0.44 per animal unit month of forage of which $0.29 is the grazing fee and $0.15 is the range improvement fee which shall be credited to the range improvement fund.

Execptions to the above rates are herein provided for certain LU lands in order to continue the basis of fees that have hereto been established under the provisions of the Bankhead-Jones Farm Tenant Act of July 22, 1937. Such exceptions, together with the applicable schedule are as follows:

Arizona: For the Cienega Area transferred to the Department of the Interior by E.O. 10322, the fees for use of Federal range for the 1970 grazing fee year shall be $1.12 per animal unit month of forage of which $0.29 is the grazing fee and $0.83 is the range improvement fee which shall be credited to the range improvement fund.

Colorado: For the Great Divide Project transferred to the Department of the Interior by E.O. 10046, the fees for use of Federal range for the 1970 grazing fee year shall be $0.63 per animal unit month of forage of which $0.29 is the grazing fee and $0.34 is the range improvement fee which shall be credited to the range improvement fund.

Montana: For all LU land within the State of Montana transferred to the Department of the Interior by E.O. 10787, the fees for use of Federal range for the 1970 fee year shall be $0.65 per animal unit month of forage of which $0.29 is the grazing fee and $0.36 is the range improvement fee which shall be credited to the range improvement fund. Twenty-five percent of the grazing fee shall be paid to the counties within which the fee was collected pursuant to the requirements of E.O. 10787.

New Mexico: For the Hope Land Project transferred to the Department of the Interior by E.O. 10787, the fees for use of Federal range for the 1970 grazing fee year shall be $0.55 per animal unit month of forage of which $0.29 is the grazing fee and $0.26 is the range improvement fee which shall be credited to the range improvement fund. Twenty-five percent of the grazing fee shall be paid to the counties within which the fee was collected pursuant to the requirements of E.O. 10787.

OUTSIDE GRAZING DISTRICTS (EXCLUSIVE OF ALASKA)

Pursuant to Departmental regulations (43 CFR 4125.1-1(m)), lease rates for grazing leases issued under Section 15 of the Taylor Grazing Act and Section 4 of the O&C Act for the 1970 grazing fee year are contained herein. Except as detailed below, the rates shall be $0.44 per animal unit month of forage of which $0.33 is the grazing fee and $0.11 is the range improvement fee which shall be credited to the range improvement fund.

Wyoming: For the Northeast LU (Land Utilization) Project transferred to the Department of the Interior by E.O. 10046 and amended by E.O. 10175, the fees shall be $0.63 per animal unit month of forage of which $0.47 is the grazing fee and $0.16 is the range improvement fee which shall be credited to the range improvement fund.

Western Oregon: For the O&C and intermingled public domain lands located in Western Oregon, the fee shall be $0.71 per animal unit month of forage.

WALTER J. HICKEL,
Secretary of the Interior.

FEBRUARY 17, 1970.

[F.R. Doc. 70-2291; Filed, Feb. 25, 1970; 8:46 a.m.]

[OR 3659 (Wash.)]

WASHINGTON

Opening of Land Formerly in Project No. 1430

FEBRUARY 17, 1970.

1. In an order issued January 26, 1970, the Federal Power Commission vacated the withdrawal created pursuant to the filing of an application for a license for Project No. 1430, for the following described land:

WILLAMETTE MERIDIAN

All portions of the following tract lying within 10 feet of the centerline of the pipeline location shown on a map designated "Exhibit F" and entitled "Hydroelectric Power Project of H. L. Bradley, C. O. Bradley, L. K. Wrenwick, Camp Mason, North Bend, Washington" and filed in the office of the Federal Power Commission on April 1, 1937.

T. 22 N., R. 9 E.,
Sec. 1, SE¼SE¼.

Containing approximately 0.69 acre.

2. The land lies within the Snoqualmie National Forest in King County.

3. The State of Washington has waived the right of selection in accordance with the provisions of sec. 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818), as amended.

4. Beginning at 10 a.m. on March 25, 1970, the national forest land shall be open to such form of disposition as may by law be made of such land.

5. Inquiries concerning the land should be addressed to the Chief, Division of Lands and Minerals Program Management and Land Office, Post Office Box 2965, Portland, Oreg. 97208.

VIRGIL O. SEISER,
Chief, Branch of Lands.

[F.R. Doc. 70-2292; Filed, Feb. 25, 1970; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[Marketing Agreement 146]

PEANUT CROP, 1969

Indemnification

Pursuant to the provisions of section 36 of the marketing agreement regulating the quality of domestically produced peanuts heretofore entered into between the Secretary of Agriculture and various handlers of peanuts (30 F.R. 9402) and upon recommendation of the Peanut Administrative Committee established pursuant to such agreement and other information it is hereby found that the amendment hereinafter set forth to the Terms and Conditions of Indemnification Applicable to 1969 Crop Peanuts (34 F.R. 11152) will tend to effectuate the objectives of the Agricultural Marketing Agreement Act of 1937, as amended, and of such agreement.

Amendment of the Terms and Conditions is necessary to permit indemnification of handlers sustaining losses due to rejections not recognized in the original

issuance. In isolated cases, analysis of the product made from custom blanched lots of peanuts raises the suspicion that a portion or all of the product produced from such peanuts is unwholesome due to aflatoxin. This is for the reason that custom blanching to remove aflatoxin, in some instances, apparently causes products from the custom blanched peanuts to have an undesirable flavor. As a consequence, the manufacturer withholds the product (including any portion thereof that was returned to the manufacturer) from the market and, to cover his loss, rejects the handler invoice on the peanuts or claims reimbursement.

Therefore, after the present seventh paragraph of the Terms and Conditions of Indemnification Applicable to 1969 Crop Peanuts (34 F.R. 11152) there is added the following paragraph:

During the period February 27 through March 26, 1970, claims for indemnification on 1969 crop peanuts may be filed by any handler sustaining a loss as a result of a buyer withholding from human consumption a portion or all the product made from a lot of peanuts which had been custom blanched pursuant to these terms and conditions. The Committee shall pay, to the extent of the raw peanut equivalent value of the custom blanched peanuts used in the product so withheld, such claims as it determines to be valid.

This amendment should be issued as soon as possible so as to implement and effectuate the provisions of the marketing agreement dealing with indemnification, and no useful purpose will be served by any postponement thereof. Marketing of the 1969 peanut crop is partly completed and one handler is involved in a claim of the type covered by the amendment. Hence, this amendment should be effective as soon as possible, i.e., on the effective date specified herein. Handlers of peanuts who will be affected by such amendment have signed the marketing agreement authorizing the issuance of such terms and conditions, they are represented on the Committee which recommended the amendment, and time does not permit prior notice of the proposed amendment to such handlers.

The foregoing amendment is hereby approved and issued this 20th day of February 1970 to become effective upon publication in the FEDERAL REGISTER.

PAUL A. NICHOLSON,
Deputy Director,
Fruit and Vegetable Division.

[F.R. Doc. 70-2344; Filed, Feb. 25, 1970; 8:49 a.m.]

Office of the Secretary

COLORADO

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined on February 5, 1970, that in the hereinafter-named counties in the State of Colorado, natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

COLORADO

Alamosa.	Morgan.
Baca.	Phillips.
Boulder.	Rio Grande.
Conejos.	Saguache.
Kit Carson.	Weld.
Larimer.	Yuma.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1970, except to applicants who previously received emergency or special livestock loan assistance and can qualify under established policies and procedures.

Done at Washington, D.C., this 19th day of February 1970.

CLIFFORD M. HARDIN,
Secretary of Agriculture.

[F.R. Doc. 70-2309; Filed, Feb. 25, 1970; 8:47 a.m.]

TEXAS

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined on February 5, 1970, that in the hereinafter-named counties in the State of Texas, natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

TEXAS

Anderson.	Hall.
Bailey.	Hockley.
Briscoe.	Lamb.
Castro.	Lubbock.
Cochran.	Parmer.
Crosby.	Rusk.
Deaf Smith.	Swisher.
Gregg.	Terry.
Hale.	Yoakum.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1970, except to applicants who previously received emergency or special livestock loan assistance and can qualify under established policies and procedures.

Done at Washington, D.C., this 19th day of February 1970.

CLIFFORD M. HARDIN,
Secretary of Agriculture.

[F.R. Doc. 70-2308; Filed, Feb. 25, 1970; 8:47 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

AMCHEM PRODUCTS, INC.

Notice of Filing of Petition Regarding Pesticides

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 0F0941) has been filed by Amchem Products, Inc., Ambler, Pa. 19002, proposing establishment of a tolerance of 0.25 part per million for negligible residues of the plant regulator 2-(*m*-chlorophenoxy) propionic acid from application of the acid or of 2-(*m*-chlorophenoxy)propionamide in or on the raw agricultural commodity group stone fruit.

The analytical method proposed in the petition for determining residues of the plant regulator is a microcoulometric gas chromatographic technique.

Dated: February 17, 1970.

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

[F.R. Doc. 70-2281; Filed, Feb. 25, 1970; 8:45 a.m.]

HERCULES INC.

Notice of Filing of Petition Regarding Pesticides

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 0F0930) has been filed by Hercules, Inc., Wilmington, Del. 19899, proposing establishment of tolerances (21 CFR Part 120) for residues of the insecticide toxaphene (chlorinated camphene containing 67 percent–69 percent chlorine) in or on the raw agricultural commodities range grass at 160 parts per million and alfalfa and potatoes at 0.2 part per million (negligible residue).

The analytical method proposed in the petition for determining residues of the insecticide is a gas chromatographic technique with an electron-capture detector.

Dated: February 18, 1970.

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

[F.R. Doc. 70-2280; Filed, Feb. 25, 1970; 8:45 a.m.]

[Docket No. FDC-D-150; NADA No. 8-978V]

JENSEN-SALSBERY LABORATORIES

Trivermol; Notice of Opportunity for Hearing

An announcement published in the FEDERAL REGISTER of January 17, 1969

(34 F.R. 772), invited Jensen-Salsbery Laboratories, Division of Richardson-Merrell, Inc., 520 West 21st Street, Kansas City, Mo. 64141, holder of new animal drug application No. 8–978V for Trivermol (a drug containing copper sulfate, nicotine sulfate, copper acid arsenate, carbon tetrachloride, and mineral oil in aqueous suspension), and any other interested person, to submit pertinent data on the drug's effectiveness. No efficacy data not previously considered were submitted in response to the announcement, and available information still fails to provide substantial evidence of effectiveness of the drug for its recommended use in sheep and goats against nematodes, tapeworms, and flukes.

Therefore, notice is given to Jensen-Salsbery Laboratories, and to any interested person who may be adversely affected, that the Commissioner of Food and Drugs proposes to issue an order under the provisions of section 512(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b(e)) withdrawing approval of new animal drug application No. 8–978V and all amendments and supplements thereto held by Jensen-Salsbery Laboratories for the drug Trivermol on the grounds that:

Information before the Commissioner with respect to the drug, evaluated with the evidence available to him when the application was approved, does not provide substantial evidence that the drug has the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in its labeling.

In accordance with the provisions of section 512 of the act (21 U.S.C. 360b), the Commissioner will give the applicant, and any interested person who would be adversely affected by an order withdrawing such approval, an opportunity for a hearing at which time such persons may produce evidence and arguments to show why approval of new animal drug application No. 8–978V should not be withdrawn. Promulgation of the order will cause any drug of similar composition and recommended for the same conditions of use as Trivermol to be a new animal drug for which an approved new animal drug application is not in effect. Any such drug then on the market would be subject to regulatory proceedings.

Wthin 30 days after publication hereof in the FEDERAL REGISTER, such persons are required to file with the Hearing Clerk, Department of Health, Education, and Welfare, Office of the General Counsel, Food, Drug, and Environmental Health Division, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20204, a written appearance electing whether:

1. To avail themselves of the opportunity for a hearing; or

2. Not to avail themselves of the opportunity for a hearing.

If such persons elect not to avail themselves of the opportunity for a hearing, the Commissioner without further notice will enter a final order withdrawing the approval of the new animal drug application.

Failure of such persons to file a written appearance of election within 30 days following date of publication of this notice in the FEDERAL REGISTER will be construed as an election by such persons not to avail themselves of the opportunity for a hearing.

The hearing contemplated by this notice will be open to the public except that any portion of the hearing that concerns a method or process which the Commissioner finds is entitled to protection as a trade secret will not be open to the public, unless the respondent specifies otherwise in his appearance.

If such persons elect to avail themselves of the opportunity for a hearing, they are required to file a written appearance requesting the hearing, giving the reasons why the approval of the new animal drug application should not be withdrawn.

If the hearing is requested and justified by the response to the notice of hearing, the issues will be defined, a hearing examiner will be appointed, and he shall issue a written notice of the time and place at which the hearing will commence.

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

Dated: February 13, 1970.

SAM D. FINE,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 70–2282; Filed, Feb. 25, 1970; 8:45 a.m.]

A. E. STALEY MFG. CO.

Notice of Filing of Petition for Food Additive Poloxalene

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (33–773V) has been filed by A. E. Staley Mfg. Co., Post Office Box 151, Decatur, Ill. 62525, proposing that § 121.295 *Poloxalene* (21 CFR 121.295) be amended in the table in paragraph (b)(1) by changing the indications for use from "prevention" to "control" of legume (alfalfa, clover) bloat in cattle.

Dated: February 13, 1970.

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

[F.R. Doc. 70–2278; Filed, Feb. 25, 1970; 8:45 a.m.]

UPJOHN CO.

Notice of Filing of Petition Regarding Pesticides

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP OF0933) has been filed by The Upjohn Co., Kalamazoo, Mich. 49001, proposing the establishment of tolerances (21 CFR Part 120) for residues of the herbicide diphenamid (*N,N*-dimethyl-2,2-diphenylacetamide), including its desmethyl metabolite (*N*-methyl-2,2-diphenylacetamide), in or on the raw agricultural commodities peanut hay and forage at 1.5 parts per million; soybean hay and forage and cotton forage at 0.2 part per million; and apples, cottonseed, okra, peaches, peanuts, soybeans, and sweetpotatoes at 0.1 part per million (negligible residue).

The analytical method proposed in the petition for determining residues of the herbicide is based on the procedure of G. A. Boyack et al., "Agricultural and Food Chemistry," vol. 14, p. 312 (1966).

Dated: February 17, 1970.

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

[F.R. Doc. 70–2279; Filed, Feb. 25, 1970; 8:45 a.m.]

[Docket No. FDC–D–158; NADA No. 6–516V]

WHITMOYER LABORATORIES, INC.

Vermex Powder and Poultry Tablets; Notice of Opportunity for Hearing

An announcement published in the FEDERAL REGISTER of February 1, 1969 (34 F.R. 1612), invited Whitmoyer Laboratories, Inc., Myerstown, Pa. 17067, holder of new animal drug application No. 6–516V for Vermex Powder and Vermex Tablets (drugs containing piperazine dihydrochloride, dichlorophene and phenothiazine), and any other interested person, to submit pertinent data on the drugs' effectiveness.

No efficacy data were received in response to the announcement, and available information fails to provide substantial evidence of effectiveness of the drugs for the recommended use in chickens and turkeys for the elimination of certain large roundworms, tapeworms, and cecal worms.

Therefore, notice is given to Whitmoyer Laboratories, Inc., and to any interested person who may be adversely effected, that the Commissioner of Food and Drugs proposes to issue an order under the provisions of section 512(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b(e)) withdrawing approval of new animal drug application No. 6–516V and all amendments and supplements thereto held by Whitmoyer Laboratories, Inc., for the drugs Vermex Powder and Vermex Poultry Tablets on the grounds that:

Information before the Commissioner with respect to said drugs, evaluated with the evidence available to him when the application was approved, does not provide substantial evidence that the drugs have the effect they purport or are represented to have under the conditions of use prescribed, recommended, or suggested in their labeling.

In accordance with the provisions of section 512 of the act (21 U.S.C. 360b), the Commissioner will give the applicant, and any interested person who

would be adversely affected by an order withdrawing such approval, an opportunity for a hearing at which time such persons may produce evidence and arguments to show why approval of new animal drug application No. 6-516V should not be withdrawn. Promulgation of the order will cause any drug containing piperazine dihydrochloride, dichlorophene, and phenothiazine, and recommended for the same conditions of use as Vermex Powder or Vermex Poultry Tablets, to be a new animal drug for which an approved new animal drug application is not in effect. Any such drug then on the market would be subject to regulatory proceedings.

Within 30 days after publication hereof in the FEDERAL REGISTER, such persons are required to file with the Hearing Clerk, Department of Health, Education, and Welfare, Office of the General Counsel, Food, Drug, and Environmental Health Division, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20204, a written appearance electing whether:

1. To avail themselves of the opportunity for a hearing; or

2. Not to avail themselves of the opportunity for a hearing.

If such persons elect not to avail themselves of the opportunity for a hearing, the Commissioner without further notice will enter a final order withdrawing the approval of the new animal drug application.

Failure of such persons to file a written appearance of election within 30 days following date of publication of this notice in the FEDERAL REGISTER will be construed as an election by such persons not to avail themselves of the opportunity for a hearing.

The hearing contemplated by this notice will be open to the public except that any portion of the hearing that concerns a method or process which the Commissioner finds is entitled to protection as a trade secret will not be open to the public, unless the respondent specifies otherwise in his appearance.

If such persons elect to avail themselves of the opportunity for a hearing, they are required to file a written appearance requesting the hearing, giving the reasons why the approval of the new animal drug application should not be withdrawn.

If the hearing is requested and justified by the response to the notice of hearing, the issues will be defined, a hearing examiner will be appointed, and he shall issue a written notice of the time and place at which the hearing will commence.

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

Dated: February 16, 1970.

SAM D. FINE,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 70-2283; Filed, Feb. 25, 1970; 8:45 a.m.]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGFR 70-11]

EQUIPMENT, CONSTRUCTION, AND MATERIALS

Approval Notice

1. Certain laws and regulations (46 CFR, Chapter I) require that various items of lifesaving, firefighting and miscellaneous equipment, construction, and materials used on board vessels subject to Coast Guard inspection, on certain motorboats and other recreational vessels, and on the artificial islands and fixed structures on the outer Continental Shelf be of types approved by the Commandant, U.S. Coast Guard. The purpose of this document is to notify all interested persons that certain approvals have been granted as herein described during the period from December 15, 1969, to January 21, 1970 (List No. 35-69 and 1-70). These actions were taken in accordance with the procedures set forth in 46 CFR 2.75-1 to 2.75-50.

2. The statutory authority for equipment, construction, and material approvals is generally set forth in sections 367, 375, 390b, 416, 481, 489, 526p, and 1333 of title 46, United States Code, section 1333 of title 43, United States Code, and section 198 of title 50, United States Code. The Secretary of Transportation has delegated authority to the Commandant, U.S. Coast Guard with respect to these approvals (49 CFR 1.4 (a)(2) and (g)). The specifications prescribed by the Commandant, U.S. Coast Guard for certain types of equipment, construction and materials are set forth in 46 CFR, Parts 160 to 164.

3. The approvals listed in this document shall be in effect for a period of 5 years from the date of issuance, unless sooner canceled or suspended by proper authority.

