FEDERAL REGISTER

VOLUME 35 NUMBER 99

Thursday, May 21, 1970 Washington, D.C.

Pages 7771–7850

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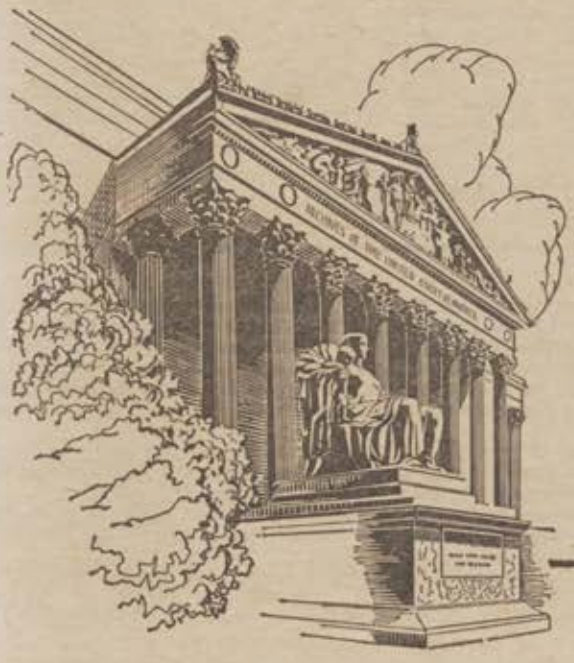

FEDERAL REGISTER

Area Code 202 Phone 962-8626

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

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List of CFR Parts Affected

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

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

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of Agriculture

Section 213.3113 is amended to show that positions of meat inspectors for employment on a temporary, intermittent, or seasonal basis, for not to exceed 1,280 hours a year, are excepted under Schedule A. Effective on publication in the FEDERAL REGISTER, subparagraph (2) of paragraph (f) of § 213.3113 is amended as set out below.

§ 213.3113 Department of Agriculture.

* * * * *

(f) *Consumer and Marketing Service.* * * *

(2) Positions of meat and poultry inspectors (veterinarians at GS–11 and below and nonveterinarians at appropriate grades below GS–11) for employment on a temporary, intermittent, or seasonal basis, not to exceed 1,280 hours a year.

* * * * *

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

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

[F.R. Doc. 70–6306; Filed, May 20, 1970; 8:51 a.m.]

Title 7—AGRICULTURE

Chapter I—Consumer and Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 51—FRESH FRUITS, VEGETABLES AND OTHER PRODUCTS (INSPECTION, CERTIFICATION AND STANDARDS)

Subpart—U.S. Standards for Grades of Pears for Processing

Miscellaneous Amendments

In F.R. Doc. 70–5359 appearing in the issue of Friday, May 1, 1970 (35 F.R. 6957), in the second line of the last paragraph in column 2 of page 6958, "March 15" is corrected to read "July 1".

Dated: May 18, 1970.

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

[F.R. Doc. 70–6318; Filed, May 20, 1970; 8:52 a.m.]

Chapter II—Food and Nutrition Service, Department of Agriculture

[Amdt. 1]

PART 225—SPECIAL FOOD SERVICE PROGRAM FOR CHILDREN

Requirements for Participation

Regulations for the operation of the Special Food Service Program for Children (35 F.R. 4714) are hereby amended as follows:

In § 225.9, paragraph (a) is revised to read as follows:

§ 225.9 **Requirements for meals.**

(a) Service institutions shall serve one or more of the following types of meals: (1) Breakfast; (2) lunch; (3) supper; (4) supplemental food served between such other meals.

* * * * *

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

Approved: May 18, 1970.

[SEAL] RICHARD E. LYNG,
Assistant Secretary.

[F.R. Doc. 70–6314; Filed, May 20, 1970; 8:52 a.m.]

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

SUBCHAPTER B—SUGAR REQUIREMENTS AND QUOTAS

[Sugar Reg. 811, Amdt. 3]

PART 811—CONTINENTAL SUGAR REQUIREMENTS AND AREA QUOTAS

Requirements, Quotas and Quota Deficits for 1970

Basis and purpose and bases and considerations. This amendment is issued pursuant to the authority vested in the Secretary of Agriculture by the Sugar Act of 1948, as amended (61 Stat. 922, as amended), hereinafter referred to as the "Act." The purpose of this amendment to Sugar Regulation 811 (34 F.R. 19901) as amended, is to revise the determination of sugar requirements for the calendar year 1970, establish quotas, prorations and direct-consumption limits consistent with such requirements and to determine and prorate or allocate the deficits in quotas established pursuant to the Act.

Section 201 of the Act requires that the Secretary shall revise the determination of sugar requirements at such time during the calendar year as may be necessary.

Distribution of sugar for consumption so far in 1970 has been at a seasonal rate in excess of that estimated when initial requirements were established. Furthermore, initial requirements at the beginning of the year were established at a level which allowed for the possibility that the high rate of per capita consumption attained last year might not be achieved in 1970. In view of the record to date, this possibility now appears remote.

While raw sugar has been available in adequate quantities to date, known scheduled arrivals for May and June appear limited in relation to the expected demand, now that the period of peak seasonal consumption is approaching. The increase in requirements at this time will add to the offerings of readily available sugar and will enable foreign countries to better plan their exportations of sugar to the United States.

Accordingly, total sugar requirements for the calendar year 1970 are herein increased by 200,000 short tons, raw value, to a total of 11 million short tons, raw value.

Section 204(a) of the Act provides that the Secretary shall from time to time determine whether any area or country will be unable to fill its quota or proration of a quota. On the basis of the quotas established for Puerto Rico and the Virgin Islands for the calendar year 1970 in § 811.81 of this part and the supply of sugar expected to be available from those areas for marketing in the continental United States during the calendar year 1970, it is herein found that Puerto Rico will be unable to fill its quota by 300,000 short tons, raw value, and the Virgin Islands will be unable to fill its quota of 15,000 short tons, raw value. Accordingly, quota deficits of 315,000 short tons, raw value, are determined herein for Puerto Rico and the Virgin Islands.

On the basis of estimates of sugar production from the current Puerto Rican crop, that area will fail to fill its 1970 mainland sugar quota by 300,000 tons. The sugar industry of the Virgin Islands terminated production of sugar with the 1966 crop and no plans are currently in prospect for any resumption of sugar production in the future. Accordingly, quota deficits of 300,000 short tons, raw value, for Puerto Rico and 15,000 short tons, raw value, for the Virgin Islands are herein determined and are prorated and allocated to foreign countries pursuant to section 204(a) of the Act. If production exceeds the present estimates for Puerto Rico, the marketing opportunities for that area within the total mainland quota for that area will not be limited as a result of the deficit determination and proration provided herein.

The quota for Hawaii has been decreased by 4,514 short tons, raw value, pursuant to section 202(a)(2)(B) of the Act and on the basis of final data on production and marketing of Hawaiian sugar in 1969.

Information available to the Department indicates that the Republic of the Philippines will be unable to fill its

statutory share of any deficit during the calendar year 1970. Therefore, pursuant to section 204(a) of the Act the entire deficit declaration of 315,000 short tons, raw value, is prorated and allocated to Western Hemisphere countries on the basis of quotas established pursuant to Sugar Regulation 811 for 1970 (34 F.R. 19901).

It is hereby determined that Nicaragua and Panama filled 70,042 and 44,021 short tons, raw value, respectively of their 1969 quotas and such quantities were in excess of 115 percent of their respective 1968 final quotas and accordingly, pursuant to section 202(d)(4), the quotas established for Nicaragua and Panama for 1970 and future years will not be subject to reduction by reason of shortfalls herein determined in the 1969 quotas of 1,883 tons for Nicaragua and 419 tons for Panama.

The Republic of the Philippines, Bolivia, Thailand, Venezuela, and the French West Indies fell short of filling their 1969 quotas by 1,589 tons, 271 tons, 124 tons, 103 tons, and 7 tons respectively. It is hereby determined that such deficits in relation to the quotas of the countries are within reasonable tolerances under the circumstances which prevailed last year and hence, the quotas of these countries for 1970 and subsequent years are not subject to reduction pursuant to section 202(d)(4).

By virtue of the authority vested in the Secretary of Agriculture by the Act, Part 811 of this chapter is hereby amended by adding a new § 811.82 and by amending §§ 811.80, 811.81, and 811.83 as follows:

1. Section 811.80 is amended to read as follows:

§ 811.80 Sugar requirements, 1970.

The amount of sugar needed to meet the requirements of consumers in the continental United States for the calendar year 1970 is hereby determined to be 11 million short tons, raw value.

2. Section 811.81 is amended by amending paragraph (a) to read as follows:

§ 811.81 Quotas for domestic areas.

(a) (1) For the calendar year 1970 domestic area quotas limiting the quantities of sugar which may be brought into or marketed for consumption in the continental United States are established, pursuant to section 202(a) of the Act, in column (1) and the amounts of such quotas for offshore areas that may be filled by direct-consumption sugar are established, pursuant to section 207 of the Act, in column (2) as follows:

Area	Quotas (1)	Direct-consumption limits (2)
	(Short tons, raw value)	
Domestic beet sugar	3,311,000	No limit
Mainland cane sugar	1,204,000	No limit
Hawaii	1,145,486	37,620
Puerto Rico	1,140,000	165,000
Virgin Islands	15,000	0

(2) It is hereby determined pursuant to section 204(a) of the Act that for the calendar year 1970 Puerto Rico and the Virgin Islands will be unable by 300,000 and 15,000 short tons, raw value, respectively, to fill the quotas established for such areas in subparagraph (1) of this paragraph. Pursuant to section 204(b) of the Act the determination of such deficits shall not affect the quotas established in subparagraph (1) of this paragraph.

* * * * *

3. Section 811.82 is added to read as follows:

§ 811.82 Proration and allocation of deficits and quotas in effect.

(a) It is hereby determined that the Republic of the Philippines will be unable to fill any of its statutory share of deficits during the calendar year 1970. The deficits in quotas determined in paragraph (a)(2) of § 811.81 of 315,000 short tons, raw value, are hereby prorated and allocated pursuant to section 204(a) of the Act to Western Hemisphere countries with quotas in effect as established in Sugar Regulation 811, for 1970 (34 F.R. 19901).

(b) In establishing deficit prorations herein for Western Hemisphere countries consideration has been given to the purchase of U.S. agricultural commodities by such countries, by determining that the value of U.S. agricultural exports to each such country exceeded the total net receipts f.a.s. port of shipment derived from the sale of sugar from deficit prorations imported from each such country during the most recent 12-month period for which data are available. Each foreign country which is unable to fill its quota including its deficit proration has the responsibility to notify the Secretary the extent of and reasons for such shortfall.

4. Section 811.83 is amended by amending paragraph (c) to read as follows:

§ 811.83 Quotas for foreign countries.

* * * * *

(c) For the calendar year 1970, the prorations to individual foreign countries other than the Republic of the Philippines pursuant to section 202 of the Act are shown in columns (1) and (2) of the following table. In column (3) deficit prorations in the quotas of Puerto Rico and the Virgin Islands amounting to 315,000 short tons, raw value, are herein prorated to Western Hemisphere countries listed in section 202(c)(3)(A) of the Act, on the basis of published quotas most recently in effect.

Countries	Basic quotas (1)	Temporary quotas and prorations pursuant to Sec. 202(d)[1] (2)	Deficit prorations (3)	Total quotas and prorations (4)
	(Short tons, raw value)			
Mexico	235,235	253,097	60,794	549,126
Dominican Republic	230,062	247,532	59,457	537,051
Brazil	230,062	247,532	59,457	537,051
Peru	183,501	197,435	47,424	428,360
British West Indies	91,903	75,277	21,101	188,281
Ecuador	33,475	36,016	8,651	78,142
French West Indies	28,919	23,679	6,638	59,227
Argentina	28,301	30,449	7,314	66,064
Costa Rica	27,084	29,141	6,999	63,224
Nicaragua	27,084	29,141	6,999	63,224
Colombia	24,345	26,194	6,292	56,831
Guatemala	22,823	24,556	5,899	53,278
Panama	17,042	18,335	4,404	39,781
El Salvador	16,737	18,008	4,326	39,071
Haiti	12,781	13,752	3,303	29,836
Venezuela	11,564	12,442	2,989	26,995
British Honduras	6,696	5,484	1,537	13,716
Bolivia	2,739	2,948	708	6,395
Honduras	2,739	2,948	708	6,395
Australia	109,553	89,157		198,710
Republic of China	45,647	37,149		82,796
India	43,821	35,663		79,484
South Africa	32,257	26,252		58,509
Fiji Islands	24,041	19,565		43,606
Thailand	10,043	8,173		18,216
Mauritius	10,043	8,173		18,216
Malagasy Republic	5,173	4,210		9,383
Swaziland	3,956	3,219		7,175
Ireland	5,351	0		5,351
Bahamas	10,000	0		10,000
Total	1,532,967	1,525,527	315,000	3,373,494

[1] Proration of the quotas withheld from Cuba and Southern Rhodesia.

(Secs. 201, 202, 204, and 403; 61 Stat. 923, as amended, 924, as amended, 925, as amended, 932; and 7 U.S.C. 1111, 1112, 1114, and 1153)

Effective date. This action increases quotas for the calendar year 1970 by 200,000 tons and prorates deficits of 315,000 tons to Western Hemisphere countries with sugar quotas in effect. In order to promote orderly marketing, it is essential that this amendment be effective immediately so that all persons selling and purchasing sugar for consumption in the continental United States can promptly plan and market under the changed marketing opportunities. Therefore, it is hereby determined and found that compliance with the notice, procedure, and effective date requirements of 5 U.S.C. 533 is unnecessary, impracticable, and contrary to the public interest and this amendment shall be effective when filed for public inspection in the Office of the Federal Register.

Signed at Washington, D.C., on May 18, 1970.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 70-6287; Filed, May 18, 1970; 2:33 p.m.]

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

[Navel Orange Reg. 210]

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

Limitation of Handling

§ 907.510 Naval Orange Regulation 210.

(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 regulation 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 May 19, 1970.

(b) *Order.* (1) The respective quantities of Navel oranges grown in Arizona and designated part of California which may be handled during the period May 22, 1970, through May 28, 1970, are hereby fixed as follows:

(i) District 1: 500,000 cartons;

(ii) District 2: Unlimited movement;

(iii) District 3: Unlimited movement.

(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: May 20, 1970.

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

[F.R. Doc. 70-6406; Filed, May 20, 1970; 11:16 a.m.]

[Valencia Orange Reg. 314]

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

Limitation of Handling

§ 908.614 Valencia Orange Regulation 314.

(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 May 19, 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 May 22, 1970, through May 28, 1970, are hereby fixed as follows:

(i) District 1: 252,000 cartons;

(ii) District 2: 301,000 cartons;

(iii) District 3: 147,000 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: May 20, 1970.

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

[F.R. Doc. 70-6405; Filed, May 20, 1970; 11:16 a.m.]

[Plum Reg. 6]

PART 917—FRESH PEARS, PLUMS, AND PEACHES GROWN IN CALIFORNIA

Regulation by Grade and Size

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 917, as amended (7 CFR Part 917), regulating the handling of fresh pears, plums, and peaches grown in the State 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 of the Plum Commodity Committee, established under the aforesaid amended marketing

agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the varieties hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) The recommendations by the Plum Commodity Committee reflect its appraisal of the plum crop and current and prospective market conditions. Shipments of earlier varieties of plums are expected to begin on or about May 22, 1970, and the size requirements provided herein are necessary to prevent the handling, from May 22 through October 31, 1970, of any plums smaller in size than is hereinafter specified, by count, for the named varieties. All shipments of California plums are currently regulated by grade through May 31, 1970, and the grade requirements specified herein for all varieties are necessary to prevent the handling, from June 1, 1970, through May 31, 1971, of any plums of a lower grade than is hereinafter specified. Furthermore, the grade and size requirements provided herein are necessary to provide consumers with good quality fruit consistent with (1) the overall quality of the crop, and (2) maximizing returns to the producers pursuant to the declared policy of the act.

(3) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this regulation until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) in that, as hereinafter set forth, the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than May 22, 1970. Shipments of plums are currently subject to regulation by grade pursuant to Plum Regulation 3 (34 F.R. 8151) through May 31, 1970, unless sooner terminated. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until May 13, 1970, on which date an open meeting was held, after giving due notice thereof, to consider the need for, and the extent of, regulation of shipments of such plums. 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; shipments of the current crop of such plums are expected to begin on or about the effective date hereof; this regulation should be applicable to all such shipments in order to effectuate the declared policy of the act; the provisions of this regulation are identical with the aforesaid recommendation of the committee; information concerning such provisions and effective time has been disseminated among handlers of such plums; and compliance with the provisions of this regulation will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

§ 917.420 Plum Regulation 6.

(a) Order: During the period June 1, 1970, through May 31, 1971, no handler shall ship any lot of packages or containers of any plums, other than the varieties named in paragraph (b) of this section, unless such plums grade at least U.S. No. 1.

(b) During the period June 1, 1970, through May 31, 1971, no handler shall ship:

(1) Any lot of packages or containers of Tragedy or Kelsey plums unless such such plums grade at least U.S. No. 1, with a total tolerance of 10 percent for defects not considered serious damage in addition to the tolerances permitted by such grade; or

(2) Any lot of packages or containers of Late Santa Rosa, Improved Late Santa Rosa, Casselman, Linda Rosa, Red Rosa, or Swall Rosa plums unless such plums grade at least U.S. No. 1, except that healed cracks emanating from the stem end which do not cause serious damage shall not be considered as a grade defect with respect to such grade; or

(3) Any lot of packages or other containers of Late Tragedy plums unless such plums grade at least U.S. No. 1, except that gum spots which do not cause serious damage shall not be considered as a grade defect with respect to such grade.

(c) During the period May 22, 1970, through October 31, 1970, no handler shall ship any package or other container of any variety of plums listed in column A of the following table I unless such plums are of a size that an 8-pound sample, representative of the sizes of the plums in the package or container, contains not more than the number of plums listed for the variety in column B of said table.

TABLE I

Column A variety	*Column B plums-per-sample*
Ace	55
Andy's Pride	71
Angelino	71
Beauty	91
Burmosa	58
Casselman	63
Duarte	62
El Dorado	68
Elephant Heart	53
Emily	59
Grand Rosa	54
July Santa Rosa	64
Kelsey	47
Laroda	56
Late Duarte	60
Late Santa Rosa (including Improved Late Santa Rosa and Swall Rosa)	64
Late Tragedy	101
Linda Rosa	63
Mariposa	61
Nubiana	56

TABLE 1—Continued

Column A variety	*Column B plums-per-sample*
Premier	102
President	57
Queen Ann	48
Red Beaut	91
Red Rosa	64
Red Roy	58
Royal Supreme	80
Santa Rosa	69
Sharkey	57
Sim-ka, Arrosa, New Yorker	48
Standard	83
Tragedy	111
Wickson	51

(d) When used herein, "U.S. No. 1" and "serious damage" shall have the same meaning as set forth in the U.S. Standards for Fresh Plums and Prunes (7 CFR 51.1520–1538); and all other terms shall have the same meaning as when used in the amended marketing agreement and order.

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

Dated: May 18, 1970.

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

[F.R. Doc. 70-6315; Filed, May 20, 1970; 8:52 a.m.]

[959.310 Amdt. 4]

PART 959—ONIONS GROWN IN SOUTH TEXAS

Limitation of Shipments

Findings. (a) Pursuant to Marketing Agreement No. 143 and Order No. 959, both as amended (7 CFR Part 959), regulating the handling of onions grown in designated counties in South Texas, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and upon the basis of the recommendation and information submitted by the South Texas Onion Committee, established pursuant to said marketing agreement and order, and upon other available information, it is hereby found that the amendment to the limitation of shipments regulation, hereinafter set forth, will tend to effectuate the declared policy of the act.

(b) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice or engage in public rule making procedure, and that good cause exists for not postponing the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, (2) compliance with this amendment will not require any special preparation on the part of handlers, and (3) this amendment relieves restrictions on the handling of onions grown in the production area.

Regulation, as amended.

In § 959.310 (34 F.R. 19290 and 35 F.R. 5607, 6312, 6748, and 7065) Limitation of Shipments, paragraph (e) is hereby further amended by adding an additional subparagraph, (6), to read as follows:

§ 959.310 Limitation of shipments.

* * * * *

(e) *Special purpose shipments and culls.* * * *

(6) *Experimental bulk shipment.* One ACF Conditionaire railroad car of onions may be shipped in bulk for experimental purposes exempt from the container requirements of paragraphs (c) and (e) of this section.

* * * * *

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

Effective Date. Issued May 15, 1970, to become effective upon issuance.

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

[F.R. Doc. 70-6261; Filed, May 20, 1970; 8:47 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—General Regulations Governing Price Support for the 1970 and Subsequent Crops

Correction

In F.R. Doc. 70-5797, appearing at page 7363, in the issue of Tuesday, May 12, 1970, the following changes should be made:

1. In § 1421.3:

a. The designation of "(a)" in the third line from the bottom in paragraph (a) should read "(2)".

b. In paragraph (d) the word "safe" in the first line on page 7364 should read "same".

2. In § 1421.4(d) the word "produced" in the sixth line of the paragraph should read "producer".

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 July 2, 1962 (21 U.S.C. 111–113, 114g, 115, 117, 120, 121, 123–126, 134b, 134f), Part 76, Title 9, Code of Federal Regulations, restricting the interstate movement of swine and certain products because of hog cholera and other communicable swine diseases, is hereby amended in the following respects:

1. In § 76.2, paragraph (e)(6) relating to the State of Massachusetts is amended to read:

(e) * * *

(6) *Massachusetts.* (i) That portion of Middlesex County comprised of Lincoln, Concord, and Waltham Townships.

(ii) That portion of Essex County comprised of Saugus Township.

2. In § 76.2, paragraph (e)(13) relating to the State of Rhode Island is amended to read:

(e) * * * (13) Rhode Island. Bristol, Kent, Newport, and Providence Counties.

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

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

The amendments exclude Bristol County, Mass., and Washington County, R.I., from the areas heretofore quarantined because of hog cholera. Therefore, the restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will not apply to the excluded areas, but will continue to apply to the quarantined areas described in § 76.2. Further, the restrictions pertaining to the interstate movement from nonquarantined areas contained in said Part 76 will apply to the excluded areas.

The amendments relieve certain restrictions presently imposed and must be made effective immediately 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 and unnecessary, 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 15th day of May 1970.

F. R. MANGHAM,
Acting Administrator, Agricultural Research Service.

[F.R. Doc. 70-6260; Filed, May 20, 1970; 8:47 a.m.]

SUBCHAPTER D—EXPORTATION AND IMPORTATION OF ANIMALS AND ANIMAL PRODUCTS

PART 97—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

Administrative Instructions Prescribing Commuted Travel Time Allowances

Pursuant to the authority conferred upon the Director of the Animal Health Division by § 97.1 of the regulations concerning overtime services relating to imports and exports (9 CFR 97.1), administrative instructions 9 CFR 97.2 (1969 ed.), as amended February 1, 1969 (34 F.R. 1586), June 3, 1969 (34 F.R. 8697), July 1, 1969 (34 F.R. 11081), August 1, 1969 (34 F.R. 12561), November 27, 1969 (34 F.R. 12661), and April 16, 1970 (35 F.R. 6175), prescribing the commuted travel time that shall be included in each period of overtime or holiday duty, are hereby amended by adding to or deleting from the respective "lists" therein as follows:

WITHIN METROPOLITAN AREA

ONE HOUR

Add: San Diego, Calif.

TWO HOURS

Add: Norfolk-Newport News, Va.

OUTSIDE METROPOLITAN AREA

TWO HOURS

Add: Bradley International Airport, Windsor Locks, Conn. (served from Hartford, Conn.).

THREE HOURS

Add: Bradley International Airport, Windsor Locks, Conn. (served from Middletown, Conn., and Storrs, Conn.).

FOUR HOURS

Add: Bradley International Airport, Windsor Locks, Conn. (served from Milford, Conn.).

These commuted travel time periods have been established as nearly as may be practicable to cover the time necessarily spent in reporting to and returning from the place at which the employee performs such overtime or holiday duty when such travel is performed solely on account of such overtime or holiday duty. Such establishment depends upon facts within the knowledge of the Animal Health Division.

It is to the benefit of the public that these instructions be made effective at the earliest practicable date. Accordingly, pursuant to 5 U.S.C. 553, it is found upon good cause that notice and public procedure on these instructions 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.

(64 Stat. 591, 7 U.S.C. 2260)

Effective date. This amendment shall become effective upon publication in the FEDERAL REGISTER.

Done at Hyattsville, Md., this 18th day of May 1970.

E. E. SAULMON,
Director, Animal Health Division, Agricultural Research Service.

[F.R. Doc. 70-6312; Filed, May 20, 1970; 8:51 a.m.]

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

PART 265—RULES REGARDING DELEGATION OF AUTHORITY

Competitive Factor Reports

1. Effective May 14, 1970, § 265.2(c) is amended by changing subparagraph (17) to read as follows:

§ 265.2 Specific functions delegated to Board employees and Federal Reserve Banks.

* * * * *

(c) The Director of the Division of Supervision and Regulation (or, in his absence, the Acting Director) is authorized:

* * * * *

(17) Under section 18(c)(4) of the Federal Deposit Insurance Act (12 U.S.C. 1848(c)(4)), to furnish to the Comptroller of the Currency and the Federal Deposit Insurance Corporation reports on competitive factors involved in a bank merger required to be approved by one of those agencies if each of the appropriate departments or divisions of the appropriate Federal Reserve Bank and the Board of Governors is of the view that the proposed merger either would have no adverse competitive effects or would have only slightly adverse competitive effects, and if no member of the Board has indicated an objection prior to the forwarding of the report to the appropriate agency.

* * * * *

2a. This amendment is designed to expedite processing of the competitive factor report required by the so-called "Bank Merger Act of 1960" where Federal Reserve staff views a proposed bank merger either as having no adverse competitive effects or as having only slightly adverse competitive effects.

b. The provisions of section 553 of title 5, United States Code, relating to notice and public participation and to deferred effective dates, were not followed in connection with the adoption of this amendment, because the rules contained therein are procedural in nature and accordingly do not constitute substantive rules subject to the requirements of such section.

By order of the Board of Governors, May 13, 1970.

[SEAL] NORMAND BERNARD,
Assistant Secretary.

[F.R. Doc. 70-6270; Filed, May 20, 1970; 8:48 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 9880; Amdts. Nos. 1-17; 71-6; 91-78]

PART 1—DEFINITIONS AND ABBREVIATIONS

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

PART 91—GENERAL OPERATING AND FLIGHT RULES

Terminal Control Areas

The purpose of these amendments to the Federal Aviation Regulations is to prescribe air traffic rules for the separation, segregation and control of aircraft operated within "Terminal Control Areas."

The procedural history preceding the issuance of this rule has a direct effect upon the development of this amendment, and to the extent deemed necessary for purposes of this rule-making action, is summarized as follows: On September 30, 1969, the FAA issued a notice of proposed rule making (69-41, 34 F.R. 15252) in which it defined the concept of a terminal control area. It was indicated in the notice that the FAA would issue separate notices proposing airspace configurations at 22 designated terminal areas. To insure that the FAA obtained maximum public participation in this undertaking, 22 separate public hearings were conducted at the designated areas to openly discuss these proposals with the local user groups. As a result of these public hearings and the views expressed in the written comments to the Docket, which exceeded 1,800 in number, it became evident to the FAA that even though there was general agreement among individual users and user groups that something must be done to create a safer environment in the congested terminal areas, there was substantial disagreement over the best method to achieve this result.

Because of the public reaction to the proposal issued in Notice 69-41, the entire matter was carefully restudied. During the course of this study, careful analysis was made of the comments received from the public, to the end that a terminal area plan would be designed that would provide within the present air traffic control capability, the safest and most efficient terminal area environment possible.

On March 11, 1970, Notice 69-41B was issued (35 F.R. 4519). In that document the FAA explained in detail that because conditions vary sufficiently among the 22 hub airports, it would be inappropriate to have one set of rules applicable to all 22 locations regardless of the volume and complexity of the air traffic situation. For the purpose of designing operating rules that were better scaled to the individual needs of particular locations, the FAA divided the terminal control area proposed for these locations into two groups, designated as Group I and Group II.

At this point, it appears appropriate to consider one of the more common written complaints made to the FAA by commentators in response to Notice 69-41B. These commentators, in varying degrees, stated that the proposal indicated favoritism toward the airlines over general aviation. Favoritism is not involved since that notice has been designed solely because of safety requirements. The Group I Terminal Control Areas represent 10 of the busiest locations in terms of aircraft operations and passengers carried, and it is necessary for safety reasons to have stricter requirements for operation within the terminal control areas at those locations than at other locations. The density of air traffic at all Group I locations consists of at least 300,000 operations per year, with more than 60 percent of this traffic involving air carrier operations. These Group I locations have a yearly minimum of 3.5 million enplaned passengers. It was noted in Notice 69-41, when referring to the Midair Collision Study Program, that 97 percent of the terminal area incidents occurred below 8,000 feet above ground level, and that the vast majority involved conflict between general aviation aircraft and either an air carrier, military or another general aviation aircraft. It was also highlighted that the mix of uncontrolled VFR and controlled IFR aircraft was a basic causal factor of these air traffic conflicts. Since at the Group I locations the density of air traffic is greater, and 60 percent of this traffic involves air carrier passenger operations, conflicts resulting from the above described mixture of air traffic have the greatest potential to cause a midair collision of catastrophic proportions. Accordingly, the FAA deemed it essential, at Group I locations, to impose maximum safety requirements. Thus, traffic will be segregated based on more stringent equipment and piloting requirements at the designated Group I Terminal Control Areas.

The Group II locations are generally less busy in terms of aircraft operations and passengers carried. There is small percentage of use by air carriers and a larger use by slower, more maneuverable aircraft at these locations. Based on these factors, and because the speed and operating characteristics are not as critical from an operational or air traffic standpoint, less stringent equipment and piloting requirements are needed to achieve a safe environment in Group II Terminal Control Areas.

Many of those who claimed that the FAA was favoring the airlines over general aviation linked the transponder requirement with the criticism of favoritism. As the FAA understands this criticism, it is claimed that since transponders and positive control go hand in hand, the light airplane operator will be required to unnecessarily purchase expensive equipment or refrain from operating within a terminal control area; and since the VFR pilot can maintain separation from other aircraft using the see and be seen principle, he is being

unjustifiably discriminated against. At this point, it appears necessary to again emphasize that near misses and midair collisions have resulted primarily because of the random mix of uncontrolled VFR and IFR traffic. Because this finding has always been supported by the results of appropriate accident investigation studies, near miss report studies, and independent expert opinion, the FAA rejects the recommendation that aircraft separation unilaterally achieved by a VFR pilot using the see and be seen principle will meet the acceptable safety standard required for operation within a Group I Terminal Control Area environment. Additionally, because the Group I Terminal Control Area environment primarily accommodates a more sophisticated type aircraft, each of which will be assured of positive separation from the other aircraft, the benefits of immediate identification of aircraft and target reinforcement offered by a transponder will obviously enhance safety. Also of importance is the fact that much of the so-called general aviation fleet is presently equipped with transponders and satisfactorily satisfies the equipment requirements for operating within a Group I Terminal Control Area.

Finally, the FAA, in an attempt to impose as little restraint as possible upon the operators of aircraft, deliberately separated out for more lenient operating requirements (including that of not requiring a transponder) 14 locations now designated as Group II Terminal Control Areas. The FAA will continue to study the 24 designated Group I and II locations and, if appropriate, may reclassify any of these locations or remove them from regulatory restraint.

One other general type criticism of the transponder requirement related to an opinion that the returns would saturate the ground radar. The fear was expressed that numerous secondary radar returns will block out the scope completely. This problem was anticipated, and both electronic and procedural techniques exist to avoid the occurrence of such an event.

The balance of critical comments to this notice generally fall into four categories:

1. The lack of standardization of airspace configuration and the complexity of the Terminal Control Areas.

2. The imposition of an additional, unnecessary workload on the controller.

3. The compression of VFR traffic at the edges and under the Terminal Control Areas.

4. The preference for climb and descent corridors. Each criticism will be responded to specifically hereunder.

1. *The lack of standardization of the airspace configuration and the complexity of the Terminal Control Areas.* In general, pilots who made this type of comment were of the view that unless there is some standardization of the airspace configurations, a pilot may not be aware when he inadvertently penetrates a terminal control area, or know when to vary altitudes in order to stay beneath the floors of the terminal control area. It was asserted that a lack of standardization into two or three basic types will result in inevitable confusion and cause the entire operation to be too complex. In order to effectively design a safe and efficient terminal control area, it is necessary to tailor the airspace configuration to the particular needs of that area. Included in each consideration are the types of aircraft used and nature of air operations at the airports within a terminal control area, the adaptation of the facilities at the airports and the navigational aids available for use at that location, and the air traffic capability to meet the needs of the terminal control area concept. Since each of these factors may vary at different locations, the design of each terminal control area airspace configuration must vary. Accordingly, there can be little, if any, standardization in the airspace configurations. The FAA recognizes that as a result of tailoring the airspace to the specific needs of each location, some further complexity has been added to the terminal control area configuration. However, to ease the situation and assist the pilot, new local area charts will be published at each location where a terminal control area is designated. The sectional and en route charts will carry notations advising the existence of terminal control areas, and a description and graphic illustration will be inserted in the Airman's Information Manual. Also, the FAA is planning an educational program to familiarize aviation personnel with the terminal control area concept and operation.

2. *The imposition of an additional, unnecessary workload on the controller.* In general terms, those making this type of comment expressed the fear that an additional controller workload would naturally result if VFR traffic was placed under positive control. This, it was asserted, would have the effect of eliminating most of the VFR traffic since the controller would first handle the IFR traffic. Again, it must be emphasized that the requirements for terminal control areas are established for reasons of safety. If the requirements of the system should prevent the present controller force from handling as much traffic as it did before the terminal control area concept became operational, then the reduction in capacity must be made for the benefit of safety. The metering effect may result in some increased delays, but this will be more than offset by the assurance for increased safety. Regardless of whether this rule will result in increased delays, all traffic will continue to be handled on a "first-come first-served" basis.