BUOYANT APPARATUS FOR MERCHANT VESSELS

Approval No. 160.010/57/1, 3.75' x 3.0' x 0.79' box float type buoyant apparatus, fibrous glass reinforced plastic (F.R.P.) shell with unicellular polyurethane plastic core, 12-person capacity, dwg. No. 21960A, dated February 1, 1965, and specification No. 6160A, dated February 1, 1965, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N.Y. 11201, effective January 19, 1970. (It is an extension of Approval No. 160.010/57/1, dated Apr. 6, 1965.)

SIGNALS, DISTRESS, HAND RED FLARE, FOR MERCHANT VESSELS

Approval No. 160.021/12/0, Jupiter hand red flare distress signal, general arrangement dwg. No. 6-0150-B, label dwg. No. 6-0152-A, manufactured by Smith and Wesson Pyrotechnics, Inc., Post Office Box 247, Jefferson, Ohio 44047, effective January 12, 1970.

SIGNALS, DISTRESS, COMBINATION FLARE AND SMOKE, HAND, FOR MERCHANT VESSELS

Approval No. 160.023/3/0, signal, distress, combination flare and smoke, hand, general arrangement dwg. No. 6-0070-C, label dwg. No. 6-0067-A, manufactured by Smith and Wesson Pyrotechnics, Inc., Post Office Box 247, Jefferson, Ohio 44047, effective January 12, 1970.

LIFEBOATS FOR MERCHANT VESSELS

Approval No. 160.035/17/4, 22.0' x 7.5' x 3.17' steel, oar-propelled lifeboat, 11-person capacity, identified by general arrangement dwg. No. G-2231, dated January 1957, and revised March 26, 1965, 46 CFR 160.035-13(c) Marking. Weights: Condition "A"=2,540 pounds; Condition "B"=8,390 pounds, manufactured by C. C. Galbraith & Son, Inc., Maple Place and Manchester Avenue, Post Office Box 185, Keyport, N.J. 07735, effective January 21, 1970. (It is an extension of Approval No. 160.035/17/4, dated Mar. 30, 1965.)

Approval No. 160.035/342/2, 24.0' x 8.0' x 3.5' aluminum, hand-propelled lifeboat, 40-person capacity, identified by construction and arrangement dwg. No. 24-9F, Rev. C, dated July 3, 1969, 46 CFR 160.035-13(c) Marking. Weights: Condition "A"=2,900 pounds; Condition "B"=10,300 pounds, manufactured by Marine Safety Equipment Corp., Foot of Wycoff Road, Farmingdale, N.J. 07727, effective December 18, 1969. (It reinstates and supersedes Approval No. 160.035/342/1, terminated May 19, 1969.)

Approval No. 160.035/439/3, 12.0' x 4.42' x 1.75' oar-propelled F.R.P. lifeboat, 4-person capacity, identified by construction and arrangement drawing 12-5, Rev. F, dated March 13, 1969, alternate arrangement identified by general arrangement drawing No. 12-5-SL dated September 22, 1969, approved for use on vessels in bays, sounds, and lakes; and river service. If mechanical disengaging apparatus is fitted, it shall be of an approved type and installed in accordance with drawings approved by the Commandant. Approved for 6-person capacity as replacement lifeboat. Manufactured by Marine Safety Equipment Corp., Foot of Wycoff Road, Farmingdale, N.J. 07727, effective December 16, 1969. (It supersedes Approval No. 160.035/439/2, dated Apr. 22, 1969, to show alternate construction.)

BUOYANT CUSHIONS, KAPOK OR FIBROUS GLASS

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.048/1/0, group approval for rectangular and trapezoidal kapok buoyant cushions, U.S.C.G. Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048-4(c)(1)(1), manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N.Y. 11201, effective January 19, 1970. (It is an extension of Approval No. 160.048/1/0, dated Apr. 1, 1965.)

Approval No. 160.048/238/0, special approval for 13" x 18" x 2" rectangular ribbed-type kapok buoyant cushion, 21-oz. kapok, Ero dwgs. Nos. 1 and 2 dated February 1, 1965, and Bill of Materials, dated February 10, 1965, manufactured by Ero Manufacturing Co., 308 South Williams Street, Hazlehurst, Ga. 31539, for Sears, Roebuck & Co., 925 South Homan Avenue, Chicago, Ill. 60607, effective January 14, 1970. (It is an extension of Approval No. 160.048/238/0, dated Feb. 12, 1965.)

BUOYANT VESTS, UNICELLULAR PLASTIC FOAM, ADULT AND CHILD

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.052/399/1, Type II, Model AD, adult vinyl-dipped unicellular plastic foam buoyant vest, Crawford dwg. No. 25A, revision 1, dated December 12, 1969 and Bill of Materials, dated December 10, 1963, manufactured by Crawford Manufacturing Co., Inc., Third and Decatur Streets, Richmond, Va. 23212, effective January 15, 1970. (It supersedes Approval No. 160.052/399/0, dated Nov. 5, 1969, to show modification in drawing #25A.)

Approval No. 160.052/400/1, Type II, Model AD, adult vinyl-dipped unicellular plastic foam buoyant vest, Crawford dwg. No. 25A, revision 1, dated December 12, 1969, and Bill of Materials, dated December 10, 1963, manufactured by Crawford Manufacturing Co., Inc., Third and Decatur Streets, Richmond, Va. 23212, for Montgomery Ward & Co., Inc., 619 West Chicago Avenue, Chicago, Ill. 60610, effective January 15, 1970. (It supersedes Approval No. 160.052/400/0, dated Nov. 5, 1969, to show modification in drawing #25A.)

KITS, FIRST-AID, FOR INFLATABLE LIFERAFTS

Approval No. 160.054/1/0, Model No. 729 first-aid kit for inflatable liferafts, dwg., revised November 27, 1959, manufactured by Medical Supply Co., 1027 West State Street, Rockford, Ill. 61102, effective January 19, 1970. (It is an extension of Approval No. 160.054/1/0, dated Mar. 10, 1965.)

GAUGING DEVICES, LIQUID LEVEL LIQUEFIED COMPRESSED GAS

Approval No. 162.019/17/0, Reg. O No. 2072 rotary type liquid level gauge for liquefied petroleum gas service, dwg. No. 2072, Rev. K, dated June 20, 1969, manufactured by The Bastian-Blessing Co., 4201 West Peterson Avenue, Chicago, Ill. 60646, effective December 17, 1969. (It is an extension of Approval No. 162.019/17/0, dated Dec. 17, 1964.)

Approval No. 162.019/18/0, Reg. O No. A8072 rotary type liquid level gauge for anhydrous ammonia service, dwg. No. A8072, Rev. G, dated November 21, 1969, manufactured by The Bastian-Blessing Co., 4201 West Peterson Avenue, Chicago, Ill. 60646, effective December 17, 1969. (It is an extension of Approval No. 162.019/18/0, dated Dec. 17, 1964.)

Approval No. 162.019/22/0, Reg. O No. 3165F fixed tube liquid level gauge for liquefied petroleum gas service, dwg. No. 3165 Series, Rev. C, dated November 10, 1967, manufactured by The Bastian-Blessing Co., 4201 West Peterson Avenue, Chicago, Ill. 60646, effective December 15, 1969. (It is an extension of Approval No. 162.019/22/0, dated Dec. 15, 1964.)

Approval No. 162.019/23/0, Reg. O No. 3165FP fixed tube liquid level gauge for liquefied petroleum gas service, dwg. No. 3165 Series, Rev. C, dated November 10, 1967, manufactured by The Bastian-Blessing Co., 4201 West Peterson Avenue, Chicago, Ill. 60646, effective December 15, 1969. (It is an extension of Approval No. 162.019/23/0, dated Dec. 15, 1964.)

Approval No. 162.019/32/0, Reg. O No. TA3169F fixed tube liquid level gauge for liquefied petroleum gas and anhydrous ammonia service, dwg. No. TA3169F Series, Rev. E, dated May 6, 1968, manufactured by The Bastian-Blessing Co., 4201 West Peterson Avenue, Chicago, Ill. 60646, effective December 16, 1969. (It is an extension of Approval No. 162.019/32/0, dated Dec. 16, 1964.)

Approval No. 162.019/33/0, Reg. O No. TA3169FP fixed tube liquid level gauge for liquefied petroleum gas and anhydrous ammonia service, dwg. No. TA 3169F Series, Rev. E, dated May 6, 1968, manufactured by The Bastian-Blessing Co., 4201 West Peterson Avenue, Chicago, Ill. 60646, effective December 16, 1969. (It is an extension of Approval No. 162.019/33/0, dated Dec. 16, 1964.)

BACKFIRE FLAME CONTROL, GASOLINE ENGINES; FLAME ARRESTERS; FOR MERCHANT VESSELS AND MOTORBOATS

Approval No. 162.041/18/2, Industrial Strainer No. 2365 backfire flame arrester for gasoline engines, ISC dwg. No. 2365 Rev. G, dated December 9, 1969, manufactured by Industrial Strainer Co., 695 Amelia Street, Plymouth, Mich. 48170, effective December 22, 1969. (It supersedes Approval No. 162.041/18/1, dated July 24, 1968, to show change in construction.)

Approval No. 162.041/114/0, Barbron flame arrester Model No. 400–23, Part No. 5643, shown on Barbron Corp. drawing No. A–5643, dated December 1, 1969, for use on the Rochester quadrojet carburetor, manufactured by Barbron Corp., 14580 Lesure Avenue, Detroit, Mich. 48227, effective January 21, 1970.

DECK COVERINGS FOR MERCHANT VESSELS

Approval No. 164.006/52/0, "Selbalith 7K–FR" magnesium oxychloride cement type deck covering identical to that described in National Bureau of Standards Test Report No. TG10210–2187:FR3724, dated December 5, 1969, approved for use without other insulating material as meeting Class A–60 requirements in a 1½-inch thickness, manufactured by Selby Battersby & Co., 5220 Whitby Avenue, Philadelphia, Pa. 19143, effective December 30, 1969.

INCOMBUSTIBLE MATERIALS FOR MERCHANT VESSELS

Approval No. 164.009/32/0, "Thermoflex Felt RF 400," mineral wool insulation type incombustible material identical to that described in National Bureau of Standards Test Report No. TG10210–1944:FP3305 dated December 13, 1954, approved in a 4-pound per cubic foot density, manufactured by Johns-Manville Sales Corp., 22 East 40th Street, New York, N.Y. 10016, effective January 19, 1970. (It is an extension of Approval No. 164.009/32/0, dated Apr. 1, 1965.)

Approval No. 164.009/130/0, "Textrafine Blanket Insulation", fibrous glass type incombustible material identical to that described in National Bureau of Standards Test Report No. TG10210–2186:FR3723 and PPG Industries, Inc., letters dated June 24, 1969, and July 16, 1969, approved in a density of 0.75 pounds per cubic foot, manufactured by PPG Industries, Inc., Route 4, Shelby, N.C. 28150 (Plant: Shelbyville, Ind.), effective December 29, 1969.

Approval No. 164.009/132/0, "Incombustible Hullboard SGC" fibrous glass type incombustible material identical to that described in National Bureau of Standards Test Report No. TG10210–2188:FR3725 dated December 15, 1969, and Johns-Manville Sales Corp. letter, dated October 20, 1969, approved in a nominal density of 2.77 pounds per cubic foot, manufactured by Johns-Manville Sales Corp., 22 East 40th Street, New York, N.Y. 10016, effective December 30, 1969. Plant is located at 814 Richmond Avenue, Richmond, Ind. 47374.

Dated: February 19, 1970.

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

[F.R. Doc. 70–2340; Filed, Feb. 25, 1970; 8:49 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 21770; Order 70–2–81]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Deferring Action on Agreement

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 19th day of February 1970.

There has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958, as amended, and Part 261 of the Board's economic regulations, an agreement among various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of the Traffic Conferences of the International Air Transport Association (IATA) adopted at meetings held in Caracas, Venezuela in November and December, 1969, and assigned the above designated CAB agreement number. The resolution here under consideration would make certain amendments, with respect to the North and Mid-Atlantic areas, to IATA Resolution 045 which pertains to passenger charters.

The amendments would, inter alia, raise the maximum permissible size for an acceptable chartering organization from 20,000 to 50,000 members; would

prohibit all solicitation of individual members of a chartering organization by either the airline or the travel agent; would prohibit intermingling of passengers when an organization has more than one round-trip flight; would restrict one-way passengers to 5 percent of the total number on a flight; would impose specific restrictions on assessments for administrative expenses against pro rata shares approximating those now permitted by Part 295 of the Board's economic regulations;[1] and would revise the Resolution's language affecting "study group" charters to make it similar to that in Part 295 of the Board's economic regulations.[2] These amendments would become effective April 1, 1970. Effective October 1, 1970, it would be required that to be eligible a chartering organization would have to have been in existence for at least 2 years prior to the date of its application for charter service, and the definition of "immediate family" would be revised to exclude parents of members of the chartering organization.

The Board has tentatively decided to approve the subject agreement, but before taking final action will allow a 15-day period for receipt of comments by interested parties. The Board wishes to emphasize, however, that it is currently reviewing its charter regulations and that if, as a result of this review, there should be amendments in those regulations inconsistent with the IATA Charter Resolution, the Board has the power pursuant to section 412 to reopen the question of its approval of this agreement.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, finds:

1. That the resolution described above as Agreement CAB 21537, R–14 is not adverse to the public interest or in violation of the Act;

2. That it would be in the public interest to defer final action on this agreement for a period of 15 days to afford any interested person an opportunity to comment on the Board's proposed approval.

Accordingly, it is ordered:

1. That action on Agreement CAB 21537, R–14 be and it hereby is deferred with a view toward eventual approval as hereinafter provided;

2. That any air carrier party to the agreement, or any other interested person, may, within 15 days from the date of service hereof, file written comments on the Board's proposed approval herein. Such statements should conform to the general requirements of the Board's rules of practice in economic proceedings. If no comments are received within 15 days from service date of this order, or if, in the Board's judgment, such comments as are received do not require reconsideration of its position, the Board will, by subsequent order, approve the above-designated agreement.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[F.R. Doc. 70–2334; Filed, Feb. 25, 1970; 8:48 a.m.]

[1] This amendment would provide as follows:

"(a) Cost of charter shall be prorated equally amongst all the passengers: *Provided,* That this need not apply to children.

(b) The charterer is precluded from making charges to passengers in excess of actual costs incurred.

(c) Assessment of the total charges shall not include charitable donations.

(d) Any amount collected for expenses which exceeds actual expenses shall be refunded to the passengers on a pro rata basis.

(e) There shall be a limit of $500 on administrative costs: Total expenditures in excess of $750, including the administrative charges, shall be supported by properly authenticated vouchers which shall be available for inspection during check-in prior to commencement of the outward portion of travel.

(f) There shall be no gratuities, direct or indirect, or any other compensation to persons organizing the charter."

[2] This amendment would require that, for a charter to be eligible as a "study group" charter, the passengers must be participants in a formal academic course abroad, and either the charterer must be an educational institution or the course must be for a period of at least 4 weeks at an educational institution abroad. The term "educational institution" is defined for this purpose as a bona fide school empowered to grant college degrees or secondary school diplomas by the government of one of the 50 states of the United States, the District of Columbia, a U.S. territory or possession, or a foreign country, and which is operated as a school on a year-round basis.

[Docket No. 19825 etc.; Order 70–2–84]

SEDALIA, MARSHALL, BOONVILLE STAGE LINE, INC.

Order To Show Cause

Issued under delegated authority February 19, 1970.

Final service mail rates established by Orders 68–10–76, 68–10–82 through 87, 68–10–97, 68–11–59, and 69–1–145 are currently in effect for Sedalia, Marshall, Boonville Stage Line, Inc. (Sedalia), an air taxi operator under 14 CFR, Part 298.

On December 2, 1969, the Postmaster General filed a petition on behalf of Sedalia requesting the Board to fix new final service mail rates as follows:

Docket	Between	Rate in cents	
		Current	Proposed
19825	Kansas City, Springfield, and Joplin, Mo.	38.53	39.95
20216	Sioux City, Carroll, and Des Moines, Iowa	38.8	41.60
20217	Des Moines, Iowa, and Grand Island, Neb.	38.8	40.43
20218	Dubuque, Waterloo, and Des Moines, Iowa	38.8	41.93
20219	Des Moines, Iowa, and Kansas City, Mo.	38.8	40.39
20226	Decorah, Mason City, and Des Moines, Iowa	38.8	41.69
20227	Sheldon, Spencer, Fort Dodge, and Des Moines, Iowa	38.8	40.74
20228	Shenandoah, Iowa, Omaha, Nebr., and Des Moines, Iowa	38.8	40.86
20229	Burlington, Ottumwa, and Des Moines, Iowa	38.8	40.92
20594	Minneapolis/St. Paul (AMF Twin Cities), Minn., and Oshkosh, Wis., via Wausau and Green Bay, Wis.	54.77	55.07

The Postmaster General stated that since the submission by Sedalia of the proposals which resulted in establishment of the current rates the air taxi operator has experienced increases in costs of fuel, wages and salaries, and insurance and new landing fees imposed since agreement on the current rates. The Postmaster General further stated that these increased costs were not known nor reasonably foreseeable at the time the original petitions were filed. Because of these increased costs, the Postmaster General petitioned the new final service mail rates. Cost data submitted tend to support the requested rates.

By Order 70–1–16, January 5, 1970, the Board directed all interested persons to show cause why the above proposed rates should not be set as the final service mail rates for this service.

On February 2, 1970, the Postmaster General filed an objection to the order to show cause and amendment of petition for adjustment of rates. The Postmaster General stated that subsequent to the date of filing the original petition for adjusted rates, the air taxi operator has experienced additional increased costs on those segments that involve Des Moines, Iowa, due to an increase of $1.50 in landing fees. In addition, with regard to docket 20594 the air taxi operator has experienced unknown increased costs in fuel, wages and salaries.

For these reasons the Postmaster General requests that the Board set the above proposed rates on and after November 28, 1969, until February 2, 1970, and that new rates be fixed for services performed on and after February 2, 1970, as follows:

Docket	Between	Proposed rates-cents per mile	
		Nov. 28, 1970 to Feb. 2, 1970	On and after Feb. 2, 1970
19825	Kansas City, Springfield, and Joplin, Mo.	39.95	39.95
20216	Sioux City, Carroll, and Des Moines, Iowa	41.60	42.10
20217	Des Moines, Iowa, and Grand Island, Nebr.	40.43	41.05
20218	Dubuque, Waterloo, and Des Moines, Iowa	41.93	42.35
20219	Des Moines, Iowa, and Kansas City, Mo.	40.39	41.27
20226	Decorah, Mason City, and Des Moines, Iowa	41.69	42.08
20227	Sheldon, Spencer, Fort Dodge, and Des Moines, Iowa	40.74	41.16
20228	Shenandoah, Iowa, Omaha, Nebr., and Des Moines, Iowa	40.86	41.13
20229	Burlington, Ottumwa, and Des Moines, Iowa	40.92	41.46
20594	Minneapolis/St. Paul (AMF Twin Cities), Minn., and Oshkosh, Wis., via Wausau and Green Bay, Wis.	55.07	56.15

The Postmaster General and the carrier are in agreement that the proposed rates are fair and reasonable rates of compensation for the performance of these services.

The Board finds it is in the public interest to determine, adjust and establish the fair and reasonable rates of compensation to be paid Sedalia for the transportation of mail by aircraft between the aforesaid points. Upon consideration of the petitions and other

matters officially noticed, it is proposed to issue an order [1] to include the following findings and conclusions:

1. On and after November 28, 1970, and until February 2, 1970, the fair and reasonable final service mail rates per great circle aircraft mile to be paid Sedalia by the Postmaster General for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, shall be as follows:

Docket	Between	Cents
19825	Kansas City, Springfield, and Joplin, Mo.	39.95
20216	Sioux City, Carroll, and Des Moines, Iowa.	41.60
20217	Des Moines, Iowa, and Grand Islands, Nebr.	40.43
20218	Dubuque, Waterloo, and Des Moines, Iowa.	41.93
20219	Des Moines, Iowa, and Kansas City, Mo.	40.39
20226	Decorah, Mason City, and Des Moines, Iowa.	41.69
20227	Sheldon, Spencer, Fort Dodge, and Des Moines, Iowa.	40.74
20228	Shenandoah, Iowa, Omaha, Nebr., and Des Moines, Iowa.	40.86
20229	Burlington, Ottumwa, and Des Moines, Iowa.	40.92
20594	Minneapolis/St. Paul (AMF Twin Cities), Minn. and Oshkosh, Wis., via Wausau and Green Bay, Wis.	55.07

2. On and after February 2, 1970, the fair and reasonable final service mail rates per great circle aircraft mile to be paid Sedalia by the Postmaster General for the transportation of mail by aircraft, the facilities used and useful therefor and the services connected therewith, shall be as follows:

Docket	Between	Cents
19825	Kansas City, Springfield, and Joplin, Mo.	39.95
20216	Sioux City, Carroll, and Des Moines, Iowa	42.10
20217	Des Moines, Iowa, and Grand Island, Nebr.	41.05
20218	Dubuque, Waterloo and Des Moines, Iowa	42.35
20219	Des Moines, Iowa, and Kansas City, Mo.	41.27
20226	Decorah, Mason City, and Des Moines, Iowa	42.08
20227	Sheldon, Spencer, Fort Dodge, and Des Moines, Iowa	41.16
20228	Shenandoah, Iowa, Omaha, Nebr., and Des Moines, Iowa	41.13
20229	Burlington, Ottumwa, and Des Moines, Iowa	41.46
20594	Minneapolis/St. Paul (AMF Twin Cities), Minn., and Oshkosh, Wis., via Wausau and Green Bay, Wis.	56.15

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR Part 302, 14 CFR Part 298, and 14 CFR 385.14(f),

It is ordered, That:

1. Sedalia, Marshall, Boonville Stage Line, Inc., the Postmaster General, Braniff Airways, Inc., Delta Air Lines, Inc., United Air Lines, Inc., Frontier Airlines, Inc., North Central Airlines, Inc., Ozark Air Lines, Inc., and all other interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determne, and publish the final rates for the services specified therein as the fair and reasonable rates of compensation to be paid to Sedalia, Marshall, Boonville Stage Line, Inc.;

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

3. This order shall be served upon Sedalia, Marshall, Boonville Stage Line, Inc., the Postmaster General, Braniff Airways, Inc., Delta Air Lines, Inc., United Air Lines, Inc., Frontier Airlines, Inc., North Central Airlines, Inc., and Ozark Air Lines, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
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 objections is not filed within 10 days after service of this order, or if notice is filed and answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed 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. 70-2335; Filed, Feb. 25, 1970; 8:48 a.m.]

[Docket No. 21885; Order 70-2-94]

TRANS WORLD AIRLINES, INC.

Order Dismissing Complaint

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 20th day of February 1970.

By tariff filings of January 20, 21, and 23, 1970, marked for effectiveness February 25, 1970, and bearing an expiration date of February 25, 1971,[1] Trans World Airlines, Inc. (TWA), proposes to establish domestic rates for lower-deck freight containers to be transported on jumbojet B-747 aircraft[2] in the New York-California markets. Except for the minimum weight employed, TWA's B-747 LD-3 container rates are predicated upon the all-cargo aircraft Type A pallet and pallet-igloo agreement provisions recently approved by the Board,[3] namely, a minimum weight equal to container cube [4] times 7 pounds per cubic foot times the 3,000-pound general commodity rate in each market,[5] less $1 per 100 pounds, as is granted for the Type A container. All weight in excess of such minimum weight is rated at the same excess-weight-rate in each market as the other containers under the agreement, and reflects the standard 33 percent discount for density on general commodity rate traffic.

The Type A pallet-igloo and the B-747 LD-3 containers are both carrier-owned, and are offered to the public at no additional rental charge, whereas other containers under the industry agreement (Types B, B-2, and D) are shipper-owned or otherwise provided by the shipper.

The Flying Tiger Line Inc. (Flying Tiger) has filed a complaint against TWA's proposal requesting suspension and investigation.

Flying Tigers asserts that TWA is granting a $1 per 100 pounds unitization discount on the 158-160 cubic foot Type LD-3 container (carrier-owned) as compared with the same $1 discount on the larger 375-500 cubic foot carrier-owned Type A container, and a $0.75 per 100 pounds discount on the larger 198 cubic foot shipper-owned Type B container. Flying Tiger further states that the availability of the container without a rental fee is a more attractive consideration to a potential shipper than an investment by such shippers in a Type B container. Flying Tiger also alleges that the proposed rates would undermine the industry agreement on container incentives and that TWA has not supported its filing with any cost or revenue justification or any other serious economic analysis to justify the proposed LD-3 container rates.

In support of its filings and in its answer to Flying Tiger's complaint, TWA states that they will inaugurate B-747 service effective February 25, 1970, in the New York-California markets, that the proposed discounts are experimental as evidenced by the 1-year expiration date, that the containers in question were specifically exempted from the industry container agreement, that the proposed discounts are related to anticipated carrier savings through containerization, as opposed to the discounts being cube-ratio oriented with other containers, and that the LD-3 container will bypass the terminal loading process as does the Type A pallet-igloo, whereas Type B, B-2, and D containers are pallet modules and must be preloaded on pallets prior to loading aboard the aircraft.

[1] This order to show cause is not a final action but provides for interested persons to be heard on these matters. It is not regarded as subject to the review provisions of Part 385 (14 CFR, Part 385). These provisions will be applicable to final action taken by the staff under authority delegated in § 385.14(g).

[1] The first of two rate filings was posted on January 20; the expiration date was added by a subsequent filing on Jan. 23, 1970.

[2] These containers will be universally identified as the LD-3 lower-deck (belly) containers.

[3] Agreement CAB 21225, approved Dec. 4, 1969, Order 69-12-27.

[4] The LD-3 container is typically about 158-160 cubic feet capacity, as compared with the capacity of the all-cargo aircraft Type A pallet-igloo of 375 to 500 cubic feet.

[5] The Types B and B-2 containers of approximately 200 and 100 cubic feet, respectively, are also rated at the 3,000-pound general commodity rate, with unitization discounts of 75 and 45 cents per 100 pounds, respectively.

TWA therefore asserts that the proposed discounts are appropriate and consistent with industry rationale in container pricing, namely, savings realized by the carrier.

Upon consideration of the complaint, and other relevant matters, the Board finds that the complaint does not set forth facts sufficient to warrant investigation, and the request therefor, and consequently the request for suspension, will be denied and the complaint dismissed.

Flying Tiger has not shown nor does it appear that the proposed container rate would be unlawfully low. The cube-ratio discount disparity cited by the complainant exists, but is not deemed to be controlling, for the reasons stated by TWA. The terminal by-pass nature of the LD–3 container is more analagous to the Type A unit than the B, B–2, and D module units, and the comparable discount is believed to more equitably reflect the probable obtainable savings to the carrier. In addition, the Board is inclined to encourage ratemaking freedom in the container field, as opposed to the confines of industry restraints through agreements. Moreover, the exemption by the carriers in their agreement concerning the LD–3 container clearly contemplated such freedom. The Board notes, too, that shippers are on notice as to the experimental nature of this filing, and any extension or adjustment thereafter will presumably be supported by adequate justification.[6]

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

It is ordered, That:

The complaint of the Flying Tiger Lne Inc., in Docket 21885 is dismissed.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[F.R. Doc. 70–2336; Filed, Feb. 25, 1970; 8:48 a.m.]

[6] As on other container traffic, the Board will expect TWA or other carriers offering the LD–3 container to report such traffic to the Board. This data will assist any subsequent evaluation by the Board.

CIVIL SERVICE COMMISSION

ACCOUNTANTS ET AL.

Notices of Adjustment of Minimum Rates and Rate Ranges

Under the authority of 5 U.S.C. 5303 and Executive Order 11073, the Civil Service Commission has authorized a further increase of minimum rates and rate ranges for prospective application to certain positions, as follows:

GS–510 ACCOUNTING SERIES
GS–512 INTERNAL REVENUE AGENT SERIES
GS–343 GAO MANAGEMENT AUDITOR
GS–1811 CRIMINAL INVESTIGATOR (APPLICABLE ONLY TO POSITIONS OF SPECIAL AGENTS (INTELLIGENCE) IN INTERNAL REVENUE SERVICE)
PFS–510 PFS ACCOUNTS AND AUDITORS

Geographic coverage: Worldwide (except for positions in GS–1811 and PFS–510; these are covered nationwide).

Effective date: First day of the first pay period beginning after June 1, 1970.

PER ANNUM RATES

Grade	1[1]	2	3	4	5	6	7	8	9	10
GS–5	$8,030	$8,236	$8,442	$8,648	$8,854	$9,060	$9,266	$9,472	$9,678	$9,884
GS–6	8,943	9,172	9,401	9,630	9,859	10,088	10,317	10,546	10,775	11,004
GS–7	9,934	10,189	10,444	10,699	10,954	11,209	11,464	11,719	11,974	12,229
GS–8	10,141	10,423	10,705	10,987	11,269	11,551	11,833	12,115	12,397	12,679
GS–9	10,564	10,875	11,186	11,497	11,808	12,119	12,430	12,741	13,052	13,363
GS–10	10,936	11,278	11,620	11,962	12,304	12,646	12,988	13,330	13,672	14,014

[1] Corresponding statutory rates: GS–5—tenth; GS–6—tenth; GS–7—tenth; GS–8—seventh; GS–9—fifth; GS–10—third.

PER ANNUM RATES

Level[1]	1	2	3	4	5	6	7	8	9	10	11	12
PFS–6	$8,013	$8,236	$8,459	$8,682	$8,905	$9,128	$9,351	$9,574	$9,797	$10,020	$10,243	$10,466
PFS–8	9,362	9,622	9,882	10,142	10,402	10,662	10,922	11,182	11,442	11,702	11,962	
PFS–10	10,313	10,616	10,919	11,222	11,525	11,828	12,131	12,434	12,737	13,040		

[1] Corresponding statutory rates: PFS–6—seventh; PFS–8—seventh; PFS–10—fifth.

All new employees in the specified occupational levels will be hired at the new minimum rates.

As of the effective date, all agencies will process a pay adjustment to increase the pay of employees on the rolls in the affected occupational levels. An employee who immediately prior to the effective date was receiving basic compensation at one of the statutory or special rates shall receive basic compensation at the corresponding numbered rate authorized by this notice on and after such date. The pay adjustment will not be considered an equivalent increase within the meaning of 5 U.S.C. 5335 or 39 U.S.C. 3552.

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

[F.R. Doc. 70–2310; Filed, Feb. 25, 1970; 8:45 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RI70–1164 etc.]

CONTINENTAL OIL CO. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

FEBRUARY 13, 1970.

The respondents named herein have filed proposed increased rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before April 3, 1970.

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

[1] Does not consolidate for hearing or dispose of the several matters herein.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI70-1164	Continental Oil Co. (Operator) et al., Post Office Box 2197, Houston, Tex. 77001.	192	4	Colorado Interstate Gas Co. (Laverne Field, Harper County, Okla.) (Panhandle Area).	$4,322	1-16-70	[2] 2-16-70	7-16-70	[3] 15.01	[3 4 5] 17.01	RI68-157.
RI70-1165	do	254	1	Panhandle Eastern Pipe Line Co. (Southeast Alva Field, Woods County, Okla.) (Oklahoma "Other" Area).	405	1-16-70	[2] 2-16-70	7-16-70	15.0	[3 4] 16.01	
RI70-1166	Gulf Oil Corp. (Operator) et al., Post Office Box 1589, Tulsa, Okla 74102.	168	18	Michigan Wisconsin Pipe Line Co. (Laverne Field, Harper County, Okla.) (Panhandle Area).	30,600	1-22-70	[2] 2-22-70	7-22-70	[5 6] 18.14	[3 4 5 6] 23.14	
	do	243	15	Michigan Wisconsin Pipe Line Co. (North Oakdale, Northwest Oakdale and Lenora Fields, Woods and Dewey Counties, Okla. (Oklahoma "Other" Area) and Northwest Cedardale and Northwest Quinlan Fields, Woodward County, Okla.)(Panhandle Area).	40,000 15,600	1-22-70 1-22-70	[2] 2-22-70 [2] 2-22-70	7-22-70 7-22-70	[5 7] 17.80 [5 9 10] 17.56	[3 4 5 7] 22.80 [3 4 5 9 10] 22.56	RI68-141. RI68-141.
	do	314	2	Michigan Wisconsin Pipe Line Co. (Northeast Cheyenne Valley Field, Major County, Okla.) (Oklahoma "Other" Area).	29,250	1-22-70	[2] 2-22-70	7-22-70	[5 11] 18.53	[3 4 5 11] 20.78	RI69-520.
RI70-1167	Gulf Oil Corp	271	3	Michigan Wisconsin Pipe Line Co. (Lovedale Field, Harper County, Okla.) (Panhandle Area).	9,375	1-22-70	[2] 2-22-70	7-22-70	[5 12] 18.43	[3 4 5 12] 20.93	
	do	289	2	Michigan Wisconsin Pipe Line Co. (Laverne Field, Harper County, Okla.) (Panhandle Area).	50	1-22-70	[2] 2-22-70	7-22-70	[13] 18.18	[3 4 13] 23.18	
	do	290	2	Michigan Wisconsin Pipe Line Co. (Laverne Field, Harper County, Okla.) (Panhandle Area).	310	1-22-70	[2] 2-22-70	7-22-70	[14 15] 18.08	[3 4 14 15] 23.08	
	do	291	2	do	47	1-22-70	[2] 2-22-70	7-22-70	[15 16] 18.04	[3 4 15 16] 23.04	
	do	318	2	do	152	1-22-70	[2] 2-22-70	7-22-70	[15 16] 17.99	[3 4 15 16] 22.99	
	do	319	2	do	152	1-22-70	[2] 2-22-70	7-22-70	[15 17] 17.99	[3 4 15 17] 22.99	
	do	117	11	Northern Natural Gas Co. (Hugoton Field, Finney, Haskell, and Seward Counties, Kans.).	20,000	1-19-70	[2] 2-19-70	7-19-70	[18] 12.0	[3 4 18] 13.0	RI65-599.
RI70-1168	Sun Oil Co., Post Office Box 3383, Tulsa, Okla. 74101.	253	3	Northern Natural Gas Co. (Laverne Field, Harper County, Okla.) (Panhandle Area).	244	1-20-70	[2] 2-20-70	7-20-70	[18] 17.0	[3 4 18] 18.015	
RI70-1169	Sohio Petroleum Co., 970 First National Office Bldg., Oklahoma City, Okla. 73102.	59	5	Natural Gas Pipeline Co. of America (Camrick Pool, Beaver County, Okla.) (Panhandle Area).	8	1-22-70	[2] 3-21-70	8-21-70	[18] 18.415	[3 4 18] 18.815	RI68-551.
	Sohio Petroleum Co	119	5	do	155	1-22-70	[2] 3-21-70	8-21-70	[18] 18.415	[3 4 18] 18.815	RI68-551.
	do	37	11	do	109	1-22-70	[2] 2-22-70	7-22-70	[18] 18.415	[3 4 18] 18.615	RI68-551.
	do	32	9	Natural Gas Pipeline Co. of America (Camrick Pool, Texas County, Okla.) (Panhandle Area).	187	1-22-70	[2] 3-21-70	8-21-70	[18] 18.415	[3 4 18] 18.815	RI68-551.
	do	33	9	do	215	1-22-70	[2] 3-21-70	8-21-70	[18] 18.415	[3 4 18] 18.815	RI68-551.
	do	87	3	Panhandle Eastern Pipe Line Co. (Northwest Midwell Pool, Cimarron County, Okla.) (Panhandle Area).	182	1-22-70	[2] 2-22-70	7-22-70	[3] 17.0	[3 4 5] 18.01	
	do	102	5	Michigan Wisconsin Pipe Line Co. (Putnam Pool, Dewey County, Okla.) (Oklahoma "Other" Area).	23,069	1-22-70	[2] 2-22-70	7-22-70	[3] 18.415	[3 4 5] 22.015	RI68-551.
	do	103	5	Panhandle Eastern Pipe Line Co. (Putnam Pool, Dewey County, Okla.) (Oklahoma "Other" Area).	920	1-22-70	[2] 2-22-70	7-22-70	[3] 18.415	[3 4 5] 19.515	RI68-551.
	do	108	1	Northern Natural Gas Co. (Mocane-Laverne Pool, Harper County, Okla.) (Panhandle Area).	164	1-22-70	[2] 2-22-70	7-22-70	[18] 17.0	[3 4 18] 18.015	
	do	118	5	Northern Natural Gas Co. (Northeast Camrick Pool, Beaver County, Okla.) (Panhandle Area).	327	1-22-70	[2] 2-22-70	7-22-70	[18] 17.5	[3 4 18] 18.515	RI66-201.
RI70-1170	Sohio Petroleum Co. (Operator) et al.	47	27	Michigan Wisconsin Pipe Line Co. (Mocane-Laverne Pool, Harper County, Okla.) (Panhandle Area).	63,778	1-22-70	[2] 2-22-70	7-22-70	[3] 18.415	[3 4 5] 22.015	RI68-552.
RI70-1171	Sohio Petroleum Co. (Operator).	117	1	Lone Star Gas Co. (East Washington Field, McClain County, Okla.) (Oklahoma "Other" Area).	244	1-22-70	[2] 2-22-70	7-22-70	15.0	[3 4] 16.01	
RI70-1172	Cabot Corp. (SW), (Operator) et al., Post Office Box 1101, Pampa, Tex. 79065.	27	8	Colorado Interstate Gas Co. (Keyes Field, Texas County, Okla.) (Panhandle Area).	3,600	1-22-70	[2] 3- 1-70	8- 1-70	[3] 17.0	[3 4 5] 18.0	RI64-400.
RI70-1173	do	45	4	Colorado Interstate Gas Co. (Keyes Field, Cimarron County, Okla.) (Panhandle Area).	300	1-22-70	[2] 3- 1-70	8- 1-70	[3] 17.0	[3 4 5] 18.0	RI64-400.
RI70-1174	Braden Drilling, Inc. (Operator) et al., 1620 Wichita Plaza Bldg., Wichita, Kans. 67202.	10	9	Colorado Interstate Gas Co. (Hugoton Field, Hamilton County, Kans.).	720	1-19-70	[2] 2-19-70	7-19-70	[18] 13.5	[3 4 18] 14.5	RI64-414.
RI70-1175	Phillips Petroleum Co. (Operator) et al., Bartlesville, Okla. 74003.	409	3	Panhandle Eastern Pipe Line Co. (Northeast Seiling Field, Major County, Okla.) (Oklahoma "Other" Area).	4,417	1-19-70	[2] 3- 1-70	8- 1-70	[3] 19.96	[3 4 5] 22.905	RI69-418.
	do	421	[19] 3	Panhandle Eastern Pipe Line Co. (Seiling Field, Dewey County, Okla.) (Oklahoma "Other" Area and Woodward County, Okla.) (Panhandle Area).	393	1-19-70	[2] 2-19-70	7-19-70	[3] 17.865	[4 5 20] 20.247	
RI70-1176	Mobil Oil Corp., Post Office Box 1774, Houston, Tex. 77001.	304	8	Cities Service Gas Co. (Guymon-Hugoton (Deep), Texas County, Okla.) (Panhandle Area).	12,698	1-19-70	[2] 2-19-70	7-19-70	[18 21] 19.0	[3 4 18 21] 19.5	RI67-272.