3. *The compression of VFR traffic at the edges and under the Terminal Control Areas.* The notice has been criticized because in the opinion of some commentators the rule, if adopted as proposed, will create an undue compression of VFR traffic at dangerously low altitudes under the shelf of the Terminal Control Area. Mixed with this position is the added claim that the problem of congestion will be further increased by the compression of traffic at the VFR entry points. The problem of compression at the sides and under the terminal control areas has been often mentioned and discussed, as has the problem concerning congestion at the entry points. If entry points are recommended, they will not necessarily be used as funneling points for VFR traffic nor will their use be mandatory. They will be published so the pilot can report with respect to them and aid the controller in maintaining a smooth flow of traffic. There will be some compression under the TCA shelves. However, every attempt will be made to establish the floors of terminal control areas as high as possible. Also, a 200-knot speed limit has been imposed in the airspace underlying the terminal control areas. This speed limit also applies to the free VFR corridors that may be designated through some of the areas.

4. *The preference for climb and descent corridors.* Numerous individuals and organizations have recommended that the FAA adopt a "climb and descent corridor" concept rather than a "wedding cake" type configuration as the basic design figure for the airspace allocation. Those recommending adoption of the corridor concept have provided the FAA with suggested dimensions of the corridors. Some have recommended that the corridors take the form of very narrow extensions that start at the end of each airport runway and extend outwardly and up to certain limits. Others, in varying degree, have recommended corridors that start at the end of each runway and then fan up and out at various angles to a given distance from the airport. In some examples provided the FAA, the suggested corridors fan out to such a degree that the airspace described resembles that of a "wedding cake" profile. The FAA believes that much of the controversy involved in this subject has resulted from involvement with semantics rather than approaching the problem head-on to obtain a solution. What is really necessary is to allocate that amount of airspace necessary at a particular locality to implement the terminal control area concept. After study, it is concluded that the overall airspace description of a terminal control area may be best described as a "corridor-cake" type configuration, because at any given location the airspace allocation may be part wedding cake and part corridors or, for that matter, any type of airspace configuration that will satisfy the requirements of a terminal control area. It is the view of the FAA that the "corridor-cake" concept will provide the necessary flexibility and capability to enable air triffic control to handle a greater variety of traffic mix without suffering a drastic loss of capability. If the FAA adopted a rule that only "climb and descent corridors" would be used in a terminal control area, it would result in a reduced air traffic control capability to maintain an efficient flow of air traffic and it would not provide the airspace necessary to effectively

and efficiently satisfy the need for vectoring, sequencing and metering the flow of air traffic at many of the 24 high density terminal areas under consideration. Most certainly, the use of corridors alone would result in a drop in the capacity for most terminal areas because of the different performance characteristics of the various aircraft that would be using the corridors.

Several commentators questioned the requirement that helicopters have operable VOR or TACAN receivers since these aircraft operate in a unique manner and at low altitudes where no signal coverage exists. Because of the uniqueness of the helicopter and the manner in which it is operated, the proposal has been modified to exempt helicopters from the requirement.

Interested persons have been afforded an opportunity to participate in the making of these amendments, and due consideration has been given to all matters presented.

In consideration of the foregoing, Parts 1, 71, and 91 of the Federal Aviation Regulations are amended, effective June 25, 1970, as hereinafter set forth.

1. § 1.1, General Definitions, the definition of "controlled airspace" is amended to read:

"Controlled airspace" means airspace designated as a continental control area, control area, control zone, terminal control area, or transition area, within which some or all aircraft may be subject to air traffic control.

2. Part 71 is amended as follows:

a. By adding a new paragraph (c) to § 71.1, to read as follows:

§ 71.1 Applicability.

* * * * *

(c) The airspace assignments described in Subpart K of this part are designated as terminal control areas.

b. By adding a new § 71.12, to read as follows:

§ 71.12 Terminal control areas.

The terminal control areas listed in Subpart K of this part consist of controlled airspace extending upward from the surface or higher to specified altitudes, within which all aircraft are subject to operating rules and pilot and equipment requirements specified in Part 91 of this chapter. Each such location is designated as a Group I or Group II Terminal Control Area, and includes at least one primary airport around which the terminal control area is located.

c. By adding a new Subpart K to read as follows: Subpart K—*Terminal Control Areas.*

3. Part 91 is amended as follows:

a. By adding the following phrase immediately before the semicolon at the end of subparagraph (b)(1) of § 91.1; "and with §§ 91.70(c) and 91.90 of Subpart B."

b. By adding a new paragraph (c) immediately following paragraph (b) of § 91.70 to read as follows:

§ 91.70 Aircraft Speed.

* * * * *

(c) No person may operate aircraft in the airspace beneath the lateral limits of any terminal control area at an indicated airspeed of more than 200 knots (230 m.p.h.).

* * * * *

c. By adding a new § 91.90 after § 91.89 as follows:

§ 91.90 Flight in terminal control areas; operating rules and pilot and equipment requirements.

(a) *Group I terminal control areas*—(1) *Operating rules.* No person may operate an aircraft within a Group I terminal control area designated in Part 71 of this chapter except in compliance with the following rules:

(i) No person may operate an aircraft within a Group I terminal control area unless he has received an appropriate authorization from ATC prior to the operation of that aircraft in that area.

(ii) Unless otherwise authorized by ATC, each person operating a large turbine engine powered airplane to or from a primary airport shall operate at or above the designated floors while within the lateral limits of the terminal control area.

(2) *Pilot requirements.* The pilot in command of a civil aircraft may not land or take off that aircraft from an airport within a Group I Terminal Control Area unless he holds at least a private pilot certificate.

(3) *Equipment requirements.* Unless otherwise authorized by ATC in the case of in-flight failure, no person may operate an aircraft within a Group I Terminal Control Area unless that aircraft is equipped with—

(i) An operable VOR or TACAN receiver (except in the case of helicopters);

(ii) An operable two-way radio capable of communicating with ATC on appropriate frequencies for that terminal control area; and

(iii) An operable radar beacon transponder having at least a Mode A/3 64-code capability, replying to A/3 interrogation with the code specified by ATC. This requirement is not applicable to helicopters operating within the terminal control area, or to IFR flights to or from an airport other than the primary airport.

(b) *Group II terminal control areas*—(1) *Operating rules.* No person may operate an aircraft within a Group II terminal control area designated in Part 71 of this chapter except in compliance with the following rules:

(i) No person may operate an aircraft within a Group II terminal control area unless he has received an appropriate authorization from ATC prior to the operation of that aircraft in that area.

(ii) Unless otherwise authorized by ATC, each person operating a large turbine engine powered airplane to or from a primary airport shall operate at or above the designated floors while within the lateral limits of the terminal control area.

(2) *Equipment requirements.* Unless otherwise authorized by ATC in the case of in-flight failure, no person may operate an aircraft within a Group II terminal control area unless that aircraft is equipped with—

(i) An operable VOR or TACAN receiver (except in the case of helicopters);

(ii) An operable two-way radio capable of communicating with ATC on the appropriate frequencies for that terminal control area; and

(iii) An operable coded radar beacon transponder having at least a Model A/3 64-code capability, replying to A/3 interrogation with the code specified by ATC. This requirement is not applicable to helicopters or VFR aircraft operating within the terminal control area, or to IFR flights to or from an airport other than the primary airport.

(Secs. 307 (a) and (c), and 313, Federal Aviation Act of 1958; (49 U.S.C. 1348 (a) and (c), 1354(a); sec. 6(c) Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Washington, D.C., on May 19, 1970.

J. H. SHAFFER,
Administrator.

[F.R. Doc. 70-6327; Filed, May 20, 1970; 8:52 a.m.]

[Airspace Docket No. 69-WA-32]

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

Designation of Terminal Control Area at Atlanta, Ga.

On October 14, 1969, a notice of proposed rule making (Airspace Docket No. 69-WA-32; 34 F.R. 15805) was published stating that the Federal Aviation Administration was considering the establishment of a Terminal Control Area (TCA) for Atlanta, Ga. Proposed rules for the control and operation of aircraft operating within terminal control areas were published separately in Notice No. 69-41 (34 F.R. 15252).

Following these issuances, a public hearing was held in Atlanta, Ga., at which both notices were discussed. As a result of this and other meetings with users, supplemental notices were issued on both Atlanta and the enabling rule (Notice 69-41B) on March 13, 1970. The air traffic rules for the control and operation of aircraft within TCAs become effective June 25, 1970.

A meeting was held in Atlanta on March 24, 1970, with approximately 30 local representatives of Atlanta aviation user groups to discuss and modify the proposal contained in Notice No. 69-WA-32. Only minor changes to the Notice were proposed by the group. The FAA has incorporated these suggested changes into this amendment.

Four comments were received on this docket that specifically dealt with the Atlanta airspace proposal. Two were from individuals and two from organizations. One of the organizational comments was from the Atlanta Joint Council Office of the Airline Pilots Association which objected to the concept in its entirety and recommended designation of a 20-mile radius of any high

density airport and require positive control of all aircraft within that area with no exceptions. This is considered too restrictive and basically unnecessary. The other organizational comment was from the Southern Regional Operations Office of the Air Transport Association (ATA). That office, together with the Washington office of ATA, generally favored the TCA concept. However, in connection with this docket, it is claimed that the area is too complicated and that safety is diminished by allowing a free corridor through the area between 4,200 feet MSL and 6,000 feet MSL. It is their recommendation that a modification of the Terminal Radar Service Area (TRSA) Stage III program would be preferable to the TCA. This modification would make pilot participation mandatory in the TRSA and require a transponder for all aircraft. There is little reason to adopt this suggestion because in most respects, a compulsory TRSA and TCA are virtually impossible to distinguish. Adoption of this suggestion would result in the imposition of more restrictions on the public than the present proposal since the VFR corridor would be eliminated and all aircraft would require a transponder. Again, this is considered overly restrictive and unnecessary.

The individual comments, though labeled as aimed at Notice No. 69-WA-32, were general in nature and related primarily to Notice No. 69-41B. The complaint most germane hereto has to do with the complexity of the proposed airspace. The complicated area is a result of attempting to tailor the airspace to special requirements of a specific area. The complexity is a necessary requirement if we are to insure that no more airspace than is necessary will be designated as a terminal control area.

In consideration of the foregoing and for reasons stated in Notices 69-41 and 69-41B, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., June 25, 1970, as hereinafter set forth by adding a new § 71.401 as follows:

§ 71.401 Designation of terminal control areas.

The parts of the airspace described below are designated as terminal control areas. The primary airport or airports for each terminal control area are also designated. Except as otherwise specified, all mileages are nautical miles.

(a) Group I, Terminal Control Areas:

ATLANTA, GA., TERMINAL CONTROL AREA

Primary Airport. 1. Atlanta Airport (lat. 33°38'42" N., long. 84°25'37" W.)

Boundaries. That airspace up to and including 8,000 feet MSL—

1. *Area A.* That airspace extending upward from the surface within a 7-mile radius of Atlanta Airport, and within 2 statute miles each side of the 267° M radial of Rex VOR extending from the 7-mile radius to Rex VOR; excluding the Fulton County control zone and the airspace from 4,200 feet MSL to 6,000 feet MSL between the 178° M radial of Fulton County VOR and a line 3 miles east of and parallel to the centerline of V97;

2. *Area B.* That airspace extending upward from 2,500 feet MSL within the area on the east bounded by Area A, a line 4 miles north of and parallel to the extended centerline of runway 27R, a 12-mile arc of Atlanta Airport, and a line 3 miles east of and parallel to the centerline of V97; and within the area on the west bounded by Area A, a line 4 miles south of and parallel to the extended centerline of Runway 9R, a 12-mile arc of Atlanta Airport, and a line 4 miles north of and parallel to the extended centerline of Runway 9L; excluding the Fulton County Control Zone;

3. *Area C.* That airspace extending upward from 3,500 feet MSL within the area on the east bounded by Area A, Area B, a line 1 mile south of and parallel to the 090° M radial of Fulton County VOR, a 20-mile arc of Atlanta Airport, and a line 3 miles east of and parallel to the centerline of V97; and within the area on the west bounded by Area A, Area B, a line 1 mile south of and parallel to the 270° M and 090° M radials of Fulton County VOR, a 20-mile arc of Atlanta Airport, a line 2 miles north of and parallel to the centerline of V20 north, and the 178° M radial of Fulton County VOR;

4. *Area D.* That airspace extending upward from 6,000 feet MSL within the area on the south bounded by Area A, Area B, and Area C and a 20-mile arc of Atlanta Airport; and the area on the north bounded by Area A, Area C, and a 20-mile arc of Atlanta Airport, excluding the Dobbins AFB control zone and the area north of the 259° M radial of Norcross VOR.

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

Issued in Washington, D.C., on May 19, 1970.

J. H. SHAFFER,
Administrator.

[F.R. Doc. 70-6328; Filed, May 20, 1970; 8:52 a.m.]

[Airspace Docket No. 70-SW-14]

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

Designation of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to designate the De Ridder, La., transition area.

On March 28, 1970, a notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 5264) stating the Federal Aviation Administration proposed to designate a 700-foot transition area at De Ridder, La.

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

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., July 23, 1970, as hereinafter set forth.

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

DE RIDDER, LA.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Beauregard Parish Airport (lat. 30°50'00" N., long. 93°20'00" W.), and within 3.5 miles each side of the 347° bearing from the De Ridder RBN (lat. 30°50'00" N., long. 93°20'-00" W.) extending from the 5-mile radius area to 11.5 miles north of the RBN.

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

Issued in Fort Worth, Tex., on May 8, 1970.

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

[F.R. Doc. 70-6297; Filed, May 20, 1970; 8:50 a.m.]

[Airspace Docket No. 70-SO-7]

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

Alteration of Control Zone and Transition Area

On April 3, 1970, a notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 5557), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Memphis, Tenn., 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., July 23, 1970, as hereinafter set forth.

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

MEMPHIS, TENN.

Within a 5-mile radius of the Memphis International Airport (lat. 35°03'00" N., long. 89°58'15" W.); excluding the portion within a 1-mile radius of Desoto Air Park, Horn Lake, Miss. (lat. 34°59'15" N., long. 90°01'55" W.).

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

MEMPHIS, TENN.

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Memphis International Airport (lat. 35°03'00" N., long. 89°58'15" W.); within 4.5 miles each side of Memphis ILS localizer east course, extending from the 8.5-mile radius area to Holly Springs, Miss., VOR 328° radial; within 3 miles each side of Memphis ILS localizer south course, extending from the 8.5-mile radius area to 8.5 miles south of the LOM; within 3 miles each side of Memphis ILS localizer west course, extending from the 8.5-mile radius arc to 8.5 miles west of the LOM; within a 6.5-mile radius of Twinkle Town Airport (lat. 34°55'45" N., long. 90°10'05" W.); within 1.5 miles each side of Memphis VORTAC 265° radial, extending from the 6.5-mile radius area to the VORTAC; within a 6.5-mile radius of West Memphis Municipal Airport (lat. 35°08'24" N., long. 90°14'00" W.); within 3 miles each side of Memphis VORTAC 311° radial, extending from the 6.5-mile radius area to 32.5 miles northwest of the VORTAC; within 3 miles each side of the 187° and 352° bearings

from West Memphis RBN (lat. 35°08'20" N., long. 90°14'02" W.), extending from the 6.5-mile radius area to 8.5 miles north and south of the RBN; and that airspace extending upward from 1,200 feet above the surface in the State of Arkansas northwest of Memphis bounded on the north by V-140, on the east by the Arkansas-Tennessee State boundary, on the south by V-54N, and on the west by V-69.

(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 May 13, 1970.

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

[F.R. Doc. 70-6252; Filed, May 20, 1970; 8:47 a.m.]

[Airspace Docket No. 70-EA-28]

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

Alteration of Control Zone

The Federal Aviation Administration is amending § 71.171 of Part 71 of the Federal Aviation Regulations so as to alter the Manchester, N.H., control zone (35 F.R. 2097). Effective 0401 G.m.t., May 28, 1970, the hours of the Manchester Airport Traffic Control Tower, Grenier Field, Manchester, N.H., will be changed from 24 hours daily to 0600 to 2400 hours, local time, daily. Since the weather observation and reporting requirements to support the Manchester, N.H., control zone will be available only during the times the Manchester Tower is operating, we will require alteration of the control zone hours of designation to reflect this change.

Since the foregoing regulation is relaxatory in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days. In view of the foregoing, § 71.171 of Part 71 of the Federal Aviation Regulations is amended by altering the Manchester, N.H., control zone as hereinafter follows effective 0401 G.m.t., May 28, 1970:

1. Add the following sentence to the description: "This control zone is effective from 0600 to 2400 hours, local time, daily or during the specific dates and times established in advance by a Notice to Airmen, which thereafter will be continuously published in the Airman's Information Manual."

(Sec. 307(a), Federal Aviation Act of 1958, 72 Stat. 749; 49 U.S.C. 1348, sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on May 1, 1970.

GEORGE M. GARY,
Director, Eastern Region.

[F.R. Doc. 70-6253; Filed, May 20, 1970; 8:47 a.m.]

[Airspace Docket No. 69-SO-160]

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Areas

On February 21, 1970, a notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 3297) stating that the Federal Aviation Administration was considering amending Part 73 of the FARs to alter the designated altitudes and times of designation of Restricted Areas R-7101 Culebra Island, P.R., and R-7104 Vieques Island, P.R., and designate a controlling agency for both areas.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. No comments were received.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., July 23, 1970, as hereinafter set forth.

1. R-7101 (35 F.R. 2356) is amended to read:

R-7101 CULEBRA ISLAND, P.R.

Boundaries. The airspace over Culebra Island and the surrounding waters extending to the 3-nautical-mile limit from the shoreline.
Designated altitudes. Surface to FL 500.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, San Juan ARTC Center.
Using agency. Commander, Caribbean Sea Frontier, San Juan, P.R.

2. R-7104 (35 F.R. 2356) is amended to read:

R-7104 VIEQUES ISLAND, P.R.

Boundaries. The airspace over Vieques Island and the surrounding waters extending to the 3-nautical-mile limit from the shoreline.
Designated altitudes. Surface to FL 500.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, San Juan ARTC Center.
Using agency. Commander, Caribbean Sea Frontier, San Juan, P.R.

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

Issued in Washington, D.C., on May 14, 1970.

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

[F.R. Doc. 70-6254; Filed, May 20, 1970; 8:47 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 8767]

PART 13—PROHIBITED TRADE PRACTICES

Allied Chemical Corp. and Jim Robbins Seat Belt Co.

Subpart—Acquiring corporate stock or assets: § 13.5 *Acquiring corporate stock or assets;* 13.5-20 Federal Trade Commission Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 7, 38 Stat. 731, as amended; 15 U.S.C. 45, 18) [Order of divestiture, Allied Chemical Corp. et al., New York, N.Y., Docket No. 8767, Apr. 29, 1970]

In the Matter of Allied Chemical Corp., a Corporation; and Jim Robbins Seat Belt Co., a Corporation

Order requiring a major manufacturer and distributor (Allied) of chemical products, including synthetic fibers, and a Mount Clemens, Mich., manufacturer (Robbins) of automotive safety seat belts, to divest themselves of all their assets used in the manufacture of seat belt webbing, and that for a period of 10 years they purchase 80 percent of their United States requirements of webbing from suppliers other than Allied.

The order of divestiture, is as follows:

A. It is ordered, That Allied Chemical Corp., a corporation ("Allied"), and Jim Robbins Seat Belt Co., a corporation ("Robbins"), their successors and assigns, on or before April 30, 1971, shall divest absolutely and in good faith, subject to approval of the Commission, all assets owned or used by Allied or Robbins as of the date of this order in the manufacture in the United States of webbing for use in automotive safety seat belts ("webbing"). The assets to be divested in accordance with this paragraph A ("the Assets") shall not include any general purpose assets not an integral part of the webbing manufacturing operations (including, but not limited to, fork lift trucks, overhead cranes and similar equipment, real property, building improvements and fixtures) owned by Robbins and located in Mount Clemens, Mich. The Assets shall include Robbins' leasehold interest in a plant leased from Comfort-Craft, Inc., located in Hialeah, Fla., subject to any necessary consents to the assignment thereof.

B. It is further ordered, That, pending divestiture, Allied or Robbins shall not make any change in any of the Assets which shall impair its utility for the production of webbing or its market value: *Provided*, That all or some of the Assets may be relocated in connection with their divestiture.

C. It is further ordered, That, for a period of ten (10) years from April 1, 1971, Allied and Robbins shall purchase at least eighty (80) percent of their U.S. requirements for webbing for use in the manufacture of automotive safety seat belts ("belts") for the 1972 automotive model year and for each automotive model year thereafter from suppliers other than Allied, its affiliates and subsidiaries and shall not purchase more than forty-five (45) percent of their U.S. webbing requirements for any automotive model year from any one manufacturer of webbing. During this 10-year period, the use of Allied automotive safety seat belt yarn ("yarn") shall not be a prerequisite for supplying Robbins and the

relationship of the yarn manufacturer to Robbins shall not be a factor in Robbins' selection of webbing.

D. It is further ordered, That, for a period of ten (10) years from the effective date of this order, neither Allied nor Robbins shall sell, transfer, or otherwise assign any assets used or owned by Allied or Robbins in connection with the manufacture in the United States of belts to any foreign subsidiary, affiliate, or division of Allied: *Provided,* That Allied or Robbins may transfer such assets so long as subsequent to such transfer at least seventy-five (75) percent of the total worldwide production of belts of Allied, its subsidiaries, affiliates, and divisions is produced in the United States by Allied or Robbins or such transfer does not result in a decrease of the capacity of Allied or Robbins to produce belts in the United States.

The provisions of the foregoing paragraph will be inapplicable to the extent that the belt customers of Allied or its subsidiaries request that an increased proportion of their belt requirements to be supplied by Allied or its subsidiaries be manufactured outside the United States or to the extent that the ability of Allied or Robbins to manufacture belts in the United States is affected by flood, fire, lockout, strike, riot, act of war, embargoes or other import or export restrictions or other similar event requiring an increase of production outside the United States.

E. It is further ordered, That, if the consideration received for the divestiture made pursuant to this order is not entirely cash, nothing in this order shall be deemed to prohibit Allied or Robbins from accepting and enforcing a lien, mortgage, pledge, deed of trust, or other security interest for the purpose of securing full payment of the price, with interest and costs, received by Allied or Robbins in connection with the divestiture. If, after divestiture in accordance with the provisions of this order, Allied or Robbins, by enforcement of such security interest, regains direct or indirect ownership or control of any portion of the Assets, said ownership or control shall be redivested subject to the provisions of this order and within such reasonable period of time as the Commission shall approve.

F. It is further ordered, That:

(1) Pending the divestiture ordered by paragraph A of this order, Allied and Robbins shall cease and desist from acquiring, directly or indirectly, through subsidiaries or otherwise, any assets used by any other concern in the manufacture in the United States of yarn, webbing or belts or the stock or share capital of any other concern engaged in such manufacture; and

(2) Without regard to any other provision of this order, for a period of ten (10) years from April 30, 1971, Allied and Robbins shall cease and desist from the manufacture in the United States of webbing and from acquiring, directly or indirectly, through subsidiaries or otherwise, without the prior approval of the Federal Trade Commission, any assets used by any other concern in the manufacture in the United States of yarn, webbing or belts or the stock or share capital of any other concern engaged in such manufacture;

Provided, That nothing in this order shall prevent Allied or Robbins, from acquiring, directly or indirectly, through subsidiaries or otherwise, by purchase, lease, license or otherwise, assets, tangible or intangible, in the normal course of business or patents, trademarks or technology for use in the manufacture, distribution and sale of yarn and belts: *Provided,* That Allied shall notify the Commission of any such acquisition other than purchases of belts, webbing or other component parts or raw materials whenever the consideration therefor exceeds $200,000 within thirty (30) days of such event: *And provided further,* That nothing herein shall prevent the purchase of any stock or share capital of any concern engaged in the manufacture of yarn or belts for investment by or for any employee benefit plan, charitable trust, or similar entity established by Allied, Robbins, or any of their subsidiaries or affiliates.

G. It is further ordered, That Allied and Robbins shall submit to the Commission (i) within thirty (30) days after having been informed in writing by a person or concern that it has an interest in purchasing the Assets, the name and address of such person or concern, (ii) within ninety (90) days from the date of service of this order and every ninety (90) days thereafter, a report in writing setting forth its efforts and progress in carrying out the divestiture requirements of this order until the Assets have been divested with the approval of the Commission, and (iii) for a period of ten (10) years from the date of divestiture pursuant to this order, on July 1 of each year, a report in writing setting forth their compliance with the provisions of paragraphs C (with respect to the last preceding automotive model year), D and F of this order.

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

I. *It is further ordered,* That Allied shall forthwith distribute a copy of this order to each of its operating divisions and to each concern known by Allied or Robbins to have been a source of webbing approved by U.S. automobile manufacturers at any time since January 1, 1967.

By "Final Order" further order requiring report of compliance is as follows:

It is further ordered, That the time within which respondents shall begin submitting the compliance reports ordered in paragraphs G and H of the order, as set forth in the initial decision, shall commence with the service of this order upon respondents.

Issued: April 29, 1970.

By the Commission.

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

[F.R. Doc. 70-6235; Filed, May 20, 1970; 8:45 a.m.]

[Docket No. 8749 o.]

PART 13—PROHIBITED TRADE PRACTICES

Star Office Supply Co. et al.

Subpart—Enforcing dealings or payments wrongfully: § 13.1045 *Enforcing dealings or payments wrongfully.* Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception.* Subpart—Misrepresenting oneself and goods—Business status, advantages or connections: § 13.1390 *Concealed subsidiary, fictitious collection agency, etc.;* § 13.1397 *Customer connection:* § 13.1425 *Government connection:* Misrepresenting oneself and goods—Goods: § 13.1632 *Government endorsement or recommendation.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1882 *Prices;* § 13.1886 *Quality, grade or type.* Subpart—Shipping, for payment demand, goods in excess of or without order: § 13.2195 *Shipping, for payment demand, goods in excess of or without order:* 13.2195-40 "Padded" order goods.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Star Office Supply Co. et al., New York, N.Y., Docket No. 8749, Apr. 16, 1970]

In the Matter of Star Office Supply Co., a Corporation, and Henry Pinkwater, Individually and as an Officer of Said Corporation and Doing Business as Pioneer Credit Co., and, With Other Individuals, Doing Business Under Various Fictitious Trade Names

Order requiring a New York City distributor of stationery and office supplies to cease allowing their salesmen to falsely imply they have been recommended by officials of prospective purchasers' firms, falsely claiming connection with Government agencies, padding quantities of ordered merchandise, failing to furnish firm unit prices, substituting merchandise, refusing to accept cancellation of orders, and falsely claiming that overdue accounts have been assigned to a third party collection agency.

The order to cease and desist is as follows:

It is ordered, That respondents Star Office Supply Co., a corporation, and its officers, and Henry Pinkwater as an officer of said corporation, as an individual trading and doing business as Pioneer Credit Co., and as an individual or in conjunction with others doing business as Century Supply Co., Central Stationery Co., Dorex Office Supply Co., Kent Supply Co., Normandy Office Supply Co., Office Systems, Oxford Systems, Pioneer Supply Co., Wald Office Supply Co., York

Supply Co. or under any other trade name or names, and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of stationery, office supplies or other products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, that they have been recommended by persons or officials in the prospective purchasers' firm or of any of its branches, or of its affiliated, or associated firms; or that they have a personal or other relationship with any such person or official, or representing by any method or means that they have the endorsement or approval of any person or official.

2. Representing, directly or by implication, that they have past or prospective association with organizations or branches of the U.S. Departments of State or Defense, the United Nations, Radio Free Europe, or with patriotic or public service organizations or any other organization or agency.

3. Representing, directly or by implication, that they are liquidating stocks of such products, or are engaged in the sale or distribution of distress merchandise.

4. Furnishing to others engaged in the sale of merchandise distributed by any respondent, the means, instrumentalities, services or facilities by or through which they may make any of the representations prohibited by parts 1 to 3 hereof.

5. Participating with others engaged in the sale of merchandise distributed by any respondent in making any of the representations prohibited by parts 1 to 3 hereof.

6. Padding, increasing or overstating the quantity of merchandise ordered, through the use of confusing or misleading nomenclature or descriptions to denote quantity, or through any other method or means; or failing accurately and precisely to record on order blanks or any other documents purporting to state an order for such products, the kind, quantity, quality and price of goods ordered.

7. Failing to furnish to purchasers, prior to shipment of such products, a written statement setting forth clearly and conspicuously, a full and accurate description of the quantity and the unit and total prices for each ordered item to be shipped and, where such have been the subject of representations or specifications in connection with the purchase order, the brand name, type, size or quality of the items ordered.

8. Substituting merchandise items, shipping in greater quantities or billing at higher prices than as set forth in the statement furnished the purchaser prior to shipment, except upon the express authorization of such purchaser.

9. Thwarting, refusing to accept, or preventing by any method or means, cancellation of all or part of any order for merchandise: *Provided, however,* That it shall be a defense in any enforcement proceeding instituted hereunder for respondents to establish that any such transaction did not involve an act or practice prohibited by other parts of this order.

10. Representing, directly or by implication, by any method or means that an account has been assigned to third parties or holders in due course for collection: *Provided, however,* That it shall be a defense in any enforcement proceeding instituted hereunder for respondents to establish that the said account was in fact assigned to, and that any demand or representation in connection therewith was made by, a bona fide third party.

By "Final Order" further order requiring report of compliance is as follows:

It is further ordered, That respondents Star Office Supply Co. and Henry Pinkwater shall, within sixty (60) days after service of this order upon them, file a written report with the Commission, signed by said respondents, setting forth in detail the manner and form of their compliance with the order to cease and desist hereby adopted by the Commission.

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

Commissioner Elman filed a separate statement.

The opinion of the Commission and the separate statement of Commissioner Elman accompany this order.

Chairman Weinberger did not participate.

Issued: April 16, 1970.

By the Commission.

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

[F.R. Doc. 70-6203; Filed, May 20, 1970; 8:50 a.m.]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Release No. IC-6045]

PART 274—FORMS PRESCRIBED UNDER THE INVESTMENT COMPANY ACT OF 1940

Registration Statement of Unit Investment Trusts

Adoption of revisions of Form N-8B-2, Registration Statement of Unit Investment Trusts which are currently issuing securities pursuant to section 8(b) of the Investment Company Act of 1940.

The Securities and Exchange Commission today announced the adoption of revisions to Form N-8B-2 (17 CFR 274.12), Registration Statement of Unit Trusts which are currently issuing securities under the Investment Company Act of 1940 ("Act").

Form N-8B-2 was adopted in 1942 (7 F.R. 197) and has never been amended.

Certain technical and mechanical revisions are made in the amended form in order to update and correct it. The only additional information required of persons who file the form is the Internal Revenue Employer Identification number of the trust, of the depositor of the trust, and of the principal underwriter currently distributing securities of the trust, and the ZIP Codes where applicable.

Commission actions. The Commission, acting pursuant to the provisions of the Act in sections 8 and 38(a) (15 U.S.C. 80a-8, 80a-37), deeming it necessary to exercise the powers conferred upon it, and necessary and appropriate in the public interest and for the protection of the investors, hereby amends Form N-8B-2 to read as set forth in copies thereof marked "as revised 5/11/70." The Commission believes that the designated revisions are technical in nature and do not represent any substantive change in the form, except to relax the reporting requirements in Items 33 and 34 regarding information on the remunerations of persons who receive in the aggregate more than $5,000 from the depositor and any of its subsidiaries to the extent, i.e., $10,000 already permitted in the revision of the comparable items of the annual report Form N-30A-2 [17 CFR 274.102]. Accordingly, the Commission finds that for good cause shown notice and procedure requirements pursuant to 5 U.S.C. section 553 are unnecessary. Therefore, such amendment shall be effective May 11, 1970.

A copy of the text of Form N-8B-2 as herein amended has been filed with the Office of the Federal Register. Copies of such form may be obtained from the Securities and Exchange Commission, Washington, D.C. 20549, upon request.

(Secs. 8, 38(a), 54 Stat. 803, 841, 15 U.S.C. 80a-8, 37(a))

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

MAY 11, 1970.

[F.R. Doc. 70-6249; Filed, May 20, 1970; 8:46 a.m.]

Title 45—PUBLIC WELFARE

Chapter X—Office of Economic Opportunity

PART 1069—COMMUNITY ACTION PROGRAM GRANTEE PERSONNEL MANAGEMENT

Subpart—Travel Regulations for CAP Grantees and Delegate Agencies

PER DIEM RATES

Chapter X, Part 1069 of the Code of Federal Regulations is amended by adding a new § 1069.3-7, reading as follows:

§ 1069.3–7 Per Diem Rates for OEO Grantees and Delegate Agencies.

(a) *Background.* Public Law 91–114 amended the Standardized Government Travel Regulations (SGTR) by increasing the authorized maximum per diem rate from $16 to $25 for travel within the limits of the continental United States (the 48 contiguous States and the District of Columbia). The Per Diem, Travel and Transportation Allowance Committee, Department of Defense, prescribes the per diem rates for civilian travel by Federal employees in Alaska, Hawaii, the Commonwealth of Puerto Rico, the Canal Zone and possessions of the United States. These rates are published in the Civilian Personnel Per Diem Bulletin.

(b) *Policy.* Grantees and delegate agencies who follow the travel policies in the SGTR are authorized to reimburse employees, consultants and members of governing or administering boards up to a maximum per diem rate of $25 for official travel within the continental United States. However, if an agency's own existing travel policies establish a lower maximum per diem rate, or the terms of its grant require a lower rate, the lower maximum applies. The maximum rates adopted by a grantee or delegate agency for official travel outside the continental United States shall be no higher than those prescribed by the Civilian Personnel Per Diem Bulletins.