See footnotes at end of table.

APPENDIX A—Continued

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI70-1177	Texaco, Inc., Post Office Box 52332, Houston, Tex. 77052	213	3	Phillips Petroleum Co. (Texas Hugoton Field, Moore County, Tex.) (RR. District No. 10)	[22] $865	1-19-70	[2] 4-1-70	9-1-70	[23] 9.0	[3] [4] [22] 10.0	RI65-565.
RI70-1178	Cleary Petroleum Corp. (Operator) et al., 310 Kermac Bldg., Oklahoma City, Okla. 73120	11	21	Arkansas Louisiana Gas Co. (Star Field, Blanie and Kingfisher Counties, Okla.) (Oklahoma "Other" Area).	8,628	1-19-70	[2] 2-19-70	7-19-70	16.8	[3] [4] 17.815	RI67-371. RI66-183. RI65-443.
RI70-1179	National Cooperative Refinery Association, McPherson, Kans. 67460	2	7	Cities Service Gas Co. (northeast Rhodes, Hardtner, and Donald Fields, Barber County, Kans.).	2,753	1-19-70	[2] 2-19-70	7-19-70	[18] 14.0	[3] [4] [18] 15.0	RI65-395.
RI70-1180	Richome Oil Co. (Operator) et al., Amarillo Bldg., Amarillo, Tex. 79101	1	15	Colorado Interstate Gas Co. (Texas Panhandle Field, Moore County, Tex.) (RR. District No. 10).	5,310	1-21-70	[2] [24] 2-21-70	7-21-70	[18] 11.0	[3] [4] [18] 14.0	

[2] The stated effective date is the effective date requested by Respondent.
[3] Periodic rate increase.
[4] Pressure base is 14.65 p.s.i.a.
[5] Subject to upward and downward B.t.u. adjustment.
[6] Includes 1.14-cent upward B.t.u. adjustment.
[7] Includes 0.80-cent upward B.t.u. adjustment.
[8] Oklahoma "Other" Area production.
[9] Oklahoma Panhandle Area production.
[10] Includes 0.56-cent upward B.t.u. adjustment.
[11] Includes 1.28-cent upward B.t.u. adjustment.
[12] Includes 1.43-cent upward B.t.u. adjustment.
[13] Includes 1.18-cent upward B.t.u. adjustment.
[14] Includes 1.08-cent upward B.t.u. adjustment.
[15] Subject to upward B.t.u. adjustment.
[16] Includes 1.04-cent upward B.t.u. adjustment.
[17] Includes 0.99-cent upward B.t.u. adjustment.
[18] Subject to a downward B.t.u. adjustment.
[19] Applicable only to production from Dewey County.
[20] Filing to initial contract rate.
[21] Includes 1 cent per Mcf service charge for gathering and delivery for non-Associated Gas and 2 cents per Mcf for Associated Gas paid by buyer.
[22] Phillips gathers and processes the gas and resells the gas to interstate pipeline companies at rates which are subject to refund.
[23] Buyer deducts 0.4466 cent from rates shown for sour gas.
[24] The stated effective date is the first day after expiration of the statutory notice.

Richome Oil Co. (Operator) et al. (Richome), requests a retroactive effective date of January 1, 1969, for its proposed rate increase. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for Richome's rate filing and such request is denied.

All of the producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's statement of general policy No. 61-1, as amended (18 CFR, Chapter I, Part 2, § 2.56).

[F.R. Doc. 70-2257; Filed, Feb. 25, 1970; 8:45 a.m.]

[Docket No. RI70-1160 etc.]

GULF OIL CORP., ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

FEBRUARY 13, 1970.

The respondents named herein have filed proposed changes in rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however,* That the supplements to the rate schedules filed by respondents, as set forth herein, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order respondents shall each execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless respondents are advised to the contrary within 15 days after the filing of their respective agreements and undertakings, such agreements and undertakings shall be deemed to have been accepted.[2]

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37 (f)) on or before April 3, 1970.

By the Commission.

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

[1] Does not consolidate for hearing or dispose of the several matters herein.

[2] If an acceptable general undertaking, as provided in Order No. 377, has previously been filed by a producer, then it will not be necessary for that producer to file an agreement and undertaking as provided herein. In such circumstances the producer's proposed increased rate will become effective as of the expiration of the suspension period without any further action by the producer.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI70-1160	Gulf Oil Corp.	285	1	Northern Natural Gas Co. (Bradford Tonkawa Field, Lipscomb County, Tex.) (RR. District No. 10).	$48	1-19-70	[3] 1-19-70	[4] 1-20-70	[7] 17.0	[5][6][7] 17.0638	
	do	322	1	Panhandle Eastern Pipe Line Co. (Feldman Douglas Field, Hemphill County, Tex.) (RR. District No. 10).	314	1-19-70	[3] 1-19-70	[4] 1-20-70	[8][9] 20.06	[5][6][8][9] 20.1352	
	do	298	1	Northern Natural Gas Co. (Hansford Upper Morrow Field, Hansford County, Tex.) (RR. District No. 10).	127	1-19-70	[3] 1-19-70	[4] 1-20-70	[7] 17.0	[5][6][7] 17.0638	
	do	284	4	Northern Natural Gas Co. (Hansford Field, Hansford Counties, Tex.) (RR. District No. 10).	592	1-19-70	[3] 1-19-70	[4] 1-20-70	[7] 17.0	[5][6][7] 17.0638	
	do	293	1	Panhandle Eastern Pipe Line Co. (Frantz Upper Morrow Field, Ochiltree County, Tex.) (RR. District No. 10).	135	1-19-70	[3] 1-19-70	[4] 1-20-70	17.0	[5][6] 17.0638	
	do	301	1	Panhandle Eastern Pipe Line Co. (West Perryton Lower Morrow Field, Ochiltree County, Tex.) (RR. District No. 10).	181	1-19-70	[3] 1-19-70	[4] 1-20-70	17.0	[5][6] 17.0638	
	do	310	3	Northern Natural Gas Co. (Shapley Morrow B Field, Hansford County, Tex.) (RR. District No. 10).	66	1-19-70	[3] 1-19-70	[4] 1-20-70	[7] 17.0	[5][6][7] 17.0638	
	do	384	1	Natural Gas Pipeline Co. of America (Smith Perryton Field, Ochiltree County, Tex.) (RR. District No. 10).	38	1-19-70	[3] 1-19-70	[4] 1-20-70	[5][10] 17.323	[5][6][10] 17.388	
	do	288	3	Natural Gas Pipeline Co. of America (Mobeetie Fields, Wheeler County, Tex.) (RR. District No. 10).	129	1-19-70	[3] 1-19-70	[4] 1-20-70	[7] 17.0	[5][6][7] 17.0638	
	do	286	3	Northern Natural Gas Co. (Clementine Upper Morrow Field, Hansford County, Tex.) (RR. District No. 10).	1,212	1-19-70	[3] 1-19-70	[4] 1-20-70	[7] 17.0	[5][6][7] 17.0638	
	do	385	2	Northern Natural Gas Co. (Killebrew Upper Morrow Field, Roberts County, Tex.) (RR. District No. 10).	69	1-19-70	[3] 1-19-70	[4] 1-20-70	[5][17] 18.071	[5][6][17] 18.1388	
RI70-1161	Texaco, Inc., Post Office Box 2420, Tulsa, Okla. 74102.	[13] 344	2	Panhandle Eastern Pipe Line Co. Northeast Carthage Field, Texas County, Okla.) (Panhandle Area).	678	1-19-70	[11] 3-1-70	[4] 3-2-70	[7] 16.0	[5][12] 17.0	
	Texaco, Inc., Post Office Box 430, Bellaire, Tex. 77401.	410	4	Lone Star Gas Co. (Willow Springs Field, Gregg County, Tex.) (RR. District No. 6).	395	1-19-70	[3] 1-19-70	[4] 1-20-70	17.0	[5][6] 17.6588	RI68-609.
	do	380	3	Lone Star Gas Co. (Danville Field, Rusk and Gregg Counties, Tex.) (RR. District No. 6).	4,941	1-19-70	[3] 1-19-70	[4] 1-20-70	17.0	[5][6] 17.6588	RI69-755.
RI70-1162	Sohio Petroleum Co.	38	5	Panhandle Eastern Pipe Line Co. (Light Pool, Beaver County, Okla.) (Panhandle Area).	3	1-22-70	[14] 2-22-70	[4] 2-23-70	[7] 17.0	[5][6][7] 17.01	RI67-259.
	do	129	1	Northern Natural Gas Co. (Mocane-Laverne Pool, Beaver County, Okla.) (Panhandle Area).	30	1-22-70	[14] 2-22-70	[4] 2-23-70	[8] 17.0	[5][6][8] 17.015	
	do	29	5	Natural Gas Pipeline Co. of America (Morrow Sand Pool, Beaver County, Okla.) (Panhandle Area).	3	1-22-70	[14] 2-22-70	[4] 2-23-70	[8] 17.0	[5][6][8] 17.015	RI66-276.
	do	39	11	Panhandle Eastern Pipe Line Co. (Light Pool, Beaver County, Okla.) (Panhandle Area).	2	1-22-70	[14] 2-22-70	[4] 2-23-70	[7] 14.0693601	[5][6][7] 14.0793601	RI67-63.
	do	[13] 104	2	Cities Service Gas Co., Northeast Waynoka Pool, Woods County, Okla.) (Oklahoma "Other" Area).	1,144	1-22-70	[14] 2-22-70	[4] 2-23-70	[7][16] 14.0	[5][12][16] 15.0	RI65-402.
	do	111	5	Colorado Interstate Gas Co. (West Panhandle Pool, Hutchinson County, Tex.) (RR. District No. 10).	2,059	1-22-70	[3] 1-22-70	[4] 1-23-70	[7] 14.0	[5][6][7] 14.275	RI69-292.
	do	126	1	Natural Gas Pipeline Co. of America (Camrick Pool, Beaver County, Okla.) (Panhandle Area).	11	1-22-70	[14] 2-22-70	[4] 2-23-70	[7] 17.0	[5][6][7] 17.015	
RI70-1163	Geological Exploration Co., 301 Pinetree Road, Longview, Tex. 75601.	1	4	Lone Star Gas Co. (Henderson Pettgt Field, Rusk County, Tex.) (RR. District No. 6).	61	1-19-70	[3] 1-19-70	[4] 1-20-70	14.49	[5][6] 14.520	
	do	2	2	Lone Star Gas Co. (Penn Griffith Field, Rusk County, Tex.) (RR. District No. 6).	14	1-19-70	[3] 1-19-70	[4] 1-20-70	14.49	[5][6] 14.520	

[3] The stated effective date is the date of filing pursuant to the Commission's order No. 390.
[4] The suspension period is limited to 1 day.
[5] Tax reimbursement increase.
[6] Pressure base is 14.65 p.s.i.a.
[7] Subject to a downward B.t.u. adjustment.
[8] Subject to upward and downward B.t.u. adjustment.
[9] Includes 3.06 cents upward B.t.u. adjustment.
[10] Includes 0.323-cent upward B.t.u. adjustment.
[11] The stated effective date is the effective date requested by Respondent.
[12] Periodic rate increase.
[13] Contract dated after Sept. 28, 1960, the date of issuance of the Commission's statement of general policy statement No. 61-1 and increased rate does not exceed the initial service rate ceiling.
[14] The stated effective date is the first day after expiration of the statutory notice.
[15] Contract dated after Sept. 28, 1960, the date of issuance of general policy statement No. 61-1 and proposed rate does not exceed the initial service ceiling.
[16] Buyer deducts 0.75-cent from rate shown for dehydrating gas.
[17] Includes 1.071-cent upward B.t.u. adjustment.

Certain respondents request waiver of the statutory notice to permit an effective date as of the date of filing for their proposed rate increases. Good cause has been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit such requested effective dates for filings relating solely to the Texas production tax reimbursement.

Several of the proposed rate increases herein reflect the 0.5-percent increase in the production tax from 7 percent to 7.5 percent enacted by the State of Texas on September 9, 1969, to be effective as of October 1, 1969. The producers' proposed rates exceed the applicable area ceiling rate for the area involved as set forth in the Commission's statement of general policy No. 61–1, as amended, and should be suspended for 1 day from the date of filing, pursuant to the Commission's Order No. 390 issued October 10, 1969.

Several of the proposed rate increases herein reflect reimbursement for the Oklahoma excise tax which became effective on July 1, 1967. Consistent with previous Commission action taken on Oklahoma tax filings we conclude that the producers' increases containing such tax reimbursement should be suspended for 1 day upon expiration of the statutory notice.

The contracts related to Texaco, Inc. (Texaco) (Supplement No. 2 to Texaco's FPC Gas Rate Schedule No. 344) and Sohio Petroleum Co. (Sohio) (Supplement No. 2 to Sohio's FPC Gas Rate Schedule No. 104) were executed subsequent to September 28, 1960, the date of issuance of the Commission's statement of general policy No. 61–1, as amended, and the proposed rates exceed the area increased rate ceilings but do not exceed the initial service ceilings for the areas involved. We believe, in this situation, Texaco and Sohio's proposed rate filings, mentioned above, should be suspended for 1 day from March 1, 1970 (Texaco), the requested effective date, and February 22, 1970 (Sohio), the expiration date of the statutory notice.

[F.R. Doc. 70–2258; Filed, Feb. 25, 1970; 8:45 a.m.]

[Docket No. RI70–1181 etc.]

SIGNAL OIL AND GAS CO. ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

FEBRUARY 13, 1970.

The respondents named herein have filed proposed changes in rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however,* That the supplements to the rate schedules filed by respondents, as set forth herein, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order respondents shall each execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless respondents are advised to the contrary within 15 days after the filing of their respective agreements and undertakings, such agreements and undertakings shall be deemed to have been accepted.[2]

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before April 6, 1970.

By the Commission.

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

[1] Does not consolidate for hearing or dispose of the several matters herein.

[2] If an acceptable general undertaking, as provided in Order No. 377, has previously been filed by a producer, then it will not be necessary for that producer to file an agreement and undertaking as provided herein. In such circumstances the producer's proposed increased rate will become effective as of the expiration of the suspension period without any further action by the producer.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI70–1181	Signal Oil & Gas Co. (Operator) et al., 1010 Wilshire Blvd., Los Angeles, Calif. 90017.	21	1	Southern Natural Gas Co. (Blocks 273, 305, and 306, Main Pass Area, Offshore, Louisiana).	(3)	1–16–70	[4] 2–16–70	[5] 2–17–70	[8] [9] [10] 18.5	[6] [7] [8] 20.0	
RI70–1182	Getty Oil Co., Post Office Box 1404, Houston, Tex. 77001.	56	[11] 23	Tennessee Gas Pipeline Co., a division of Tenneco Inc. (Grand Isle Block 43 Field, West Delta Area, Offshore, Louisiana).	$56,250	1–16–70	[12] 2–16–70	[5] 2–17–70	[14] 19.0	[7] [13] 19.5	
RI70–1183	Texaco, Inc. (Operator) et al., Post Office Box 2100, Denver, Colo. 80201.	407	3	El Paso Natural Gas Co. (Moxa Field, Lincoln and Sweetwater Counties, Wyo.).	293	1–16–70	[15] 1–16–70	[5] 1–17–70	[15] 15.0	[16] [17] 15.2250	

[3] No gas well gas presently being produced.
[4] The stated effective date is the first day after expiration of the statutory notice period, or the date of initial delivery, whichever is later.
[5] The suspension period is limited to 1 day.
[6] Rate increase filed pursuant to the contractual pricing provisions and Ordering Paragraph (A) of Opinion No. 546–A.
[7] Pressure base is 15.025 p.s.i.a.
[8] Subject to quality adjustments.
[9] Area base rate for third vintage offshore gas well gas as established in Opinion No. 546.
[10] Initial rate for the sale of gas well gas as conditioned by temporary certificate issued July 14, 1969, in Docket No. CI69–1097.
[11] Applies only to the sale of gas well gas from acreage added by Supplement No. 11. Acreage located in disputed zone.
[12] The stated effective date is the effective date requested by respondent.
[13] Increase to area base rate established in Opinion No. 546 for second Vintage Onshore Gas Well Gas.
[14] Temporary certificated rate being collected subject to a refund floor of 18.5 cents.
[15] The stated effective date is the date of filing pursuant to the Commission's order 390 issued Oct. 10, 1969.
[16] Tax reimbursement increase.
[17] Pressure base is 14.65 p.s.i.a
[18] Initial rate.

The proposed rate increase filed by Signal Oil and Gas Co. (Operator) et al. (Signal), from 18.5 cents to 20 cents per Mcf, involves a sale of third vintage gas well gas in Offshore Louisiana and was filed pursuant to ordering paragraph (A) of Opinion No. 546–A which lifted the indefinite moratorium imposed in Opinion No. 546 as to sales of offshore gas well gas under contracts entitled to a third vintage price of 18.5 cents as adjusted for quality) and permitted such producers to file for contractually authorized increases up to the 20-cent base rate established in Opinion No. 546 for onshore gas well gas. Signal was issued a temporary certificate authorizing the collection of the third vintage price established in Opinion No. 546 (18.5 cents for offshore gas well gas subject to quality adjustments).

Consistent with previous Commission action on similar rate filings, we conclude that Signal's proposed rate increase should be suspended for 1 day from the date of expiration of the statutory notice, or for 1 day from

the date of initial delivery, whichever is later. Thereafter, the proposed increased rate may be placed in effect subject to refund under the provisions of section 4(e) of the Natural Gas Act pending the outcome of the Area Rate Proceeding instituted in Docket No. AR69–1.

Getty Oil Co.'s proposed rate increase [19] from a temporary certificated rate of 19 cents being collected subject to a refund floor of 18.5 cents per Mcf [20] to 19.5 cents, is for second vintage gas well gas sold from the Grand Isle Block 43 Field, West Delta Area, Offshore Louisiana (Disputed Zone). Getty's proposed rate of 19.5 cents is equal to the area rate established in Opinion No. 546 for second vintage gas well gas produced from within the State taxing jurisdiction but exceeds the 18-cent rate established for second vintage gas well gas produced from the Federal Domain.

Consistent with prior Commission action on similar increases, we conclude that Getty's proposed increase should be suspended for 1 day upon expiration of the statutory notice, and thereafter Getty should be permitted to collect the increased rate subject to refund of those amounts attributable to the 1.5-cent difference in the offshore and onshore area rate paid for gas finally held to have been produced from the Federal Domain.

Texaco, Inc.'s (Texaco), proposed rate increase reflects partial reimbursement of a severance tax enacted in the State of Wyoming. Texaco's proposed increase reflects a double amount of contractually entitled tax reimbursement to provide reimbursement for taxes applicable to future production as well as reimbursement for taxes applicable to past production back to January 1, 1968. Since Texaco's proposed rate filing reflects only tax reimbursement we conclude that it should be suspended for 1 day from January 16, 1970, the date of filing, with waiver of notice granted.

After the amount of tax reimbursement applicable to past production has been recovered, Texaco shall file an appropriate rate decrease under its FPC Gas Rate Schedule No. 407 to reduce the rate proposed herein so as to provide for tax reimbursement for future production only. Texaco will also be required to refund any reimbursement relating to the Wyoming tax collected in this proceeding in the event the tax is for any reason held invalid upon judicial review.

[F.R. Doc. 70–2259; Filed, Feb. 25, 1970; 8:45 a.m.]

[Docket Nos. RI 70–1142, RI 70–1143]

SOUTHERN UNION GATHERING CO. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates

Correction

In F.R. Doc. 70–1866 appearing on page 3090 in the issue for Tuesday, February 17, 1970, the bracket should read as set forth above.

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[19] Limited to the sale of gas well gas produced from acreage dedicated by an agreement dated Aug. 31, 1964 (Second Vintage Gas).

[20] As of Oct. 1, 1968, Getty under Opinion No. 546 has a refund obligation down to 18 cents if the gas is finally held to have been produced in the Federal Domain.

[Docket No. G–7241 etc.]

AZTEC OIL & GAS CO. ET AL.

Findings and Order

FEBRUARY 13, 1970.

In the findings and order after statutory hearing issuing certificates of public convenience and necessity, dismissing application, amending orders issuing certificates, permitting and approving abandonment of service, terminating proceeding, substituting respondents, making successor co-respondent, redesignating proceedings, making rate changes effective, accepting agreements and undertakings for filing, requiring filing of agreement and undertaking, and accepting related rate schedules and supplements for filing, issued January 7, 1970, and published in the FEDERAL REGISTER, January 17, 1970, 35 F.R. 645, in paragraph (c); on page 647 change the first sentence to read as follows:

The initial rates for sales authorized in Dockets Nos. CI69–345 and CI70–235 shall be 15 cents per Mcf at 14.65 p.s.i.a. and 16 cents per Mcf at 14.65 p.s.i.a., respectively.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70–2337; Filed, Feb. 25, 1970; 8:49 a.m.]

[Docket No. E–7275]

COMMONWEALTH EDISON CO. AND CENTRAL ILLINOIS ELECTRIC AND GAS CO.

Order Extending Time

FEBRUARY 18, 1970.

The Commission in its order issued December 2, 1966, in this docket retained jurisdiction over the question of Commonwealth's continued operation of Central's downstate divisions; namely, Lincoln and associated Homer and Bement areas, and the Albion division and over the question of Commonwealth's continued operation of the gas distribution facilities of Central, for a final determination by subsequent order. The order provided that not later than December 1, 1969, Commonwealth shall show why it should continue to own and operate such properties. The order also provided for interim reports on or before December 1, 1967, and December 1, 1968.

On November 29, 1967, and December 2, 1968, respectively, Commonwealth filed the interim reports and on November 26, 1969, filed its response called for in the order referred to above.

The response carries forward the history of Commonwealth's efforts to exchange and divest itself of the gas and downstate electric properties it acquired from Central. Since the Second Interim Report was filed, Commonwealth on December 30, 1968, transferred its gas heating properties to its newly formed subsidiary, Mid-Illinois Gas Co. which now owns and operates them. It resumed negotiations, with Central Illinois Light Co., on March 10, 1969. Because of the possible ultimate effect of affiliation discussions, no action or decision was taken with respect to the offers for various portions of Commonwealth gas and downstate electric properties. On October 15, 1969, Central Illinois Light Co. terminated its affiliation discussions with Commonwealth. However, immediately thereafter Commonwealth reviewed previous offers and is currently negotiating with others.

In the response, Commonwealth states that while its plans for exchange and divestment of properties is definite, the time for consummation is uncertain because of the complexity of the negotiations and the necessity to avoid short-time duress which could be adverse to Commonwealth's interest. It therefore suggests that the Commission retain jurisdiction for a reasonable additional period with a requirement it report at intervals on the progress of further negotiations.

The Commission finds:

Commonwealth has been making diligent effort to divest itself of the gas and electric properties referred to in Commission's order of December 2, 1966, and its request for additional time appears reasonable.

The Commission orders:

(A) Paragraph (C) of Commission's order issued December 2, 1966, is hereby modified to the extent that additional time of 1 year from December 1, 1969, is granted Commonwealth within which to show cause why it should continue to own and operate the gas and electric properties mentioned therein and no later than June 1, 1970, it shall file an interim report showing what progress has been made.

(B) All other terms and conditions of the order shall remain the same.

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

[F.R. Doc. 70–2338; Filed, Feb. 25, 1970; 8:49 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

CLOSED CIRCUIT TEST OF EMERGENCY BROADCAST SYSTEM

Order

In the matter of a closed Circuit Test of Emergency Broadcast System (EBS) Technical and Program Origination Channels associated with NIAC Order No. 10 (Key Biscayne, Fla.).

1. The Commission has received from the White House Communications Agency a letter dated January 21, 1970, requesting a closed circuit test of Emergency Broadcast System (EBS) technical

and program origination channels associated with NIAC Order No. 10 (Key Biscayne, Fla.), to be conducted on March 4, 1970, from 12:40 to 12:50 p.m., e.s.t., pursuant to § 73.962(b) of the Commission's rules and regulations.

2. This request has been coordinated with the nationwide commercial Radio Broadcast Networks and the American Telephone and Telegraph Co. in accordance with the provisions of § 73.962(b).

3. In this specific instance I find it is desirable to conduct the closed-circuit test broadcast, utilizing NIAC Order No. 10 (simulated). Coordinated arrangements and voluntary agreement have been accomplished among the White House Communications Agency, the nationwide commercial Radio Broadcast Networks (ABC, CBS, IMN, MBS, NBC, UPI-Audio), and the American Telephone and Telegraph Co.

4. *It is ordered,* Pursuant to § 0.381 of the Commission's rules and regulations, That the provisions of § 73.962(a) are suspended until further notice.

5. *It is further ordered,* Pursuant to § 0.381 of the Commission's rules and regulations, That the following closed circuit test of the EBS be conducted, in accordance with § 73.962(b).

Dated, March 4, 1970 at 12:40 to 12:50 p.m., e.s.t., NIAC Order: No. 10 (Simulation), Origination Point: Key Biscayne, Fla.

Adopted: February 16, 1970.

Released: February 18, 1970.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] ROBERT WELLS,
Defense Commissioner.

[F.R. Doc. 70-2317; Filed, Feb. 25, 1970; 8:47 a.m.]

OFFICE OF EMERGENCY PREPAREDNESS

CALIFORNIA

Notice of Major Disaster and Related Determinations

Pursuant to the authority vested in me by the President under Executive Order 10427 of January 16, 1953, Executive Order 10737 of October 29, 1957, and Executive Order 11051 of September 27, 1962 (18 F.R. 407, 22 F.R. 8799, 27 F.R. 9683); and by virtue of the Act of September 30, 1950, entitled "An Act to authorize Federal assistance to States and local governments in major disasters, and for other purposes" (42 U.S.C. 1855–1855g); notice is hereby given that on February 16, 1970, the President declared a major disaster as follows:

I have determined that the damages in those areas of the State of California, adversely affected by severe storms and flooding beginning on or about December 17, 1969, are of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 81-875. I therefore declare that such a major disaster exists in the State of California. Areas eligible for Federal assistance will be determined by the Director of the Office of Emergency Preparedness.

Notice is hereby given that pursuant to the authority vested in me by the President under Executive Order 11495, November 18, 1969 (34 F.R. 18447, November 20, 1969) to administer the Disaster Relief Act of 1969 (Public Law 91-79, 83 Stat. 125), I hereby appoint Mr. Ralph D. Burns, Regional Director, OEP Region 7, to act as the Federal Coordinating Officer to perform the duties specified by section 9 of that act for this disaster.

I do hereby determine the following areas in the State of California to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of February 16, 1970:

The counties of:

Butte.	Plumas.
Colusa.	Shasta.
Glenn.	Siskiyou.
Lake.	Sutter.
Lassen.	Tehama.
Marin.	Trinity.
Modoc.	Yuba.

Dated: February 19, 1970.

G. A. LINCOLN,
Director,
Office of Emergency Preparedness.

[F.R. Doc. 70-2293; Filed, Feb. 25, 1970; 8:46 a.m.]

TARIFF COMMISSION

[TEA I-A-9]

CERTAIN FLOOR COVERINGS

Notice of Investigation and Hearing

Investigation instituted. On February 19, 1970, the U.S. Tariff Commission, upon request of the President, instituted an investigation in connection with the preparation of advice to the President, pursuant to section 351(d)(2) of the Trade Expansion Act of 1962, with respect to Wilton (including brussels) and velvet (including tapestry) floor coverings and floor coverings of like character or description, other than imitation oriental floor coverings, of the kinds described in item 922.50 in part 2A of the appendix to the Tariff Schedules of the United States.

The Commission's function under section 351(d)(2) is to advise the President of its judgment of the probable economic effect on the domestic industry concerned of the reduction or termination of the increase in duty provided for in item 922.50.

Public hearing ordered. A public hearing in connection with the aforementioned investigation will be held beginning at 10 a.m., e.s.t., on April 21, 1970, in the Hearing Room, Tariff Commission Building, Eighth and E Streets NW., Washington, D.C. Interested parties desiring to appear and to be heard at the hearing should notify the Secretary of the Commission, in writing, at least 3 days in advance of the date set for the hearing.

Issued February 20, 1970.

By order of the Commission:

KENNETH R. MASON,
Secretary.

[F.R. Doc. 70-2318; Filed, Feb. 25, 1970; 8:47 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING THE EMPLOYMENT OF LEARNERS AT SPECIAL MINIMUM WAGES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.) and Administrative Order No. 595 (31 F.R. 12981) the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. For each certificate, the effective and expiration dates, number or proportion of learners and the principal product manufactured by the establishment are as indicated. Conditions on occupations, wage rates, and learning periods which are provided in certificates issued under the supplemental industry regulations cited in the captions below are as established in those regulations; such conditions in certificates not issued under the supplemental industry regulations are as listed.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended and 29 CFR 522.20 to 522.25, as amended).

The following normal labor turnover certificates authorize 10 percent of the total number of factory production workers except as otherwise indicated.

Andrews Manufacturing Co., Andrews, Tex.; 2-2-70 to 2-1-71. (women's dresses).

Berwick Shirt Co., Inc., Berwick, Pa.; 1-30-70 to 1-29-71 (men's shirts).

Big Yank Corp., Water Valley, Miss.; 1-28-70 to 1-27-71 (men's and boys' pants and girls' jeans).

Big Yank Corp., Tyrone, Pa.; 2-4-70 to 2-3-71 (men's pants).

C & M Sportswear Manufacturing Co., Meshoppen, Pa.; 2-1-70 to 1-31-71; 10 learners (men's and ladies' outerwear jackets).

Chester Manufacturing Co., Henderson, Tenn.; 1-31-70 to 1-30-71 (juvenile pants).

Colshire Manufacturing Co., Inc., Morgantown, W. Va.; 2-1-70 to 1-31-71 (men's pajamas).

Dillon Manufacturing Co., Savannah, Tenn.; 1-29-70 to 1-28-71 (men's and women's service apparel).

Donlin Sportswear, Inc., New Tazewell, Tenn.; 1-27-70 to 1-26-71 (men's sport shirts).

E & W of Dover, Inc., Dover, Tenn.; 1-24-70 to 1-23-71 (men's work pants).

E & W of Yazoo City, Inc., Yazoo City, Miss.; 2-1-70 to 1-31-71 (men's and boys' pajamas).

Eastwill Sportswear Co., Inc., Greenwood, S.C.; 2-2-70 to 2-1-71 (men's and boys' shirts and men's uniform shirts).

The Enro Shirt Co., Inc., Madisonville, Ky.; 2-1-70 to 1-31-71 (men's shirts).

Glamorise Foundations, Inc., Dermott, Ark.; 2-3-70 to 2-2-71 (women's brassieres).

The Jay Garment Co., Brookville, Ind.; 1-31-70 to 1-30-71 (men's and boys' pants).

The Jay Garment Co., Portland, Ind.; 1-31-70 to 1-30-71 (men's work clothing).

Kinston Shirt Co., Kinston, N.C.; 1-31-70 to 1-30-71 (men's shirts and pajamas).

The H. D. Lee Co., Inc., Sulphur Springs, Tex.; 2-3-70 to 2-2-71 (men's western pants).

The Manhattan Shirt Co., Charleston, S.C.; 1-26-70 to 1-25-71 (men's shirts).

Mount Airy Pants Factory, Mount Airy, Md.; 1-29-70 to 1-28-71; 10 learners (men's work pants).

Primo Pants Co., Versailles, Mo.; 2-1-70 to 1-31-71 (men's pants).

Publix Shirt Corp., Hazleton, Pa.; 1-30-70 to 1-29-71 (men's and boys' dress and sport shirts).

The Raleigh Corp., Raleigh, Miss.; 1-31-70 to 1-30-71 (ladies' slacks).

Rosebud Manufacturing Co., Vidalia, Ga.; 2-1-70 to 1-31-71 (women's lingerie).

Soperton Manufacturing Co., Soperton, Ga.; 2-3-70 to 2-2-71 (men's sport shirts).

Sparta Garment Co., Sparta, Ga.; 2-1-70 to 1-31-71 (men's and boys' pants).

Levi Strauss & Co., Warsaw, Va.; 1-30-70 to 1-29-71 (men's work pants).

Sturgis Clothing Co., Sturgis, Ky.; 2-1-70 to 1-31-71 (men's pants).

Tennessee Overall Co., Tullahoma, Tenn.; 1-29-70 to 1-28-71 (men's pants).

Cigar Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.80 to 522.85, as amended).

Jno. H. Swisher & Son, Inc., Cullman, Ala.; 2-1-70 to 1-31-71; 10 percent of the total number of factory production workers for normal labor turnover purposes.

Jno. H. Swisher & Son, Inc., Jacksonville, Fla.; 2-1-70 to 1-31-71; 10 percent of the total number of factory production workers for normal labor turnover purposes.

Jno. H. Swisher & Son, Inc., Waycross, Ga.; 2-1-70 to 1-31-71; 10 percent of the total number of factory production workers for normal labor turnover purposes.

Glove Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended and 29 CFR 522.60 to 522.65, as amended).

Coshocton Plant, Coshocton, Ohio; 2-1-70 to 1-31-71; 10 percent of the total number of machine stitchers for normal labor turnover purposes (work gloves).

Mount Vernon Plant, Mount Vernon, Ohio; 1-31-70 to 1-30-71; 10 percent of the total number of machine stitchers for normal labor turnover purposes (work gloves).

Mountain City Glove Co., Inc., Shouns, Tenn.; 1-29-70 to 1-28-71; 10 percent of the total number of machine stitchers for normal labor turnover purposes (work gloves).

The following learner certificate was issued in Puerto Rico to the company hereinafter named. The effective and expiration dates, learner rate, occupation, learning period and the number of learners authorized to be employed, are as indicated.

Bayuk Ciales, Inc. (Stripping Division), Ciales, P.R.; 1-7-70 to 7-6-70; 10 learners for plant expansion purposes in the occupation of machine stripping, for a learning period of 160 hours at the rate of $1.32 an hour (tobacco).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at special minimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within 15 days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in 29 CFR Part 528.

Signed at Washington, D.C., this 17th day of February 1970.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 70-2312; Filed, Feb. 25, 1970; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[S.O. 994; ICC Order No. 41]

ANN ARBOR RAILROAD

Rerouting Traffic

In the opinion of R. D. Pfahler, agent, the Ann Arbor Railroad is unable to transport traffic over car ferries at Menominee, Mich., because of ice conditions.

It is ordered, That:

(a) *Rerouting traffic.* The Ann Arbor Railroad, being unable to transport traffic over car ferries at Menominee, Mich., because of ice conditions, is hereby authorized to reroute or divert such traffic over any available route to expedite the movement, regardless of the routing shown on the waybill. The billing covering all such cars rerouted or diverted shall carry a reference to this order as authority for the rerouting.

(b) *Concurrence of receiving roads to be obtained.* The railroad desiring to divert or reroute traffic under this order shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted, before the rerouting or diversion is ordered.

(c) *Notification to shippers.* Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic is deemed to be due to carrier disability, the rates applicable to traffic diverted or rerouted by said agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) *Effective date.* This order shall become effective at 11 a.m., February 19, 1970.

(g) *Expiration date.* This order shall expire at 11:59 p.m., March 31, 1970, unless otherwise modified, changed, or suspended.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., February 19, 1970.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 70-2331; Filed, Feb. 25, 1970; 8:48 a.m.]

[S.O. 1002; Car Distribution Direction No. 78; Amdt. 3]

BALTIMORE AND OHIO RAILROAD CO. ET AL.

Car Distribution

The Baltimore and Ohio Railroad Co., Chicago and North Western Railway Co., Great Northern Railway Co.

Upon further consideration of Car Distribution Direction No. 78, and good cause appearing therefor:

It is ordered, That:

Car Distribution Direction No. 78 be, and it is hereby, amended by substituting the following paragraph (4) for paragraph (4) thereof:

(4) *Expiration date.* This direction shall expire at 11:59 p.m., March 29, 1970, unless otherwise modified, changed or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., February 22, 1970, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., February 18, 1970.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 70-2329; Filed, Feb. 25, 1970; 8:48 a.m.]

[S.O. 1002; Car Distribution Direction No. 71; Amdt. 6]

THE KANSAS CITY SOUTHERN RAILWAY CO. AND CHICAGO, ROCK ISLAND AND PACIFIC RAILROAD CO.

Car Distribution

Upon further consideration of Car Distribution Direction No. 71, and good cause appearing therefor:

It is ordered, That:

Car Distribution Direction No. 71 be, and it is hereby, amended by substituting the following paragraph (4) for paragraph (4) thereof:

(4) *Expiration date.* This direction shall expire at 11:59 p.m., March 29, 1970, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., February 22, 1970, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., February 18, 1970.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 70-2327; Filed, Feb. 25, 1970; 8:48 a.m.]