(c) *Establishing per diem rates.* The new SGTR per diem rates are maximums and are not intended to be applied on a blanket basis to all grantee or delegate agency travel. Grantees and delegate agencies shall establish their own rules for determining when the maximum (whether SGTR or the agency's own lower maximum) shall be used and when lower rates shall apply. Factors which should be considered when setting per diem rates are: Cost of lodging and meals in the locality; availability of meals and lodging at temporary duty locations without charge, or at nominal cost; special rates for meals and lodging at meetings or conferences; and extended duty at a place where the traveler may obtain accommodations at reduced rates. Increased per diem rates must be absorbed within existing grant funds.

(d) *Retroactive rates.* The new maximum rates may be applied to travel undertaken on or after November 10, 1969, for those grantees and delegate agencies whose travel policies during that period had provided for following the SGTR's maximum per diem rates. It will be up to each of these grantee and delegate agencies to determine whether these rates will apply retroactively for travel between November 10, 1969, and the date of this Instruction. Increased travel costs that occur as a result must be absorbed within existing grant funds.

(e) *Supply of per diem regulations.* Copies of the SGTR with revisions, as well as the Civilian Personnel Per Diem Bulletins, will be provided to grantees and delegate agencies upon request to the appropriate Regional Office or Headquarters funding office.

(Sec. 602 of the Economic Opportunity Act of 1964, as amended, 78 Stat. 530; 42 U.S.C. 2942.)

WESLEY L. HJORNEVIK,
Deputy Director.

[F.R. Doc. 70–6243; Filed, May 20, 1970; 8:46 a.m.]

Title 18—CONSERVATION OF POWER AND WATER RESOURCES

Chapter I—Federal Power Commission

[Docket No. R–375; Order No. 403]

PART 157—APPLICATIONS FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY AND FOR ORDERS PERMITTING AND APPROVING ABANDONMENT UNDER SECTION 7 OF THE NATURAL GAS ACT

Budget-Type Certificate Authority To Make Direct Sales

MAY 13, 1970.

The Federal Power Commission by notice issued December 8, 1969 (34 F.R. 19613; December 12, 1969), proposed to revise § 157.7(c)(1)(ii) of its regulations under the Natural Gas Act (18 CFR 157.7(c)(1)(ii)) in order to confine the operability of the aforementioned provision of its regulations to transactions relating to proposed sales and deliveries of natural gas to interruptible direct consumers.

Comments were received from two gas companies and one gas association.[1] All of the aforementioned respondents opposed the proposed revision.

The Commission indicated in its notice that it was impossible for it to determine from recent budget-type filings whether some applicants sought authorization to make direct firm or direct interruptible sales. Hence, it will revise § 157.7(c)(8)(iv) herein in order to require that applicants making budget-type filings specify the nature of the sales that they propose to make.

It further noted therein that it was proposing the aforementioned revision because its regulations do not provide for the attachment of firm resale volumes through the utilization of a budget-type application. It thus was of the belief that § 157.7(c)(1)(ii) in its present form could be discriminatory to customers who purchase gas solely in a resale category. In addition, the Commission felt that a provision which afforded natural gas companies blanket authorization to make firm direct sales under budget-type applications could divest it of the control that it should properly exercise over the existing unallocated capacity of interstate pipeline companies.

The respondents wholeheartedly opposed the proposed revision. They contend that the sales that are made in this category are minor and that their discontinuation could be harmful to certain segments of the public. In support of their argument respondents point to § 157.7(c)(2) of the regulations which limit sales made through facilities constructed under a budget-type application to 100,000 Mcf annually per distributor or consumer. The Commission is aware that when direct sales within this category are authorized under budget-type applications they are subject to volumetric limitations.

The respondents further contend that they are presently able to attach small direct consumers on short notice with a minimum of expense. They point out that under the proposed revision small outlying businesses, such as service stations, cafes, and motels might have to wait several months for the processing of individual (nonbudget) certificate applications, before being accommodated with natural gas service. The Commission recognizes that under the proposed revision the pipelines might suffer the loss of some of the flexibility that they presently possess in making sales of this nature, but the Commission does not believe that the amendment promulgated by this order will cause delay in the attachment of such small loads.

INGAA recognizes that while discrimination is theoretically possible under the existing provision, it is unaware of a complaint on this basis ever being levied by a distributor. Cities, on the other hand, earnestly contends that the proposed revision is itself discriminatory.[2] In support of its contention Cities urges that § 157.7(c)(1)(i) permits the construction and operation of facilities for the transportation and sale of volumes of natural gas previously authorized under existing certificates to existing distributors by the utilization of a budget-type application in certain circumstances. However, Cities apparently overlooks the fact that no new firm resale volumetric obligations are permitted under the Commission's regulation relating to budget-type applications; whereas, provision is specifically made for the initiation of new firm direct sales. It is manifest that under § 157.7(c)(1)(i) before facilities can be constructed to accommodate resale gas under a budget-type application that a certificate for the sale and transportation of that gas must have previously been issued. That fact certainly places the contention of Cities in a different posture and completely negates its charge that such a provision is discriminatory.

After a review of the comments made by the parties and further examination of the proposed revision, the Commission is of the belief that it is in the public interest to modify the contemplated revision of § 157.7(c)(1)(ii) of its regulations as that revision was proposed in the notice it issued on December 8, 1969.

[1] Comments on the proposed revision of the regulations were received from Cities Service Gas Co. (Cities), Shenandoah Gas Co. (Shenandoah) and the Independent Natural Gas Association of America (INGAA).

[2] Cities in its comments does not really address itself to the specific area of discrimination that the Commission urged could exist under the present regulations.

The rationale underlying the comments of the respondents opposing the proposed revision to the regulations seems to be primarily premised upon the fact that the firm direct sales made by natural gas companies are so minor in nature that obtaining the necessary authorizations therefore does not warrant the time and expense normally incurred in the processing and issuance of individual (nonbudget) certificates under the standard procedures. The Commission is not in disagreement with many of the observations that have been presented by the respondents in this respect. However, it is also aware of instances where pipeline companies have limited their expansions and have opposed the attachment of small section 7(a) applicants, because of a claimed lack of gas supply or capacity which may be aggravated by attachment of firm direct sales under budget-type applications. Hence, the Commission is of the opinion that an appropriate revision to § 157.7(c)(1)(ii) of the regulations should provide both for relative ease in the attachment of minor firm direct sales and also give some safeguard against undue reservation of unallocated pipeline capacity for the purpose of making firm direct sales. Therefore, the Commission will continue to permit firm direct sales to be attached through the utilization of budget-type filings, but will require that the total of all such direct sales be limited to a maximum of 10 percent of the unallocated daily capacity of the main pipeline system existing at the beginning of the budget period.

The employment of a 10-percent figure for the purpose of placing a limitation upon the annual firm direct sales that jurisdictional pipeline companies should be permitted to make under budget-type applications is a judgment figure based on filings made with the Commission. The Commission is of the opinion that virtually all of the major pipelines will be able to operate within this limitation without difficulty. In the event that future operating experience shows that the conclusion reached herein is erroneous, an adjustment can be made upon a showing that the limitation is unduly restrictive. Therefore, the Commission will hereafter accept further comments from any companies which might be unable to cope with the 10 percent figure herein provided for. Such comments should be predicated upon 1 full year's operating experience under the revised regulation. Those responding at that time should attach to their comments flow diagrams showing how much unallocated capacity existed on their systems during the course of the year, together with a detailed explanation of the direct firm sales that were attached under budget certificates during that time, and evidence indicating that additional firm direct sales would have been added under the budget certificates if the 10-percent limitation had not prohibited their attachment.

Shenandoah submitted comments with respect to the proposed amendment of § 157.7(c)(1)(ii) of the regulations. Shenandoah is of the belief that its operations differ in nature from those of other natural-gas companies and that the revision as proposed in our notice of December 8, 1969, should not be made applicable to it. It therefore requests a waiver from the proposed revision pursuant to § 1.7(b) of the rules of practice and procedure. Shenandoah strongly argues that it should be permitted to file budget applications as it has in the past in order to make additional firm direct sales in its operating area. It contends that costly and duplicative procedures would be avoided if its requests were granted.

Under the revision as initially proposed it is quite possible that Shenandoah would have been required to incur minor additional expenses and to have engaged in some multiple efforts in order to attach customers desiring firm direct natural gas service.[*] However, it does not appear from Shenandoah's actual operating history that it is likely to encounter any difficulty as a result of the modified revision that we are adopting in this order. The modified revision is broader in scope than the initial revision and is not intended to preclude entirely the utilization of a budget-type application for purposes of making sales that are firm and direct in nature. In any event, if Shenandoah does experience difficulty in the attachment of new firm direct customers as a result of the modified revision adopted herein, it will be able to file further comments, as hereinbefore described, after it has operated under the 10 percent limitation for a period of 1 year. If Shenandoah is not able to operate within the percentage limitation prescribed in this order, which appears to be unlikely from its past experience, it can avail itself of regular certificate procedures during the short interim test period to be established herein. The facts presently available to the Commission afford no basis for granting Shenandoah a waiver from the application of the modified revision that is being adopted in this order.

The Commission finds:

(1) The revisions hereinafter set forth are necessary for carrying out the provisions of the Natural Gas Act for the reasons set forth above.

(2) The public interest may subsequently require adjustment of the 10-percent maximum level heretofore specified in this order. The Commission will therefore entertain additional comments from the respondents and others after 1 year's actual operating experience has been gained under the modified revision hereinafter prescribed.

(3) Since the revisions made in the amendments as originally proposed, fall within the scope of the original notice and were prompted by various suggestions made in the comments received, and since opportunity for additional comment is being provided, further notice thereof prior to adoption is unnecessary.

(4) Good cause has not been shown for granting Shenandoah Gas Co. a waiver from the operation of the modified revision that will go into effect upon the issuance of this order.

The Commission, acting pursuant to the authority granted by the Natural Gas Act, as amended, particularly sections 5, 7, and 16, thereof (52 Stat. 823, 824, 825, 830; 56 Stat. 83, 84; 61 Stat. 459; 15 U.S.C. section 717d, section 717f, section 717o, orders:

(A) Section 157.7(c)(1)(ii) and (8)(iv) of the regulations under the Natural Gas Act in Part 157, Subchapter E, Chapter I of Title 18 of the Code of Federal Regulations are revised to read as follows:

§ 157.7 Abbreviated applications.

* * * * *

(c) *Gas-sales or transportation facilities—budget-type application.* * * *

(1) * * *

(ii) Direct sales of natural gas to consumers located in areas outside the franchise area of any local distributor, except that total new firm direct sales may not exceed in maximum daily volume 10 percent of the reasonably estimated unallocated daily capacity of the main pipeline system existing at the beginning of the budget period.

* * * * *

(8) * * *

(iv) Name of distributor or direct industrial consumer served and type of service (firm or interruptible) to be rendered.

* * * * *

(B) Shenandoah Gas Co.'s request for a waiver from the applicability of § 157.7(c)(1)(ii) of the regulations, as revised herein, is denied.

(C) The revisions of § 157.7(c)(1)(ii) and 8(iv) prescribed herein shall become effective 30 days after the issuance of this order. However, the companies will be permitted to submit additional comments after the revision has been effective for 1 full year. Because most companies file for calendar year budget periods, additional comments on this revision may be filed until March 1, 1972.

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

By the Commission.

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

[F.R. Doc. 70-6264; Filed, May 20, 1970; 8:48 a.m.]

[*] In its budget report in Docket No. CP67-272 Shenandoah lists two direct sales which appear to be firm. They total 4.5 Mcf on a peak day. In its latest report of facilities installed pursuant to a budget-type certificate (Docket No. CP68-328), Shenandoah lists seven sales which appear to be firm. They total 49.2 Mcf on a peak day.

Title 21—FOOD AND DRUGS

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 19—CHEESES, PROCESSED CHEESES, CHEESE FOODS, CHEESE SPREADS, AND RELATED FOODS

Grated Cheeses; Order Establishing Identity Standard

In the matter of establishing the standard of identity for grated cheeses (§ 19.791):

A notice of proposed rulemaking in the above-identified matter was published in the FEDERAL REGISTER of June 7, 1969 (34 F.R. 9079), based on a petition by the National Cheese Institute, Inc., 110 North Franklin Street, Chicago, Ill. 60606, and was corrected June 28, 1969 (34 F.R. 9996).

In response five comments were received of which four favored adoption of the proposal. The one comment opposing the proposal took exception as follows: (1) The minimum fat content (dry basis) should be raised from 31 percent to 32 percent; (2) a maximum moisture content of 20 percent (or in the case of grated swiss cheese, 40 percent) should be specified; (3) anticaking agents should not be permitted; and (4) grated cheeses should be limited to romano, parmesan, hard grating, and swiss cheese. Neither data nor reasonable grounds were submitted in support of these suggestions; therefore, they are not incorporated in the ruling below.

Two comments suggested that the language of paragraph (a)(1) be changed to specifically prohibit use of processed cheeses, cheese foods, cheese spreads, and related cheese products as ingredients in grated cheeses; however, the word "cheese" unqualified as used in the proposal and throughout Part 19 means natural cheese and would preclude the use of cheese products as ingredients.

Based on information submitted by the petitioner, the comments received, and other available information, the Commissioner of Food and Drugs concludes that it will promote honesty and fair dealing in the interest of consumers to adopt the proposed standard of identity for grated cheeses with the following changes:

1. In the section heading, "Grated cheese" has been changed to "Grated cheeses."

2. The word "chopped" has been added in paragraph (c)(7) as an alternative to "chipped" in the name of the food.

3. Provision has been made to permit addition of the optional mold inhibiting ingredient in a water solution.

4. The minimum stated in paragraph (a)(3) for each cheese variety present in a grated cheese mixture has been raised to 2 percent from the proposed 1 percent.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and under authority delegated to the Commissioner (21 CFR 2.120): *It is ordered*, That Part 19 be amended by adding the following new section:

§ 19.791 Grated cheeses; identity; label statement of optional ingredients.

(a)(1) Grated cheeses are the class of food prepared by grinding, grating, shredding, or otherwise comminuting cheese of one variety or a mixture of two or more varieties. The cheese varieties that may be used are those for which definitions and standards of identity have been promulgated pursuant to section 401 of the act, except cream cheese, neufchatel cheese, cottage cheese, creamed cottage cheese, cook cheese, and skim milk cheese for manufacturing. One or more of the optional ingredients specified in paragraph (b) of this section may be used.

(2) Any cheese ingredient used is made from pasteurized milk or is held at a temperature of not less than 35° F. for not less than 60 days.

(3) Each cheese ingredient used must be present at a level of not less than 2 percent by weight of the finished food.

(4) In the manufacture of the finished food, moisture may be removed from the cheese ingredients but no moisture is added, except as provided for in paragraph (b)(1) of this section.

(5)(i) The fat content of the solids of grated cheese made from a single variety of cheese is not more than 1 below the minimum percentage prescribed by the definition and standard of identity for the variety of cheese used.

(ii) The fat content of the solids of grated cheeses made from two or more varieties of cheese is not more than 1 below the arithmetical average of the minimum fat content percentages prescribed by the definitions and standards of identity for the varieties of cheese used, but in no case is the fat content less than 31 percent.

(6) Moisture and fat in grated cheeses are determined by the methods prescribed in § 19.500(c).

(b) The optional ingredients referred to in paragraph (a) of this section are:

(1) A mold-inhibiting ingredient consisting of sorbic acid, potassium sorbate, sodium sorbate, or any combination of two or more of these in an amount not to exceed 0.3 percent by weight of the finished food calculated as sorbic acid.

The salts of sorbic acid provided for herein may be applied in aqueous solution, the amount of water used being not more than that required for application of these water-soluble salts in accordance with good commercial practice.

(2) An anticaking agent consisting of silicon dioxide (complying with the provisions of § 121.1058 of this chapter), calcium silicate (complying with the provisions of § 121.1135 of this chapter), sodium silicoaluminate, or any combination of two or more of these in an amount not to exceed 2 percent by weight of the finished food.

(3) Spices.

(4) Safe and suitable flavoring substances other than any which singly or in combination with other ingredients simulate the flavor of cheese of any age or variety.

(c)(1) The name of the food, if it is made with only one variety of cheese, is "grated _____ cheese," the blank being filled in with the name of the variety used.

(2) The name of the food, if the only cheese ingredients used are parmesan and romano cheese, each being present at a level of not less than 25 percent by weight of the finished food, is "grated _____ and _____ cheese," the blanks being filled in with the names "parmesan" and "romano" in order of predominance by weight. The varietal designation "reggiano" may be used for "parmesan."

(3) The name of the food, if it is made with a mixture of cheese varieties (not including parmesan or romano cheese) with each of the varieties used being present at a level of not less than 25 percent of the weight of the finished food, is "grated _____ cheese," the blank being filled in with the names of the two or more varieties in order of predominance by weight.

(4) The name of the food, if it is made with a mixture of cheese varieties in which one or more varieties (not including parmesan or romano cheese) are each present at a level of not less than 25 percent by weight of the finished food, and one or more other varieties (which may include parmesan and romano cheese) are each present at a level of not less than 2 percent but in the aggregate not more than 10 percent, is "grated _____ cheese with other grated cheese" or "grated _____ cheese with other grated cheeses," as appropriate, the blank being filled in with the name or names of those cheese varieties present at levels of not less than 25 percent by weight of the finished food in order of predominance, in letters not more than twice as high as the letters in the phrase "with other grated cheese(s)."

(5) The name of the food, if it is made with a mixture of cheese varieties other than those specified by subparagraphs (2), (3), and (4) of this paragraph, is "grated cheeses."

(6) The cheese variety names prescribed for use in the name of the food by subparagraphs (1), (2), (3), and (4) of this paragraph are those specified by applicable standard of identity sections of this part, except that the variety name "American cheese" may be used for cheddar, washed curd, colby, or granular cheese. Any mixture of two or more of these varieties may, for the purposes of this section, be considered as a single variety with the name "American cheese."

(7) If the particles of cheese are in the form of cylinders, shreds, or strings, the word "shredded," or if they are in the

form of chips, the word "chipped" or "chopped," may be used in lieu of the word "grated" in the specified name of the product.

(d)(1) If the food contains an optional mold-inhibiting ingredient as specified in paragraph (b)(1) of this section, the label shall bear the statement "_____ added to retard mold growth" or "_____ added as a preservative," the blank being filled in with the common name or names of the mold-inhibiting ingredients used.

(2) If it contains an optional anticaking agent as specified in paragraph (b)(2) of this section, the label shall bear the statement "_____ added to prevent caking," the blank being filled in with the common name or names of the anticaking agents used.

(3) If it contains a spice as specified in paragraph (b)(3) of this section, the label shall bear the statement "spice added," "with added spice," or "spiced with _____," the blank being filled in with the common or usual name of the spice used.

(4) If it contains a flavoring substance as specified in paragraph (b)(4) of this section, the label shall bear the statement "flavoring added," "with added flavoring," or "flavored with _____," the blank being filled in with the common or usual name of the flavoring used. If the flavoring used is artificial, the word "artificially" shall precede the statement "flavored with _____."

(5) If the name of one or more varieties of cheese used in grated cheeses does not appear as a part of the name of the food, the names of all cheese varieties used shall be listed in order of predominance by weight.

(e) The words and statements specified in paragraph (d) of this section showing the optional ingredients present shall be listed on the principal display panel or panels or any appropriate information panel without obscuring design, vignettes, or crowding. The declaration shall appear in conspicuous and easily legible letters of boldface print or type the size of which shall be not less than one-half of that required by Part 1 of this chapter for the statement of net quantity of contents appearing on the label, but in no case less than one-sixteenth of an inch in height. The entire declaration shall appear on at least one panel of the label and in lines generally parallel to the base on which the container rests as it is designed to be displayed.

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-62, 5600 Fishers Lane, Rockville, Md. 20852, written objections thereto. 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 and such objections must be supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief support thereof. All documents shall be filed in six copies.

Effective date. This order shall become effective 60 days after its date of publication in the FEDERAL REGISTER, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be given by publication in the FEDERAL REGISTER.

(Secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371)

Dated: May 11, 1970.

SAM D. FINE,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 70-6272; Filed, May 20, 1970; 8:48 a.m.]

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

PART 121—FOOD ADDITIVES

Thiabendazole

1. A petition (PP OF0881) was filed with the Food and Drug Administration by the Merck, Sharp & Dohme Research Laboratories, Div. of Merck & Co., Rahway, N.J. 07065, proposing establishment of a tolerance for residues of the fungicide thiabendazole in or on the raw agricultural commodity sugar beets (but not tops) at 0.25 part per million.

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

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

a. The proposed use is not reasonably expected to result in thiabendazole residues in the edible tissues and byproducts of animals; therefore, tolerances are unnecessary regarding meat and milk. This use is in the category specified in § 120.6(a)(3).

b. The tolerance 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), § 120.242 is revised to read as follows to establish the tolerance regarding sugar beets:

§ 120.242 Thiabendazole; tolerances for residues.

Tolerances are established for residues of the fungicide thiabendazole (2-(4-thiazolyl)-benzimidazole) in or on raw agricultural commodities as follows:

3 parts per million in or on bananas (from postharvest application) of which not more than 0.4 part per million shall be present in the pulp after the peel is removed and discarded.

2 parts per million in or on citrus fruits (from postharvest application).

0.25 part per million in or on sugar beets (from preharvest application) excluding tops.

2. A related food additive petition (FAP OH2453) was filed with the Food and Drug Administration by the same petitioner proposing establishment of a food additive tolerance of 3.5 parts per million for residues of the subject fungicide in dried and/or dehydrated sugar beet pulp for livestock feed. Such residues would result from application of the fungicide to the growing raw agricultural commodity sugar beets.

Having evaluated the data in the petition (FAP 0H2453) and other relevant material, the Commissioner concludes that such a tolerance should be established. Therefore, pursuant to provisions of the act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated as cited above, § 121.260 is amended by adding thereto a new paragraph, as follows:

§ 121.260 Thiabendazole.

* * * * *

(f) A tolerance of 3.5 parts per million is established for residues of the fungicide thiabendazole in or on dried and/or dehydrated sugar beet pulp for livestock feed, such residues resulting from application of the fungicide to growing sugar beets.

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-62, 5600 Fishers Lane, Rockville, Md. 20852, written objections thereto 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 its date of publication in the FEDERAL REGISTER.

(Secs. 408(d)(2), 409(c)(1), 68 Stat. 512; 72 Stat. 1786; 21 U.S.C. 346a(d)(2), 348(c)(1))

Dated: May 15, 1970.

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

[F.R. Doc. 70-6288; Filed, May 20, 1970; 8:49 a.m.]

Title 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 675—THE LUMBER AND WOOD PRODUCTS INDUSTRY IN PUERTO RICO

Clarification of Wage Order

Part 675 of Title 29, Code of Federal Regulations, is hereby amended in the manner indicated below in order to clarify certain matters relating to the pre-1961 coverage classification arising subsequent to the publication of a previous amendment to the part which was published in the FEDERAL REGISTER on April 8, 1970 (35 F.R. 5689). Section 675.2(a)(4) was intended to reflect the pre-1961 coverage classification, but its text does not make this clear. Such clarification is now made.

Also, it is noted that an amendment of § 675.2(a)(2) reflected the definition and minimum wage rate for the Swimming Pool Equipment Classification which was previously published in § 675.2(a)(4). The amendment did not reflect a recommendation of Industry Committee No. 91–A, and was editorial in nature.

As amended § 675.2 reads as follows:

§ 675.2 **Wage rates.**

* * * * *

(a) *Pre-1961 coverage classifications.* * * *

(4) *General classification.* (i) The mimimum wage for this classification is $1.45 an hour.

(ii) This classification is defined as the manufacture of all products and all activities not included in any other pre-1961 coverage classification of this industry.

* * * * *

(Secs. 5, 6, 8, 52 Stat. 1062, 1064, as amended; 29 U.S.C. 205, 206, 208)

Signed at Washington, D.C., this 18th day of May 1970.

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

[F.R. Doc. 70-6320; Filed, May 20, 1970; 8:52 a.m.]

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 7—SPECIAL REGULATIONS, AREAS OF THE NATIONAL PARK SYSTEM

Isle Royale National Park, Michigan

A proposal was published on page 1022 of the FEDERAL REGISTER of January 24, 1969, to revise § 7.38 of Title 36 of the Code of Federal Regulations. The purpose of this revision is to eliminate material which is duplicated in the general regulations contained in this chapter; to designate authorized landing areas for aircraft; to control underwater diving in the waters of the park, when such diving is accomplished with underwater breathing apparatus; to control pets; and to define areas where pets are prohibited.

Interested persons were given 30 days for submitting written comments, suggestions, or objections with respect to the proposed amendment. No comments were received so the proposed amendment is hereby adopted without change and is set forth below. This amendment shall take effect 30 days following the date of publication in the FEDERAL REGISTER.

§ 7.38 **Isle Royale National Park.**

(a) *Aircraft, designated landing areas.* (1) The portion of Tobin Harbor located in the NE¼ of sec. 4, T. 66 N., R. 33 W.; the SE¼ of sec. 33, T. 67 N., R. 33 W., and the SW¼ of sec. 34, T. 67 N., R. 33 W.

(2) The portion of Rock Harbor located in the SE¼ of sec. 13, the N½ of sec. 24, T. 66 N., R. 34 W., and the W½ of sec. 18, T. 66 N., R. 33 W.

(3) The portion of Washington Harbor located in the N½ of sec. 32, all of sec. 29, SE¼ of sec. 30, and the E½ of sec. 31, T. 64 N., R. 38 W.

(b) *Underwater diving.* No person shall undertake diving in the waters of Isle Royale National Park with the aid of underwater breathing apparatus without first registering with the Superintendent.

(c) *Dogs, cats, and other pets.* (1) Dogs, cats, and other pets are prohibited in concessioner operated facilities, in campsites not accessible by boat from Lake Superior, and on trails more than one quarter mile from campsites accessible by boat from Lake Superior.

(2) Dogs, cats, and other pets shall not be left unattended at any time.

HUGH P. BEATTIE,
Superintendent, Isle Royale National Park.

[F.R. Doc. 70-6278; Filed, May 20, 1970; 8:49 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 18739; FCC 70-496]

PART 81—STATIONS ON LAND IN MARITIME SERVICES

Limited Coast Stations and Marine Utility Stations on Shore

In the matter of amendment of Part 81 of the Commission's rules with respect to the 156.8 MHz watch requirements applicable to limited coast stations and marine utility stations on shore and to make editorial changes to § 81.104(c)(2).

Report and Order. 1. The Commission on November 24, 1969, released a notice of proposed rule making in the above entitled matter (FCC 69-1258) which made provisions for filing comments and was published in the FEDERAL REGISTER on November 27, 1969 (34 F.R. 18952). On January 16, 1970, the Commission released an order extending time for filing comments in this docket which was published in the FEDERAL REGISTER of January 22, 1970 (35 F.R. 902). The time for filing comments and reply comments has passed.

2. This rule making is intended to relax the 156.8 Mc/s distress frequency watch requirements applicable to limited coast and marine utility stations operated as limited coast stations by (1) excepting the marine utility coast stations from the watch requirements of § 81.191(d) of the rules, and (2) by providing that limited coast stations that must keep an efficient listening watch on the frequency 156.8 Mc/s pursuant to that rule, need not do so when transmitting. It was also proposed to make an editorial change to delete a watch requirement contained in § 81.104(c)(2)(ii) of the rules, since that rule section related not to watches, but to the characteristics of station equipment and the watch requirement is contained elsewhere in the rules.

3. The following comments, and in one case, a combined comment-reply comment, were received from the parties indicated below in response to the notice of proposed rule making. The commenters, generally, agree that the VHF watch requirements of the rules should be relaxed, but that the relaxation proposed by the Commission is insufficient, as set forth in detail below. All of the commenters stated they are involved in the extensive use, or manufacture, of maritime radio telephone facilities or equipment, or are associations or organizations whose members are parties who are so engaged. Most of the commenters are also licensees of coast and ship stations in the maritime mobile radio service.

a. The Pacific Towboat & Salvage Co., hereinafter Pacific, agreed with the proposed changes insofar as they go but stated that the proposal to relax the watch requirements "does not go far enough". Pacific wants authority either in this docket or through a further notice of proposed rule making, to maintain the distress watch receiver at the station control point in its offices, rather than at the elevated remote transmitter site, and Pacific furnished a detailed explanation in support of its argument that this would be advantageous, operationally and technically, or otherwise, to both Pacific and the maritime safety system.

b. Lorain Electronics Corp., hereinafter Lorain, objected to the proposed requirement that each limited coast station maintain a distress frequency watch when the station is not being used for transmission on other frequencies. Lorain asserted that this would require the use of an additional receiver since limited coast stations generally consist of a single transmitter-receiver combination capable of operating on two or more frequencies, but, as we understand

Lorain, only on one frequency at a time. Lorain further commented that, aside from the economic hardship to a licensee that exists when the transmitter is located at a remote site, to require an operator to listen to both a working and a distress frequency at once would not be conducive to safety and might lead to confusion and a further emergency since the operator would concentrate on the communications on the working frequency and not 156.8 Mc/s. Lorain, in effect, suggests the rule be changed so that the watch will not be required at any time a station is "in communication with a vessel", i.e., receiving or transmitting, and thus eliminating the need for two receivers or two simultaneous watches. Lorain also objected for reasons similar to the above, to the requirement contained in the last sentence of the proposed § 81.191(d) of the rules requiring listening watches on each assigned frequency when 156.8 Mc/s is being used for distress, urgency or safety communications.

c. The Collins Radio Co., hereinafter Collins, supported the proposal to delete the simultaneous watch and transmitting requirement, but asserted that the language of the last sentence of § 81.191 (d), discussed above in the Lorain comment, did not appear to be entirely clear and should be deleted from the rules. Collins, essentially, objected to any proposal that would require the use of more than one receiver, and said that this would pose a more stringent requirement for limited coast stations than for public coast stations in § 81.191(c) of the rules.

d. Tug Communications, Inc., hereinafter Tugcom, stated that it generally supported the proposed rule changes, "as far as they go", but also, like Collins, asserted there was "ambiguity" in the proposed rule changes with respect to watches by limited coast stations. Tugcom stated that the equipment capability requirement should also be relaxed for marine utility stations operating from either coast locations or aboard vessels. Tugcom referred to petitions filed in RM–1494, to its own petition for exemption filed March 24, 1969 and petition for reconsideration of the Commission memorandum opinion and order released November 24, 1969, and Tugcom submitted that the arguments and issues presented therein should be incorporated in its comments in this docket and, by reply comments, stated that it did not concede that there should be a 156.8 Mc/s watch by limited coast stations, nor that it believed Pacific or Lorain intended to so concede in their comments. Tugcom agreed with Pacific that it would be preferable and more economical and practical to have the watch equipment at the control point in instances where the working frequency equipment is at remote locations and controlled by landline or microwave circuits.

e. The American Institute of Merchant Shipping, hereinafter AIMS, stated that their "comments were not official" but they agreed that relaxation of the watch requirements as proposed is needed. AIMS described an instance where plans for the installation of VHF equipment has been discontinued by a railroad because of economic hardship caused by the watch requirements. AIMS described the incident as an example of how the watch rule, obviously intended to promote safety, has, in fact, created a situation where the result has been just the opposite.

f. The Great Lakes Towing Co. also objected to the proposed requirement that a distress frequency watch be maintained while a limited coast station is not transmitting and suggested the wording be changed to require the watch whenever "* * * the station is not in communication with a vessel on any other frequency." Great Lakes also objected to the last sentence in § 81.191 (d) of the rules.

4. In addition to the above comments received in direct response to our notice of proposed rule making in this docket, two petitions for consolidation essentially identical as to substance, were filed on December 2 and 29, 1969, that relate to this docket. The American Waterways Operators, Inc., petitioned for consolidation of this docket with RM 1494 and the Foss Launch and Tug Co. petitioned for consolidation of this docket with RM 1501. Rule Makings 1494 and 1501 are also essentially the same as to substance, and are directed to the relaxation of watch requirements in the VHF safety system. The Petitioners asked that the notice of proposed rule making in this Docket 18739 be withdrawn, consolidated with RM 1494 and RM 1501 and reissued, "* * * to hear the industry out on all the related issues, which will not be satisfactorily accomplished unless the scope of Docket 18739 is expanded." The Petitioners alleged that without a joinder of issues the industry will be in a prejudicial position and suffer financial loss and delays in planning.

5. We turn now to a discussion of the matters raised by the commenters in this proceeding to the extent they vary from the changes proposed in our notice.

a. (1) With respect to the question of when a limited coast station must, during its hours of operation, maintain a distress frequency watch, we proposed in our notice to excuse the station from the watch requirements at any time the station is transmitting on a working frequency, rather than only when transmitting on the distress frequency as now contained in the rules. This constitutes a relaxation of the watch requirements. We note, additionally, an editorial error in the text of the proposed rule appended to our notice, wherein we propose that the station be required to maintain the watch "* * * whenever such station is not being used for transmission on other frequencies". We did not intend to include the phrase "on other frequencies". We intended to not require the watch at any time the station is transmitting, on a working or the distress frequency. This error, when corrected, will excuse a station from the watch requirement at any time it is transmitting on any frequency and will constitute a further relaxation of the watch requirements for this class of station.

(2) The commenters, in essence, request that the station be relieved of any watch requirement whenever the station is exchanging communications on a working frequency, i.e., receiving or transmitting. This would constitute even a further relaxation in that under our proposal the station must maintain the watch while receiving, but not transmitting, on a working frequency, and would, in effect, mean that a limited coast station would have no obligation to maintain a watch at any time it is operating on any assigned working frequency, which, for all practical purposes, means most of the time for the average station. We do not believe that relaxation of this requirement to such an extent, is either necessary or in the best interest of the boating community and maritime safety. While we realize that listening to both a working and a distress frequency simultaneously may be difficult during times of heavy traffic for a radio operator, particularly if he is inexperienced, we do not believe it is impracticable or unreasonable to require that he do so. This method of radio operation is now used in the Aviation and the Maritime Mobile radio services. Vessels with a single radio operator navigating on the Great Lakes are known to have operated MF and VHF stations simultaneously for many years with separate receivers for each band. We recognize that when an operator may be especially busy on a working frequency, the attention that he can give to the distress frequency may decline. However, we believe that with experience his proficiency for listening to both receivers will improve and to this extent, the requirement for a watch on 156.8 Mc/s while the station is receiving on its working frequency, will constitute a beneficial contribution to the safety system without unduly infringing on his overall operational adaptability.