[S.O. 1002; Car Distribution Direction No. 67; Amdt. 7]

PENN CENTRAL CO. AND CHICAGO, BURLINGTON & QUINCY RAILROAD CO.

Car Distribution

Upon further consideration of Car Distribution Direction No. 67, and good cause appearing therefor:

It is ordered, That:

Car Distribution Direction No. 67 be, and it is hereby, amended by substituting the following paragraph (4) for paragraph (4) thereof:

(4) *Expiration date.* This direction shall expire at 11:59 p.m., March 29, 1970, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., February 22, 1970, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., February 18, 1970.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 70-2326; Filed, Feb. 25, 1970; 8:47 a.m.]

[S.O. 1002; Car Distribution Direction No. 77; Amdt. 5]

READING CO. ET AL.

Car Distribution

Reading Co., Western Maryland Railway Co., Baltimore and Ohio Railroad Co., and Chicago, Rock Island and Pacific Railroad Co.

Upon further consideration of Car Distribution Direction No. 77, and good cause appearing therefor:

It is ordered, That:

Car Distribution Direction No. 77 be, and it is hereby, amended by substituting the following paragraph (4) for paragraph (4) thereof:

(4) *Expiration date.* This direction shall expire at 11:59 p.m., March 29, 1970, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., February 22, 1970, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., February 18, 1970.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 70-2328; Filed, Feb. 25, 1970; 8:48 a.m.]

[S.O. 1002; Car Distribution Direction No. 79; Amdt. 3]

SOUTHERN PACIFIC CO. AND GREAT NORTHERN RAILWAY CO.

Car Distribution

Upon further consideration of Car Distribution Direction No. 79, and good cause appearing therefor:

It is ordered, That:

Car Distribution Direction No. 79 be, and it is hereby, amended by substituting the following paragraph (4) for paragraph (4) thereof:

(4) *Expiration date.* This direction shall expire at 11:59 p.m., March 29, 1970, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m. February 22, 1970, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., February 18, 1970.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 70-2330; Filed, Feb. 25, 1970; 8:48 a.m.]

[No. 35237]

CONSIGNEES' OBLIGATION TO UNLOAD RAIL CARS IN COMPLIANCE WITH CARRIERS' PUBLISHED TARIFFS

Order

At a general session of the Interstate Commerce Commission, held at its Office in Washington, D.C., on the 18th day of February 1970.

It appearing, that the decline in the number of freight cars of the Nation's railroads and the shortages in their availability which occur from time to time require that they be utilized as effectively and fully as possible and, toward this end, that they be returned to the carriers following the consignees' unloading in such condition as will permit their use without further unloading or cleaning by the carriers;

It further appearing, That Rules 14 and 27 of the Uniform Freight Classification and other tariffs of the Nation's railroads, which oblige consignees fully to unload carloads of freight, impose upon such consignees the duty to remove all dunnage, debris or other foreign matter connected with the inbound shipments;

It further appearing, that the United States District Court for the District of Minnesota, in Civil Action No. 4-69 Civ. 459, A. E. Staley Manufacturing Co., et al v. United States, et al., in an opinion and order entered January 29, 1970, expressed its doubt that such tariffs require consignees to remove non-reusable paper grain doors from box cars used in the transportation of bulk grain on the premise that these are a part of the cars and as such are not freight, and enjoined preliminarily the Commission from enforcing such a construction of the tariffs;

It further appearing, that to the extent that such tariffs need clarification in order to make certain that they oblige consignees to remove all dunnage, debris, or other foreign matter connected with inbound shipments, including nonreusable paper grain doors and other grain door debris from box cars used in the transportation of bulk grain, such tariffs should be amended accordingly to settle that duty upon the consignees as an incident to their obligation fully to unload carloads of freight; and good cause appearing therefor:

It is ordered, That an investigation be, and it is hereby, instituted upon the Commission's own motion, into and concerning Rules 14 and 27, and, additionally, Rule 30 of the Uniform Freight Classification and exceptions thereto as published, for example, in item 73-series to Western Trunk Line Committee, Agent, ICC A-4615, and other tariffs of the Nation's railroads, with a view to determining whether they require amendment so as to remove any doubt that the obligation they place upon consignees fully to unload carloads of freight imposes upon them the duty to remove all dunnage, debris, and other foreign matter connected with the inbound shipments, including nonreusable paper grain doors in box cars used for the transportation of bulk grain, and other grain door debris;

It is further ordered, That all railroads operating in interstate or foreign commerce within the United States and subject to the Interstate Commerce Act, be, and they are hereby, made respondents in this proceeding;

It is further ordered, That no oral hearings be scheduled for the receiving of testimony in this proceeding unless a

need therefor should later appear, but that respondents or any interested persons may participate in this proceeding by submitting for consideration written statements[1] of facts, views and arguments;

It is further ordered, That all respondents and any interested persons shall submit and file their statements on or before April 1, 1970, and any reply statements, on or before May 1, 1970;

It is further ordered, That such respondents and interested persons wishing to participate in this proceeding by the submission of statements shall notify the Commission, by filing with the Secretary, Interstate Commerce Commission, Washington, D.C. 20423, on or before March 1, 1970, the original and one copy of a statement of his intention to participate; that the Commission shall then prepare and make available a list containing the names and addresses of the parties to this proceeding, upon whom copies of all statements and reply statements must be served when they are filed with the Commission;

And it is further ordered, That a copy of this order be served upon the Uniform Classification Committee, 202 Union Station, Chicago, Ill. 60606; Association of American Railroads, Railroad Building, Washington, D.C., and the railroad respondents and that notice of this proceeding be given the general public by posting a copy of this in the Office of the Secretary of the Interstate Commerce Commission, at Washington, D.C., for public inspection.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 70-2332; Filed, Feb. 25, 1970; 8:48 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

FEBRUARY 20, 1970.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41901—*Roofing and building material to Boca Raton, Fla.* Filed by Southwestern Freight Bureau, agent (No. B-141), for interested rail carriers. Rates on roofing and building material, in carloads, as described in the application, from Mesquite and Scottdale, Tex., to Boca Raton, Fla.

Grounds for relief—Market competition.

Tariff—Supplement 24 to Southwestern Freight Bureau, agent, tariff ICC 4791.

FSA No. 41902—*Commodity rates from and to Bayport, Tex.* Filed by Southwestern Freight Bureau, agent (No. B-142), for interested rail carriers. Rates on various commodities moving on commodity rates, in carloads and less-than-carloads, from and to Bayport, Tex., on the one hand, and points in the United States and Canada, on the other.

Grounds for relief—Rate relationship.

FSA No. 41903—*Potassium (potash) from Brendel and Potash, Utah.* Filed by Western Trunk Line Committee, agent (No. A-2620), for interested rail carriers. Rates on potassium (potash), in carloads, as described in the application, from Brendel and Potash, Utah, to points in Illinois, Iowa, Kansas, Missouri, and Nebraska.

Grounds for relief—Market competition.

Tariff—Supplement 106 to Western Trunk Line Committee, agent, tariff ICC A-4540.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 70-2323; Filed, Feb. 25, 1970; 8:47 a.m.]

[Notice 7]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

FEBRUARY 20, 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 31084 (Deviation No. 1), BLUE COMET EXPRESS, INC., 1901 Torresdale Avenue, Philadelphia, Pa. 19124, filed February 12, 1970. Carrier's representative: L. Agnew Myers, Jr., Suite 1122 Warner Building, E at 13th Street NW., Washington, D.C. 20004. Carrier proposes to operate as a *common carrier,* by motor vehicle, of *general commodities,* with certain exceptions, over a deviation route as follows: From Philadelphia, Pa., over city streets to the Tacony-Palmyra Bridge, thence over New Jersey Highway 73 to junction U.S. Highway 130 at Parry, N.J., thence over U.S. Highway 130 to junction U.S. Highway 1, just north of Milltown, N.J., 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 a pertinent service route as follows: Between Philadelphia, Pa., and New York, N.Y., over U.S. Highway 1.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 70-2320; Filed, Feb. 25, 1970; 8:47 a.m.]

[Notice 17]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

FEBRUARY 20, 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 109126 (Sub-No. 12) (Republication), filed May 5, 1969, published in the FEDERAL REGISTER issue of July 31, 1969, and republished this issue. Applicant: LA SALLE TRUCKING COMPANY, a corporation, 2286 Main Street, San Diego, Calif. 92113. Applicant's representative: Donald Murchison, 211 South Beverly Drive, Beverly Hills, Calif. 90212. By application filed May 5, 1969, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, of general commodities, with the usual exceptions, between certain points. An order of the Commission, Review Board No. 3, decided February 2, 1970, and served February 9, 1970, finds that the present and future public convenience and necessity require operation by applicant as a *common carrier* by motor vehicle, over irregular routes, (1) of *general commodities* (except commodities of unusual value, household goods as defined by the Commission, classes A and B explosives, commodities in bulk, commodities requiring special equipment, motor vehicles, and radio-active materials); (a) in foreign commerce only, between Los Angeles and San Diego, Calif., and points in Imperial County, Calif., on the one hand, and, on the other,

[1] In lieu of verification under oath, any prepared statement may be made subject to the following declaration: "I solemnly declare that I have examined the foregoing document and that the statements of fact contained therein are true."

the ports of entry of San Ysidro, Calexico, and Tecate, Calif., on the international boundary line between the United States and Mexico; and (b) in interstate or foreign commerce, between points in San Diego, Orange, and Imperial Counties, Calif., points in that portion of Los Angeles County, Calif., lying on and south of a line beginning at junction California Highway 126 and the Ventura-Los Angeles County boundary line (east of Piru, Calif.) and extending east along California Highway 126 to junction Interstate Highway 5, thence along Interstate Highway 5 to junction California Highway 14, thence along California Highway 14 to junction California Highway 138, thence along California Highway 138 to junction Los Angeles-San Bernardino County boundary line, points in that portion of San Bernardino County, Calif., lying south of the southern boundaries of Angeles National Forest and San Bernardino National Forest, and that portion of Riverside County, Calif., lying west of a line beginning at junction of Interstate Highway 10 and the San Bernardino-Riverside County boundary line and extending south along Interstate Highway 10 to Beaumont, Calif., and thence along California Highway 79 to junction Riverside-San Diego County boundary line; and

(2) Of *petroleum products*, in bulk, in tank vehicles; (a) in foreign commerce only between San Diego and Los Angeles, Calif., on the one hand, and, on the other, the ports of entry of San Ysidro and Calexico, Calif., on the international boundary line between the United States and Mexico; and (b) in interstate or foreign commerce, between points in California in and south of San Luis Obispo, Kings, Tulare, and Inyo Counties, Calif., and between points in Fresno County, Calif., within 50 miles of Lone Pine, Calif.; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other persons who have relied upon the notice of 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 115162 (Sub-No. 174) (Republication), filed June 5, 1969, published in the FEDERAL REGISTER issue of July 10, 1969, and republished this issue. Applicant: POOLE TRUCK LINE, INC., Post Office Box 310, Evergreen, Ala. 36401. Applicant's representative: Robert E. Tate (same address as above). By application filed June 5, 1969, as amended, applicant seeks a certificate of public convenience and necessity authorizing operation in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of physical fitness, gymnastic, athletic, and sporting goods equipment, barbells, bars, pipe, tubing, exercycles, and boat anchors, between the plantsite of Diversified Products Corp. at West Haven, Conn., on the one hand, and, on the other, points in Alabama, Kentucky, Illinois (except Chicago and its commercial zone), Indiana, Mississippi, Louisiana, Michigan, West Virginia, Wisconsin and Minnesota (points east of the west boundaries of Itasca and Koochiching Counties). An order of the Commission, Operating Rights Board, dated January 30, 1970, and served February 17, 1970, finds 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 *sporting goods and recreational equipment, and bars, pipe, or tubing* used in the manufacture thereof, between the plantsite of Diversified Products Corp. and West Haven, Conn., on the one hand, and, on the other, Alabama, Kentucky, Illinois (except Chicago and its commercial zone), Indiana, Mississippi, Louisiana, Michigan, West Virginia, Wisconsin, and those points in Minnesota east of the Mississippi River, and a line extendng north from the intersection of the Mississippi River with the western boundary of Itasca County, Minn., along said western boundary of Itasca County and the western boundary of Koochiching County, Minn., to the international boundary line between the United States and Canada; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other persons who have relied upon the notice of 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 128799 (Sub-No. 3) (Republication), filed August 11, 1969, published FEDERAL REGISTER issue of September 5, 1969, and republished this issue. Applicant: C. B. THOMPSON, doing business as C B T TRUCKING, 1500 East Powell, Fort Worth, Tex. 76104. Applicant's representative: M. Ward Bailey, 2412 Continental Life Building, Fort Worth, Tex. 76102. By application filed August 11, 1969, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier, by motor vehicle, over irregular routes of fertilizer, dry (except in tank vehicles), from Texas City, Tex., to points in Kansas, Louisiana, and Oklahoma. An order of the Commission, Operating Rights Board, dated January 30, 1970, and served February 17, 1970, finds 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 dry fertilizer, from Texas City, Tex., to points in Kansas, Louisiana, and Oklahoma; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other persons, who have relied upon the notice of 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 finding in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in the 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 an appropriate petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 133892 (Republication), filed July 7, 1969, published in the FEDERAL REGISTER issue of August 28, 1969, and republished this issue. Applicant: B & W SERVICE, INC., 26 Itasca Street (Boston), Mattapan, Mass. 02126. Applicant's representative: Frank J. Weiner, Investors Building, 536 Granite Street, Braintree, Mass. 02184. By application filed July 7, 1969, as amended, applicant seeks a permit authorizing operations, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of such merchandise as is dealt in by retail stores engaged in the selling of games, toys, bicycles, cribs, children's furniture, recreational equipment and apparatus, and in connection therewith, equipment, materials, and supplies, used in the conduct of such business; (1) between Boston, Mass., and Avon, Mass.; and (2) between Avon and Dedham, Mass., on the one hand, and, on the other, Milford, Conn.; Portland, Maine; Nashua, N.H.; and Providence, R.I.; restricted to a transportation service to be performed under a continuing contract or contracts with Child World, Inc., of Dedham, Mass., and restricted in (2) above to the transportation of commodities originating at and destined to the facilities of Child World, Inc.; An order of the Commission, Operating Rights Board, dated January 30, 1970, and served February 17, 1970, finds that operation by applicant, in interstate or foreign commerce, as a *contract carrier* by motor vehicle, over irregular routes, of such merchandise as is dealt in by retail department stores, and equipment, materials, and supplies used in the operation of retail department stores (1) between Boston, Mass., and Avon, Mass.; and (2) between Avon, Mass., and Dedham, Mass., on the one hand, and, on the other, Milford, Conn., Portland,

Maine, Nashua, N.H., and Providence, R.I., restricted in (2) above to the transportation of commodities originating at and destined to the facilities of Child World, Inc.; under a continuing contract with Child World, Inc.; 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 the Commission's rules and regulations thereunder. Because it is possible that other persons, who have relied upon the notice of 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 the issuance of a permit 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.

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 240 TO THE EXTENT APPLICABLE

No. MC 35628 (Sub-No. 301), filed November 19, 1969. Applicant: INTERSTATE MOTOR FREIGHT SYSTEM, 134 Grandville SW., Grand Rapids, Mich. 49502. Applicant's representative: Leonard D. Verdier, Jr., 900 Old Dent Building, Grand Rapids, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except classes A and B explosives, household goods as defined by the Commission, and commodities in bulk, serving Ashton, Chana, Davis Junction, Flagg Center, Holcomb, Kings, Sublette, West Brooklyn, and Whittaker, Ill.; and all points within the following territory: Beginning at the junction of Lake Michigan shoreline and Waukegan city line, extending westerly along Waukegan city line to junction Waukegan city line and Illinois Highway 132, thence over Illinois Highway 132 to junction U.S. Highway 45 and Illinois Highway 132, thence over U.S. Highway 45 to junction Illinois Highway 173 and U.S. Highway 45, thence over Illinois Highway 173 to junction Illinois Highway 76 and 173, thence over Illinois Highway 176 to junction Illinois Highway 76 and U.S. Highway 20, thence over U.S. Highway 20 to Rockford, thence over U.S. Highway 51 to junction U.S. Highway 51 and La Salle County line, thence westerly and southerly along La Salle County line to junction Interstate Highway 80 and La Salle County line, thence over Interstate Highway 80 to junction U.S. Highway 51 and Interstate Highway 80, thence over U.S. Highway 51 to junction U.S. Highway 51 and Vermillion River, thence along Vermillion River to junction Vermillion River and Illinois Highway 18, thence over Illinois Highway 18 to junction Illinois Highways 17 and 18, thence over Illinois Highway 17 to junction Illinois Highway 17 and Kankakee County line, thence south along Kankakee County line to junction Kankakee County line and Illinois Highway 115, thence over Illinois Highway 115 to junction U.S. Highway 54 and Illinois Highway 115, thence over U.S. Highway 54 to junction U.S. Highway 54 and Will County line, thence east along Will County line to junction Will County line and Illinois-Indiana State line, thence north along Illinois-Indiana State line to Lake Michigan and north along Lake Michigan shore line to the beginning, as off-route points in connection with applicant's authorized operations. NOTE: This matter is directly related to MC-F-10664 published in FEDERAL REGISTER issue of November 26, 1969. If a hearing is deemed necessary, applicant requests it be held at Lansing, Mich., or Chicago, Ill.

No. MC 108937 (Sub-No. 34), filed January 23, 1970. Applicant: MURPHY MOTOR FREIGHT LINES, INC., 2323 Terminal Road, St. Paul, Minn. 55113. Applicant's representatives: Axelrod, Goodman & Steiner, 39 South La Salle Street, Chicago, Ill. 60603, and Richard G. Birmingham, Marine Trust Building, Buffalo, N.Y. 14203. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: (1) Regular routes: *General commodities*, between Niagara Falls, N.Y., and Buffalo, N.Y.; from Niagara Falls over New York Highway 384 to Buffalo, and return over the same route serving all intermediate points and the off-route point of Grand Island; and (2) Irregular routes: *General commodities;* (a) between points in Niagara County, N.Y.; and (b) from points in Erie County, N.Y., to points in Niagara County, N.Y. NOTE: Applicant states the authority sought herein would be joined at Buffalo, N.Y., to serve points authorized to Murphy Motor Freight Lines, Inc., in MC 108937 and subs thereunder, from the States of North Dakota, South Dakota, Minnesota, Iowa, Nebraska, Wisconsin, Illinois, Indiana, Michigan, Ohio, Pennsylvania, and New York. This application is a matter directly related to MC-F-10734, published in the FEDERAL REGISTER issue of February 3, 1970, wherein applicant seeks to convert the certificate of registration of Triangle Transport, Inc. MC 58206 (Sub-No. 1) into a certificate of public convenience and necessity. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Buffalo, N.Y.

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-10731. (Correction) (YELLOW FREIGHT SYSTEM, INC.—Purchase—AMERICAN CARTAGE CO.), published in the January 28, 1970, issue of the FEDERAL REGISTER, on page 1138. This notice to show the correct authority sought to be transferred should read: Under a certificate of registration, in Docket No. 120642 Sub-1, covering the transportation of general commodities, as a common carrier, in *interstate* commerce, within the State of California.

No. MC-F-10755. Authority sought for continuance in control by SMYTH WORLDWIDE MOVERS, INC., 11616 Aurora Avenue North, Seattle, Wash. 98133, of (1) SMYTH VAN & STORAGE CO., INC., 11616 Aurora Avenue North, Seattle, Wash. 98133; (2) SMYTH MOVING & STORAGE CO., INC., 11616 Aurora Avenue North, Seattle, Wash. 98133; (3) SMYTH VAN & STORAGE CO. OF CALIFORNIA, INC., 11616 Aurora Avenue North, Seattle, Wash. 98133; and (5) SMYTH MOVING & STORAGE CO. OF CALIF. INC., 11616 Aurora Avenue North, Seattle, aWsh. 98133; and (5) SMYTH OVERSEAS VAN LINES, INC., 11616 Aurora Avenue North, Seattle, Wash. 98133, and for acquisition by THE GOLDEN CYCLE CORPORATION, 115 Barnes Avenue, Colorado Springs, Colo., of control of SMYTH VAN & STORAGE CO., INC., SMYTH MOVING & STORAGE CO., INC., SMYTH VAN & STORAGE CO. OF CALIFORNIA, INC., SMYTH MOVING & STORAGE CO. OF CALIF., INC., and SMYTH OVERSEAS VAN LINES, INC., through the acquisition by SMYTH WORLDWIDE MOVERS, INC. Applicants' attorney: Alan F. Wohlstetter, 1 Farragut Square South, Washington, D.C. 20006. Operating rights sought to be controlled: (1) (This authority is contingent upon approval of this section 5 application.) Used household goods, as a common carrier, over irregular routes, between points in King, Kitsap, Island, and Snohomish Counties, Wash., with restrictions (authority presently under temporary operation); (2) (This authority is contingent upon approval of this section 5 Application.) Used household goods, as a common carrier, over irregular routes, between points in Grays Harbor, Mason, Pierce, and Thurston Counties, Wash., with restrictions (authority presently under temporary operation); (3) *household goods*, as defined by the Commission, as a *common carrier*, over irregular routes, between points in the State of Hawaii, with restriction; and (this authority is contingent upon approval of this section 5 application). Used household goods, as a common carrier, over irregular routes, between points in Alameda, Contra Costa, Marin, San Francisco, San Mateo, Santa Clara, Santa Cruz, and Sacramento Counties, Calif. (authority presently under temporary operation);

(4) (This authority is contingent upon approval of this section 5 application.) Used household goods, as a common carrier, over irregular routes, between points in Los Angeles, Ventura, Orange, and San Diego Counties, Calif., between points in Kern County, Calif., on and south of U.S. Highway 466 and

on and east of U.S. Highway 99, between points in San Bernardino County, Calif., on and south of U.S. Highway 466 and on and west of U.S. Highway 91 and California Highway 18 between Victorville and San Bernardino, Calif., between points in Riverside County, Calif., on and west of U.S. Highway 99, and between points in Santa Barbara County, Calif., on U.S. Highway 101 east of and including Santa Barbara, Calif., with restrictions; and (5) *household goods,* as defined by the Commission, as a *common carrier,* over irregular routes, between points in Alaska, except those east of an imaginary line constituting a southward extension of the United States-Canada boundary line (Alaska-Yukon Territory); between Haines, Alaska, on the one hand, and, on the other, points in Alaska west of an imaginary line constituting a southward extension of the United States-Canada boundary line (Alaska-Yukon Territory), with restriction; between Seattle, Wash., on the one hand, and, on the other, points in Alaska; and *new furniture,* between points in Alaska. Application has not been filed for temporary authority under section 210a(b). NOTE: All of the authorities that are contingent upon approval of this application were granted pursuant to the report and order, by Review Board No. 2, dated November 21, 1968, in No. MC 9619, Sub-1. See also No. MC–F–10756 (SMYTH OVERSEAS VAN LINES, INC.—Purchase (Portion)—RELIABLE TRANSFER CORP.), published this same issue.

No. MC–F–10756. Authority sought for purchase by SMYTH OVERSEAS VAN LINES, INC., 11616 Aurora Avenue North, Seattle, Wash. 98133, of a portion of the operating rights of RELIABLE TRANSFER CORP., 490 South Franklin Street, Juneau, Alaska 99801, and for acquisition by SMYTH INTERNATIONAL VAN LINES, INC., and in turn by SMYTH WORLDWIDE MOVERS, INC., both also of 11616 Aurora Avenue North, Seattle, Wash. 98113, and GOLDEN CYCLE CORPORATION, Post Office Box 4576, Colorado Springs, Wash., of control of such rights through the purchase. Applicants' attorney Alan F. Wohlstetter, 1 Farragut Square South, Washington, D.C. 20006. Operating rights sought to be transferred: *Household goods,* as defined by the Commission, as a *common carrier,* over irregular routes, between points within 25 miles of Juneau, Alaska, including Juneau, between points in Alaska south and east of the United States-Canada boundary line north of Haines, Alaska. Vendee is authorized to operate as a *common carrier* in Alaska, and Washington. Application has not been field for temporary authority under section 210a(b). NOTE: See also No. MC–F–10755 (SMYTH WORLDWIDE MOVERS, INC.—Continuance in Control—SMYTH VAN & STORAGE CO., INC., et al.), published this same issue.

No. MC–F–10757. Authority sought for purchase by CONTINENTAL VAN LINES, INC., 891 Broadway, Post Office Box 168 Monterey, Calif. 93940, of the operating rights of KENNETH S. CHAMBERLIN, doing business as CORVALLIS TRANSFER CO., 535 South Seventh Street, Corvallis, Oreg. 97330, and for acquisition by NORMAN E. WILEY, 325 Elder Avenue, Seaside, Calif. 93950, JAMES W. SIMMS, 1650 Hymer Avenue, Sparks, Nev. 89431, RAMON S. REGAN, 2255 Penobscot Building, Detroit, Mich. 48226, and J. VERNON MYRES, 6302 Federal Boulevard, San Diego, Cailf. 92114, of control of such rights through the purchase. Applicant's attorney: John Paul Fischer, 140 Montgomery Street, San Francisco, Calif. 94104. Operating rights sought to be transferred: *General commodities,* excepting among others, dangerous explosives, household goods and commodities in bulk, as a *common carrier,* over irregular routes, between points within 10 miles of Corvallis, Oreg., including Corvallis; *household goods* as defined in *Practices of Motor Common Carriers of Household Goods,* 17 M.C.C. 467, between points within 10 miles of Corvallis, Oreg., including Corvallis, between points in the above-specified territory, on the one hand, and, on the other, points in Washington; and *canned fruits and canned vegetables,* over regular routes, between Corvallis, Oreg., and points in Oregon, serving certain intermediate points. Vendee is authorized to operate as a *common carrier* in Nevada, California, and Oregon. Application has been filed for temporary authority under section 210a(b).

No. MC–F–10758. Authority sought for purchase by McKEE LINES, INC., 664 54th Avenue, Mattawan, Mich. 49071, of a portion of the operating rights of BILYEU REFRIGERATED TRANSPORT CORPORATION, Post Office Box 668, Marshall, Mo. 65340, and for acquisition by LEONARD McKEE, 10751 West Michigan, Kalamazoo, Mich., and E. B. Peters, Post Office Box 443, Benton Harbor, Mich., of control of such rights through the purchase. Applicants' attorney: Jack H. Blanshan, 29 South La Salle Street, Chicago, Ill. 60603. Operating rights sought to be transferred: *Cheese,* as a *common carrier,* over irregular routes, from Van Wert, Ohio, to Carthage, Mo.; *artificial Christmas trees,* from Blakely, Pa., to points in Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, Ohio, and Wisconsin; *wax products* in vehicles equipped with mechanical refrigeration, from Buffalo, N.Y., to points in Ohio, Indiana, Illinois, Missouri, Iowa, Wisconsin, Minnesota, Kansas, Nebraska, South Dakota, North Dakota, and Colorado, with restriction; *frozen foods,* from Cleveland, Ohio, to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, Virginia, West Virginia, and the District of Columbia, with restriction; from Cleveland, Ohio, to points in Illinois (except those in the Chicago, Ill., commercial zone as defined by the Commission in the *Chicago, Ill. Commercial Zone Extension* SAG area) and to points in Missouri, with restriction; *oleomargarine, salad dressing, coconut oil, vegetable oil, cooking oil, shortening stearine, stearate, and mayonnaise* (except in bulk, in tank vehicles), and *related advertising matter,* when moving in mixed shipments with the commodities described herein, in vehicles equipped with mechanical refrigeration, from Columbus, Ohio, to points in Connecticut, Delaware, Maine (except points in Aroostook, Penobscot, Piscataquis, and Waldo Counties), Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, Virginia, West Virginia, and the District of Columbia, with restriction;

Wooden, wooden veneer, and plastic articles from the plantsite of Mulco Products, Inc., at Milford, Del., to points in Arizona, Arkansas, California, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Montana, Nebraska, New Mexico, North Dakota, Ohio, Oklahoma, Oregon, South Dakota, Tennessee, Texas, Utah, Washington, Wisconsin, and Wyoming, with restriction; *commodities,* the transportation of which is partially exempt under section 203(b)(6) of the Interstate Commerce Act, when transported in mixed loads with wooden, wooden veneer, and plastic articles, from points in Delaware, to points in Arizona, Arkansas, California, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Montana, Nebraska, New Mexico, North Dakota, Ohio, Oklahoma, Oregon, South Dakota, Tennessee, Texas, Utah, Washington, Wisconsin, and Wyoming; (a) *food products* (except commodities in bulk, in tank vehicles, and frozen fruits, frozen berries, and frozen vegetables); and (b) *commodities* otherwise exempt under section 203(b)(6) of the Act when moving in mixed loads with the described commodities in (a) above, in vehicles equipped with mechanical refrigeration, from the plant and warehouse sites of Ralston Purina Co. at Wellston, Ohio, to points in Connecticut, Delaware, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, with restrictions; *nonfrozen food stuffs,* except those in bulk and tank vehicles, from the facility of American Home Foods Division of American Home Products Corp. at Milton, Pa., to points in Arkansas, Iowa, Missouri, Kansas, and Nebraska, with restriction;

Candy, confectionery, and confectionery products (except commodities in bulk and tank vehicles) *and advertising matter, premiums, prizes and display materials* when shipped in the same vehicle with candy, confectionery, and confectionery products, from the plantsite and sales facilities of Topps Chewing Gum, Inc., at or near Duryea, Pa., to points in Arkansas, Colorado, Kansas, Missouri, Nebraska, and Oklahoma, with restriction; and *frozen foods,* except frozen fruits, frozen berries and frozen vegetables, from Cleveland, Ohio, to points in Iowa, Nebraska, Kansas, Wisconsin, and Minnesota, with restriction. Vendee is

authorized to operate as a *common carrier* in Indiana, Alabama, Florida, Georgia, Kentucky, North Carolina, South Carolina, Utah, Tennessee, Virginia, Nebraska, Texas, Iowa, West Virginia, Illinois, Michigan, California, Louisiana, Connecticut, Delaware, Georgia, Arizona, Mississippi, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, Vermont, and the District of Columbia; and as a *contract carrier* in New York, Connecticut, Maryland, Massachusetts, New Jersey, Pennsylvania, Rhode Island, and Michigan. Application has been filed for temporary authority under section 210a(b). NOTE: See also No. MC-F-10690 (McKEE LINES, INC.—Purchase (Portion)—BILYEU REFRIGERATED TRANSPORT CORP.), published in the December 31, 1969, issue of the FEDERAL REGISTER, on page 20461.

No. MC-F-10759. Authority sought for purchase by RINGSBY-PACIFIC, LTD., 3201 Ringsby Court, Denver, Colo. 80216, of a portion of the operating rights of CONTINENTAL VAN LINES, INC., 325 Elder Avenue, Seaside, Calif. 93940, (Mailing address: Post Office Box 168, Monterey, Calif. 93940), and for acquisition by D. W. RINGSBY, and GARY S. RINGSBY, both also of Denver, Colo., of control of such rights through the purchase. Applicants' attorney: Bertram S. Silver, 140 Montgomery Street, San Francisco, Calif. 94104. 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 in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, as a *common carrier*, over irregular routes, between points in Nevada, within 10 miles of Reno, Nev., including Reno. Vendee is authorized to operate as a *common carrier* in California, Oregon, Washington, and Nevada. Application has not been filed for temporary authority under section 210a(b). NOTE: No. MC-108398 Sub-40 is a matter directly related.

No. MC-F-10760. Authority sought for purchase by GEORGE W. KUGLER, INC., 2800 East Waterloo Road, Akron, Ohio 44312, of the operating rights and property of JORALEMON BROTHERS, INC., 1400 West Front Street, Florence, N.J. 08518, and for acquisition by GEORGE W. KUGLER, also of Akron, Ohio 44312, of control of such rights and property through the purchase. Applicants' attorney and representative: John P. McMahon, 100 East Broad Street, Columbus, Ohio 43215 and Edward J. Russo, 921 Bergen Avenue, Jersey City, N.J. 07306. Operating rights sought to be transferred: *Cast iron pipe, cast iron fittings, and parts, valves, machinery and fire hydrants*, as a *contract carrier* over irregular routes, from Florence, N.J., to Charleston, W. Va., Norfolk, Va., Providence and Newport, R.I., certain specified points in Massachusetts, and points in New York, Pennsylvania, Delaware, Maryland, and Connecticut, traversing the District of Columbia for operating convenience only; *mica*, from Keene, N.H., to East Rutherford, N.J.; *ink* (in containers), from East Rutherford, N.J., to New York, N.Y., and points in Nassau County, N.Y.; *roofing pitch, paper, and cement*, from certain specified points in New Jersey, to Philadelphia, Pa., New York, N.Y., and points in Westchester and Rockland Counties, N.Y.; *asphaltum*, from Warners, N.J., to New York, N.Y., Philadelphia, Pa., and points in Westchester and Rockland Counties, N.Y.; *wax and crude naphtha*, from New York, N.Y., to Kearny, N.J.;

Coal tar products, camphor, moth bags, moth paper, naphthalene, sulphur, and sulphur products, waxes, and wax candles, from Kearny, N.J., to New York, N.Y., certain specified points in Pennsylvania, and points in Westchester and Nassau Counties, N.Y.; *petroleum and petroleum products*, (in containers), from Bayway, N.J., to New York, N.Y., from Staten Island, N.Y., to points in Bergen and Essex Counties, N.J.; *concrete pipe*, from certain specified points in New Jersey, to New York, N.Y., and points in Westchester and Nassau Counties, N.Y.; *machinery*, from certain specified points in New Jersey, to New York, N.Y., and points in Westchester and Nassau Counties, N.Y., and those in Pennsylvania on and east of the Susquehanna River; *steel*, from East Rutherford, N.J., to New York, N.Y., and points in Nassau County, N.Y.; *corrugated paper boxes*, from Newark, N.J., to Philadelphia, Pa., and New York, N.Y.; *paper*, in rolls, from New York, N.Y., to Newark, N.J.; *empty containers, and alcohol, chemicals, solvents, and turpentine*, in containers, between Newark and Lyndhurst, N.J., and Philadelphia, Pa., on the one hand, and, on the other, points in New York, that part of Pennsylvania on and east of the Susquehanna River, and those in that part of Connecticut west of U.S. Highway 5, including points on the above-indicated portion of the highway specified; *mica, and containers*, between East Rutherford, N.J., on the one hand, and, on the other, Boston, Mass., Philadelphia, Pa., New York, points in Connecticut on and west of the Connecticut River, and those in Westchester and Nassau Counties, N.Y.; and *cast iron pipe, cast iron fittings, valves, hydraulic machinery and hydraulic machinery parts, and fire hydrants*, from Florence, N.J., to points in Massachusetts, with exception, and to points in Rhode Island, except Providence and Newport, R.I., traversing New York and Connecticut for operating convenience. Vendee is authorized to operate as a *common carrier* in Illinois, Connecticut, Delaware, Indiana, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, and the District of Columbia and as a *contract carrier* in Pennsylvania, Connecticut, Delaware, Maryland, New York, Massachusetts, New Jersey, Ohio, Rhode Island, Virginia, West Virginia, Vermont, Maine, New Hampshire, Illinois, Indiana, Michigan, North Carolina, South Carolina, Tennessee, Wisconsin, Iowa, Kentucky, Minnesota, Florida, Kansas, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC-F-10761. Authority sought for purchase by RUMPF TRUCK LINE, INC., 424 South Maumee Street, Tecumseh, Mich. 49286, of a portion of the operating rights of DUNDEE TRUCK LINE, INC., 660 Sterling Street, Toledo, Ohio 43609. Applicants' attorneys: Rex Eames, 900 Guardian Building, Detroit, Mich. 48226, and Arthur R. Cline, 420 Security Building, Toledo, Ohio 43604. 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 in bulk, and those requiring special equipment, as a *common carrier*, over regular routes, between Dundee, Mich., and Toledo, Ohio, serving all intermediate points, and the off-route point of Grape, Mich., between Hillsdale, Mich., and Toledo, Ohio, between Ida, Mich., and Dundee, Mich., between Lambertville, Mich., and junction unnumbered highway and another unnumbered highway (portion formerly U.S. Highway 23) at or near Temperance, Mich., between junction U.S. Highway 223 and Michigan Highway 151, and junction U.S. Highway 25 and Michigan Highway 151, between Ida, Mich., and Monroe, Mich., between Erie, Mich., and junction unnumbered highway and another unnumbered highway (formerly portion U.S. Highway 23), about 1 mile north of Temperance, Mich., between Toledo Beach, Mich., and junction unnumbered highway and another unnumbered highway (formerly portion U.S. Highway 23), between junction U.S. Highway 223 and unnumbered highway, about one-half mile southeast of Ottawa Lake, Mich., and junction of two unnumbered highways about one-half mile north of Lambertville, Mich., between Sylvania, Ohio, and Petersburg, Mich., between junction Ohio Highways 183 and 246, and junction unnumbered highway and Michigan Highway 151, about 5 miles west of Samaria, Mich., between Trilby, Ohio, and junction unnumbered highway and Michigan Highway 151, about 2 miles west of Samaria, Mich., serving all intermediate points. Vendee is authorized to operate as a *common carrier* in Michigan and Ohio. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-10762. Authority sought for purchase by LEXINGTON-PARIS MOTOR FREIGHT, INC., Post Office Box 439, Milan, Tenn. 38258, of a portion of the operating rights of MID-SOUTH TRANSPORTS, INC., 1046 Arkansas, Memphis, Tenn. 38106, and for acquisition by TOMMY W. ROSS, U.S. Highway 45-S, Milan, Tenn. 38258, of control of such rights through the purchase. Applicants' attorney: Walter Harwood, 1822 Parkway Towers, Nashville, Tenn. 37219. Operating rights sought to be transferred: A portion under certificate of registration, in Docket No. MC-99467 Sub-1, covering the transportation of

property, as a common carrier, in interstate commerce, within the State of Tennessee; and under certificates of registration, in Docket Nos. MC–99467 Sub-5, MC–99467 Sub-6, and MC–99467 Sub-7, covering the transportation of general commodities, as a common carrier, in interstate commerce, within the State of Tennessee. LEXINGTON-PARIS MOTOR FREIGHT, INC., holds no authority from this Commission. However, its controlling stockholder, TOMMY W. ROSS, doing business as MILAN EXPRESS, 437 South Second Street, Milan, Tenn. 38358, is authorized to operate under a certificate of registration, within the State of Tennessee. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–10763. Authority sought for purchase by LESTER J. MacDONALD, Rural Delivery No. 3, Industrial Park, Huntingdon, Pa. 16652, of the operating rights and property of ROBERT M. ZIMMERMAN, doing business as LEWISTOWN DRAY, Box 21, Port Royal, Pa. 17082. Applicant's attorney: M. B. Deforrest, 331 Penn Street, Huntingdon, Pa. 16652. Operating rights sought to be transferred: *Household goods,* as a *common carrier,* over irregular routes, between Lewistown, Pa., and points within 20 miles thereof, on the one hand, and, on the other, points in Connecticut, New York, New Jersey, Delaware, Maryland, Virginia, West Virginia, Ohio, and the District of Columbia, between points in Juniata and Mifflin Counties, Pa., on the one hand, and, on the other, points in Pennsylvania, Maryland, Connecticut, New York, New Jersey, Ohio, West Virginia, Virginia, North Carolina, South Carolina, Georgia, Florida, Tennessee, Delaware, and the District of Columbia; *newspapers,* from Lewistown and Lewistown Junction, Pa., to points in Mifflin, Snyder, and Center Counties, Pa.; *firebrick,* from Vandyke, Pa., to Claymont, Del., Laurel Hill and Buffalo, N.Y., Millville, Perth Amboy, Carteret, and Roebling, N.J., and points in that part of Ohio north and east of U.S. Highway 250; *damaged shipments* of firebrick and *empty pallets and skids,* from Buffalo, N.Y., to Vandyke, Pa.; *empty pallets* used in the transportation of firebrick, from points in that part of Ohio, north and east of U.S. Highway 250, to Vandyke, Pa.; and *empty pallets and skids,* from Claymont, Del., Laurel Hill, N.C., and Millville, Perth Amboy, Carteret, and Roebling, N.J., to Vandyke, Pa. Vendee is authorized to operate as a *common carrier* in Connecticut, Massachusetts, Rhode Island, West Virginia, Pennsylvania, New York, New Jersey, Delaware, Maryland, Virginia, Ohio, Michigan, Illinois, Indiana, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 70–2325; Filed, Feb. 25, 1970; 8:47 a.m.]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