(3) To relieve a limited coast station of the requirement to maintain the 156.8 Mc/s watch at all times when it is using a working frequency, we believe would result in prolonged periods as stated above, when no distress messages might be heard. Many operators of limited coast stations will remain operating on working frequencies for as much as a half hour or more. If there is no requirement at all for these stations to maintain a distress frequency watch while exchanging communications on a working frequency, then prolonged periods would pass during which no opportunity would exist for a distress call to be heard by a station which could, conceivably, be the only station within range of a distressed vessel. This would be contrary to the best interests of the public and would detract from our objective of establishing a workable and efficient safety system in the VHF band.

b. In regards to the comment by Pacific and Tugcom that the required watch on the frequency 156.8 Mc/s should be permitted at the control point of a station when that point is separated from the transmitter position, we refrain from discussing the merits of this suggestion

since it is outside of the scope of this rulemaking proceeding. We point out, however, that we addressed ourselves to this aspect of the operation of limited coast stations in paragraph 16 of our memorandum opinion and order released November 24, 1969, in which we said, in denying numerous applications for exemption from the subject watch requirements:

> The Commission recognizes that a substantially higher expense is involved in complying with the 156.8 Mc/s watch requirements when microwave or land line circuits are used, nevertheless, this does not justify exemption. Considerable expense is also involved in providing remote control circuits for working frequencies to gain the advantages of remote operation, and it is reasonable to allocate an equivalent expense in support of the national VHF maritime distress system on 156.8 Mc/s.

c. We agree in substance with the comments concerning the last sentence of § 81.191(d) of the rules requiring a watch on each assigned working frequency when the frequency 156.8 Mc/s is being used for distress, urgency or safety and we recognize that this is a requirement that does not exist for even public coast stations. We are, therefore, deleting that sentence from the rules as shown in the attached appendix. This constitutes an additional and substantial relaxation of the watch requirements for limited coast stations. It may appear from our rules concerning watches by coast stations that the watch by public coast stations does not require two receivers and is therefore less stringent than the watch required by limited coast stations. The public coast VHF station is required by § 81.191(c) of the rules to maintain the distress frequency watch "whenever such station is not being used for transmission" on the distress frequency. If the public coast station never transmitted on any frequency other than 156.8 Mc/s, it could, conceivably be required to have only one receiver. As a practical matter, however, the public coast station when operating on a working frequency and communicating with ships, must have two receivers, one operating on the frequency 156.8 Mc/s which the station is required to monitor, and the other operating on the ship frequency on the paired channel on which the station is working. Thus the Collins comment that the watch requirement for limited coast stations is more stringent than for public coast stations is not correct, insofar as the need for two receivers is concerned.

d. With respect to Tugcom's reference to the issues raised or comments contained in RM 1494 and RM 1501 and in the petition for reconsideration of the Commission memorandum opinion and order released November 24, 1969, these matters are treated in our action on the petitions in those matters.

6. We do not believe that the consolidation of this docket with RM 1494 and RM 1501 is either appropriate or necessary. The petitions for rule making filed in those cases contained requests for rule changes that are beyond the scope of this proceeding.

7. In view of the foregoing, we find and conclude that Part 81 of our rules should be changed as proposed in our notice of proposed rule making in this docket, and also that the last sentence of § 81.191(d) of the rules concerning required watches on working frequencies by limited coast stations should be deleted. Since the deletion of this last sentence will relieve a restriction on licensees urged by the industry, notice and public procedures are unnecessary and the change is not subject to the provisions of 5 U.S.C. 553.

8. *Accordingly, it is ordered*, That, pursuant to the authority contained in sections 1 and 4(i), and 303 (b) and (r) of the Communications Act of 1934, as amended, Part 81 of the Commission's rules is amended effective June 26, 1970, as set forth in the attached appendix.

9. *It is further ordered*, That the petitions for consolidation of this proceeding with RM 1494 and RM 1501 of American Waterways Operators, Inc., and the Foss Launch and Tug Co. are denied.

10. *It is further ordered*, That this proceeding in Docket 18739 is terminated.

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

Adopted: May 13, 1970.

Released: May 18, 1970.

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

1. In § 81.104, the note following paragraph (c)(2) is deleted and paragraph (c)(2) is amended to read as follows:

§ 81.104 Facilities required for coast stations.

* * * * *

(c) * * *

(2) Each coast station equipped with radiotelephony to operate in the authorized bands between 156–162 Mc/s shall be able to transmit and receive Class F–3 emissions on the Distress, Safety and Calling frequency 156.8 Mc/s and on one or more working frequencies.

* * * * *

2. In § 81.191, paragraph (d) is amended to read as follows:

§ 81.191 Radiotelephone watch by coast stations.

* * * * *

(d) Each limited coast station, other than marine utility stations, operating as limited coast stations, licensed to transmit by telephony on one or more working frequencies in the band 156–162 Mc/s shall, during its hours of service, maintain an efficient watch for reception of class F3 emission on 156.800 Mc/s, whenever such station is not being used for transmission: *Provided;* That the Commission may exempt any coast station from this requirement if it considers that circumstances relative to the operation or location of the involved coast station are such as to render this requirement unreasonable or unnecessary for the purpose of this paragraph.

* * * * *

[F.R. Doc. 70–6291; Filed, May 20, 1970; 8:50 a.m.]

[FCC 70–495]

PART 81—STATIONS ON LAND IN MARITIME SERVICES

PART 83—STATIONS ON SHIPBOARD IN MARITIME SERVICES

Use of VHF in Maritime Mobile Service

In the matter of amendment of Parts 81 and 83 of the rules concerning the use of VHF in the Maritime Mobile Service, RM 1494, RM 1501.

Memorandum opinion and order.

1. Two petitions, essentially identical with respect to substance, have been filed, one by the American Waterways Operators Inc. (AWO), and the other by the Foss Launch and Tug Co. (Foss), requesting rule changes concerning the operators, identification, equipment, and watch requirements for limited coast stations and marine utility stations in the Maritime Mobile Service.[1] AWO states that it is a nonprofit nationwide membership trade association made up primarily of companies who operate towboats, tugboats, barges, and shallow-draft freighting vessels and tankers. Foss states that it operates 300 vessels consisting of manned towing vessels and manned and unmanned barges and three freight vessels.

2. The coast and utility station rule changes requested by the petitioners, except for the operator permit and station identification requirements, pertain mainly to relief from the 156.8 Mc/s distress frequency watch and equipment requirements.

3. Petitioners have requested essentially rule changes or Commission action as described below.

a. Limited coast and marine utility stations operating only on "commercial" frequencies[2] should not be required to be equipped as provided by § 81.104 (c)(2) of the rules with the distress,

[1] A limited coast station is defined in § 81.3(j) of the rules as a "* * * coast station, not open to public correspondence, which serves the operational and business needs of ships." The station is not portable although it may be moved when authorized, for operation at temporary as well as specified locations. The marine utility station, on the other hand, is portable, lower powered, and often uses transmitting equipment the size of "walkie-talkies," and unlike the limited coast station it may be, and usually is, licensed for use, at the option of the applicant as a coast station on shore, or as a ship station on vessels.

[2] The VHF frequencies on which these stations are authorized to operate are set forth in §§ 81.356 and 83.359 of the rules and are designated according to their permissible uses such as "commercial", "noncommercial", "navigational", "port operations", "safety", etc., as defined in §§ 81.7 and 83.6 of the rules. Marine utility stations operated as ship stations may use any frequency shown in Part 83 of the rules whereas limited coast stations and marine utility stations operated on shore as coast stations may only use the frequencies available in Part 81 for assignment to such stations and as shown on the station authorizations which are assigned according to the intended uses of the stations as indicated in the station application.

safety and calling frequency 156.8 Mc/s, or to stand watch on that frequency as provided by §§ 81.191(d) and 83.224 of the rules.

b. Marine utility stations operating from ships with carrier output power of 5 watts or less should not be required to have the capability of operating on 156.8 Mc/s nor the capability to reduce readily, the carrier power to 1 watt or less, as provided for in § 83.134(f) of the rules.

c. Provision should be made so that ship stations may be authorized, upon a showing of need, maximum power higher than the 25 watts now specified in § 83.134(f) of the rules.

d. Identification of marine utility stations, and limited coast stations when communicating with marine utility stations, with a "unit identifier" should be permitted rather than only by call letters as now provided for, generally, in §§ 81.372 and 83.364 of the rules.

e. The restrictions on calling in §§ 81.368 (a)(4) and (b) and 83.366(f) of the rules that require a waiting period of 3 minutes in the case of coast stations and 2 minutes in the case of ship stations after an unsuccessful attempt to call another station before a repeated effort is made, should be relaxed.

f. The requirements for the maritime service radio stations in §§ 81.152 and 83.152 of the rules that stations be operated only by a person holding an operator permit or license should be modified to exclude ship stations on board vessels navigated on inland waters so that aliens who are not now statutorily eligible for operators licenses or permits can be employed as radio operators.

4. 28 comments were received in response to the public notice of the AWO or Foss petitions. A list of these commenters is appended hereto. All the comments were in general support of the AWO or Foss petitions except for a comment filed by the Marine Exchange of the San Francisco Bay Region which did not support the request by AWO and Foss that limited coast stations not be required to have the capability to receive and transmit on 156.8 Mc/s. In addition to the rule making petitions filed in this proceeding, AWO has filed a petition to consolidate RM 1494, and Foss has filed a petition to consolidate RM 1501, with Docket 18739. The report and order in Docket No. 18739 being considered simultaneously herewith denies this request.

5. The arguments as we understand them advanced by petitioners in support of their request for rule changes are as set forth below.

a. The vessels with which petitioners' coast stations communicate on "commercial" frequencies are equipped to stand watch and do stand watch on the distress frequency 156.8 Mc/s, and these vessels are in a better position to render assistance, and they can relay distress messages via the working frequency to shore stations. The petitioners contend that to divert the attention of the shore station operator from the working frequency, by requiring him to maintain a watch on the distress frequency, would decrease his efficiency, and would be an unnecessary requirement since in the "landline-working frequency-marine control-vessel link" the towing vessel monitors the distress frequency. With respect to the use of the marine utility station on board a towing vessel, petitioners assert that the station should not be required to supply a capability which the vessel already has or should have and that if the station is being operated on a nonself-propelled or towed craft, the persons on board would not be in a position to aid a vessel in distress even if a call were heard. Petitioners believe, with reference to marine utility stations that a drafting oversight was made in the report and order in Docket No. 17295 in paragraph 13(a) inasmuch as the discussion includes a quote that excludes marine utility stations from the watch and equipment requirements for coast stations, but that in the appendix of the Order containing the text of the rules, the exclusion of the marine utility stations was omitted thereby imposing the same requirement on them as for limited coast stations. Finally, petitioners argue that strict compliance with the new rules is impossible and beyond the state of the art in that a coast station operator cannot maintain an efficient watch while transmitting on each working frequency.

b. If the requirement that marine utility stations operating from ships be capable of operating on 156.8 Mc/s and at power reducible to 1 watt were relaxed, the petitioners could take advantage of lower cost equipment now suitable for use in other than marine services. Low powered walkie-talkie equipment built for use in the various private land mobile services governed by Parts 89, 91, and 93, of the Commission's rules, is manufactured in larger volume and therefore costs less and is otherwise suitable for use with a marine utility station on shore or on ship except that it is not multichannel, nor does it have the capability for reducing power to 1 watt, which is required when used as a ship station.

c. Ship station power, higher than the permissible maximum of 25 watts, is sometimes needed on inland waterways with many winding turns and tall steep banks, and it has been proven that at least 50-watts carrier power is needed for intership communications even for short distances around bends. For adequate ship-shore communications the ship should have as much power as the shore station.

d. Operations in the barge and towing industry are seriously slowed down when dispatchers must transmit and receive call letters and the identification or marine utility stations on ships only by call letters cannot supply the necessary ship identity. A "unit identifier" should be authorized as, for example, in §§ 91.151(d) and 91.152 for the Industrial Services.

e. Operations are further slowed down when dispatchers must wait the prescribed 2 and 3 minutes before repeating calls. Events are compressed and for safety reasons this requirement should be relaxed.

f. If the requirement that radio stations on vessels navigating on inland waters be operated only by persons holding operator permits were eliminated, the petitioners could hire, as radio operators, aliens who do not now meet the statutory citizenship requirements for such permits. The International Radio Regulation requirement that ship stations be operated only by persons holding operator permits does not apply, even though frequencies assigned for international use are involved, because the vessels are navigated on inland waters.

6. In addition to the foregoing specified particular items in the nature of requests for rule changes, the petitioners complain that they have relied on Commission policy as expressed in Dockets 12387, 14375, 16081. We understand petitioners to assert that in relying on these expressions of policy they have made expenditures for equipment, personnel, and servicing, and to now comply with the new policy in Docket 17295, will cause economic harm to petitioners.

7. We turn now to a discussion of the specific requests of petitioners for rule changes set forth in paragraph 3 (a) through (f) above:

a. *Distress frequency equipment and watch by limited coast and marine utility stations.* (1) We do not agree that limited coast stations using "commercial" frequencies should be exempt from the distress frequency equipment and watch requirements because the vessels with whom they communicate are meeting this requirement. This argument could be applied as easily to all limited coast stations including those that operate on noncommercial, navigational, or any other VHF frequency authorized by § 81.356 of the rules for limited coast stations since all these frequencies are for coast to ship use. The consequential conclusion would be that no limited coast station should participate in the VHF safety system. All ships with which these stations communicate, on any of these frequencies are required under the new rules to be equipped with the 156.8 Mc/s distress frequency, and, when operating, to maintain a watch on that frequency. Thus, there is nothing distinctive in this respect, about the limited coast stations operating on "commercial" frequencies. Nor do we agree with petitioners' arguments that the limited coast station should be exempt from these requirements because the ship with which a station is communicating is in a "better position to render assistance." [1]

[1] Provision is contained in § 81.191(d) of the rules for exempting a limited coast station from the requirement that a watch be maintained on the distress frequency but not because a ship may be better able to render assistance. A waiver may be granted if the Commission considers the watch requirement unreasonable or unnecessary because of the circumstances relative to the location or operation of the coast station. In our memorandum opinion and order released Nov. 24, 1969 (FCC 69-1257), in which we disposed of 44 requests from licensees of 165 limited coast stations for relief from the distress frequency watch requirements, we set forth in greater specificity the circumstances under which we may grant applications for exemptions from the watch requirements. The circumstances described by the petitioners in the instant proceeding do not come within the scope of our order of November 24, 1969.

While it may be true that a ship because of its mobility, may be better able to move to the aid of a distressed vessel, it does not logically follow that the immobile coast station, or even the mobile marine utility station operating on a nonself-propelled vessel or otherwise, is any less essential to an effective maritime safety system. The coast station, because of its usually higher antenna and greater transmitting power and other reasons is better suited to hear distress messages from the vessel with which it is communicating or from other vessels and to relay these messages either to other vessels at sea, or to a shore installation from which assistance, including the dispatch of search and rescue aircraft, or vessels may be initiated.

(2) The marine utility station, although perhaps somewhat less effective in some ways because of lower power or antenna can nevertheless constitute an indispensable component in the safety system. Distress messages can be heard and relayed to shore or other vessels by a marine utility station operating on shore or aboard a boat, and the utility station can call for help if it is operating from a vessel without a radio, such as a barge, as described by petitioners. With respect to petitioner's argument that a marine utility station aboard a towing vessel should not be required to supply a capability which the vessel already has, we believe that petitioners may have a misunderstanding of § 83.224 of the rules insofar as the watch requirement is concerned.

(3) It is not our intention that each station operating on a vessel, maintain a watch on 156.8 Mc/s, as for example where a marine utility station is being operated on board a vessel as a ship station in addition to the regularly licensed ship station on board the vessel. In such case only the regular ship station must maintain the distress watch: *Provided however*, That if the ship station is not being operated, and thus not required to maintain the watch, then at least one of any other maritime stations being operated on the vessel must maintain the distress watch. We concede that our rule may be subject to misinterpretation and will remedy this with the editorial change of § 83.224 appended hereto.

(4) With respect to petitioners' argument that a marine utility station aboard a towing vessel should not be required to supply a capability which the vessel already has, we disagree insofar as the multichannel equipment capability is concerned as set forth in § 83.106(b) of our rules. Under such circumstances of operation, the distress capability of a marine utility station constitutes a valuable link in the safety system as backup emergency capability, particularly in event the ship station is rendered inoperative, voluntarily or otherwise. Further this appears to be especially true under operational circumstances as described by petitioners in this case where the marine utility stations are sometimes operated from vessels that are not self-propelled, and possibly without the usual ship radio communications, and otherwise without the means for radioing for assistance.

(5) In regard to petitioners' statements concerning a possible drafting oversight in paragraph 13 of our report and order in Docket 17295, it appears that Petitioners may have misread that portion of the document. Subparagraph (a) of paragraph 13 alludes to "all VHF limited coast stations, other than Marine Utility Stations," being required to maintain a "transmit and receive capability on 156.8 Mc/s". Petitioners presumably believe that since the phrase "other than marine utility stations" is contained in that portion of the order, but is omitted from the appendix to the order containing the text of the rule changes, that this was an oversight in drafting. The language above referred to, however, in paragraph 13(a) of the report and order is not the Commission's language, but rather it it a quotation from a comment filed by the North Pacific Marine Radio Counsel (NPMRC) as stated in the first sentence of paragraph 13; i.e., "13. In connection with establishing 156.80 Mc/s as the VHF distress, safety and calling channel, the NPMRC recommended that the Rules be amended to: (a) require that all VHF limited coast stations other than marine utility stations, maintain transmit and receive capability on 156.80 Mc/s * * *". We agreed with NPMRC in their position as thus stated but not to the extent that marine utility stations should be excluded from this capability requirement and therefore the text of our rule change did not contain that exclusory phrase.

(6) Finally, in response to petitioners' assertions that strict compliance with the new rule is impossible and beyond the state of the art in that a coast station operator cannot maintain an efficient watch while transmitting on each working frequency, we agree that maintaining a distress frequency watch while transmitting on a working frequency is difficult as we stated in paragraph 18 of the Memorandum Opinion and Order (FCC 69-1257), released November 24, 1969, previously cited in footnote 3. Accordingly, we have proposed a change in § 81.191(d) of the rules in the notice of proposed rule making in Docket 18739 that will provide the watch relief requested by petitioners.

b. *Exemption from distress frequency and power reduction to 1 watt or less capability of marine utility ship stations of 5 watts power or less.* (1) As we understand petitioners' argument in support of this request, if this relief were granted, the low power, i.e., 3 watt, single channel walkie-talkie equipment now useable in the public safety and industrial services, could be used by marine utility stations which cannot now use such equipment because of our requirement that these stations use more complex and expensive equipment with three channels and with the capability of reducing power output to 1 watt or less.

(2) We are not unmindful of the need for giving due weight to the economic impact of any requirement contemplated to establish an efficient maritime safety system, and we have, in effect, so stated.[4] We do not believe, however, that the effectiveness of the safety system should be unduly compromised by, or subordinated to, economic considerations nor are we persuaded in the instant case that these multichannel and 1-watt power capabilities impose an unreasonable economic burden or hardship on licensees of marine utility stations. While the petitioners have presented no particulars as to the comparative costs of transceivers involved we understand that the capability to reduce power in this type of radio equipment involves simply a transistor and a switch at a cost of about $5 to the licensee and the inclusion of a capability to operate on additional frequencies involves only a crystal circuit at a cost of about $15 to the licensee for each channel. This does not appear to us to constitute an excessive cost to a licensee when weighed in the light of the substantial contribution of this capability to the safety system. In any event, for new equipment, the requirement for this capability is contained in the International Radio Regulations in Appendix 19, section B, paragraph 6.

(3) It is also pertinent to point out that in an effort to minimize any adverse economic impact on licensees of complying with these safety system requirements we have permitted in § 83.134 (f) of the rules, the continued use indefinitely of ship station equipment without the capability of reducing power to 1 watt if the equipment was in use at the time of the effective date of the rule change of September 3, 1968, and we have permitted in § 83.106(b)(5) of the rules, the continued use after September 3, 1968, of single channel ship station equipment until January 1, 1974. Thus a licensee using single channel equipment, not having the 1-watt power capability before our rule change, may continue to use that equipment for over 5 years and a licensee obtaining new equipment after the date of our rule change is confronted with an additional expense of less than about $50. Considering its safety value, we do not find that this constitutes an unreasonable operational or economic burden on users of this service.

c. *Power output higher than the authorized 25 watts for ship stations upon showing of need.* To grant this request and provide for ship transmitter power in excess of 25 watts would conflict with

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[4] In paragraphs 25, 26, and 27 of the notice of proposed rule making in Docket 17295 we said, in part, ". . . It is clear that the development and successful functioning of the VHF maritime radio distress system on 156.8 Mc/s is dependent upon a capability to establish communications and, once established, to intercommunicate . . . the optimum arrangement . . . generally, would require simultaneous watch on two or more frequencies . . ." "Practical and economic considerations, however, are believed to support an arrangement which is less than optimum." We therefore adhered to that position when we released the report and order in the docket and we did not require a simultaneous watch on two or more frequencies.

the International Radio Regulations (Number 1379). This provision of the International Regulations is no less applicable to vessels of the United States using international frequencies merely because they may operate on inland waters, as discussed in more detail in paragraph f, below.

d. *Use of "unit identifiers" for station identification.* We believe the request of petitioners for permission to use "unit identifiers" with marine utility stations is reasonable provided that the station call letters are transmitted at the end of an exchange of communications, or at least once each 15 minutes and we are ordering appropriate rule changes to effectuate this in the appendix hereto.

e. *Relaxation of the waiting periods after calling.* We do not believe that relaxing the present rules requiring ship stations to wait for a period of 3 minutes, before resuming calling another station, is in the best interest of the public or boating industry. Calling is now permitted by §§ 81.368(a)(4) and 83.366(f) of the rules, for a period of 30 seconds which we believe experience has shown is ordinarily adequate for determining whether a vessel is within communications range or is receiving a call. If the vessel being called does not respond within that time, granting permission to continue calling would, aside from the adverse safety factor, if the calling were on a distress frequency, only add to the frequency congestion or interference. Additionally, without necessarily insuring that the call would be answered by the vessel being called, it would deny the use of the frequency to other stations capable of communicating and desiring to contact each other. Such a situation would detract from, rather than add to, the effectiveness and efficiency of maritime radiocommunications.

f. *Eliminating operator permits for stations on vessels in inland waters.* (1) The petitioners have requested that we waive the requirement that stations be operated only by licensed operators so that aliens may be used as operators on vessels operating on inland waters. As has been correctly pointed out and recognized by the petitioners, the Geneva International Telecommunication Union Regulations, Edition of 1968, in Number 849 on page 253, provides that every ship radiotelephone station shall be controlled by an operator holding a certificate issued or recognized by the government to which the station is subject. Although Number 851 on page 253 of these Regulations provides that each government shall decide for itself whether a certificate is necessary for stations operating solely on frequencies above 30 Mc/s, Number 852, immediately following, provides that the provisions of Number 851 shall not apply to any ship working on frequencies assigned for international use. Thus the test of authority of a signatory government to the regulations to not require an operator permit for a ship station is not the location of a vessel, but rather the frequency on which the station is operating and specifically whether the frequency is assigned for international use. In this regard, all of the VHF frequencies used by petitioners in this instance are assigned internationally by the Radio Regulations in Appendix 18–2, as well as the Commission in its rules, for maritime mobile ship and coast station use. The requirement, therefore, in the International Regulations that all radio stations on board vessels be operated only by a licensed operator is applicable to all vessels of the United States including those operating on inland waters.

(2) In view of these provisions and the provisions of section 318 of the Communications Act which do not permit waiver of the operator requirements when required by international agreement, we cannot grant the requested relief from the operator rule requirements. Further, section 303(l)(1) of the Communications Act authorizes us to grant operator permits, with limited exceptions not applicable here, only to citizens and nationals of the United States.

8. In addition to the specific rule changes requested as hereinabove set forth and discussed, the petitioners stated that, in making investments, they had relied on the expressed policy of the Commission and they referred to the reports and orders in Dockets Nos. 12387, 14375, and 16081 released in 1963, 1962, and 1966. They alluded to paragraph 27, of the notice of proposed rule making in Docket 17295, which they say was understood to mean there would be no change in Commission policy. We understand petitioners to assert that the Commission has changed its policy, and in so doing has caused petitioners economic harm because of greatly increased outlay for equipment and personnel.

9. a. Lacking more specifics as to the nature of the policy or policies, to which petitioners may be referring, we can only reply in general terms with respect to an assertion that we have changed our policy to the economic harm of the public or boating community.

b. In view of the international and domestic developments in the use of maritime radio of converting from the limited and saturated medium and high frequencies to the more plentiful and less used very high frequencies, our basic policy has been, within the communication range of VHF, to establish a VHF safety system as effective as that which has existed for many years for the lower frequency bands. A fundamental concept of any such system is a requirement that radio equipment in the system have the capability to receive and transmit on a distress frequency and that listening watches on that frequency be maintained. It has further been our policy that in establishing these requirements, appropriate and careful consideration be given to any adverse economic impact on the public, keeping always foremost in mind, in the final analysis, that safety, and in particular safety of life, must not be subordinated to economic considerations. While we do not suggest that our policy never changes, as indeed it must from time to time to keep abreast of changing technological and other developments, we do not see, with respect to the matter now before us, that our basic policy has changed with respect to the VHF safety system since the termination of the dockets cited by the petitioners. The manner or speed of implementing our basic policy may change, however, in the light of new information or knowledge and practical experience.

c. In reviewing the dockets referred to by petitioners in support of their arguments that we have changed our policy, we note that Docket 14375 was a rule making proceeding to implement certain requirements of the Geneva Radio Regulations of 1959 with regard to maritime mobile and marine radio determination operations. The only reference in the report and order that relates to equipment capability and watches by VHF maritime radio stations is contained in paragraph 5 where, in discussing the need for continuing to require 2 Mc/s distress frequency watches, we said, in part, "* * * in the absence of a compulsory requirement that vessels be equipped with VHF and maintain a watch on 156.8 Mc/s, complete reliance on VHF for distress communications would be imprudent." We find no inconsistency between that statement and our present policy or action in Docket 17295. We have not suggested in any proceeding to date that VHF should be completely relied upon for distress communications.

d. Docket 12387 was a notice of inquiry primarily to obtain information which would assist the Commission in a special study of the safety of life at sea and was an outgrowth of concern over the increasing number of vessels being equipped with radio stations other than those operating on maritime mobile service frequencies and under the rules governing that service. The notice of inquiry in that docket did not solicit comments nor were any received on the question of the capability of VHF maritime mobile radio equipment to transmit or receive on a distress frequency, such as 156.8 Mc/s, or distress frequency watches, nor does the docket contain any statement with respect to these points. No rule changes were initiated in that docket.

e. Docket 16081, unlike the two previously discussed dockets, appears to be pertinent to the instant subject matter in that it was a rule making proceeding relative to ship radiotelephone transmitters of low power to permit multichannel operation without requiring that the equipment have a capability to receive and transmit on 156.8 Mc/s. In that proceeding we granted a request that the rules be changed to permit in effect, the use of low powered, 3 watts or less, single channel transmitters with marine utility stations. We concluded then that marine utility stations on ships were "not particularly adaptable to taking the place of a regular ship radio station."

f. Since the release on July 1, 1966, of the report and order in Docket 16081, however, there have been significant new developments to profoundly affect and accelerate the use of VHF radio in the maritime services; to greatly increase the importance of VHF radio to the safety of life and property at sea; and

to emphasize the role of all stations, including the marine utility stations, in the VHF safety system. The agreements reached at the 1967 World Administrative Radio Conference, in Geneva, Switzerland, for example, together with rule changes in various dockets to implement these agreements and make other changes, is speeding the conversion to the use of VHF radio in the maritime community. The percentage of the ship radio stations that operate on VHF in addition to the lower frequencies, or on only VHF, is multiplying rapidly and we have received more applications for VHF coast radio stations in the past few months than we have during the past several years. The filing of applications for limited coast stations alone has increased dramatically. In a single day in March 1970, a total of 76 applications for coast station licenses was received by the Commission. The situation, therefore, with regard to the use of VHF bands in maritime radio communications has radically changed since the dockets cited by petitioners and it is now apparent that all stations operating in the maritime mobile service must be required to reasonably participate in the safety system. While we do not yet suggest that a marine utility ship station is a completely adequate substitute for a regular ship station, we think, in the light of the foregoing recent developments that the time has come to acknowledge the valuable role of this station in the maritime safety system as a supplement to, or occasional or partial substitute for, the regular ship station.

10. In view of the foregoing, we find that the rule changes requested by the petitioners, or indicated by them to be necessary, concerning the use of a unit identifier and watch requirements by marine utility ship stations, are reasonable and desirable and would serve the public interest. Since these changes are editorial in nature and relieve a restriction concerning identification procedure, the public notice and procedure provisions of 5 U.S.C. 553 are unnecessary and do not apply. The relief requested concerning distress frequency watches by limited coast stations while transmitting on working frequencies is moot since we have already taken action in Docket 18739 to grant that request. Apart from these matters we do not find that petitioners' requests for other rule changes, concerning equipment design and capability, watch requirements, and use of nonlicensed radio operators would serve the public interest and that the requests should be granted.

11. *Accordingly, it is ordered*, That to the extent indicated in the attached appendix, the petitions of the American Waterways Operators, Inc., and Foss Launch and Tug Co. are granted, and in all other respects the petitions are denied.

12. *It is further ordered*, That pursuant to authority contained in section 4(i) and 303(r), of the Communications Act of 1934, as amended, Parts 81 and 83 of the Commission's rules are amended, effective June 26, 1970, as set forth below.

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

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

Adopted: May 13, 1970.

Released: May 18, 1970.

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

LIST OF COMMENTS IN RESPONSE TO PUBLIC NOTICE OF RM-1494 AND RM-1501

Moran Towing & Transportation Co., Inc.
Crounse Corp.
McAllister Brothers Inc.
Union Barge Line Corp.
Sun Oil Co.
Knappton Towboat Co.
Oil Transport Co., Inc.
Marine Radio Service.
Southern California Marine Radio Council.
Northwest Towboat Association.
Diesel Vessel Operators, Inc.
Ashland Oil and Refining Co.
Warrior & Gulf Navigation Co.
Columbia River Towboat Association.
Canal Barge Co., Inc.
Pacific Inland Navigation Co., Inc.
Chotin Transportation, Inc.
Franks Contracting Co.
Pittston Marine Corp.
Keller and Heckman on behalf of Central Committee on Communication Facilities of the American Petroleum Institute.
Donohugh Towboat Service.
Marine Exchange of the San Francisco Bay Region.
The American Waterways Operators, Inc.
Tug Communications, Inc.
American Institute of Merchant Shipping.
Western Transportation Co.
North Pacific Marine Radio Council, Inc.
Sabine Towing & Transportation Co., Inc.

Parts 81 and 83 of the rules are amended as shown below:

1. Section 81.372 is amended by adding the following paragraph (b).

§ 81.372 Station identification.

* * * * *

(b) Marine utility stations, or limited coast stations when exchanging communications with marine utility stations, may, in lieu of furnishing station identification as specified in paragraph (a) of this section, be identified by a unit identified provided that identification by transmission of the assigned call sign is made at the end of an exchange of communications with any other station, or at least once each 15 minutes whenever an exchange of communications with any other station is sustained for a period exceeding 15 minutes.

2. The text of § 83.224 preceeding the Note is amended to read as follows:

§ 83.224 Watch on 156.800 Mc/s.

Each ship station, or, if more than one maritime mobile station is being operated from a vessel than at least one station, licensed to transmit by telephony on one or more frequencies within the band 156–162 Mc/s shall, during its hours of service for telephony in this band, maintain an efficient watch for the reception of F3 emissions on the authorized carrier frequency 156.800 Mc/s whenever such station is not being used for transmission on other frequencies: *Provided, however*, That ship stations licensed under the provisions of § 83.106(d)(5) or operating under the provisions of the note to § 83.106 of the rules are exempt from the watch requirements on 156.800 Mc/s.

* * * * *

3. Section 83.364 is amended by adding the following paragraph (d).

§ 83.364 Identification of station.

* * * * *

(d) Marine utility stations operated on board a vessel as a ship station may, in lieu of furnishing station identification as specified in paragraph (a) of this section, be identified by use of a unit identifier provided that identification by transmission of the assigned call sign is made at the end of an exchange of communications with any other station, or at least once each 15 minutes whenever an exchange of communications with any other station is sustained for period exceeding 15 minutes.

[F.R. Doc. 70-6290; Filed, May 20, 1970; 8:50 a.m.]

Title 49—TRANSPORTATION

Chapter III—Federal Highway Administration, Department of Transportation

SUBCHAPTER B—MOTOR CARRIER SAFETY REGULATIONS

[Docket No. MC-7; Notice 70-6]

PART 391—QUALIFICATIONS OF DRIVERS

PART 392—DRIVING OF MOTOR VEHICLES

Miscellaneous Amendments

In F.R. Doc. 70-4868 beginning on page 6458 of the issue for Wednesday, April 22, 1970, the following corrections should be made.

1. On page 6465, in § 391.51(c)(3), the reference to "§ 391.23(d)" is corrected to read "§ 391.23(b)."

2. On page 6466, in the paragraph numbered II, the phrase "Part 391 of Title 49, CFR" is corrected to read "Part 392 of Title 49, CFR."

Issued on May 13, 1970.

F. C. TURNER,
Federal Highway Administrator.

[F.R. Doc. 70-6285; Filed, May 20, 1970; 8:49 a.m.]

[Docket No. MC-7; Notice No. 70-7]

PART 392—DRIVING OF MOTOR VEHICLES

Alcohol, Drugs, and Amphetamines

On June 2, 1969, the Federal Highway Administrator announced that he was considering revisions to §§ 392.1–392.5 and § 392.10(a) of the Motor Carrier Safety Regulations. These regulations pertain to the driving of commercial motor vehicles. Specifically, the proposed

revisions dealt with the operation of commercial vehicles by drivers who use amphetamines, narcotics, or other dangerous drugs, or who are under the influence of alcohol.

The need for more stringent regulations in these areas is abundantly demonstrated by two recent motor carrier investigation reports published by the Bureau of Motor Carrier Safety. The first (Report No. 69–12) relates the facts of a commercial vehicle driver who began drinking beer on his lunch hour and, by the time he took to the highway between 6:30 and 7 p.m., had consumed at least 13 cans of beer. At 7:27 p.m. on the same day, his truck crossed the centerline of a two-lane highway near Greeley, Colo., and collided head-on with a passenger car going in the opposite direction. The car contained a man, his wife, and their infant child. All three members of the family died. The alcohol content of the truck driver's blood was 0.25 percent, according to a test performed after the accident. The second case (narrated in Report No. 69–13) concerns a tractor-semitrailer which ran off the roadway at an estimated speed of 65 miles-per-hour near Bliss, Idaho, on July 30, 1969. Both the driver and his codriver (who was also his wife) were severely injured as the truck struck a guardrail and came to rest in a jackknifed position some 300 feet from the highway. Two bottles of amphetamines were recovered at the scene of the accident. Investigation by the Bureau of Motor Carrier Safety revealed that, within 2 days of the accident, the driver and his wife had purchased 120 dexamyl spansule capsules containing 14 m.g. each. Only 65 were left when the accident occurred. "The cause of the accident," the Bureau concluded, "was the operation of a commercial vehicle by a truckdriver who was apparently under the influence of amphetamine drugs and probably exhausted due to driving beyond his physical endurance.

These two tragedies are not merely isolated instances. They are symptomatic of the intolerable toll of human lives and suffering resulting from the consumption of dangerous substances by drivers. The Administrator is determined to do all in his power to reduce that toll. He believes that promulgation and enforcement of new and more stringent regulations will play a major part in the effort to reduce the incidence of drivers who are under the influence of alcohol, amphetamines, and dangerous drugs in control of heavy commercial vehicles on the nation's highways.

The new §§ 392.1–392.3 incorporate the substance of §§ 392.1–392.4 of the existing regulations. A new § 392.1(b) makes it clear that motor carriers are at liberty to require their drivers to obey rules of safe driving that are more stringent than those imposed in Part 392. In addition, changes of an editorial nature have been made.

In response to a number of comments, § 392.4 has been changed so that a person is forbidden to operate a motor vehicle if he is using a dangerous drug or other dangerous substance. The Administrator agrees that application of the prohibition to "habitual users" of dangerous substances needed some refinement for the purposes of clarity. In addition, § 392.4(c), which exempts persons using medicines under the orders of a physician, has been clarified. In view of the fact that available enforcement remedies generally require proof that a regulation has been violated "knowingly," "willfully," or both, the Administrator has concluded it is unnecessary to adopt the suggestion that only knowing and illegal possession of hazardous substances be explicitly proscribed.

The most controversial proposal in the notice of proposed rule making was § 392.5(a)(1). It would have prohibited a driver from going on duty or operating a motor vehicle if he had consumed intoxicating liquor within the preceding 8 hours. Many persons argued that the proposed rule was unenforceable, impracticable, and unnecessary (some even contended it was "un-American" and a violation of their rights). There is, however, substantial evidence that a driver's consumption of alcoholic beverages shortly before he goes on duty has a deleterious effect on his ability to operate a large vehicle safely and skillfully. According to this evidence, the adverse effects of drinking wear off at a much slower rate than is commonly assumed. Hence, the Administrator has decided to retain the prohibition against consumption of alcoholic beverages during the period immediately before drivers are on duty. In the light of comments about the hardships the rule would create in some instances, however, the Administrator has reduced that period from 8 to 4 hours.

There was no substantive objection to the proposed revision of § 392.10(a) pertaining to the stopping of vehicles transporting hazardous materials at railroad grade crossings, and it is being adopted without change.

In consideration of the foregoing, §§ 392.1–392.5 and 392.10(a) in Part 392 of Title 49, CFR, are revised to read as set forth below.

Effective date. These amendments are effective on June 30, 1970.

(Sec. 204, Interstate Commerce Act, as amended, 49 U.S.C. 304, sec. 6, Department of Transportation Act, 49 U.S.C. 1655, and the delegation of authority in 49 CFR 1.48)

Issued on May 13, 1970.

F. C. TURNER,
Federal Highway Administrator.

§ 392.1 Compliance required.

(a) Every motor carrier, its officers, agents, representatives, and employees responsible for the management, maintenance, operation, or driving of motor vehicles, or the hiring, supervising, training, assigning, or dispatching of drivers, shall be instructed in and comply with the rules in this part.

(b) Nothing in Parts 390–397 of this subchapter prohibits a motor carrier from requiring and enforcing more stringent rules and regulations relating to safety of operation.

§ 392.2 Applicable operating rules.

Every motor vehicle must be operated in accordance with the laws, ordinances, and regulations of the jurisdiction in which it is being operated. However, if a regulation of the Federal Highway Administration imposes a higher standard of care than that law, ordinance or regulation, the Federal Highway Administration regulation must be complied with.

§ 392.3 Ill or fatigued operator.

No driver shall operate a motor vehicle, and a motor carrier shall not require or permit a driver to operate a motor vehicle, while the driver's ability or alertness is so impaired, or so likely to become impaired, through fatigue, illness, or any other cause, as to make it unsafe for him to begin or continue to operate the motor vehicle. However, in a case of grave emergency where the hazard to occupants of the vehicle or other users of the highway would be increased by compliance with this section, the driver may continue to operate the motor vehicle to the nearest place at which that hazard is removed.

§ 392.4 Narcotics, amphetamine, and other dangerous substances.

(a) No person shall operate, or be in physical control of, a motor vehicle if he possesses, is under the influence of, or is using, any of the following substances:

(1) A narcotic drug or any derivative thereof;

(2) An amphetamine or any formulation thereof (including, but not limited to, "pep pills" and "bennies");

(3) Any other substance, to a degree which renders him incapable of safely operating a motor vehicle.

(b) No motor carrier shall knowingly require or permit a driver to violate paragraph (a) of this section.

(c) Paragraph (a) of this section does not apply to the possession or use of a substance administered to a driver by or under the instructions of a physician who has advised the driver that the substance will not affect his ability to operate a motor vehicle.

(d) As used in this section, "possession" does not include possession of a substance which is manifested and transported as part of a shipment.

§ 392.5 Intoxicating liquor.

(a) No person shall—

(1) Consume an intoxicating liquor, regardless of its alcoholic content, or be under the influence of an intoxicating liquor, within 4 hours before going on duty or operating, or having physical control of, a motor vehicle; or

(2) Consume an intoxicating liquor, regardless of its alcoholic content, or be under the influence of an intoxicating liquor, while on duty, or operating, or in physical control of, a motor vehicle; or

(3) Be on duty or operate a motor vehicle while he possesses an intoxicating liquor, regardless of its alcoholic content. However, this subparagraph does not apply to possession of an intoxicating liquor which is manifested and transported as part of a shipment.

(b) No motor carrier shall require or permit a driver to—

(1) Violate any provision of paragraph (a) of this section; or

(2) Be on duty or operate a motor vehicle if, by his general appearance or by his conduct or by other substantiating evidence, he appears to have consumed an intoxicating liquor within the preceding 4 hours.

§ 392.10 Railroad grade crossings; stopping required.

(a) Except as provided in paragraph (b) of this section, the driver of a motor vehicle specified in subparagraphs (1) through (6) of this paragraph shall not cross a railroad track or tracks at grade unless he first: Stops the vehicle within 50 feet of, and not closer than 15 feet to, the tracks; thereafter listens and looks in each direction along the tracks for an approaching train; and ascertains that no train is approaching. When it is safe to do so, the driver may drive the vehicle across the tracks in a gear that permits the vehicle to complete the crossing without a change of gears. The driver must not shift gears while crossing the tracks.

* * * * *

[F.R. Doc. 70-6286; Filed, May 20, 1970; 8:49 a.m.]

Title 50—WILDLIFE AND FISHERIES

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

PART 33—SPORT FISHING

Columbia National Wildlife Refuge, Wash.

In F.R. Volume 35, No. 52, dated Tuesday, March 17, 1970, on page 4631 (§ 33.5) Special Conditions should be amended to read as follows:

(1) Sport fishing shall be permitted on the refuge as follows:

Waters open April 19 through August 15, 1970—Mallard Lake, Migraine Lake, and Scabrock Lakes.

Waters open July 10 through September 30, 1970—Lower Crab Creek within Management Units I and III as posted.

The remainder is unchanged.

JOHN D. FINDLAY,
Regional Director, Bureau of Sport Fisheries and Wildlife.

MAY 12, 1970.

[F.R. Doc. 70-6240; Filed, May 20, 1970; 8:46 a.m.]

Chapter II—Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior

SUBCHAPTER E—NORTHWEST ATLANTIC COMMERCIAL FISHERIES

PART 241—SALMON FISHERIES

At its 19th Annual Meeting held in Warsaw, Poland, June 2–7, 1969, the International Commission for the Northwest Atlantic Fisheries approved a proposal relating to the prohibition of fishing for Atlantic salmon in waters outside national fishing limits. The proposal has entered into force for a majority of member nations including the United States in the area to which the International Convention for the Northwest Atlantic Fisheries applies. Therefore, a Part 241, entitled Salmon Fisheries, Subchapter E, Title 50, Code of Federal Regulations to implement this proposal is adopted under authority of Sec. 7, 64 Stat. 1069; 16 U.S.C. 986.

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

§ 241.1 Salmon fishing prohibited.

No person or fishing vessel subject to the jurisdiction of the United States shall fish for or take Atlantic salmon, *Salmo salar* L., outside of the U.S. contiguous fishery zone in the Convention area as described in Part 240.

Issued at Washington, D.C., pursuant to authority delegated to me by the Secretary of the Interior on August 26, 1966 (31 F.R. 11685), and dated May 14, 1970.

PHILIP M. ROEDEL,
Director, Bureau of Commercial Fisheries.

[F.R. Doc. 70-6277; Filed, May 20, 1970; 8:49 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

Chapter VII—Federal Insurance Administration, Department of Housing and Urban Development

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

List of Designated Areas

Section 1914.4 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

§ 1914.4 List of designated areas.

* * * * * * *

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
* * *	* * *	* * *	* * *	* * *	* * *	* * *
Alaska	Greater Juneau Borough.		E 02 110 0000 01. E 02 110 0000 02. E 02 110 0000 03. E 02 110 0000 04. E 02 110 0000 06. E 02 110 0000 05.	Alaska Department of Natural Resources, Juneau, Alaska 99801. Director of Insurance, State of Alaska, Pouch D, Juneau, Alaska 99801.	Greater Juneau Borough, 219 Admiral Way, Juneau, Alaska 99801.	May 22, 1970.
Florida	Okaloosa	Okaloosa Island Beaches.	E 12 091 0000 01. E 12 091 0000 02.	Department of Community Affairs, 225 West Jefferson St., Tallahassee, Fla. 32303. State of Florida Insurance Department, Treasurer's Office, State Capitol, Tallahassee, Fla. 32303.	Okaloosa Island Authority, 105 Santa Rosa Blvd., Okaloosa Island Beaches, Fort Walton Beach, Fla. 32548. Clerk of the Circuit Court, Okaloosa County Courthouse, Crestview, Fla. 32536.	Do.
Do.	Pinellas	Indian Rocks Beach, South Shore.	E 12 103 1481 01.	do.	Municipal Office, 19305 Gulf Blvd., Indian Rocks Beach, South Shore, Fla. 33535.	Do.
Do.	do.	North Redington Beach.	E 12 103 2236 01.	do.	Municipal Office Bldg., 190 173d Ave., St. Petersburg, Fla. 33708.	Do.
Do.	do.	St. Petersburg Beach.	E 12 103 2470 01.	do.	Municipal Bldg., 7701 Boca Ciega Dr., St. Petersburg Beach, Fla. 33706.	Do.
New Jersey.	Union	Elizabeth	E 34 039 0860 01.	Department of Conservation and Economic Development, Box 1390, Trenton, N.J. 08625. Department of Banking and Insurance, State House Annex, Trenton, N.J. 08625.	Office of the City Clerk, City Hall, 50 West Scott Pl., Elizabeth, N.J. 07201. Department of Planning and Development, Room 221, City Hall, Elizabeth, N.J. 07201.	Do.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
New York	Suffolk	Saltaire	E 36 103 5430 01.	New York State Conservation Department, State Campus, Albany, N.Y. 12226. New York State Insurance Department, 123 William St., New York, N.Y. 10038.	Village of Saltaire, Pomander Walk, Saltaire, N.Y. 11781.	Do.
Tennessee	Washington	Johnson City.	I 47 179 1250 01. I 47 179 1250 02.	Office of Federal and Urban Affairs, 321 7th Ave. North, Nashville, Tenn. 37219. Tennessee State Planning Commission, Room C2-208, Central Services Bldg., Nashville, Tenn. 37219. State Insurance Commission, Room 114, State Office Bldg., Nashville, Tenn. 37219.	Johnson City Planning Department, City Hall, Johnson City, Tenn. 37601. Tennessee State Planning Commission, Upper East Tennessee Office, 238 West Walnut St., Johnson City, Tenn. 37601.	Do.
Texas	Grayson	Sherman	E 48 181 6350 01. E 48 181 6350 02.	Texas Water Development Board, 301 West Second St., Austin, Tex. 78711. State Board of Insurance, 11th and San Jacinto, Austin, Tex. 78701.	Office of Urban Affairs, 3d Floor, Municipal Bldg., Sherman, Tex. 75090.	Do.
Do.	Victoria	Victoria	E 48 469 7190 01.	do.	Office of the City Secretary, City Hall, 105 West Juan Linn St., Victoria, Tex. 77901.	Do.
Wisconsin	Crawford	Prairie du Chien.	E 55 023 3890 01.	Wisconsin Insurance Department, 4802 Sheboygan Ave., Madison, Wis. 53702. Department of Natural Resources, Post Office Box 450, Madison, Wis. 53701.	Municipal Office, 207 West Blackhawk Ave., Prairie du Chien, Wis. 53703.	Do.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 F.R. 17804, Nov. 28, 1968), as amended (secs. 408-410, Public Law 91-152, Dec. 24, 1969), 42 U.S.C. 4001-4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 F.R. 2680, Feb. 27, 1969)

Issued: May 21, 1970.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[F.R. Doc. 70-6241; Filed, May 20, 1970; 8:46 a.m.]

PART 1915—IDENTIFICATION OF FLOOD-PRONE AREAS

List of Flood Hazard Areas

Section 1915.3 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

§ 1915.3 List of flood hazard areas.

* * * * * * *

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
***	***	***	***	***	***	***
Alaska	Greater Juneau Borough.		H 02 110 0000 01. H 02 110 0000 02. H 02 110 0000 03. H 02 110 0000 04. H 02 110 0000 05. H 02 110 0000 06.	Alaska Department of Natural Resources, Juneau, Alaska 99801. Director of Insurance, State of Alaska, Pouch D., Juneau, Alaska 99801.	Greater Juneau Borough, 210 Admiral Way, Juneau, Alaska 99801.	May 22, 1970.
Florida	Okaloosa	Okaloosa Island Beaches.	H 12 091 0000 01. H 12 091 0000 02.	Department of Community Affairs, 225 West Jefferson St., Tallahassee, Fla. 32303. State of Florida Insurance Department, Treasurer's Office, State Capitol, Tallahassee, Fla. 32303.	Okaloosa Island Authority, 105 Santa Rosa Blvd., Okaloosa Island Beaches, Fort Walton Beach, Fla. 32548. Clerk of the Circuit Court, Okaloosa County Courthouse, Crestview, Fla. 32536.	Do.
Do.	Pinellas	Indian Rocks Beach, South Shore.	H 12 103 1481 01.	do.	Municipal Office, 19805 Gulf Blvd., Indian Rocks Beach, South Shore, Fla. 33535.	Do.
Do.	do.	North Redington Beach.	H 12 103 2234 01.	do.	Municipal Office Bldg., 190 173d Ave., St. Petersburg, Fla. 33708.	Do.
Do.	do.	St. Petersburg Beach.	H 12 103 2470 01.	do.	Municipal Bldg., 7701 Boca Ciega Dr., St. Petersburg Beach, Fla. 33706.	Do.
New Jersey	Union	Elizabeth	H 34 039 0860 01.	Department of Conservation and Economic Development, Box 1390, Trenton, N.J. 08625. Department of Banking and Insurance, State House Annex, Trenton, N.J. 08625.	Office of the City Clerk, City Hall, 50 West Scott Pl., Elizabeth, N.J. 07201. Department of Planning and Development, Room 221, City Hall, Elizabeth, N.J. 07202.	Do.
New York	Suffolk	Saltaire	H 36 103 5430 01.	New York State Conservation Department, State Campus, Albany, N.Y. 12226. New York State Insurance Department, 123 William St., New York, N.Y. 10038.	Village of Saltaire, Pomander Walk, Saltaire, N.Y. 11781.	

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Tennessee	Washington	Johnson City.	I 47 179 1250 01. I 47 179 1250 02.	Office of Federal and Urban Affairs, 321 7th Ave., North, Nashville, Tenn. 37219. Tennessee State Planning Commission, Room C2-208, Central Services Bldg., Nashville, Tenn. 37219. State Insurance Comsion, Room 114, State Office Bldg., Nashville, Tenn. 37219.	Johnson City Planning Department, City Hall, Johnson City, Tenn. 37601. Tennessee State Planning Commission, Upper East Tennessee Office, 323 West Walnut St., Johnson City, Tenn. 37601.	Do.
Texas	Grayson	Sherman	H 48 181 6350 01. H 48 181 6350 02.	Texas Water Development Board, 301 West Second St., Austin, Tex. 78711. State Board of Insurance, 11th and San Jacinto, Austin, Tex. 78701.	Office of Urban Affairs, 3d Floor, Municipal Bldg., Sherman, Tex. 75090.	Do.
Do	Victoria	Victoria	H 48 469 7190 01.	....do....	Office of the City Secretary, City Hall, 105 West Juan Linn St., Victoria, Tex. 77901.	Do.
Wisconsin	Crawford	Prairie du Chien.	H 55 023 3890 01.	Wisconsin Insurance Department, 4802 Sheboygan Ave., Madison, Wis. 53081. Department of Natural Resources, Post Office Box 450, Madison, Wis. 53701.	Municipal Office, 207 West Blackhawk Ave., Prairie du Chien, Wis. 53701.	Do.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 F.R. 17804, Nov. 28, 1968), as amended (secs. 408–410, Public Law 91–152, Dec. 24, 1969), 42 U.S.C. 4001–4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 F.R. 2680, Feb. 27, 1969)

Issued: May 21, 1970.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[F.R. Doc. 70-6242; Filed, May 20, 1970; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Oil Import Administration

[32A CFR Ch. X]

[Oil Import Reg. 1 (Rev. 5)]

ALLOCATIONS BASED UPON IMPORTS UNDER VOLUNTARY OIL IMPORT PROGRAM

Notice of Proposed Rule Making

When Oil Import Regulation 1 (Revision 5) Amendment No. 17 was published in the FEDERAL REGISTER, December 20, 1969 (34 F.R. 19975) providing for the making of allocations to refiners and others for the current allocation period, the Secretary of the Interior stated the allocations to refiners and others for the period January 1, 1970, through December 31, 1970, were contingent allocations and licenses were issued only for the first 181 days of the allocation period.

For licenses to be issued in Districts I–IV effective on July 1, 1970, it is proposed to reduce from 30 percent to 20 percent the percentage applied to the last allocation of imports of crude oil under the Voluntary Oil Import Program pursuant to section 10(c)(1) of Oil Import Regulation 1 (Revision 5), as amended. With the allocation period commencing on January 1, 1971, it is proposed to eliminate all crude and unfinished oil allocations relating to the last voluntary quotas except those reflecting imports of crude oil by overland means from the country of origin.

Accordingly, the following proposal is published as a notice of proposed rule making. Such rule making is subject to concurrence by the Director of the Office of Emergency Preparedness.

1. Paragraph (c)(1) of section 10 of Oil Import Regulation 1 (Revision 5) (33 F.R. 3061), as amended, would be amended to read as follows:

Sec. 10 Allocations—crude and unfinished oils—refiners—Districts I–IV.

* * * * *

(c)(1) Except as provided in subparagraph (2) of this paragraph, if an eligible applicant imported crude oil pursuant to an allocation under the Voluntary Oil Import Program and if an allocation computed under paragraph (b) of this section would be less than 20 percent of the applicant's last allocation of imports of crude oil under that program expressed in average barrels daily multiplied by 184, the applicant shall receive an allocation under this section equal to 20 percent of his last allocation of imports of crude oil under that program expressed in average barrels daily multiplied by 184.

* * * * *

Interested persons may submit written comments, suggestions, or objections with respect to the proposal to the Administrator, Oil Import Administration, Washington, D.C. 20240, not later than 30 days after publication of this notice. Each person who submits comments is asked to provide ten copies.

J. J. SIMMONS III,
Administrator,
Oil Import Administration.

MAY 19, 1970.

[F.R. Doc. 70-6341; Filed, May 19, 1970; 1:55 p.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 51]

FILBERTS IN THE SHELL [1]

U.S. Standards for Grades

Notice is hereby given that the U.S. Department of Agriculture is considering the revision of U.S. Standards for Grades of Filberts in the Shell (7 CFR, §§ 51.1995–51.2008). These grade standards are issued under authority of the Agricultural Marketing Act of 1946 (60 Stat. 1087, as amended; 7 U.S.C. 1621–1627), which provides for the issuance of official U.S. grades to designate different levels of quality for the voluntary use of producers, buyers and consumers. Official grading services are also provided under this act upon request of any financially interested party and upon payment of a fee to cover the cost of such services.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposal should file the same, in duplicate, not later than July 1, 1970, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, where they will be available for public review during official hours of business (7 CFR § 1.27(b).)

Statement of considerations leading to the proposed revision of the grade standards. U.S. Standards for Grades of Filberts in the Shell were last revised effective November 25, 1961. Since that time there has been a significant change in the methods of harvesting filberts in the shell.

During the past decade most filbert growers in Oregon, in order to overcome labor and cost problems, have adopted mechanical harvesting as the means for gathering their crops. Mechanical harvesting has economically benefited the growers, but has placed economic burdens on the filbert packers.

The regular practice of filbert growers is to plant 10 trees which produce round type filberts to every one pollenizer tree which produces long type filberts. Interplanting of these different type filbert trees is necessary to provide cross-pollination. The crop set on these different type trees varies annually. However, during the past 2 years trees bearing long type filberts have producer a heavier crop, proportionately, than trees bearing round type filberts. This, and the inability of harvesting machines to distinguish between types of filberts, has resulted in mixed types and off-size far in excess of tolerances provided in the grade standards.

Consequently, filbert packers must perform more sizing and hand sorting operations in order to conform to present grade standards. The filbert packers have stated that these costly sizing and hand sorting operations will compel them to raise the price of their product. As an alternative to raising prices, the filbert packers have formally requested that the mixed types and off-size tolerances be increased.

The proposed revised standards would increase the tolerance for mixed types from 10 to 20 percent and the off-size tolerance from 12 to 15 percent. In addition, the size requirement section would be expanded so that size could be specified in connection with the grade in terms of minimum diameter, minimum and maximum diameters, or in accordance with present size classifications. This proposed change would help resolve inequities existing in the filbert size requirement section of the U.S. Standards for Grades of Mixed Nuts in the Shell.

A definition of "Split Shell," a shell defect common to filberts, would be added. A "Metric Conversion Table" would also be added to enable persons to translate into millimeters those grade requirements which are specified in terms of fractional parts of inches.

Furthermore, the "Unclassified" section, seldom used and often misunderstood would be deleted.

The proposed revision presents the standards in a new format which should be more readily understood.

As proposed to be revised, the standards are as follows:

GRADE

Sec.
51.1995 U.S. No. 1.

APPLICATION OF STANDARDS

51.1996 Application of standards.

DEFINITIONS

51.1997 Similar type.
51.1998 Dry.
51.1999 Well formed.
51.2000 Clean and bright.
51.2001 Blank.
51.2002 Split shell.

[1] Packing of the product in conformity with the requirements 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.

Sec.
51.2003 Damage.
51.2004 Reasonably well developed.
51.2005 Badly misshapen.
51.2006 Rancidity.
51.2007 Moldy.
51.2008 Insect injury.

METRIC CONVERSION TABLE

51.2009 Metric conversion table.

AUTHORITY: The provisions of this subpart issued under secs. 203, 205, 60 Stat. 1087, as amended, 1090 as amended; 7 U.S.C. 1622, 1624.

GRADE

§ 51.1995 U.S. No. 1.

"U.S. No. 1" consists of filberts in the shell which meet the following requirements:

(a) Similar type; and,
(b) Dry.
(c) Shells:
(1) Well formed; and,
(2) Clean and bright.
(3) Free from:
(i) Blanks; and,
(ii) Broken or split shells.
(4) Free from damage caused by:
(i) Stains; and,
(ii) Adhering husk; or,
(iii) Other means.
(d) Kernels:
(1) Reasonably well developed; and,
(2) Not badly misshapen.
(3) Free from:
(i) Rancidity;
(ii) Decay;
(iii) Mold; and,
(iv) Insect injury.
(4) Free from damage caused by:
(i) Shriveling; and,
(ii) Discoloration; or,
(iii) Other means.

(e) Size: The size shall be specified in connection with the grade in terms of minimum diameter, minimum and maximum diameters, or in accordance with one of the size classifications in Table I.

TABLE I

Size classifications	Maximum size: Will pass through a round opening of the following size	Minimum size: Will not pass through a round opening of the following size
Round type varieties:		
Jumbo	No maximum	25/64 inch.
Large	25/64 inch	23/64 inch.
Medium	23/64 inch	21/64 inch.
Small	21/64 inch	No minimum.
Long type varieties:		
Jumbo	No maximum	27/64 inch.
Large	25/64 inch	23/64 inch.
Medium	23/64 inch	21/64 inch.
Small	21/64 inch	No minimum.

(f) Tolerances: In order to allow for variations incident to proper grading and handling, the following tolerances, by count, are permitted as specified:

(1) *For mixed types.* 20 percent for filberts which are of a different type.

(2) *For defects.* 10 percent for filberts which are below the requirements of this grade: *Provided,* That not more than one-half of this amount or 5 percent shall consist of blanks, and not more than 5 percent shall consist of filberts with rancid, decayed, moldy or insect injured kernels, including not more than 3 percent for insect injury.

(3) *For off-size.* 15 percent for filberts which fail to meet the requirements for the size specified, but not more than two-thirds of this amount, or 10 percent shall consist of undersize filberts.

APPLICATION OF STANDARDS

§ 51.1996 Application of standards.

(a) The grade of a lot of filberts shall be determined on the basis of a composite sample drawn from containers in various locations in the lot. However, any container or group of cantainers in which the filberts are obviously of a quality, type or size materially different from that in the majority of containers shall be considered a separate lot, and shall be sampled separately.

(b) In grading the sample, each filbert shall be examined for defects of the shell before being cracked for kernel examination. A filbert shall be classed as only one defective nut even though it may be defective externally and internally.

DEFINITIONS

§ 51.1997 Similar type.

"Similar type" means that the filberts in each container are of the same general type and appearance. For example, nuts of the round type shall not be mixed with those of the long type in the same container.

§ 51.1998 Dry.

"Dry" means that the shell is free from surface moisture, and that the shells and kernels combined do not contain more than 10 percent moisture.

§ 51.1999 Well formed.

"Well formed" means that the filbert shell is not materially misshapen.

§ 51.2000 Clean and bright.

"Clean and bright" means that the individual filbert and the lot as a whole are practically free from adhering dirt and other foreign material, and that the shells have characteristic color.

§ 51.2001 Blank.

"Blank" means a filbert containing no kernel or a kernel filling less than one-fourth the capacity of the shell.

§ 51.2002 Split shell.

"Split shell" means a shell having any crack which is open and conspicuous for a distance of more than one-fourth the circumference of the shell, measured in the direction of the crack.

§ 51.2003 Damage.

"Damage" means any specific defect described in this section; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects which materially detracts from the appearance, or the edible or marketing quality of the filberts. The following specific defects shall be considered as damage:

(a) Stains which are dark and materially affect the appearance of the individual shell.

(b) Adhering husk when covering more than 5 percent of the surface of the shell in the aggregate.

(c) Shriveling when the kernel is materially shrunken, wrinkled, leathery or tough.

(d) Discoloration when the appearance of the kernel is materially affected by black color.

§ 51.2004 Reasonably well developed.

"Reasonably well developed" means that the kernel fills one-half or more of the capacity of the shell.

§ 51.2005 Badly misshapen.

"Badly misshapen" means that the kernel is so malformed that the appearance is materially affected.

§ 51.2006 Rancidity.

"Rancidity" means that the kernel is noticeably rancid to the taste. An oily appearance of the flesh does not necessarily indicate a rancid condition.

§ 51.2007 Moldy.

"Moldy" means that there is a visible growth of mold either on the outside or the inside of the kernel.

§ 51.2008 Insect injury.

"Insect injury" means that the insect, frass or web is present inside the nut or the kernel shows definite evidence of insect feeding.

METRIC CONVERSION TABLE

§ 51.2009 Metric conversion table.

Inches:	*Millimeters (mm)*
63/64	24.6
59/64	23.4
57/64	22.2
49/64	19.4
48/64	19.0
47/64	18.6
45/64	17.9
44/64	17.5
43/64	16.7
35/64	13.9
34/64	13.5

Dated: May 18, 1970.

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

[F.R. Doc. 70-6316; Filed, May 20, 1970; 8:52 a.m.]

[7 CFR Part 81]

TEMPERATURE AND COOLING AND FREEZING PROCEDURES

Extension of Time for Filing Comments on Proposed Amendment

On March 20, 1970, there was published (35 F.R. 4865) a proposal to amend § 81.50 of the Regulations (7 CFR 81.50) under the Poultry Products Inspection Act as amended by the Wholesome Poultry Products Act (21 U.S.C. 451 et seq.), to change the requirement regarding temperature and cooling and freezing procedures.

The notice provided for interested parties to submit comments concerning the proposed amendment within 60 days after the date of publication in the FEDERAL REGISTER. Requests have been received to provide an additional period

for development of data and submission of comments regarding the proposed amendment. Therefore, notice is hereby given of an extension of time for submitting comments. 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 such statements will be available for public inspection at the office of the Hearing Clerk during the regular business hours (7 CFR 1.27(b)).

Done at Washington, D.C., on May 15, 1970.

G. R. GRANGE,
Acting Administrator.

[F.R. Doc. 70-6317; Filed, May 20, 1970; 8:52 a.m.]

[7 CFR Part 909]

[Docket No. AO-143-A4]

GRAPEFRUIT GROWN IN ARIZONA AND CALIFORNIA

Notice of Recommended Decision and Opportunity To File Written Exceptions With Respect to Proposed Further Amendment of Marketing Agreement and Order Regulating Handling

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed further amendment of the marketing agreement, as amended, and Order No. 909, as amended (7 CFR Part 909), regulating the handling of grapefruit grown in the State of Arizona; in Imperial County, Calif.; and in that part of Riverside County, Calif., situated south and east of White Water, Calif., hereinafter referred to collectively as the "order". The order is effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U.S.C. 601–674), hereinafter referred to as the "act".

Interested persons may file written exceptions to this recommended decision with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the 15th day after publication of the recommended decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate. All such communications will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Preliminary statement. The public hearing, on the record of which the proposed amendment of the order is formulated, was initiated by the Consumer and Marketing Service as a result of proposals submitted by the Administrative Committee, the administrative agency established pursuant to the order. A notice that such public hearing would be held in Conference Room 10, Office of Disaster Preparedness, 46209 Oasis Street, Indio, Calif., was published in the FEDERAL REGISTER on January 17, 1970 (35 F.R. 628).

Material issues. The material issues presented on the record of the hearing involve amendatory action relating to:

(1) Redefining the term "grapefruit" to mean the precise botanical nomenclature;

(2) Enlarging the area within which grapefruit subject to the order is produced and defining such areas as the production area;

(3) Establishing the districts and subdistricts into which the production area is divided;

(4) Modifying the definition of handle to exclude therefrom the transportation of grapefruit from the place where grown to a packinghouse in the production area for preparation for market;

(5) Defining carton to conform with the codification change in the Agricultural Code of California;

(6) Changing the fiscal period;

(7) Establishing an Administrative Committee with a fixed membership of 10 and providing for an equal number of members for each of the two districts;

(8) Revising the provisions for nominating members and alternate members to serve on the committee;

(9) Revising the provisions for selection of members and alternate members of the committee;

(10) Providing that an alternate member may be designated to act as a member by the chairman of the Administrative Committee in the place of both an absent member and his alternate, when approved by a majority of the members present from the absent member's district;

(11) Providing that alternate members, when not acting as members, may be reimbursed for reasonable expenses incurred at the request of the committee in attending committee meetings or performing other committee business;

(12) Requiring that seven members, including alternates acting as members, shall constitute a quorum and that seven members must concur to validate any committee decision;

(13) Changing the language pertaining to expenses to conform with the language of the act;

(14) Providing that a handler's share of the operating reserve could be applied against his pro rata share of the committee expenses;

(15) Providing that the authorized reserve fund shall not exceed an amount approximating the preceding year's budget of expenses exclusive of inspection expense;

(16) Establishing as separate marketing zones the States of Florida and Texas; and

(17) Making conforming changes.