FEBRUARY 20, 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. 3279 Sub 1 (Clarification), filed December 29, 1969, published FEDERAL REGISTER issue of January 28, 1970, and republished, as clarified this issue. Applicant: BROWN FREIGHT LINE, INC., 122 Tredco Drive, Post Office Box 8807, Nashville, Tenn. 37211. Applicant's representative: Walter Harwood, 1822 Parkway Towers, Nashville, Tenn. 37219. Certificate of public convenience and necessity sought to operate a freight service as follows: *General commodities,* except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Nashville, Tenn., and Manchester, Tenn., via U.S. Highway 41 and Interstate Highway 24, serving no intermediate points, for operating convenience only. Both intrastate and interstate authority sought. NOTE: The purpose of this republication is to show Interstate Highway 24 in lieu of Interstate Highway 65, as previously published.

HEARING: Wednesday, March 4, 1970, at 9:30 a.m., at the Commission's court room, C–1 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.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 70–2324; Filed, Feb. 25, 1970; 8:47 a.m.]

[Notice 31]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

FEBRUARY 20, 1970.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC–67, (49 CFR 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 200 (Sub-No. 234 TA), filed February 16, 1970. Applicant: RISS INTERNATIONAL CORPORATION, 903 Grand Avenue, Kansas City, Mo. 64106. Applicant's representative: Rodger J. Walsh (same address as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Meat, meat products and meat byproducts,* from Omaha, Nebr.; St. Joseph, Mo.; Des Moines and Sioux City, Iowa, to points in Virginia, West Virginia, North Carolina, South Carolina, Tennessee, Florida, and Georgia, for 150 days. Supporting shipper: Armour and Co., 401 North Wabash Avenue, Chicago, Ill. 60690. Send protests to: Vernon V. Coble, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1100 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 200 (Sub-No. 235 TA), filed February 17, 1970. Applicant: RISS INTERNATIONAL CORPORATION, 903 Grand Avenue, Kansas City, Mo. 64106. Applicant's representative: Rodger J. Walsh (same address as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Meat, meat products and meat byproducts,* from Omaha, Nebr., and Oakland, Iowa, to points in Florida, Georgia, Alabama, Mississippi, North Carolina, South Carolina, and Virginia, for 150 days. Supporting shipper: American Beef Packers, Inc., Post Office Box 6234, Elmwood Park Station, Omaha, Nebr. 68106. Send protests to: Vernon V. Coble, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1100 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 81495 (Sub-No. 3 TA), filed February 16, 1970. Applicant: GRAYPORT TRANSFER & STORAGE COMPANY, INC., Post Office Box 156, Hoquiam, Wash. 98550. Applicant's representative: Joseph O. Earp, 411 Lyon

Building, Seattle, Wash. 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, household goods as defined in practices of motor common carriers of household goods, 17 M.C.C. 467, commodities in bulk in special equipment, commodities injurious or contaminating to other lading and dangerous explosives), between Aberdeen and Hoquiam, Wash., on the one hand, and, on the other, the Wynoochee Dam Site (Grays Harbor County), Wash., for 180 days. NOTE: Applicant intends to tack at Aberdeen and Hoquiam, Wash. Supporting shipper: Dravo Corp., Post Office Box 791, Montesano, Wash. 98563. Send protests to: E. J. Casey, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 6130 Arcade Building, Seattle, Wash. 98101.

No. MC 82841 (Sub-No. 68 TA), filed February 17, 1970. Applicant: HUNT TRANSPORTATION, INC., 801 Livestock Exchange Building, Omaha, Nebr. 68107. Applicant's representative: Marshall D. Becker, 630 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Irrigation systems and parts for irrigation systems*, from points in Holt County, Nebr., to points in Washington, Arizona, California, Colorado, Idaho, Iowa, Kansas, Minnesota, Missouri, Montana, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Wisconsin, and Wyoming, for 150 days. Supporting shipper: Olson Bros. Manufacturing Co., 11 miles north on Highway 11, Atkinson, Nebr. 68713. Send protests to: Keith P. Kohrs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 705 Federal Office Building, Omaha, Nebr. 68102.

No. MC 97310 (Sub-No. 7 TA) (Correction), filed January 5, 1970, published in the FEDERAL REGISTER issue of January 28, 1970, and republished as corrected, this issue. Applicant: BELL TRANSFER COMPANY, INC., Third Avenue and Railroad Street, Meridian, Miss. 39301. Applicant's representative: E. Grady Jolly, Jr., Post Office Box 2366, Jackson, Miss. 39205. NOTE: The purpose of this partial republication is to include the tacking information, which was inadvertently omitted in previous publication. Applicant intends to tack at Jackson and Birmingham, Ala., and interline traffic at Jackson and Birmingham. The rest of the application remains as previously published.

No. MC 111594 (Sub-No. 48 TA) (Correction), filed February 3, 1970, published in the FEDERAL REGISTER issue of February 12, 1970, and republished as corrected, this issue. Applicant: C W TRANSPORT, INC., 610 High Street, Post Office Box 200, Wisconsin Rapids, Wis. 54494. Applicant's representative: Glenn R. Richmond, 1970 South Broadway, Green Bay, Wis. 54306. NOTE: The purpose of this partial republication is to show "Minnesota" in lieu of "Michigan". The rest of the application remains as previously published.

No. MC 114969 (Sub-No. 32 TA), filed February 17, 1970. Applicant: PROPANE TRANSPORT, INC., Post Office Box 232, 1734 State Route 131, Milford, Ohio 45150. Applicant's representative: James M. Roudebush (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, from Sun Oil Co. plantsite at Oregon, Ohio, to points in the Lower Peninsula of Michigan (except Hillsdale and Lenawee Counties and points in Monroe County, on and west of U.S. Highway 23), for 180 days. Supporting shipper: Sun Oil Co., 1819 Woodville Road, Post Office Box 920, Toledo, Ohio 43601. Send protests to: Emil P. Schwab, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 5514 Federal Building, 550 Main Street, Cincinnati, Ohio 45202.

No. MC 115904 (Sub-No. 19 TA), filed February 16, 1970. Applicant: LOUIS GROVER, 1710 West Broadway, Idaho Falls, Idaho 83401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Merchandise handled by wholesale and retail drug store outlets*, from Idaho Falls, Idaho, to Rock Springs and Riverton, Wyo., for 180 days. NOTE: Applicant does not intend to tack the authority here applied for. Supporting shipper: Slusser Wholesale Co., Inc., 920 Lincoln Road, Idaho Falls, Idaho 83401. Send protests to: C. W. Campbell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 455 Federal Building and U.S. Courthouse, 550 West Fort Street, Boise, Idaho 83702.

No. MC 118159 (Sub-No. 94 TA), filed February 16, 1970. Applicant: EVERETT LWORANCE, INC., 4916 Jefferson Highway, New Orleans, La. 70121. Applicant's representative: David D. Brunson, 419 Northwest Sixth Street, Oklahoma City, Okla. 73102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Spice jars and glass containers*, from Port Allegany, Pa., to Tulsa, Okla., and (2) *caps, covers, stoppers*, for spice jars and glass containers from Erie, Pa., to Tulsa, Okla., for 180 days. Supporting shipper: Business Builders, Inc., Tulsa, Okla. Send protests to: W. R. Atkins, District Supervisor, Interstate Commerce Commission, Bureau of Operations, T-4009 Federal Building, 701 Loyola Avenue, New Orleans, La. 70113.

No. MC 123135 (Sub-No. 10 TA), filed February 17, 1970. Applicant: CHARLES BEIL & SONS, INC., Millstadt, Ill. 62260. Applicant's representative: Delmar O. Koebel, 107 West St. Louis Street, Lebanon, Ill. 62254. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Edible flour*, from Millstadt, Ill., to the site of the Sea Pass Co., located in St. Louis, Mo., for 150 days. Supporting shipper: Golden Dipt Co., Division of DCA Food Industries Inc., 100 East Washington, Millstadt, Ill. 62260. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 476, 325 West Adams Street, Springfield, Ill. 62704.

No. MC 124735 (Sub-No. 10 TA) (Correction), filed February 2, 1970, published in the FEDERAL REGISTER issue of February 12, 1970, and republished as corrected, this issue. Applicant: R. C. KERCHEVAL, JR., 4424 Fourth Avenue South, Seattle, Wash. 98134. Applicant's representative: Joseph O. Earp, 411 Lyon Building, Seattle, Wash. 98104. NOTE: The purpose of this partial republication is to change the duration of days to "180 days in lieu of 150 days." The rest of the application remains as previously published. No. MC 126122 (Sub-No. 2 TA), filed February 16, 1970. Applicant: JACK E. HARTMAN, 500 West Madison, Mount Ayr, Iowa 50854. Applicant's representative: Kenneth F. Dudley, Post Office Box 279, Ottumwa, Iowa 52501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bakery goods*, from Mount Ayr, Iowa, to Cainsville, Princeton, and Trenton, Mo., for 180 days. Supporting shipper: Lowenberg Bakery, Inc., Ottumwa, Iowa 52501. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 126276 (Sub-No. 24 TA), filed February 17, 1970. Applicant: FAST MOTOR SERVICE, INC., 12855 Ponderosa Drive, Palos Heights, Ill. 60463. Applicant's representative: Robert H. Levy, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers and components*, from the plantsites and/or facilities of American Can Co. at Chicago and Maywood, Ill., to Jeffersonville, Ind., for 150 days. Supporting shipper: American Can Co., 200 South Michigan, Chicago, Ill. Send protests to: District Supervisor Roger L. Buchanan, Interstate Commerce Commission, Bureau of Operations, 219 South Dearborn Street, Chicago, Ill. 60604.

No. MC 128866 (Sub-No. 12 TA), filed February 16, 1970. Applicant: B & B TRUCKING, INC., Post Office Box 128, Cherry Hill, N.J. 08034. Applicant's representative: Daniel L. O'Connor, Federal Bar Building, Washington, D.C. 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Class 1 aluminum end stock and/or body stock skeletons*, in bales or briquettes, not lacquered, painted, coated, or in any way contaminated, from the plantsites of Penny Plate, Inc., at Cherry Hill, N.J., and Searcy, Ark., to the plantsite of the Aluminum Co. of America at Davenport, Iowa, for 150 days. Supporting shipper: Penny Plate, Inc., Post Office Box 458, Haddonfield, N.J. 08034. Send protests to: Raymond T. Jones, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 410 Post Office Building, Trenton, N.J. 08608.

No. MC 134304 (Sub-No. 1 TA) (Correction), filed February 5, 1970, published in the FEDERAL REGISTER issue of February 11, 1970, and republished as corrected, this issue. Applicant: LES DARR TRUCKING CO., a corporation, 520 Grade Street, Kelso, Wash. 98626. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Veneer cores and dunnage*, between points in Washington and Oregon, for 180 days. The purpose of this republication is to correct the territorial description, which was in error in previous publication. Supporting shipper: Friesen Lumber Co., Post Office Box 1482, St. Helens, Oreg. 97051. Send protests to: District Supervisor W. J. Huetig, Interstate Commerce Commission, Bureau of Operations, 450 Multnomah Building, 120 Southwest Fourth Avenue, Portland, Oreg. 97204.

No. MC 134324 (Sub-No. 2 TA), filed February 16, 1970. Applicant: PACER TRANSIT CORP., 1713 Francis, Muskegon, Mich. 49442. Applicant's representative: Gordon L. Gibson (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Propane, butane, and liquefied petroleum gas*, in bulk, in tank vehicles, from the international boundary line between the United States and Canada at or near Port Huron, Mich., to points in the Lower Peninsula of Michigan located on and west of U.S. Highway 27, under contract with Pro-Gas Sales & Service Co., for 150 days. Supporting shipper: Pro-Gas Sales & Service Co., 1535 South Walker Road, Muskegon, Mich. 49442. Send protests to: C. R. Flemming, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 225 Federal Building, Lansing, Mich. 48933.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 70-2321; Filed, Feb. 25, 1970; 8:47 a.m.]

[Notice 497]

MOTOR CARRIER TRANSFER PROCEEDINGS

FEBRUARY 20, 1970.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-71770. By order of February 16, 1970, the Motor Carrier Board approved the transfer to System Transport Corp., Denver, Colo., of certificate in No. MC-115826 (Sub-No. 4), issued December 17, 1957, to W. J. Digby, Inc., Denver, Colo., authorizing the transportation of: General commodities, with certain exceptions, between Boulder, Colo., and points within 50 miles thereof, on the one hand, and, on the other, points in Colorado. Robert R. Digby, Post Office Box 20433, 4030 East Magnolia Street, Phoenix, Ariz. 85036, attorney for applicants.

No. MC-FC-71771. By order of February 13, 1970, the Motor Carrier Board approved the transfer to Charles Ind Co., a corporation, Rockford, Ill., of certificate in No. MC-33401, issued March 6, 1941, to Charles Ind, Rockford, Ill., authorizing the transportation of: Machinery, equipment and supplies used in, or incidental to, the construction of road and buildings, between points in a specified part of Illinois, on the one hand, and, on the other, points in specified parts of Iowa and Wisconsin. Joseph M. Scanlan, 111 West Washington Street, Chicago, Ill. 60602, attorney for applicants.

No. MC-FC-71779. By order of February 16, 1970, the Motor Carrier Board approved the transfer to George Russo and Rocco R. Russo, a partnership, doing business as Russo Trucking Co., Bayonne, N.J., of the operating rights in certificate No. MC-47946 issued March 14, 1941, to Harold R. Hill, doing business as Hill Transportation Co., Hamilton, N.Y., authorizing the transportation, over irregular routes, of agricultural commodities from Hamilton, N.Y., and points within 20 miles of Hamilton, to New York, N.Y., Newark, N.J., and Philadelphia, Pa.; canned goods from Swedesboro, N.J., and Philadelphia, Pa., to Maple View, N.Y., and points in a described southeastern portion of New York; and burlap bags from Newark, N.J., and New York, N.Y., to Hamilton, N.Y. Robert B. Pepper, 297 Academy Street, Jersey City, N.J. 07306, representative for transferee. Raymond Richards, Post Office Box 25, Webster, N.Y. 14580, representative for transferor.

No. MC-FC-71954. By order of February 16, 1970, the Motor Carrier Board approved the transfer to Meat Packers Express, Inc., Omaha, Nebr., of certificate No. MC-119317 and numerous subs thereunder, issued to Gross and Sons Transportation Company, Omaha, Nebr., authorizing the transportation of commodities primarily, Dairy products, such as, ice cream, frozen confections, etc., between points in Arizona, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Missouri, Nebraska, Tennessee, Texas. Donald A. Morken, 1000 First National Bank Building, Minneapolis, Minn. 55402, attorney for transferee. Sam Caniglia, 330 City National Bank Building, Omaha, Nebr. 68114, attorney for transferor.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 70-2322; Filed, Feb. 25, 1970; 8:47 a.m.]

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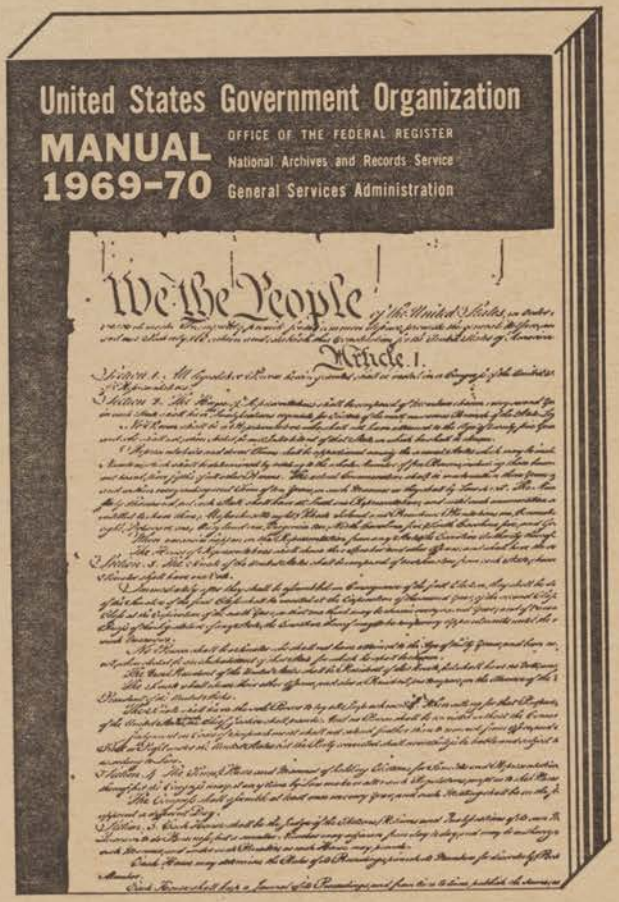

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