Findings and conclusions. The findings and conclusions on the material issues, all of which are based upon the evidence adduced at the hearing and the record thereof, are as follows:

(1) The term "grapefruit" is currently defined in the order as "grapefruit grown in the State of Arizona; in Imperial County, California, and in that part of Riverside County, California, situated south and east of White Water, California". The order currently does not contain a definition of "production area", but the area described in the definition of grapefruit delineates the area within which the grapefruit subject to regulation under the order is produced. As hereinafter set forth, this area should be enlarged to include new producing areas hereinafter described. With the inclusion of such new areas, the current definition of the term "grapefruit" will be obsolete. Therefore, it is necessary to redefine such term. In the interest of simplification, the definition of grapefruit should not be burdened with a description of area within which the regulated fruit is produced. Such area can be more clearly set forth in a separate definition of a new term "production area". Further, a more precise definition of grapefruit can be achieved by the use of the botanical designation—Citrus paradisi, MacFadyen. It is, therefore, concluded that the term "grapefruit" should be redefined as meaning all varieties of Citrus paradisi, MacFadyen, grown in the production area, as hereinafter defined.

(2) The area within which the grapefruit to be regulated is grown should be clearly delineated in a definition of "production area". Such area should include the State of Arizona; Imperial County, Calif.; and the described portions of the following counties in California: that part of San Bernardino County east of a line drawn due north and south through Rice; that part of Riverside County east of a line drawn due north and south through the Post Office in White Water; and that part of San Diego County east of a line drawn due north and south through the Post Office in Julian. Such production area includes the area within which the grapefruit currently subject to regulation under the order is grown and the adjacent new producing regions east of Rice in San Bernardino County and east of Julian in San Diego County. The additional regions should be included as part of the production area since the grapefruit produced there has the same physical characteristics and is harvested and marketed during the same period as grapefruit covered by the order. Moreover, some of the grapefruit grown in the adjacent regions is now transported into the regulated area, and is prepared for market, and shipped from there. The grapefruit is shipped to the same markets as the fruit covered by the order and, hence, competes for its interstate markets. Production of such fruit is increasing, and such competition could become more intense with increased volume of shipments. Unregulated shipments of fruit of poorer grades and sizes would adversely affect the regulated shipments of better graded and sized grapefruit. Therefore, it is necessary to include such fruit within the scope of the regulatory program so as to provide for effective

regulation of all such fruit and thereby achieve the declared purposes of the act. Hence, it is concluded that the enlarged area is the smallest regional production area practicable, consistently with carrying out the declared policy of the act, and production area should be defined as hereinafter set forth.

(3) To provide a basis for geographic representation on the Administrative Committee, the area within which the grapefruit subject to regulation under the order is produced is divided into four districts. Currently, two such districts—the Yuma District and the Phoenix District—lie wholly within Arizona and two—the Coachella District and the Imperial District—are totally in California. With the inclusion under the order of additional producing regions, it would be necessary to change the subdivisions into which the production area is divided to incorporate the new regions and to accommodate handling patterns which have developed since the current districts were defined.

The record shows that an appropriate division based principally on the relative volumes of production and the desires of the industry can be achieved by dividing the enlarged area into two main portions and further dividing the portion lying mainly in Arizona as hereinafter indicated. The two main portions should be termed the "Arizona District" and the "California District", as such would generally describe the two areas and be meaningful to growers and handlers. The Arizona District should consist of the area encompassed by the "Yuma Subdistrict" comprised of Yuma County in Arizona, and that part of Imperial County, Calif., east of a line drawn due north and south through the Post Office in Winterhaven, Calif., and the "Phoenix Subdistrict" comprised of that part of Arizona outside of Yuma County. The California District should include all of the production area in California not included in the Yuma Subdistrict.

The Yuma Subdistrict is the same as the "Yuma District" currently described in the order, except it would include the foregoing described portion of Imperial County, Calif. Such portion of California should be included in the Yuma Subdistrict because it lies adjacent to Yuma County and the grapefruit produced there is marketed with the Yuma County fruit. The Phoenix Subdistrict heretofore described is the same area as the "Phoenix District" now described in the order. The record indicates that no change in this area is desired or necessary other than designating it as a subdistrict.

The centers of production in the Yuma and Phoenix Subdistricts are separated by about 175 miles. It is desirable that each subdistrict be represented by persons familiar with crop conditions therein. The specification of such subdistricts in accordance with the foregoing would be consistent with the desires of the industry, and will facilitate assurance of such representation.

The record shows that subdividing of the California District is not desired by the industry, and is unnecessary as approximately 90 percent of the production in that district is concentrated in the Coachella Valley and Indio areas, and equitable representation can be achieved without subdividing such district. It is, therefore, concluded that the order should be amended to establish "Districts" and "Subdistricts" as hereinafter set forth.

(4) The term "handle" as defined in the order means to transport, ship, sell, or in any other way to place grapefruit in the current of commerce between the State of California and any point outside thereof, or between the State of Arizona and any point outside thereof. The term "handle" should be amended, as hereinafter set forth, to exclude therefrom the interstate transportation of grapefruit from the point of production to a packinghouse inside of the production area for the purpose of preparing the grapefruit for market. The current definition of "handle", in effect, precludes such movement since interstate shipments of grapefruit are first prepared for market prior to being inspected for compliance with size and quality requirements prescribed pursuant to the order. The term "handle" should be so amended as to enable producers to utilize nearby packing facilties in the production area; thus, producers in Bard, Calif. (that part of Imperial County, Calif., east of a north-south line through the Post Office in Winterhaven, Calif.), would be able to utilize packing facilities in Yuma, Ariz., and those in the Vidal area of California would be free to utilize packing facilities in Parker, Ariz. The order should permit the transportation of uninspected grapefruit within the production area to facilitate preparation for market and to allow for shifts in grapefruit plantings and location of packing facilities within such area. Cleaning and packing were cited as examples of activities necessary to prepare grapefruit for market.

(5) The order should be amended, as hereinafter set forth, to define "carton" to conform with a codification change in the Agricultural Code of California. The current definition of the term "carton" in the order contains a reference to the section number in the code describing a standard carton. Since the code change, the order reference is no longer accurate.

(6) The "fiscal period" prescribed in the order ends on July 31 each year. At the time such fiscal period was included in the order, it coincided with the shipping season, i.e. the beginning and end of the shipping season for a given crop occurred within the fiscal period with no grapefruit shipments being made in August. A considerable volume of a grapefruit crop is now marketed in August. The records of such grapefruit should be included in the records which cover the season in which shipment of that crop began. Therefore, the order should be amended to define fiscal period as a 12-month period ending on August 31 of each year, except that the current fiscal period should be 13 months because an additional month would be required to complete the 1969–70 fiscal period and provide for the transition to the new 12-month period. A fiscal period's operations would thus coincide with the marketing season. The current members and alternate members of the Administrative Committee were selected by the Secretary to serve through July 31, 1970, or until their successors are selected and have qualified. They should continue to serve until new committee membership is selected to serve on the basis of a term coinciding with the new fiscal period.

(7) The order currently specifies that each of the four districts shall be represented on the committee by one member for each million cartons of grapefruit or fraction thereof, with a maximum number of three members per district. Apportionment of district representation by this method has resulted in a committee of nine members. Five members represent districts in Arizona and four members represent districts in California. Production in California is now approximately equal to production in Arizona. A fixed committee of 10 members with each district being represented by five members would be equitable. The order further prescribes that producers affiliated with cooperative marketing organizations and producers not so affiliated in each district shall be represented on the committee. District representation on the basis of marketing organization affiliation should be continued. The California District should be represented by two members affiliated with cooperative marketing organizations and two members not so affiliated. The fifth member should represent the producer group which produced more than 50 percent of the total production in the California District during the preceding year. The preceding year's records should be used to ascertain the relative volume of shipments because nomination meetings are usually held in May and shipments by that time are insufficient to accurately reflect the current year's total production. In the California District, the greatest portion of grapefruit is produced by nonaffiliated producers. The provision of two members each to affiliated and nonaffiliated producer groups with a fifth member to the group with more than 50 percent of the production will provide fair representation to each group on the committee. The alternate member for such fifth member in the California District should be selected from producers outside of the Coachella Valley (that portion of Riverside County which is situated east of a line drawn due north and south through the Post Office in White Water and west of a line drawn due north and south through Shavers Summit). This would assure representation to producers in the Imperial Valley and the Blythe areas and the new regions to be included in the production area. Production outside of the Coachella area represents approximately 9 percent of the total California production. The proposal would not limit the representation to an alternate member.

It is not necessary to provide that such alternate member shall be of the same affiliation as the member because a representative from either group would serve the interests of the producers outside of the Coachella area, and in the absence of such a restriction, such producers would have a wider representation from which to choose. The selection of a member to represent producers outside of the Coachella District has been a problem because of lack of participation in the past.

Each subdistrict in the Arizona District should be represented on the committee by two members, except that three members should represent the subdistrict which produced more than 50 percent of the total production. It is unlikely that production in Yuma and Phoenix Subdistricts each will equal exactly 50 percent. Shipments of grapefruit by groups affiliated with cooperative marketing organizations and groups not so affiliated generally are approximately equal. Therefore, whenever a subdistrict is represented on the committee by three members, the third member should be alternated between the two groups. The beginning of the fiscal period should be used as the basis for determining whether an affiliated member or nonaffiliated member shall serve on the committee. To insure fair representation on the committee and to avoid apportionment on the basis of short-term fluctuation, the order should provide that in the event total production in either subdistrict is less than that for the fiscal period preceding the one in which nominations are to be made by 25 percent or more, the average production for the preceding three fiscal periods shall be used as a basis for apportioning the fifth member between the two subdistricts. It is unnecessary to institute a 3-year averaging period for production in the California District since no subdivision of that area is involved. Any apportionment of the committee pursuant to the provisions of this section should be made each year prior to nominations.

(8) The procedure for nominating members and alternate members should be amended as hereinafter set forth. The order should provide that a meeting or meetings of producers shall be held each year in the California District and in the Yuma Subdistrict and the Phoenix Subdistrict for the purpose of nominating persons to fill member and alternate member positions on the committee. The order currently provides that a meeting or meetings shall be held in "each district" for such purpose. This has proved satisfactory. The foregoing change is necessary only for conformity with the specification of subdistricts. Except as hereinafter set forth, the order should provide that a producer shall vote only in one district or subdistrict and only for the nominees of the group through which the major volume of his fruit is handled. It is the desire of the industry that, to the extent practicable, growers vote only for nominees of their own affiliation. However, it has been found that for various reasons one group may not be able to put forth a candidate, therefore, the order should provide that if one affiliation of producers are present at a nomination meeting, but are unable to develop a slate of nominees of the same affiliation, they should be authorized to vote for nominees of the other group. Thus, all producers would be afforded an opportunity to vote. The order currently provides that when nominations are not made by a particular group of producers in a district, producers of the other group may make nominations for all the positions to be filled. The operation of such provisions has been satisfactory and should be continued. The provision currently in the order limiting representation to not more than one nominee for member and not more than one for alternate affiliated with the same packinghouse has been satisfactory and, also, should be continued. Likewise, the provision limiting each producer to vote only in one district or subdistrict and to one vote for each position to be filled by his group is consistent with current order provisions and should be continued. This also is the case with respect to the July 1 date by which nominations shall be submitted to the Secretary.

(9) The provisions of § 909.22 *Selection* should be amended, as hereinafter set forth, to conform with § 909.21 *Nomination* also as hereinafter set forth. To so conform, the order should provide that the Secretary shall select members and alternate members from each district from the nominations made pursuant to § 909.21, or from other qualified producers. The order should provide also that in the event nominations are not made in accordance with the provisions of § 909.21, the Secretary may select the members and alternates without regard to their affiliation. Such provision is desirable and necessary to permit the Secretary to select a committee in circumstances when the specified nomination procedure is not observed. The order currently contains such a provision.

(10) The order should be amended to provide that if both a member and his alternate are absent from an assembled committee meeting, the chairman, with the concurrence of the majority of members present from the district which the absent member represents, should designate an alternate member who is present at the meeting and is not acting as a member, to act in the place and stead of the absent member and alternate. However, the alternate member so designated should be from the same district and to the extent practicable of the same affiliation as the member for whom he is to serve. The notice of hearing proposed that the Administrative Committee designate the alternate member to serve as member. Such proposal was modified in accordance with the foregoing at the hearing and the record supports the modification. This provision is necessary to facilitate action because occasionally not enough members are present to constitute even a quorum. It is also desirable to seat alternates in situations other than to make a quorum. It is desirable to have as near a complete committee as possible to bring different points of view to bear on the matter at hand. To provide such opportunity to seat a quorum or a complete committee, the order should allow an alternate member in either subdistrict to be so designated to act in place of an absent member from the other subdistrict. However, an alternate member from the California District should not be substituted for an absent member from the Arizona District or vice versa.

(11) The order should be amended as hereinafter set forth, to provide that an alternate member may be reimbursed for reasonable expenses necessarily incurred by him, when directed by the committee, in attending committee meetings and in the performance of other committee business. Providing compensation for such alternate members would encourage greater participation in committee affairs. Such participation is desirable in that alternate members would gain knowledge on committee business, and this would be helpful in future meetings in which they may be designated as a member. Furthermore, opinions expressed and information supplied by alternate members are considered in committee decisions even though the alternate may not be acting as a member and may not vote. It appears only reasonable that an alternate be reimbursed for reasonable out-of-pocket expenses incurred by him in attending committee meetings or performing other committee business since he is serving the interests of the industry as a whole.

(12) The order should be amended, as hereinafter set forth, to provide that seven members of the committee shall be necessary to constitute a quorum and seven members must concur to validate a decision. This is a reasonable requirement and would provide for efficient consideration of matters affecting the industry by a substantial majority of the committee. Currently, three-fourths of the committee membership is required to form a quorum or pass a decision. Since the number of members on the committee is to be fixed at ten instead of varying with the volume of production, a fixed quorum is desirable.

(13) The order should be amended as hereinafter set forth to bring the provisions of § 909.40 *Expenses* and § 909.41 *Assessments* into conformity with the currently applicable provisions of the act. Such conformity would make available the latitude afforded by the act in connection with expenses recommended by the committee for approval and would thus contribute to efficient administration of this regulatory program.

(14) The order should be amended to provide that the authorized operating reserve in an amount approximating the preceding year's budget shall not include inspection expenses. The order currently authorizes a reserve not in excess of the preceding year's budget, including inspection expenses. A reserve in an amount approximating the operating expenses of the preceding year is sufficient to meet any foreseeable contingencies for which the reserve is authorized to be used.

(15) The order should be amended to provide that the Administrative Committee may, with the approval of the Secretary, apply funds credited to a handler's account in reserve or otherwise scheduled to be refunded to him against assessments currently due and payable by such handler. The record indicates that such provision is needed so such funds can be used under unusual circumstances such as to cover assessments owed by a handler who goes bankrupt or leaves the industry while owing current assessments, and to cover assessments owed as a result of reassessment due to crop failure or similar disaster. On this basis, it is concluded that such provision is reasonable, and the order should be amended as hereinafter set forth to include it.

(16) The order should be amended to establish Texas and Florida as separate marketing zones. These States are currently combined in marketing zone 3 with all other States in the domestic market except those nine Western States included in zones 1 and 2. The provision would enable the Administrative Committee to recommend and the Secretary to fix appropriate size regulations for California-Arizona grapefruit shipped to Texas or Florida consistent with the regulations applied to grapefruit produced in these States under other regulatory programs. Such States should be placed in separate marketing zones because grapefruit is shipped to each area at different times of the year and the demand may be different in each State. Evidence indicates that it may be practical to ship grapefruit of a particular size to Texas at a time when it would be inadvisable to ship grapefruit of such size to Florida. The committee should be authorized to recommend and the Secretary fix different size limitations for any variety of grapefruit handled by the initial handler thereof directly to either State. The handling of grapefruit produced in Texas or Florida is regulated under the marketing agreement, as amended, and Order No. 906 or 905 (7 CFR Part 906 or 905), as applicable. The record indicates that compliance would not be a significant problem and that it is not anticipated that grapefruit would be transshipped from zones to which a minimum size lower than that imposed on either Texas or Florida is permitted to be shipped.

(17) A proposal in the notice of hearing was that consideration should be given to making such other changes in the order as may be necessary to make the entire order conform to any amendments that may result from this proceeding. This proposal was supported at the hearing, without opposition, and such conforming changes as are necessary are incorporated herein.

Rulings on proposed findings and conclusions. March 2, 1970, was set by the Presiding Officer at the hearing as the latest date by which briefs may be filed by interested persons with respect to facts presented in evidence at the hearing and the conclusions which should be drawn therefrom. No brief was filed.

General findings. (1) The marketing agreement, as amended, and as hereby proposed to be amended, and the order, as amended, and as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The marketing agreement, as amended, and as hereby proposed to be amended, and the order, as amended, and as hereby proposed to be amended, regulate the handling of grapefruit grown in the production area in the same manner as, and are applicable only to persons in the respective classes of industrial or commercial activity specified in, the the marketing agreement and order upon which hearings have been held;

(3) The marketing agreement, as amended, and as hereby proposed to be amended, and the order, as amended, and as hereby proposed to be amended, are limited in their application to the smallest regional production area that is practicable consistently with carrying out the declared policy of the act;

(4) The marketing agreement, as amended, and as hereby proposed to be amended, and the order, as amended, and as hereby proposed to be amended, prescribe, so far as practicable, such different terms, applicable to different parts of the production area, as are necessary to give due recognition to differences in the production and marketing of the grapefruit grown in the production area covered thereunder.

Recommended further amendment of the amended marketing agreement and order. The following amendent of the amended marketing agreement and order is recommended as the detailed means by which the aforesaid conclusions may be carried out:

1. The provisions of § 909.4 *Grapefruit* are revised to read as follows:

§ 909.4 Grapefruit.

"Grapefruit" means all varieties of Citrus paradisi, MacFadyen, grown in the production area.

2. A new § 909.4a is added as follows:

§ 909.4a Production area.

"Production area" means the State of Arizona; Imperial County, California; and the described portions of the following counties of the State of California: that part of San Bernardino County situated east of a line drawn due north and south through Rice, that part of Riverside County situated east of a line drawn due north and south through the Post Office in White Water; and that part of San Diego County situated east of a line drawn due north and south through the Post Office in Julian.

3. The provisions of § 909.5 are revised to read as follows:

§ 909.5 Districts and subdistricts.

The production area shall be divided into districts and subdistricts as defined below:

(a) "Arizona District" means the total area defined within the following subdistricts:

(1) "Yuma Subdistrict" means that part of the State of Arizona situated within Yuma County and that part of Imperial County, Calif., situated east of a line drawn due north and south through the Post Office in Winterhaven, Calif.

(2) "Phoenix Subdistrict" means that part of the State of Arizona outside of Yuma County.

(b) "California District" means that part of the production area in California not included under Yuma Subdistrict.

4. The provisions of § 909.8 *Handle* are amended by adding thereto the following sentence:

§ 909.8 Handle.

* * * * *

The term "handle" shall not include the transportation of grapefruit from the point of production to a packinghouse within the production area for preparation for market.

5. The provisions of § 909.9 are amended by deleting "828.23" and inserting "43615" in lieu thereof.

6. The provisions of § 909.10 *Fiscal period* are amended to read as follows:

§ 909.10 Fiscal period.

"Fiscal period" means the period from August 1, 1969, through August 31, 1970, and after August 31, 1970, such term shall mean the period from September 1 of any year to August 31 of the following year.

7. The provisions of § 909.20 *Establishment and membership* are revised to read as follows:

§ 909.20 Establishment and membership.

(a) An Administrative Committee composed of 10 members is hereby established. For each member there shall be an alternate member and the provisions of this part applicable to qualification, number, affiliation, nomination, and selection of members shall also apply to the qualification, number, affiliation, nomination, and selection of alternate members: *Provided*, That the alternate member specified in § 909.20(c) need not be of the same group affiliation as the member. Each member and alternate member shall be a producer in the district or subdistrict being represented on the committee.

(b) The term of office of members and alternate members shall be one fiscal period: *Provided*, That an incumbent member or alternate member, as applicable, shall continue to serve as such until his successor is selected and has qualified.

(c) The California District shall be represented on the committee by five members. Two members shall be affiliated with a cooperative marketing organization, two members shall not be so affiliated, and one member shall be affiliated with the group whose producers, during the fiscal period preceding the one in which nominations for members and alternates are made, produced more than 50 percent of the total production of grapefruit produced by all producers in that district: *Provided*, That the alternate member for such member shall

be a producer in the California District outside that portion of Riverside County which is situated east of a line drawn due north and south through the Post Office in White Water and west of a line drawn due north and south through Shavers Summit: *And provided further*, That such alternate member need not be of the same group affiliation as the member.

(d) The Arizona District shall be represented on the committee by five members determined as follows:

(1) Except as otherwise provided, each subdistrict shall be represented by two members who are producers in the subdistrict being represented: *Provided*, That the subdistrict whose producers, during the fiscal period preceding the one in which nominations for members and alternate members are made, produced more than 50 percent of the total production of grapefruit in the Arizona District shall be represented by three members: *And provided further*, That in the event the production in any such subdistrict during such fiscal period is less than for the preceding fiscal period by 25 percent or more, the average production during the three fiscal periods preceding the one in which such nominations are made shall be used.

(2) One member in each subdistrict shall be affiliated with a cooperative marketing organization and one member shall not be so affiliated. Whenever a subdistrict is represented by three members, the third member shall be alternated between such groups.

(e) Annually, prior to nomination meetings, apportionment of the committee shall be effected as specified in the provisions of this section.

8. The provisions of § 909.21 *Nomination* are revised to read as follows:

§ 909.21 Nomination.

(a) The Secretary shall cause to be held each year a meeting or meetings of producers in the California District and in the Yuma Subdistrict and the Phoenix Subdistrict for the purpose of making nominations for members and alternate members of the Administrative Committee.

(b) Not more than one nominee for member and not more than one nominee for alternate member from each district or subdistrict may be affiliated with the same packinghouse.

(c) Except as hereinafter provided, only producers affiliated with cooperative marketing organizations may elect nominees affiliated with such organizations; and only producers not affiliated with cooperative marketing organizations may elect nominees not so affiliated. In the event some of a producer's grapefruit is handled through a cooperative marketing organization and some is handled through an organization that is not a cooperative marketing organization, such producer shall be eligible to participate in only the category (i.e., as affiliated with or not affiliated with a cooperative marketing organization) by which the major volume of his fruit is handled. At least one nominee shall be elected for each member and alternate member position to be filled. If nominations are not made by a particular category of producers, as provided in this section, producers present at the nomination meeting may, regardless of the affiliation previously referred in this paragraph (c), elect nominees for all the positions to be filled and, in such event, any limitations as to such affiliation of the nominees shall not apply.

(d) In the event a producer produces grapefruit in more than one district or subdistrict, such producer may participate in the nomination meeting or meetings in only one district or subdistrict. Each producer shall be entitled to cast one vote for each of the nominees from the district or subdistrict; and each vote shall be cast on behalf of himself, his agents, partners, subsidiaries, affiliates, and representatives.

(e) Nominations shall be submitted to the Secretary on or before July 1 of each year.

9. The provisions of § 909.22 *Selection* are revised to read as follows:

§ 909.22 Selection.

From the nominations made pursuant to § 909.21, or from other qualified producers, the Secretary shall select the members and alternate members from each district. In the event nominations are not made in accordance with the provisions of § 909.21, the Secretary may select the members and alternate members without regard to their affiliation.

10. The provisions of § 909.25 *Alternate members* are revised to read as follows:

§ 909.25 Alternate members.

Except as hereinafter provided, an alternate member of the Administrative Committee shall act in the place and stead of the member for whom he is an alternate during such member's absence. In the event of the death, removal, resignation, or disqualification of a member, his alternate shall act for him until a successor is selected and has qualified. If both a member and his alternate are absent from an assembled committee meeting, the chairman, with the concurrence of the majority of members from the district affected who are present, shall designate an alternate member from the same district who is present at the meeting and is not acting as a member, to act in the place and stead of the absent member and alternate: *Provided*, That to the extent practicable the alternate member so designated shall be of the same affiliation as the absent member.

11. The provisions of § 909.29 *Compensation and expenses* are revised to read as follows:

§ 909.29 Compensation and expenses.

The members of the Administrative Committee, and alternates when acting as members, shall serve without compensation; but they may be reimbursed for reasonable expenses necessarily incurred by them in the performance of their duties and in the exercise of their powers under this subpart. An alternate member may be reimbursed for reasonable expenses necessarily incurred by him, at the request of the committee, in attending committee meetings, notwithstanding that the committee member for whom he serves as alternate also attends such meeting, and for performing other committee business.

12. The provisions of § 909.31 *Procedure* are amended by revising paragraphs (a) and (b) to read as follows:

§ 909.31 Procedure.

(a) Seven members of the Administrative Committee shall be necessary to constitute a quorum of the committee.

(b) For any decision of the Administrative Committee to be valid, at least seven members must cast a concurring vote. At all assembled meetings, each vote must be cast in person.

* * * * *

13. The provisions of § 909.40 *Expenses* are amended to read as follows:

§ 909.40 Expenses.

The Administrative Committee is authorized to incur such expenses, including inspection expenses, as the Secretary finds are reasonable and likely to be incurred to carry out the functions of the committee under this subpart during each fiscal period. The funds to cover such expenses shall be acquired by the levying of assessments upon handlers, as provided in § 909.41.

14. The provisions of § 909.41 *Assessments* are amended by revising the first sentence of paragraph (a), redesignating paragraph (c) as paragraph (d), and adding a new paragraph (c) to read as follows:

§ 909.41 Assessments.

(a) Each handler who first handles grapefruit shall, with respect to the grapefruit so handled by him, pay to the Administrative Committee, upon demand, his pro rata share of the expenses, including inspection expenses, which the Secretary finds are reasonable and likely to be incurred by the committee for its maintenance and functioning during each fiscal period. * * *

* * * * *

(c) Notwithstanding the requirement that credits and refunds shall be deferred as provided in § 909.42(b), the Administrative Committee may, with approval of the Secretary, credit each handler entitled to a refund with such refund against assessments currently owed by him.

(d) * * *

15. The provisions of § 909.42 *Accounting* are amended by revising paragraph (b) to read as follows:

§ 909.42 Accounting.

* * * * *

(b) Notwithstanding the provisions of paragraph (a) of this section, the Administrative Committee may, with the approval of the Secretary, establish an operating reserve from funds remaining at the end of a fiscal period, which are in excess of expenses incurred during such period. Such operating reserve shall be accumulated over such period of time as the committee determines is fair and

equitable to all handlers and shall not exceed an amount approximating the preceding year's budget exclusive of inspection expenses. The reserves shall be managed as a revolving fund, and the credits and refunds provided in paragraph (a) of this section deferred until such time as the reserve reaches the amount prescribed by the committee: *Provided*, That pursuant to § 909.41(c), funds in such reserve shall be available to be applied as credits against handlers' assessments.

16. The provisions of § 909.56 *Marketing zones* are amended to read as follows:

§ 909.56 Marketing zones.

(a) Zone 1: The States of California and Arizona.

(b) Zone 2: The State of Florida.

(c) Zone 3: The State of Texas.

(d) Zone 4: The States of Washington, Oregon, Montana, Idaho, Wyoming, Nevada, and Utah.

(e) Zone 5: The States not enumerated in Zones 1, 2, 3, 4, and 6.

(f) Zone 6: All export markets and States of Hawaii and Alaska.

17. The provisions of § 909.23 are amended by deleting "§ 909.21(i)" and inserting "§ 909.21(e)" in lieu thereof.

Dated: May 15, 1970.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 70-6262; Filed, May 20, 1970; 8:47 a.m.]

Packers and Stockyards Administration

[9 CFR Part 201]

STOCKYARD OWNERS AND MARKET AGENCIES

Rates and Charges; Time and Place To File Schedules and Amendments

Notice is hereby given that pursuant to sections 306(c) and 407(a) of the Packers and Stockyards Act (7 U.S.C. 207, 228), the Packers and Stockyards Administration proposes to amend § 201.22 (9 CFR 201.22) of the regulations under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.) so as to modify, under certain conditions, the filing and notice requirements contained in section 306(c) of the Act (7 U.S.C. 207(c)) with respect to tariff supplements relating to charges for professional veterinary fees.

Statement of considerations. When the Packers and Stockyards Act, 1921, was amended in 1958 (72 Stat. 1750) the term "stockyard" was redefined to include many auction markets which theretofore had not been subject to the Act. After such stockyards were posted, all persons operating as market agencies or dealers were required to register as provided in section 303 (7 U.S.C. 203) of the Act.

Many veterinarians who operate at posted auction markets have registered and filed tariffs setting forth charges for certain professional services. Such veterinarians perform certain livestock health inspections and other veterinary services which are included within the definition of "stockyard services" in the Act (7 U.S.C. 201(b)), the charges for which are required to be filed with the Secretary of Agriculture under section 306 of the Act (7 U.S.C. 207). In other instances the market operators include charges for such services in their tariffs.

Section 304 of the Act provides that: "All stockyard services furnished pursuant to reasonable request made to a stockyard owner or market agency at such stockyard shall be reasonable and nondiscriminatory and stockyard services which are furnished shall not be refused on any basis that is unreasonable or unjustly discriminatory * * *," and section 307(b) provides that: "It shall be the responsibility and right of every stockyard owner to manage and regulate his stockyard in a just, reasonable, and nondiscriminatory manner, to prescribe rules and regulations and to require those persons engaging in or attempting to engage in the purchase, sale, or solicitation of livestock at such stockyard to conduct their operations in a manner which will foster, preserve, or insure an efficient, competitive public market * * *." It is the view of the Packers and Stockyards Administration that the furnishing of such veterinary services and the facilities required in connection therewith is the responsibility of the market operator under sections 304 and 307 of the Act. The health inspections and the procedures involved in the collection of inspection fees differ widely among the various markets. In addition, the charges made by veterinarians for professional services vary considerably. The charges made for the livestock health inspections and other veterinary services performed for consignors and buyers at a posted auction market are based on a variety of considerations in addition to the fees for the respective professional services performed by the veterinarians, such as distance to the market, volume of livestock inspected, time the veterinarian is required to be at the market, and the types of facilities needed in connection with such functions. Because of these circumstances the market operator, the veterinarian, and the Packers and Stockyards Administration area supervisor involved are generally in the best position to determine reasonable charges for the services furnished in the light of local conditions and the requirements of patrons of the market.

It is proposed that § 201.22 be amended by designating the present paragraph as paragraph (a) and adding a new paragraph (b) to read as follows:

(b) With respect to rates and charges for professional veterinary services furnished at a posted auction market, the market operator shall set forth such rates and charges in a schedule which shall be conspicuously posted at the market at all times the rates and charges set forth therein are in effect. Any change in such rates and charges may become effective two days after the amendment or new schedule is so posted at the market. A copy of such schedule and any amendments thereto shall be furnished to the Area Supervisor at the time of posting at the market.

Any person who desires to submit written data, views, or arguments in connection with the aforesaid proposal should file the same, in duplicate, with the Hearing Clerk, Room 112, Administration Building, Washington, D.C. 20250, not later than July 24, 1970.

All written submissions made pursuant to this notice will be made available for public inspection at such times and places and in a manner convenient to the public business (7 CFR 1.27(b)).

Done at Washington, D.C., this 15th day of May, 1970.

DONALD A. CAMPBELL,
Administrator.

[F.R. Doc. 70-6313; Filed, May 20, 1970; 8:52 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 1]

"CENTS-OFF" AND "ECONOMY SIZE" PACKAGE PROMOTIONS

Notice of Proposed Rule Making

Section 5 of the Fair Packaging and Labeling Act (Public Law 98-755) authorizes the Secretary of Health, Education, and Welfare to promulgate regulations to control the placement upon any package containing any consumer commodity, or upon any label affixed to such commodity, of any printed matter stating or representing by implication that such commodity is offered for retail sale at a price lower than the ordinary and customary retail sale price, or that a retail price advantage is accorded to purchasers by reason of the size of the package or the quantity of its contents. The purpose of the regulations is to insure that any price reductions claimed on the package or by reason of the size of the package will be passed on to the consumer.

Accordingly, pursuant to provisions of the Fair Packaging and Labeling Act (secs. 5, 6, 80 Stat. 1298-1300; 15 U.S.C. 1454-55) and the Federal Food, Drug, and Cosmetic Act (secs. 403 (e), (f), 502 (b), 602(b), 701, 52 Stat. 1047, 1050, 1054, 1055, as amended; 21 U.S.C. 343 (e), (f), 352(b), 362(b), 371), and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), it is proposed that Part 1 be amended by adding thereto two new sections, as follows:

§ 1.1d "Cents-off," coupon, or other savings representations.

Any food, drug, cosmetic, or device that bears on the label or labeling a

representation that the consumer commodity is being offered for retail sale at a reduction in retail price is subject to the following conditions:

(a) A "cents-off," coupon, or other savings representation may be used by a manufacturer, packer, or distributor only if (1) an ordinary and customary retail selling price of such consumer commodity has been established, (2) this retail selling price has been reduced by at least the savings differential represented on the package or labeling, and (3) the sponsor of the price reduction promotion, and all subsequent levels of commerce such as wholesalers and jobbers, maintain for at least 1 year invoices or other records showing that the invoice cost to the retailer has been reduced in an amount sufficient to enable the retailer to pass the savings on to the purchaser.

(b) A price reduction representation shall be presented on the package to show the customary retail price and the savings to the consumer as follows:

Regular Price _____
Less Cents Off _____
Price This Package _____

The blanks are to be filled at the retail level to reflect actual pricing at that level. For purposes of this section, the regular or ordinary and customary retail selling price is the average price at which the consumer commodity was sold in the particular retail outlet for the 20-day period immediately preceding the institution of the price reduction promotion in that retail establishment.

(c) Shipments of consumer commodities bearing "cents-off," coupon, or other savings representations to a given geographical area made by the manufacturer, packer, or distributor initiating such promotion shall be in no greater volume than can be expected to be distributed for sale within a 1-month period under normal sales conditions. The reduced price at which a consumer commodity is offered shall become the customary retail selling price if such representation continues in a given retail outlet beyond 60 days from the date the offer was initiated.

(d) The "cents-off," coupon, or other savings promotion may not be employed by a manufacturer, packer, or distributor on consumer commodities for distribution to a specific geographical area until after 2 months have elapsed since the last distribution was made of the same article bearing a savings representation to the same geographical area. No more than three such promotions for the same commodity may occur within a 12-month period.

(e) A newly developed consumer commodity or a consumer commodity newly introduced into a given geographical area shall not be the subject of a "cents-off," coupon, or savings promotion within the meaning of this section until an ordinary and customary retail selling price for the consumer commodity has been established by availability of the package at retail for a period of at least 6 months. Savings representations may be used, however, in conjunction with the promotion of newly developed consumer commodities or those newly introduced into a geographic area and are not considered price reduction promotions within the meaning of this section provided (1) such labeled representations do not include a reference to "cents-off" or coupons, (2) are qualified by phrases such as "Introductory Offer," and (3) include the suggested postintroduction retail price.

(f) A representation on the label or labeling that the consumer commodity is being offered for retail sale at a reduced price by virtue of a redeemable coupon shall not be used unless the coupon is redeemable at retail upon the purchase or subsequent purchase of the product. Such representations shall not be made contingent upon the purchase of other items offered by the sponsor of the promotion. Coupon offers bearing an expiration date shall have such expiration date prominently displayed in conjunction with the representation wherever it appears on the label or labeling of the consumer commodity.

§ 1.1e Package size savings.

Any food, drug, cosmetic, or device that bears on the label or labeling a representation that the consumer commodity is being offered at a lower price per unit of weight, measure, or count because of economy resulting from the size of the container is subject to the following conditions:

(a) The container may bear a representation of economy by virtue of its size only if an ordinary and customary retail selling price has been established for both regular or other size containers and the economy size containers and the price per unit of weight, measure, or count in the economy size container is lower to a significant degree. To facilitate value comparison, a pricing statement, to be filled in at the retail level to reflect actual pricing at that level, shall be conspicuously presented in conjunction with the economy size designation on the label, unless such representation is prominently displayed contiguous to the retail display of the commodity (for example, on a placard, shelf, etc.), and shall consist of either the price per unit of weight, measure, or count, or a statement expressing the savings per unit over the smaller or next smaller size; for example, "2 cents per pound cheaper than our regular size." The economy size designation shall be conspicuously presented and in no way misleading. The price per unit of weight, measure, or count shall be based upon the ordinary and customary retail selling price at which the consumer commodities in the containers were sold in the particular retail market for the 20-day period immediately preceding the price marking.

(b) The sponsor of the economy size promotion, and all subsequent levels of commerce such as wholesalers and jobbers, shall maintain for at least 1 year invoices or other records showing that the wholesale price per unit of weight, measure, or count in the economy size package is such that the retailers can sell the economy size container at a significantly lower price per unit.

Interested persons may, within 60 days after publication hereof in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-62, 5600 Fishers Lane, Rockville, Md. 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof.

Dated: May 18, 1970.

CHARLES C. EDWARDS,
Commissioner of Food and Drugs.

[F.R. Doc. 70-6339; Filed, May 20, 1970, 8:52 a.m.]

Public Health Service

[42 CFR Part 81]

AIR QUALITY CONTROL REGIONS

Notice of Proposed Designation of Metropolitan Charlotte Interstate Air Quality Control Region; Notice of Consultation With Appropriate State and Local Authorities

Pursuant to authority delegated by the Secretary and redelegated to the Commissioner of the National Air Pollution Control Administration (33 F.R. 9909), notice is hereby given of a proposal to designate the Metropolitan Charlotte Interstate Air Quality Control Region (North Carolina-South Carolina) as set forth in the following new § 81.75 which would be added to Part 81 of Title 42, Code of Federal Regulations. It is proposed to make such designation effective upon republication.

Interested persons may submit written data, views, or arguments in triplicate to the Office of the Commissioner, National Air Pollution Control Administration, Parklawn Building, Room 17-82, 5600 Fishers Lane, Rockville, Md. 20852. All relevant material received not later than 30 days after the publication of this notice will be considered.

Interested authorities of the States of North Carolina and South Carolina and appropriate local authorities, both within and without the proposed region, who are affected by or interested in the proposed designation, are hereby given notice of an opportunity to consult with representatives of the Secretary concerning such designation. Such consultation will take place at 1:30 p.m., June 1, 1970, in Room 120, U.S. Army Reserve Center, 1412 Westover Street, Charlotte, N.C. 28205.

Mr. Doyle J. Borchers is hereby designated as Chairman for the consultation. The Chairman shall fix the time, date, and place of later sessions and may convene, reconvene, recess, and adjourn the sessions as he deems appropriate to expedite the proceedings.

State and local authorities wishing to participate in the consultation should notify the Office of the Commissioner, National Air Pollution Control Administration, Parklawn Building, Room 17-82,

5600 Fishers Lane, Rockville, Md. 20852, of such intention at least 1 week prior to the consultation. A report prepared for the consultation is available upon request to the Office of the Commissioner.

In Part 81 a new § 81.75 is proposed to be added to read as follows:

§ 81.75 Metropolitan Charlotte Interstate Air Quality Control Region.

The Metropolitan Charlotte Interstate Air Quality Control Region (North Carolina-South Carolina) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of North Carolina:

Cabarrus County.	Mecklenburg County
Cleveland County.	Union County.
Gaston County.	

In the State of South Carolina:

Lancaster County.	York County.

This action is proposed under the authority of sections 107(a) and 301(2) of the Clean Air Act, section 2, Public Law 90–148, 81 Stat. 490, 504, 42 U.S.C. 1857c–2(a), 1857g(a).

Dated: May 11, 1970.

JOHN T. MIDDLETON,
Commissioner, National Air Pollution Control Administration.

[F.R. Doc. 70–6236; Filed, May 20, 1970; 8:45 a.m.]

[42 CFR Part 81]

AIR QUALITY CONTROL REGIONS

Notice of Proposed Designation of Hawaiian Islands Intrastate Air Quality Control Region; Notice of Consultation With Appropriate State and Local Authorities

Pursuant to authority delegated by the Secretary and redelegated to the Commissioner of the National Air Pollution Control Administration (33 F.R. 9909), notice is hereby given of a proposal to designate the Hawaiian Islands Intrastate Air Quality Control Region (Hawaii) as set forth in the following new § 81.76 which would be added to Part 81 of Title 42, Code of Federal Regulations. It is proposed to make such designation effective upon republication.

Interested persons may submit written data, views, or arguments in triplicate to the Office of the Commissioner, National Air Pollution Control Administration, Parklawn Building, Room 17–82, 5600 Fishers Lane, Rockville, Md. 20852. All relevant material received not later than 30 days after the publication of this notice will be considered.

Interested authorities of the State of Hawaii and appropriate local authorities, both within and without the proposed region, who are affected by or interested in the proposed designation, are hereby given notice of an opportunity to consult with representatives of the Secretary concerning such designation. Such consultation will take place at 10 a.m. May 28, 1970, in the House of Representatives Conference Room, Third Floor, State Capitol Building, Honolulu, Hawaii.

Mr. Doyle J. Borchers is hereby designated as Chairman for the consultation. The chairman shall fix the time, date, and place of later sessions and may convene, reconvene, recess, and adjourn the sessions as he deems appropriate to expedite the proceedings.

State and local authorities wishing to participate in the consultation should notify the Office of the Commissioner, National Air Pollution Control Administration, Parklawn Building, Room 17–82, 5600 Fishers Lane, Rockville, Md. 20852 of such intention at least 1 week prior to the consultation. A report prepared for the consultation is available upon request to the Office of the Commissioner.

In Part 81 a new § 81.76 is proposed to be added to read as follows:

§ 81.76 Hawaiian Islands Intrastate Air Quality Control Region.

The Hawaiian Islands Intrastate Air Quality Control Region (Hawaii) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited): The State of Hawaii.

This action is proposed under the authority of sections 107(a) and 301(2) of the Clean Air Act, section 2, Public Law 90–148, 81 Stat. 490, 504, 42 U.S.C. 1857c–2(a), 1857g(a).

Dated: May 15, 1970.

RAYMOND SMITH,
Acting Commissioner, National Air Pollution Control Administration.

[F.R. Doc. 70–6237; Filed, May 20, 1970; 8:45 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 10311]

BRITISH AIRCRAFT CORP. MODEL BAC 1–11 SERIES 401 TYPE AK AIRPLANES

Proposed Airworthiness Directives

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive (AD) applicable to British Aircraft Corp. Model BAC 1–11 Series 401 Type AK airplanes. A case has been reported of overheating of a static plate heater, which resulted from a short circuit of the heater element while the control switch was in the "off" position. This condition represents a potential fire hazard. Since this condition is likely to exist or develop in other airplanes of the same type design, the proposed airworthiness directive would require either deactivation of the static plate heaters, or modification of the pitot/static plate heater circuit to provide a separate power supply for each circuit on these airplanes.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. All communications received on or before June 22, 1970, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the rules docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

BRITISH AIRCRAFT CORP. Applies to Model BAC 1–11 Series 401 Type AK airplanes.

To prevent overheating of the heating elements fitted to the S8 and S9 righthand and lefthand static vent plates located at Station 66, within the next 200 hours' time in service after the effective date of this AD, unless already accomplished, accomplish one of the following:

(a) Deactivate the static plate heaters in accordance with Part (B) of British Aircraft Corp. Model BAC 1–11 Service Bulletin No. 30–PM4306 dated November 28, 1969, or a later ARB-approved issue or an FAA-approved equivalent; or,

(b) Modify the pitot/static plate heater circuit to provide a separate power supply for each circuit in accordance with Part (A) of British Aircraft Corp. Model BAC 1–11 Service Bulletin No. 4306 dated November 28, 1969, or a later ARB-approved issue or an FAA-approved equivalent.

Issued in Washington, D.C., on May 14, 1970.

JAMES F. RUDOLPH,
Director, Flight Standards Service.

[F.R. Doc. 70–6251; Filed, May 20, 1970; 8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-PC-4]

FEDERAL AIRWAY SEGMENTS AND REPORTING POINTS, TRANSITION AREA AND CONTROL ZONE

Proposed Alteration, Designation and Revocation

The Federal Aviation Administration is considering amendments to Part 71 of the Federal Aviation Regulations that would alter, designate, and revoke several VOR Federal airway segments and compulsory reporting points in the Hawaiian Islands. Also, the Hilo, Hawaii, transition area and control zone would be amended.

As parts of these proposals relate to the navigable airspace outside the United States, this notice is submitted in consonance with the ICAO International Standards and Recommended Practices.

Applicability of International Standards and Recommended Practices by the Air Traffic Service, FAA, in areas outside domestic airspace of the United States is governed by Article 12 and Annex 11 to the Convention on International Civil Aviation (ICAO), which pertains to the establishment of air navigation facilities and services necessary to promoting the safe, orderly and expeditious flow of civil air traffic. Its purpose is to insure that civil flying on international air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

The International Standards and Recomended Practices in Annex 11 apply in those parts of the airspace under the jurisdiction of a contracting state, derived from ICAO, wherein air traffic services are provided and also whenever a contracting state accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting State accepting such responsibility may apply the resovereignty. A contracting State accepting such responsibility may apply the International Standards and Recommended Practices to civil aircraft in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention on International Civil Aviation, Chicago, 1944, State aircraft are exempt from the provisions of Annex 11 and its Standards and Recommended Practices. As a contracting State, the United States agreed by Article 3(d) that its State aircraft will be operated in international airspace with due regard for the safety of civil aircraft.

Since these actions involve, in part, the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

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, Pacific Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Post Office Box 4009, Honolulu, Hawaii 96812. 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 proposes the following airspace actions:

1. Extend V-13 Hawaii From Koko Head, Hawaii, to the Honolulu FIR/Oceanic CTA via the Koko Head 050° T (039° M) and Molokai, Hawaii, 015° T (004° M) radials.

2. Designate V-24 Hawaii From Lanai, Hawaii, to the Honolulu FIR/Oceanic CTA via Maui, Hawaii, and the Maui 086° T (075° M) radial.

3. Designate V-25 Hawaii From Hilo, Hawaii, to the Honolulu FIR/Oceanic CTA via the Hilo 356° T (345° M) radial.

4. Extend V-21 Hawaii From the intersection of the Upolu Point, Hawaii, 093° T (082° M) and Hilo 013° T (002° M) radials to the Honolulu FIR/Oceanic CTA via the Upolu Point 093° T (082° M) radial.

5. Extend V-22 Hawaii From Hilo, Hawaii, to the Honolulu FIR/Oceanic CTA via the Hilo 099° T (088° M) radial.

6. Extend V-15 Hawaii From Hilo, Hawaii, to the Honolulu FIR/Oceanic CTA via the Hilo 099° T (088° M) radial.

7. Realign V-6 Hawaii (and the coinciding portion of V-2 and V-15) From Hilo, Hawaii, via the intersection of the Maui, Hawaii, 080° T (069° M) radial and the Hilo 336° T (325° M) radial, to Maui.

8. Revoke V-10 Hawaii (All).

9. Revoke V-18 Hawaii (All).

10. Revoke V-2 Hawaii From Hilo, Hawaii, via the 091° T (080° M) Hilo radial to the 022° T (011° M) bearing of the Pahoa RBN.

11. Realign V-3 Hawaii From Kamuela, Hawaii, to the intersection of the Hilo, Hawaii, 336° T (325° M) radial and the Kamuela 068° T (057° M) radial.

12. Redesignate V-19 Hawaii From Hilo, Hawaii, to the intersection of the Maui, Hawaii, 086° T (075° M) radial and the Hilo 013° T (002° M) radial.

13. The Hilo, Hawaii, control zone would be amended to read as follows:

Within a 5-mile radius of General Lyman Field, Hilo, Hawaii (lat. 19°43'15" N., long. 155°02'55" W.), and within 1.5 miles each side of the Hilo VORTAC 090° radial, extending from the 5-mile radius zone to 4 miles each of the VORTAC.

14. The Hilo, Hawaii, transition area would be amended to read as follows:

That airspace extending upward from 700 feet above the surface within the arc of an 8.5-radius circle centered on General Lyman Field, Hilo, Hawaii, (lat. 19°43'15" N., long. 155°02'55" W.), extending clockwise from a line 2 miles southwest of and parallel to the Hilo VORTAC 321° radial to a line 2 miles south of and parallel to the Hilo VORTAC 099° radial; and that airspace extending upward from 1,200 feet above the surface northeach of Hilo bounded on the north by V-21, on the south by V-22 and on the west by V-19; that airspace east of Hilo bounded on the north by V-22, on the east by the Honolulu FIR/Oceanic CTA and on the south by V-15; that airspace south of Hilo within the arc of a 21-mile radius circle centered on the Hilo, Hawaii, VORTAC, extending clockwise from V-15 to a line 9 miles southwest of and parallel to the 157° radial of the Hilo VORTAC.

15. The following designation, redesignation and revocation of compulsory reporting points would be required.

a. Paradise Intersection would be redesignated at the intersection of the Hilo, Hawaii, 336° T (325° M) and Upolu Point, Hawaii, 093° T (082° M) radials.

b. Frog Intersection would be designated at the intersection of the Molokai, Hawaii, 015° T (004° M) radial and the Honolulu FIR/Oceanic CTA.

c. Cod Intersection would be designated at the intersection of the Hilo, Hawaii, 356° T (345° M) radial and the Honolulu FIR/Oceanic CTA.

d. Lobster Intersection would be redesignated at the intersection of the Maui, Hawaii, 086° T (075° M) radial and the Honolulu FIR/Oceanic CTA.

e. Cuttle Intersection would be designated at the intersection of the Upolu Point, Hawaii, 093° T (082° M) radial and the Honolulu FIR/Oceanic CTA.

f. Bait Intersection would be designated at the intersection of the Hilo, Hawaii, 078° T (067° M) radial and the Honolulu FIR/Oceanic CTA.

g. Eel Intersection would be designated at the intersection of the Hilo, Hawaii, 099° T (088° M) radial and the Honolulu FIR/Oceanic CTA.

h. The Clam Intersection would be revoked.

i. The Crater Intersection would be revoked.

The above proposed airspace actions would provide better compatibility between the eastern portion of the Hawaiian airways area and the oceanic organized system. Also, more efficient use and greater simplicity of the airspace structure would be accomplished.

These amendments are proposed under the authority of sec. 307(a) and 1110 of the Federal Aviation Act of 1958 (49 U.S.C. 1348 and 1510), Executive Order 10854 (24 F.R. 9565) and sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on May 13, 1970.

LOUIS H. MCCAUGHEY,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 70-6298; Filed, May 20, 1970; 8:50 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-PC-6]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration (FAA) is considering amendments to Part 71 of the Federal Aviation Regulations that would alter the Honolulu, Hawaii, control zone and transition area.

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, Pacific Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Post Office Box 4009, Honolulu, Hawaii 96812. 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.

As parts of these proposals relate to the navigable airspace outside the United States, this notice is submitted in consonance with the ICAO International Standards and Recommended Practices.

Applicability of International Standards and Recommended Practices by the Air Traffic Service, FAA, in areas outside domestic airspace of the United States is governed by Article 12 and Annex 11 to the Convention on International Civil Aviation (ICAO), which pertains to the establishment of air navigation facilities and services necessary to promoting the safe, orderly and expeditious flow of civil air traffic. Its purpose is to insure that civil flying on international air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

The International Standards and Recommended Practices in Annex 11 apply in those parts of the airspace under the jurisdiction of a contracting state, derived from ICAO, wherein air traffic services are provided and also whenever a contracting state accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting state accepting such responsibility may apply the International Standards and Recommended Practices to civil aircraft in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention on International Civil Aviation, Chicago, 1944, state aircraft are exempt from the provisions of Annex 11 and its Standards and Recommended Practices. As a contracting state, the United States agreed by Article 3(d) that its state aircraft will be operated in international airspace with due regard for the safety of civil aircraft.

Since these actions involve, in part, the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

The FAA proposes the following airspace actions:

1. Amend the Honolulu, Hawaii, control zone to read as follows:

Within a 5-mile radius of Honolulu International Airport (lat. 21°19'35" N., long. 157°55'45" W.); within a 5-mile radius of NAS Barbers Point (lat. 21°18'35" N., long. 158°04'30" W.); within 2 miles each side of the Honolulu VORTAC 089° radial, extending from the VORTAC to the Honolulu 5-mile radius zone; within 3 miles northwest and 4.5 miles southeast of the Honolulu VORTAC 242° radial, extending from the NAS Barbers Point 5-mile radius zone to 13 miles southwest of the Honolulu VORTAC.

2. The 700-foot portion of the Honolulu, Hawaii, transition area would be amended to read as follows:

That airspace extending upward from 700 feet above the surface south and southwest of Honolulu beginning at lat. 21°20'30" N., long. 157°51'15" W. thence south to lat. 21°15'30" N., long. 157°49'15" W. thence west to lat. 21°09'50" N., long. 158°09'50" W. thence northwest to lat. 21°10'10" N., long. 158°11'55" W. thence northeast along a line 4.5 miles southeast of and parallel to the Honolulu VORTAC 242° radial to and counterclockwise along the arc of a 5-mile radius circle centered on NAS Barbers Point (lat. 21°18'35" N., long. 158°04'30" W.) to and counterclockwise along the arc of a 5-mile radius circle centered on Honolulu International Airport (lat. 21°19'35" N., long. 157°55'45" W.) to point of beginning, and within 3 miles northwest and 4.5 miles southeast of the Honolulu VORTAC 242° radial, extending from 13 miles to 14 miles southwest of the VORTAC.

The above proposed airspace actions would provide controlled airspace required by existing criteria.

These amendments are proposed under the authority of sections 307(a) and 1110 of the Federal Aviation Act of 1958 (49 U.S.C. 1348 and 1510), Executive Order 10854 (24 F.R. 9565) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on May 13, 1970.

LOUIS H. MCCAUGHEY,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 70-6299; Filed, May 20, 1970; 8:50 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-PC-10]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amendments to Part 71 of the Federal Aviation Regulations that would alter the Lihue, Hawaii, control zone and transition area.

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, Pacific Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Post Office Box 4009, Honolulu, Hawaii 96812. 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.

As parts of these proposals relate to the navigable airspace outside the United States, this notice is submitted in consonance with the ICAO International Standards and Recommended Practices.

Applicability of International Standards and Recommended Practices by the Air Traffic Service, FAA, in areas outside domestic airspace of the United States is governed by Article 12 and Annex 11 to the Convention of International Civil Aviation (ICAO), which pertains to the establishment of air navigation facilities and services necessary to promoting the safe, orderly and expeditious flow of civil air traffic. Its purpose is to insure that civil flying on international air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

The International Standards and Recommended Practices in Annex 11 apply in those parts of the airspace under the jurisdiction of a contracting state, derived from ICAO, wherein air traffic services are provided and also whenever a contracting state accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting state accepting such responsibility may apply the International Standards and Recommended Practices to civil aircraft in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention on International Civil Aviation, Chicago, 1944, state aircraft are exempt from the provisions of Annex 11 and its Standards and Recommended Practices. As a contracting state, the United States agreed by Article 3(d) that its state aircraft will be operated in international airspace with due regard for the safety of civil aircraft.

Since these actions involve, in part, the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary

of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

The FAA proposes the following airspace actions:

1. The Lihue, Hawaii, control zone would be amended to read as follows:

Within a 5-mile radius of Lihue Airport (lat. 21°58'55" N., long. 159°20'40" W.) and within 2 miles each side of the Lihue VORTAC 130° radial, extending from the 5-mile radius zone to 9 miles southeast of the VORTAC.

2. The Lihue, Hawaii, transition area would be amended to read as follows:

That airspace extending upward from 700 feet above the surface within the arc of an 8.5-mile radius circle centered on the Lihue Airport (lat. 21°58'55" N., long. 159°20'40" W.), extending clockwise from a line 2 miles west of and parallel to the Lihue VORTAC 021° radial to a line 2 miles northeast of and parallel to the Lihue VORTAC 130° radial and within 2 miles each side of the Lihue VORTAC 130° radial, extending from 9 miles southeast to 10.5 miles southeast of the Lihue VORTAC; and that airspace extending upward from 1,200 feet above the surface within the arc of a 25-mile radius circle centered on the Lihue VORTAC, extending clockwise from a line 5 miles west of and parallel to the Lihue VORTAC 021° radial to V-2, excluding the portion within W-511.

The proposed alterations are required to provide controlled airspace for aircraft operating under existing criteria and revised instrument approach procedures to the Lihue Airport.

These amendments are proposed under the authority of sections 307(a) and 1110 of the Federal Aviation Act of 1958 (49 U.S.C. 1348 and 1510), Executive Order 10854 (24 F.R. 9565) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on May 13, 1970.

LOUIS H. MCCAUGHEY,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 70-6300; filed, May 20, 1970; 8:51 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-PC-13]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration (FAA) is considering amendments to Part 71 of the Federal Aviation Regulations that would alter the control zone and transition area at Kahului, Maui, Hawaii.

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, Pacific Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Post Office Box 4009, Honolulu, Hawaii 96812. 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.

As parts of these proposals relate to the navigable airspace outside the United States, this notice is submitted in consonance with the ICAO International Standards and Recommended Practices.

Applicability of International Standards and Recommended Practices by the Air Traffic Service, FAA, in areas outside domestic airspace of the United States is governed by Article 12 and Annex 11 to the Convention on International Civil Aviation (ICAO), which pertains to the establishment of air navigation facilities and services necessary to promoting the safe, orderly and expeditious flow of civil air traffic. Its purpose is to insure that civil flying on international air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

The International Standards and Recommended Practices in Annex 11 apply in those parts of the airspace under the jurisdiction of a contracting state, derived from ICAO, wherein air traffic services are provided and also whenever a contracting state accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting state accepting such responsibility may apply the International Standards and Recommended Practices to civil aircraft in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention on International Civil Aviation, Chicago, 1944, state aircraft are exempt from the provisions of Annex 11 and its Standards and Recommended Practices. As a contracting state, the United States agreed by Article 3(d) that its state aircraft will be operated in international airspace with due regard for the safety of civil aircraft.

Since these actions involve, in part, the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

The FAA proposes the following airspace actions:

1. The Kahului, Hawaii, control zone would be amended to read as follows:

Within a 5-mile radius of Kahului Airport (lat. 20°54'05" N., 156°26'05" W.); within 4 miles each side of the Maui VORTAC 038° radial, extending from the 5-mile radius zone to 14 miles northeast of the VORTAC; within 2 miles each side of the Main VORTAC 201° radial, extending from the 5-mile radius zone to 11 miles south of the VORTAC and within 2 miles each side of the extended centerline of Runway 2/20, extending from the 5-mile radius zone to 11 miles south of the VORTAC.

2. The 700-foot floor portion of the Kahului, Hawaii, transition area would be amended to read as follows:

That airspace extending upward from 700 feet above the surface bounded on the southwest by a line 2 miles southwest of and parallel to the Maui VORTAC 331° radial, on the north by the arc of an 8.5-mile radius circle centered on the Kahului Airport (lat. 20°54'05" N., long. 156°26'05" W.), on the southeast by a line 4 miles northwest of and parallel to the Maui VORTAC 038° radial and on the south by the arc of a 5-mile radius circle centered on the Kahului Airport, and within 4 miles each side of the Maui VORTAC 038° radial, extending from 14 to 17 miles northeast of the VORTAC.

The proposed alterations are required to provide controlled airspace required by existing criteria.

These amendments are proposed under the authority of sections 307(a) and 1110 of the Federal Aviation Act of 1958 (49 U.S.C. 1348 and 1510), Executive Order 10854 (24 F.R. 9565) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on May 13, 1970.

LOUIS H. MCCAUGHEY,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 70-6301; Filed, May 20, 1970; 8:51 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 70-AL-4]

FEDERAL AIRWAY

Proposed Designation

The Federal Aviation Administration (FAA) is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate a VOR Federal airway from Fairbanks, Alaska, to Chandalar Lake, Alaska.

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, Alaskan Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 632 Sixth Avenue, Anchorage, Alaska 99501. 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.

The FAA proposes to designate V-347 from the Fairbanks, Alaska, VORTAC direct to the Chandalar Lake, Alaska, RBN.

The proposed airway would:

1. Provide a preferential northbound route from Fairbanks;

2. Eliminate the present conflict with established preferential arrival routes from the north;

3. Provide a more precise method of navigation during transition to and from the en route phase of flight, and;

4. Reduce controller workload by eliminating the need for radar navigational track guidance.

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 May 13, 1970.

LOUIS H. MCCAUGHEY,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 70-6302; Filed, May 20, 1970; 8:51 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 70-SW-24]

TRANSITION AREAS

Proposed Designation, Alteration and Revocation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to redescribe, alter, revoke, and designate controlled airspace within the State of Texas and its coastal waters by designating the Texas transition 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.

There are several areas of uncontrolled airspace and several segments of controlled airspace with floors higher than 1,200 feet above the surface within the State of Texas. These areas are surrounded by or they are adjacent to either Federal airways or transition areas with floors of 1,200 feet above the surface. Because of the increasing traffic volume and the demand for air traffic control services, there is a need to include these areas within the proposed Texas transition area. More efficient air traffic services, including radar in some areas, could be provided without the restrictions imposed by small irregular areas of uncontrolled airspace which cannot be easily discerned on essential aeronautical charts. Inclusion of these areas within the proposed Texas transition area would, in fact, lessen the burden on the public and it would incur no apparent derogation to VFR operations.

To simplify airspace descriptions, provide continuity of the floors of controlled airspace, and to improve chart legibility, the following airspace actions are proposed:

1. Designate the Texas transition area as follows:

TEXAS

That airspace extending upward from 1,200 feet above the surface within the boundary of the State of Texas including the airspace within 3 nautical miles of and parallel to the shoreline of Texas, that airspace south of Beaumont, Tex., bounded on the north by a line 3 nautical miles from and parallel to the shoreline, on the east by the Louisiana/Texas State Line and on the south by the arc of a 25-mile radius circle centered at lat. 29°54'40" N., long. 94°02'40" W., that airspace east of Corpus Christi, Tex., bounded by a line 3 nautical miles from and parallel to the shoreline and a line beginning at a point 3 nautical miles from the shoreline at lat. 27°49'00" N., thence to lat. 27°45'30" N., long. 96°51'00" W., to lat. 27°28'20" N., long. 96°45'30" W., to lat. 27°14'30" N., long. 96°55'30" W., to lat. 27°23'00" N., long. 97°06'00" W., to a point 3 nautical miles from the shoreline at lat. 27°11'20" N., excluding that airspace in the vicinity of Matagorda Island south and east of a line beginning at a point 3 nautical miles from the shoreline at lat. 28°22'00" N., thence to lat. 28°22'00" N., long. 96°30'00" W., to lat. 28°14'00" N., long. 96°46'00" W., thence along long. 96°46'00" W. to a point 3 nautical miles from the shoreline, and excluding that airspace bounded by a line beginning at the United States/Mexican border, thence counterclockwise along the arc of a 95-mile radius circle centered at lat. 31°48'35" N., long. 106°22'55" W., to and along the south boundary of V-198 to long. 103°16'00" W., thence to lat. 30°37'00" N., long. 102°40'00" W., thence to the south boundary of V-198 at long. 102°30'00" W., thence along the south boundary of V-198 to and along long. 101°00'00" W. to and counterclockwise along the arc of a 60-mile radius circle centered at lat. 29°21'35" N., long. 100°46'35" W., to and along the United States/Mexican border to the point of beginning.

2. The 1,200-foot portions of the following transition areas would be revoked:

Alexandria, La.	Houston, Tex.
Austin, Tex.	Junction, Tex.
Beaumont, Tex.	Killeen, Tex.
Beeville, Tex.	Lake Charles, La.
Brownsville, Tex.	Lufkin, Tex.
Childress, Tex.	Paris, Tex.
Cotulla, Tex.	Pecos, Tex.
Dalhart, Tex.	Perryton, Tex.
Dallas-Fort Worth, Tex.	San Angelo, Tex.
	Tyler, Tex.
Fort Stockton, Tex.	Uvalde, Tex.
	Waco, Tex.
Guthrie, Tex.	

3. The 1,200-foot portions of the following transition areas would be amended to exclude the portions within the State of Texas:

Carlsbad, N. Mex.	Sherman, Tex.
Clovis, N. Mex.	Shreveport, La.
Gage, Okla.	Texarkana, Ark.
Hobbs, N. Mex.	Wichita Falls, Tex.
Lubbock, Tex.	Wink, Tex.
Midland, Tex.	

4. The portions of the following transition areas with floors 1,200 feet or higher would be revoked:

Abilene, Tex.	Del Rio, Tex.
Amarillo, Tex.	Laredo, Tex.
Big Spring, Tex.	San Antonio, Tex.
Corpus Christi, Tex.	

5. Amend the following transition areas as indicated:

EL PASO, TEX.

Amend the present 1,200-foot or higher portions of the transition areas to exclude the portions within the Texas transition area or revoke portions, as appropriate.

HOBART, OKLA.

Amend the transition area to exclude the portions within the Texas transition area.

SHREVEPORT, LA., AND TEXARKANA, ARK.

There is a separate proposal to designate an Arkansas transition area which would encompass the remainder of the 1,200-foot portions of these two transition areas; therefore, the 1,200-foot portions of the Shreveport, La., and Texarkana, Ark., transition areas would be revoked if the Arkansas proposal is adopted.

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 May 8, 1970.

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

[F.R. Doc. 70-6303; Filed, May 20, 1970; 8:51 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 70-SW-25]

TRANSITION AREAS

Proposed Designation, Alteration and Revocation

The Federal Aviation Administration is considering amending Part 71 of the

Federal Aviation Regulations to redescribe, alter, revoke, and designate controlled airspace within the State of Arkansas by designating the Arkansas transition 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.

There are several areas of uncontrolled airspace and one segment of controlled airspace having a floor higher than 1,200 feet above the surface scattered throughout the State of Arkansas. These areas are surrounded by either Federal airways or transition areas with floors of 1,200 feet above the surface. Because of the increasing traffic volume and the demand for air traffic control services, there is a need to include these areas within the proposed Arkansas transition area. More efficient air traffic services, including radar in some areas, could be provided without the restrictions imposed by small irregular areas of uncontrolled airspace which cannot be easily discerned on essential aeronautical charts. Inclusion of these areas within the proposed Arkansas transition area would, in fact, lessen the burden on the public and it would incur no aparent derogation to VFR operations.

To simplify airspace descriptions, provide continuity of the floors of controlled airspace, and to improve chart legibility, the following airspace actions are proposed:

1. Designate the Arkansas transition area as follows:

ARKANSAS

That airspace extending upward from 1,200 feet above the surface within the boundary of the State of Arkansas.

2. The 1,200-foot portions of the following transition areas would be revoked:

Batesville, Ark.	Flippen, Ark.
Cherokee Village, Ark.	Greenville, Miss.
Crossett, Ark.	Memphis, Tenn.
Decatur, Ark.	Walnut Ridge, Ark.

3. The 1,200-foot portions of the following transition areas would be amended to exclude the portions within the State of Arkansas:

Fayetteville, Ark.	Shreveport, La.
Fort Smith, Ark.	Texarkana, Ark.
Harrison, Ark.	Tulsa, Okla.
Point Lookout, Mo.	

4. Amend the following transition areas as indicated:

BLYTHEVILLE, ARK.

Amend the present 1,200-foot portion of the transition area to exclude the portions within the Arkansas and Tennessee transition areas.

LITTLE ROCK, ARK.

Delete all after "to the north boundary of the Pine Bluff, Ark., transition area."

POPLAR BLUFF, MO.

Delete all after "extending from 6 miles N" and substitute therefor "to the Arkansas transition area, and within 5 miles each side of the 075° bearing from the Earl Fields Memorial Airport extending from the airport to V-9."

SHREVEPORT, LA.

There is a separate proposal to designate a Texas transition area which would encompass the remainder of the 1,200-foot portion of the Shreveport transition area; therefore, the 1,200-foot portion of the Shreveport, La., transition area would be revoked if the Texas proposal is adopted.

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

Issued in Fort Worth, Tex., on May 8, 1970.

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

[F.R. Doc. 70-6304; Filed, May 20, 1970; 8:51 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 70-SW-21]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to designate a 700-foot transition area at Cushing, Okla.

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.

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

CUSHING, OKLA.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Cushing Municipal Airport (lat. 35°57'00" N., long. 96°46'30" W.), and within 3.5 miles each side of the 180° bearing from the Cushing RBN (lat. 35°53'24" N., long. 96°46'30" W.) extending from the 5-mile radius area to 11.5 miles south of the RBN.

The proposed transition area will provide airspace protection for aircraft executing approach/departure procedures proposed to serve the Cushing Municipal Airport at Cushing, Okla.

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 May 8, 1970.

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

[F.R. Doc. 70-6305; Filed, May 20, 1970; 8:51 a.m.]

ATOMIC ENERGY COMMISSION

[10 CFR Part 50]

LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

Plans for Coping With Emergencies

The Atomic Energy Commission has under consideration amendments to its regulation, 10 CFR Part 50, "Licensing of Production and Utilization Facilities," which would specify in more detail the information required from applicants in emergency plans submitted to the Commission in the application for an operating license. The amendments would also require submission, in the application for a construction permit, of certain more general information pertaining to emergency planning.

Subdivision (b)(6)(v) of § 50.34 of Part 50 presently requires each applicant for a facility operating license to include plans for coping with emergencies in its final safety analysis report. The plans submitted are evaluated by the Commission in its review of the license application. In this evaluation, the detailed requirements for these plans have been identified on a case-by-case basis. Recognizing that establishing more specific

uniform requirements may facilitate the licensing process, the Commission has developed more definitive requirements for coping with emergencies on which an applicant can base its application for a construction permit or operating license.

The development of the requirements for plans for coping with emergencies has taken into account (a) the experience acquired from the operation of licensed nuclear power units and Commission-owned reactors, as well as from the operation of facilities in which licensed materials are used and (b) information obtained from a reevaluation by the Commission of the emergency plans and procedures of both licensed and Commission-owned facilities.

To assist applicants, the Commission has also developed a "Guide for Emergency Planning"[1] which describes means of establishing adequate plans for coping with emergencies.

Pursuant to the Atomic Energy Act of 1954, as amended, and section 553 of title 5 of the United States Code, notice is hereby given that adoption of the following amendments to 10 CFR Part 50 is contemplated. All interested persons who wish to submit comments or suggestions in connection with the proposed amendments or in connection with the Guide for Emergency Planning should send them to the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Branch, within 60 days after publication of this notice in the FEDERAL REGISTER. Copies of comments received may be examined in the Commission's Public Document Room at 1717 H Street NW., Washington, D.C.

1. A new subparagraph (10) is added to § 50.34(a) and § 50.34(b)(6)(v) is amended to read as follows:

§ 50.34 Contents of applications: technical information.

(a) *Preliminary safety analysis report.* Each application for a construction permit shall include a preliminary safety analysis report. The minimum information to be included shall consist of the following:

* * * * *

(10) A discussion of the applicant's preliminary plans for coping with emergencies. Appendix E sets forth items which shall be included in these plans.

(b) *Final safety analysis report.* Each application for a license to operate a facility shall include a final safety analysis report. The final safety analysis report shall include information that describes the facility, presents the design basis and the limits on its operation, and presents a safety analysis of the structures, systems, and components and of the facility as a whole, and shall include the following:

* * * * *

(6) The following information concerning facility operation:

* * * * *

(v) Plans for coping with emergencies, which shall include the items specified in Appendix E.

2. A new Appendix E is added to read as follows:

APPENDIX E—EMERGENCY PLANS FOR PRODUCTION AND UTILIZATION FACILITIES

I. Introduction

Each applicant for a construction permit is required by § 50.34(a) to include in its preliminary safety analysis report a discussion of preliminary plans for coping with emergencies. Each applicant for an operating license is required by § 50.34(b) to include in its final safety analysis report plans for coping with emergencies.

This appendix establishes minimum requirements for emergency plans. These plans shall be described in the preliminary safety analysis report and submitted as a part of the final safety analysis report. Procedures used in the detailed implementation of emergency plans need not be described in the preliminary or final safety analysis report.

II. The Preliminary Safety Analysis Report

The Preliminary Safety Analysis Report shall contain sufficient information to assure the compatibility of proposed emergency plans with facility design features, site layout, and site location with respect to such considerations as access routes, surrounding population distributions, and land use.

As a minimum, the following items shall be described:

A. The organization for coping with emergencies, and the means for notification, in the event of an emergency, of persons assigned to the emergency organization;

B. Contacts and arrangements made or to be made with local, State, and Federal governmental agencies with responsibility for coping with emergencies;

C. Measures to be taken in the event of an accident within and outside the site boundary to protect health and safety and prevent damage to property, and the expected response, in the event of an emergency, of offsite agencies;

D. Features of the facility to be provided for onsite emergency first aid and decontamination, and for emergency transportation of individuals to offsite treatment facilities;

E. Provisions to be made for emergency treatment of individuals at offsite facilities;

F. The training program for employees and for other persons, not employees of the licensee, whose services may be required in coping with an emergency;

G. Features of the facility to be provided to assure the capability for plant evacuation and the capability for facility reentry in order to mitigate the consequences of an accident or, if appropriate, to continue operation.

III. The Final Safety Analysis Report

The Final Safety Analysis Report shall contain plans for coping with emergencies. The details of these plans and the details of their implementation need not be included, but the plans submitted must include the elements set out in section IV to an extent sufficient to demonstrate that the plans provide reasonable assurance that measures can and will be taken in the event of an emergency to adequately protect public health and safety and prevent damage to property.

IV. Content of Emergency Plans

The emergency plans shall contain, but not necessarily be limited to, the following elements:

A. The organization for coping with radiation emergencies, in which specific authorities, responsibilities, and duties are defined and assigned, and the means of notification, in the event of an emergency, of persons assigned to the emergency organization, and of appropriate local, State, and Federal agencies;

B. Written identification, by position or function, of other employees of the licensee with special qualifications for coping with emergency conditions which may arise. Other persons with special qualifications who are not employees of the licensee and who may be called upon for assistance shall also be identified. The special qualifications of these employees and persons shall be described;

C. Means for determining the magnitude of abnormal releases of radioactive materials, including criteria for determining the need for notification and participation of local and State agencies and the Atomic Energy Commission and other Federal agencies, and criteria for determining when protective measures should be considered within and outside the site boundary to protect health and safety and prevent damage to property;

D. Procedures for notifying, and agreements reached with, local, State, and Federal officials and agencies for the early warning of the public and for public evacuation or other protective measures should such warning, evacuation, or other protective measures become necessary or desirable;

E. Provisions for maintaining up to date: 1. The organization for coping with emergencies, 2. the procedures for use in emergencies, and 3. the lists of persons with special qualifications for coping with emergency conditions;

F. Emergency first aid and personnel decontamination facilities, including:

1. Equipment at the site for personnel monitoring;

2. Facilities and supplies at the site for decontamination of personnel;

3. Facilities and medical supplies at the site for appropriate emergency first aid treatment;

4. Arrangements for the services of a physician and other medical personnel qualified to handle radiation emergencies; and

5. Arrangements for transportation of injured or contaminated individuals to treatment facilities outside the site boundary.

G. Arrangements for treatment of individuals at treatment facilities outside the site boundary;

H. Provisions for training of employees of the licensee who are assigned specific authority and responsibility in the event of an emergency and of other persons whose assistance may be needed in the event of a radiation emergency;

I. Provisions for testing, by periodic drills, of radiation emergency plans to assure that employees of the licensee are familiar with their specific duties, and provisions for participation in the drills by other persons whose assistance may be needed in the event of a radiation emergency;

J. Criteria to be used to determine when, following an accident, reentry of the facility is appropriate or when operation should be continued.

The Commission has developed a document entitled "Guide for Emergency

[1] The Guide is available for inspection at the Commission's Public Document Room, 1717 H Street NW., and copies may be obtained by addressing a request to the Director, Division of Reactor Licensing, or Director, Division of Materials Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545.

Planning"[1] to help applicants establish adequate plans required pursuant to § 50.34 and this appendix, for coping with emergencies.

(Sec. 161, 68 Stat. 948; 42 U.S.C. 2201)

Dated at Germantown, Md., this 12th day of May 1970.

For the Atomic Energy Commission.

W. B. McCool,
Secretary.

[F.R. Doc. 70-6231; Filed, May 20, 1970; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 18859; FCC 70-507]

OBLIGATIONS OF BROADCAST LICENSEES UNDER THE FAIRNESS DOCTRINE

Notice of Proposed Rule Making

1. In light of the Supreme Court's opinion in Red Lion Broadcasting Company, Inc. v. Federal Communications Commission, 395 U.S. 367 (1969) and experience in the administration of the fairness doctrine, the Commission believes it appropriate to institute this proceeding, so as to afford interested persons the opportunity to comment on proposed revisions or clarifications concerning the obligations of broadcast licensees under the fairness doctrine. We set forth within the subject matter and issues, the essence of the proposed revisions and the reasons therefor.

2. The fairness doctrine was evolved as a policy under the public interest standard in a series of cases, given its definitive policy statement in the Commission's 1949 Editorializing Report (13 FCC 1246), and codified into the Communications Act in 1959. See section 315 (a) 47 U.S.C. 315(a); Red Lion Broadcasting Company, Inc. v. Federal Communications Commission, supra. It requires the broadcast licensee to afford reasonable opportunity for the discussion of conflicting viewpoints on controversial issues of public importance. The Commission early determined that if the fairness doctrine were to achieve its most salutary purpose, an affirmative obligation in this respect must be imposed upon the licensee:

> We do not believe, however, that the licensee's obligations to serve the public interest can be met merely through the adoption of a general policy of not refusing to broadcast opposing views where a demand is made of the station for broadcast time. If, as we believe to be the case, the public interest is best served in a democracy through the ability of the people to hear expositions of the various positions taken by responsible groups and individuals on particular topics and to choose between them, it is evident that broadcast licensees have an affirmative duty generally to encourage and implement the broadcast of all sides of controversial public issues over their facilities, over and beyond their obligation to make available on demand opportunities for the expression of opposing views. It is clear that any approximation of fairness in the presentation of any controversy will be difficult if not impossible of achievement unless the licensee plays a conscious and positive role in bringing about balanced presentation of the opposing viewpoints. (Editorializing Report, para. 9, 13 FCC at p. 1251.)

It is the scope of this affirmative obligation which is the subject of the present proceeding.

3. The Commission's general approach to this facet of the fairness doctrine is set forth in a 1964 ruling, Letter to Mid-Florida Television Corporation, 40 FCC 620, 621 (1964):

> * * * The Commission does not seek to establish a rigid formula for compliance with the fairness doctrine. The mechanics of achieving fairness will necessarily vary with the circumstances, and it is within the discretion of each licensee, acting in good faith, to choose an appropriate method of implementing the policy to aid and encourage expression of contrasting viewpoints. Our experience indicates that licensees have chosen a variety of methods, and often combinations of various methods. Thus, some licensees, where they know or have reason to believe that a responsible individual or group within the community holds a contrasting viewpoint with respect to a controversial issue presented or to be presented, communicate to such an individual or group a specific offer of the use of their facilities for the expression of contrasting opinion, and send a copy or summary of material broadcast on the issue. Other licensees consult with community leaders as to who might be an appropriate individual or group for such a purpose. Still others announce at the beginning or ending (or both) of programs presenting opinions on controversial issues that opportunity will be made available for the expression of contrasting views upon request by responsible representatives of such views. The foregoing are just some of the examples of the methods used by licensees in this area. As stated, it is within the discretion of the licensee, acting reasonably and in good faith, to choose the precise means of achieving fairness.[2]

See also letter to WRAL (Capitol Broadcasting Company, Inc., 40 FCC 615 (1964)). In short, the licensee must act affirmatively to achieve compliance with the fairness doctrine, but he has considerable discretion in choosing the particular form of affirmative action to be employed. Nor is it a matter of choosing one method and rigidly adhering to it; clearly, in the licensees' judgment different situations may call for different affirmative means.

4. The Supreme Court in Red Lion noted the duty laid down by the Commission that the broadcaster give adequate coverage to public issues and that in doing so he meet the requirements of the fairness doctrine (395 U.S. at 377). The Court further noted that "this must be done at the broadcaster's own expense if sponsorship is unavailable" (the Cullman principle—40 FCC 576 (1963)), and then stated that "* * * the duty must be met by programing obtained at the licensee's own initiative if available from no other source." 395 U.S. at 377. The Commission has not in past cases been confronted with the latter situation. With the foregoing as background, we turn now to consider whether a further delineation of the present policy as to the licensee's affirmative duty (see par. 3, supra) is appropriate.

5. First, we note that we have already clarified the policy in one respect. In Re Richard G. Ruff, 19 FCC 2d 838 (1969), the Commission considered the case where a licensee, after presenting only one side of a controversial issue of public importance in an editorial, had rejected one spokesman for the other side as inappropriate. We there held that while such rejection may come within the wide latitude given the licensee under the general fairness doctrine, such a licensee was then under a compelling obligation to take steps to obtain an appropriate spokesman; thus, it could not rely upon general announcements over the air but rather must invite specific persons whom it believed to be appropriate spokesmen to appear. We think that this is an eminently reasonable requirement in such circumstances.

6. The critical issue raised in this notice is whether we should extend the above requirement to other more general fairness situations where the licensee, to achieve compliance with the fairness doctrine, relies solely upon an announcement during or after the broadcast that contrasting viewpoints will be welcome.[3] Specifically, we propose that where the licensee presents (or including of course permitting to be presented) only one side of a controversial issue in a series of broadcasts (i.e., more than one) within a reasonably close time period (from 6–9 months or less), with no plans of his own to present the other viewpoints, he may rely upon the announcement technique only for the first presentation; if no appropriate spokesmen come forward as a result of the announcement, thereafter the licensee must contact specific persons whom he believes to be appropriate spokesmen to present the contrasting viewpoint, inform them, at the least, of the essence of what has been broadcast,[4] and offer them a clear and unambiguous opportunity to

[1] The Guide is available for inspection at the Commission's Public Document Room, 1717 H Street NW. and copies may be obtained by addressing a request to the Director, Division of Reactor Licensing or Director, Division of Materials Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545.

[2] The Commission went on to hold in the specific case that "the mere sending of a copy of an editorial to an interested person, without more, falls short of meeting [the licensee's affirmative] obligation [since the] fairness doctrine is not so well known that persons receiving copies of station editorials know that they are being offered an opportunity to respond."

[3] We again note, as in the case of the personal attack rule, that the area of news coverage is different, with fairness generally to be achieved by the day-to-day fair coverage of the news.

[4] The better practice of course would be to send a copy of the material presented, if it is available.

respond.[4] We believe that this is a reasonable proposal.[5] The licensee has tried the announcement method but it has not resulted in informing the public concerning the contrasting viewpoint. He obviously regards the issue as one of considerable importance or significance to his area, since it is being presented in a series rather than a single broadcast. Correspondingly, the licensee is called upon to make a greater effort to inform the public of the other side. It follows, we believe, that the licensee should try a different and more effective method of discharging his affirmative responsibility—namely, by notifying specific spokesmen of the opportunity to present the contrasting viewpoint.[6] If the issue is one of such public importance—and indeed is worthy of such multiple airings—one would certainly expect that there would be spokesmen for the other viewpoint, and that the licensee, who is the expert in the community, would know who are the most suitable spokesmen.[7] In such circumstances, to simply go on presenting one side of the issue and issuing over-the-air general invitations which have not been effective, would appear not to serve the paramount public interest in this area—an informed public. We note that a great many responsible licensees do follow this procedure: They are aware when they have covered a subject that is truly controversial—either by their own programing (e.g., an editorial; a station commentator; a station talk or phone-in program) or a syndicated program; they know who are the most suitable persons in their communities to present the contrasting viewpoint; and they promptly notify such persons of the opportunity to do so. It would appear to us that this approach is in line with our established requirement, now being amplified and strengthened, to insure that the licensee is truly an expert on his community's problems and interest. See Suburban Broadcasters, 30 FCC 2d 1021 (1961); Primer on Ascertainment of Community Problems by Broadcast Applicants, 20 FCC 2d 880 (1969). In sum, we strongly believe that in the above described situation, the broadcast of ineffective general over-the-air invitations, in connection with the continued presentation of only one side of the issue, would not constitute an adequate offer of reasonable opportunity for the broadcast of conflicting views under the fairness doctrine.

7. In addition to the situation discussed above, and the situation in the Ruff case (paragraph 5, supra), we would similarly define a licensee's affirmative obligation in another situation where he may now be relying solely upon the announcement method—namely, where the licensee editorializes. These editorials constitute a most affirmative activity by the licensee to present his viewpoints. We have sought to encourage such presentations by those prepared to undertake the responsibility. See Hearings on Broadcast Editorializing before the Communications and Power Subcommittee of the House Commerce Committee, 88th Cong., first session, 87 (1963). In such instances the licensee should correspondingly have made or thereafter make every reasonable effort to encourage presentation of views in opposition to his editorial; simply using the announcement technique alone may fall short of such full encouragement and thus of the adequate notification called for in these circumstances to discharge the licensee's affirmative obligation. Here again we note that the licensee has adjudged the subject matter of such importance to his community as to warrant an editorial, and that as the expert he knows who are the most appropriate persons in the community to present views opposed to his editorial. In making the offer, the licensee must, of course, act in good faith to select the suitable persons, to notify them of the nature of the issue, and to inform them that the licensee will assist, through all appropriate means, in the presentation of their point of view.

8. We believe that our proposal is a modest further step in promoting access to the broadcast media, and one that is clearly called for in light of the policy of the Act. See Red Lion Broadcasting Company v. Federal Communications Commission, supra. We do not require that if no one responds to the licensee's offer after appropriate notification he must himself present the contrasting viewpoint. Our goal is "robust, wide-open debate" (Storer Broadcasting Company, 11 FCC 2d 678, 680 (1968), reconsideration denied, 12 FCC 2d 601 (1968); cf. The New York Times v. Sullivan, 376 U.S. 254 (1964)). The Supreme Court has noted in Red Lion that such debate is furthered by the presentation of those who deeply believe in the cause for which they speak.[8] We stress again that one would expect such interested spokesmen to exist in the case of issues regarded by the licensee as of considerable importance to his community. If several spokesmen decline to present the contrasting viewpoint and no one responds to general over-the-air invitations, the licensee has conscientiously and in good faith sought to "afford reasonable opportunity for the discussion of conflicting viewpoints" (section 315(a)). The other side should not have the right to veto coverage of the issue (paragraph 8, Editorializing Report, 13 FCC at 1250); and while the licensee himself may choose to present the side not covered, he is not required to assume this burden but rather can keep the offer of use of his facilities open (ibid).

9. In sum, we recognize the utility of an annoucement, during or at the end of controversial issue programing, that contrasting views will be welcomed. It informs the audience which heard the broadcast, and indirectly perhaps others, of the opportunity to present the other side. There is no requirement of such an announcement and many licensees prefer to make specific offers as a more suitable and effective method to achieve fairness, since it insures that spokesmen believed to be most interested in presenting the contrasting viewpoint are directly informed of the opportunity to do so. What is crucial here is the consideration that the announcement technique, however useful, may still not be effective in achieving the desired result—the presentation of the contrasting view and thus a more informed public. Accordingly, in the two above-described situations, we raise the issue of requiring a further, more specific effort to achieve fairness, along the lines of the personal attack and political editorializing rules (but of course here with no specification of the appropriate spokesmen) and, most significantly, in accordance with our policy to insure that the licensee is expert on community problems and interests. While we have raised the above issue, we wish to make clear that we of course welcome any comments directed to this important question of the licensee's affirmative obligation under the fairness

[4] We stress the necessity of making the offer in clear terms. See Mid-Florida Television Corporation, supra, note 1.

[5] Its application would of course depend upon the particular facts, and would call for the exercise of good faith reasonable judgments by the licensee (e.g., whether one side of a controversial issue had been covered in a series of broadcasts). This is similar to the judgments which the licensee is now called upon to make, such as what are the significant contrasting viewpoints to be presented, and who are the appropriate spokesmen to present such viewpoints.

[6] We are not denigrating the use of the announcement method. It informs those who heard the program of the opportunity to present contrasting viewpoints, and may of course be employed in connection with the subsequent broadcasts. Our point is that, this method having been unsuccessful at least in the first instance, total reliance should no longer be placed on it. An affirmative effort should be made to notify appropriate spokesmen who may not have heard (or heard about) the broadcast with an accompanying invitation to respond.

[7] Of course, the licensee is not restricted just to his area in selecting appropriate spokesmen, but has wide discretion to choose the most suitable person, wherever located.

[8] Thus, the court stated (395 U.S. at page 392, n. 18):

The expression of views opposing those which broadcasters permit to be aired in the first place need not be confided solely to the broadcasters themselves as proxies. "Nor is it enough that he should hear the arguments of his adversaries from his own teachers, presented as they state them, and accompanied by what they offer as refutations. That is not the way to do justice to the arguments, or bring them into real contact with his own mind. He must be able to hear them from persons who actually believe them; who defend them in earnest; and do their very utmost for them." J. S. Mill, on Liberty 32 (R. McCallum ed 1947).

We also note that requiring the licensee to present the contrasting viewpoint might inhibit the robust debate sought.

doctrine, and that interested persons are free to make other suggestions on this general subject issue.[9] Our aim is to adopt those policies which best conduce to furthering "* * * the First Amendment goal of producing an informed electorate capable of conducting its own affairs * * *" (Red Lion Broadcasting Company v. Federal Communications Commission, supra, at p. 392).

10. The Red Lion case is also important because of its stress that the licensee is a "public trustee." In this context, this means that above all, the licensee must not seek to discharge his affirmative obligation to encourage and implement the presentation of the contrasting viewpoint in a stingy, narrow fashion. What is called for is a generous, good faith effort to obtain such presentation. With such an effort, fairness will be markedly served; without it, the result is simply to short-change the public interest in a most vital area. A licensee who can and should be as outspoken and hard-hitting as he wishes in presenting his view of an issue should be equally vigorous in getting the other side before the public. That, we believe, is the basic thrust and spirit of Red Lion. It follows also that the licensee should be most cooperative in making available appropriate station facilities and resources to those responding to his offer of time. The cooperative attitude or atmosphere of the station in this vital area is thus of great importance.[10]

11. We have followed the procedure of issuing policy statements in this general fairness field. We believe tentatively that we should continue to do so. However, we do raise the alternative whether a specific rule would be desirable from the standpoint of better delineating the broadcaster's responsibilities in this area. Accordingly, we have also labeled this a notice of proposed rule making, so that all persons will be aware of this possibility, and have a full opportunity to comment on the subject matter and issues, including the admission of alternative views or proposals (see par. 9, n. 9, supra).

12. Authority for the adoption of regulations or statement of policy codifying the fairness doctrine is contained in section 4(i), 303(r) and 315(a) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 303(r), and 315(a).

13. All interested persons are invited to file written comments on or before June 22, 1970, and reply comments on or before July 6, 1970. In reaching its determination on this matter, the Commission may also take into account any other relevant information before it, in addition to the comments invited by this notice.

14. Persons wishing to submit views for consideration are directed to furnish an original and fourteen (14) copies of all comments, replies, pleadings, briefs or other documents filed in this proceeding with the Commission.

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

[F.R. Doc. 70-6292; Filed, May 20, 1970; 8:50 a.m.]

[9] Thus, we raise the issue whether the affirmative requirement of notifying persons believed by the station to be appropriate spokesmen of the opportunity to present the contrasting viewpoint, should be applicable to all controversial issue programing. This would have the advantage discussed above; the question is whether there would be disadvantages and specifically, whether this requirement is called for in all instances or whether we should proceed, one step at a time in this sensitive area (i.e., the step set out in pars. 6-73, building on the experience gained. Finally, we also raise the issue whether the requirement of notification of appropriate spokesmen should be applicable to all controversial issue programing involving station personnel, on the ground that in all such stations that the pertinent policy considerations are virtually the same as in the case of the station editorial.

[10] We also take this occasion to note a disturbing practice on isolated talk or phone-in shows. In line with the above discussion, the licensee clearly does not afford a "reasonable opportunity" to present contrasting viewpoints when his moderator on the program subjects those endeavoring to present certain viewpoints to ridicule or harassment or intimidation. The moderator has, of course, the full right to present forcefully his views or his disagreement with those of the participating public. But he cannot seek, in practical effect, to preclude or inhibit the presentation of views by verbally "beating up" or harassing the participant with whom he disagrees, so that the program becomes a forum only for views compatible with those of the licensee or moderator.

FEDERAL TRADE COMMISSION

[16 CFR Part 24]

PAPER BAG INDUSTRY

Proposed Rescission of Trade Practice Rules

Notice is hereby given that pursuant to the Federal Trade Commission Act, as amended, 15 U.S.C. 41-58, and the provisions of Part 1, Subpart B of the Commission's procedures and rules of practice, 16 CFR 1.15, 1.16, the Federal Trade Commission proposes to rescind the Trade Practice Rules for the Paper Bag Industry, promulgated July 17, 1931.

Interested or affected parties may submit their views, suggestions, objections, or other information concerning the proposed rescission to the Chief, Division of Industry Guides, Bureau of Industry Guidance, Federal Trade Commission, Sixth Street and Pennsylvania Avenue NW., Washington, D.C. 20580, in writing not later than June 22, 1970.

All comments received will be available for examination by interested parties at the Federal Trade Commission's Washington address, and will be fully considered by the Commission prior to the anticipated rescission date which is 60 days from the issue date of this notice.

Issued: May 21, 1970.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 70-6204; Filed, May 20, 1970; 8:45 a.m.]

[16 CFR Part 52]

COMMON OR TOILET PIN INDUSTRY

Proposed Rescission of Trade Practice Rules

Notice is hereby given that pursuant to the Federal Trade Commission Act, as amended, 15 U.S.C. 41-58, and the provisions of Part 1, Subpart B of the Commission's procedures and rules of practice, 16 CFR 1.15, 1.16, the Federal Trade Commission proposes to rescind the Trade Practice Rules for the Common or Toilet Pin Industry, promulgated September 3, 1931.

Interested or affected parties may submit their views, suggestions, objections, or other information concerning the proposed rescission to the Chief, Division of Industry Guides, Bureau of Industry Guidance, Federal Trade Commission, Sixth Street and Pennsylvania Avenue NW., Washington, D.C. 20580, in writing not later than June 22, 1970.

All comments received will be available for examination by interested parties at the Federal Trade Commission's Washington address, and will be fully considered by the Commission prior to the anticipated rescission date which is 60 days from the issue date of this notice.

Issued: May 21, 1970.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 70-6203; Filed, May 20, 1970; 8:45 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Internal Revenue Service

THOMAS C. CLARK

Notice of Granting of Relief

Notice is hereby given that Thomas C. Clark, Burlington, Conn., has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on November 29, 1956, by the Superior Court, Hartford, Conn., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Thomas C. Clark because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Thomas C. Clark to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Thomas C. Clark's application and:

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

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

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

Signed at Washington, D.C., this 12th day of May 1970.

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

[F.R. Doc. 70-6256; Filed, May 20, 1970; 8:47 a.m.]

BERNARD HENRY GABRIELSEN

Notice of Granting of Relief

Notice is hereby given that Bernard Henry Gabrielsen, Hope, R.I., has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on October 1, 1956, by the U.S. District Court for the Western District of Kentucky, of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Bernard H. Gabrielsen because of such conviction, to ship, transport or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Bernard H. Gabrielsen to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Bernard H. Gabrielsen's application and:

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

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

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

Signed at Washington, D.C., this 12th day of May 1970.

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

[F.R. Doc. 70-6257; Filed, May 20, 1970; 8:47 a.m.]

CHARLES HENRY LEMPENS

Notice of Granting of Relief

Notice is hereby given that Charles Henry Lempens, Molalla, Oreg., has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on October 9, 1937, by the U.S. District Court for the Western District of Washington (Northern Division), of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Charles H. Lempens because of such conviction, to ship, transport or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Charles H. Lempens to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Charles H. Lempens' application and:

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

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

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

Signed at Washington, D.C., this 12th day of May 1970.

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

[F.R. Doc. 70-6258; Filed, May 20, 1970; 8:47 a.m.]

LESLIE BARNARD MADISON

Notice of Granting of Relief

Notice is hereby given that Leslie Barnard Madison, Grants Pass, Oreg., has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on June 7, 1951, by

the Whitman County Court, Colfax, Wash., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Leslie B. Madison because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Leslie B. Madison to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Leslie B. Madison's application and:

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

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

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

Signed at Washington, D.C., this 12th day of May 1970.

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

[F.R. Doc. 70-6259; Filed, May 20, 1970; 8:47 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[C-9815]

COLORADO

Notice of Proposed Classification of Public Lands

MAY 12, 1970.

F.R. Doc. 70-4005 appearing in the FEDERAL REGISTER for Thursday, April 2, 1970 at pages 5490-5492 is hereby amended as follows:

SIXTH PRINCIPAL MERIDIAN, COLORADO

T. 1 N., R. 84 W.,
Sec. 4, SW¼NE¼ is amended to read SE¼NE¼.

MAX W. BRIDGE,
Acting State Director.

[F.R. Doc. 70-6238; Filed, May 20, 1970; 8:45 a.m.]

[Serial No. I-2316]

IDAHO

Notice of Classification of Public Lands for Multiple-Use Management

MAY 14, 1970.

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411-18) and to the regulations in 43 CFR, Parts 2410 and 2411, the public lands within the area described below are hereby classified for multiple-use management. Publication of this notice (a) has the effect of segregating all the public lands described in paragraph No. 4 of this notice from appropriation only under the agricultural land laws (43 U.S.C., Parts 7 and 9; 25 U.S.C., sec. 334) and from sale under section 2455 of the revised statutes (43 U.S.C. 1171), and (b) further segregating the lands described in paragraph No. 5 of this notice from the operation of the general mining laws (30 U.S.C., chapter 2). Except as provided in (a) and (b) above, the lands shall remain open to all other applicable forms of appropriation, including the mining and mineral leasing laws.

As used herein, "pubilc lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district esablished pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for a Federal use or purpose.

2. Comments were received during the 60 days following publication of the notice of proposed classification (F.R. Doc. 68-7475). Comments were also received at the public hearing held on June 27, 1968, at Twin Falls, Idaho. The record showing reaction to the proposed notice of classification for multiple-use management made by members of the public attending or interested in the hearing is on file and can be examined in the Idaho Land Office, Boise, Idaho. All comments concerning the proposed classification were carefully considered and evaluated.

3. Some of the lands included in the notice of proposed classification are also included in a proposed withdrawal application by the Bureau of Reclamation. These lands are being deleted from this classification. Some other lands are patented or are being considered for other types of disposal actions. Any segregative effect of the notice of proposed classification is hereby terminated as to the following described lands:

BOISE MERIDIAN, IDAHO

T. 9 S., R. 13 E.,
Sec. 25, S½S½.
T. 10 S., R. 13 E.,
Sec. 20, SE¼NE¼, NE¼SE¼.
T. 11 S., R. 13 E.,
Sec. 10, SE¼NE¼.
T. 11 S., R. 14 E.,
Sec. 11, SE¼NE¼;
Sec. 19, W½NE¼;
Sec. 33, W½SW¼.
T. 14 S., R. 15 E.,
Sec. 27, NE¼, E½NW¼, NW¼NW¼;
Sec. 28, NE¼NE¼.
T. 11 S., R. 16 E.,
Sec. 19, N½NE¼;
Sec. 30, SE¼SE¼;
Sec. 31, NE¼NE¼;
Sec. 34, NE¼, N½SE¼, SE¼SE¼;
Sec. 35, W½, W½SE¼.
T. 12 S., R. 16 E.,
Sec. 1, S½N½, S½;
Sec. 2, S½N½, S½;
Sec. 3, lot 1, S½NE¼, SE¼NW¼, SW¼, E½SE¼;
Sec. 4, SE¼;
Sec. 10, NE¼, N½NW¼, SE¼NW¼;
Sec. 11, S½NE¼, N½NW¼, SE¼NW¼, NE¼SW¼, SE¼;
Sec. 13, W½NW¼, NW¼SW¼, SE¼SW¼;
Sec. 14, N½NE¼;
Sec. 24, NW¼NW¼.
T. 13 S., R. 16 E.,
Sec. 20, NE¼NW¼.
T. 15 S., R. 16 E.,
Sec. 10, W½NE¼.
T. 11 S., R. 17 E.,
Sec. 19, NE¼SE¼;
Sec. 20, N½SW¼, SE¼SW¼, NW¼SE¼, S½SE¼;
Sec. 30, lot 1;
Sec. 31, lots 2, 3, 4;
Sec. 34, W½, W½E½;
Sec. 35, S½NE¼, NW¼NE¼, E½NW¼, NE¼SW¼, SE¼.
T. 12 S., R. 17 E.,
Sec. 1, SE¼SE¼;
Sec. 2, E½SE¼;
Sec. 3, lot 3, SE¼NW¼, SW¼, W½SE¼, NE¼SE¼;
Sec. 4, S½NW¼, NW¼SW¼;
Sec. 6, lots 5, 6, 7, SE¼SW¼;
Sec. 7, lots 1 and 2, NE¼NW¼;
Sec. 8, SE¼NE¼;
Sec. 9, NE¼NW¼;
Sec. 11, E½, SE¼SW¼;
Sec. 12, W½NE¼, E½NW¼, SW¼NW¼, SW¼;
Sec. 13, NE¼;
Sec. 14, N½NE¼, NE¼NW¼, SW¼NW¼, SW¼;
Sec. 15, SE¼SE¼;
Sec. 21, E½NE¼;
Sec. 27, SW¼SW¼.
T. 16 S., R. 17 E.,
Sec. 35, lot 1.
T. 11 S., R. 18 E.,
Sec. 19, lots 2, 3, 4, E½SW¼;
Sec. 30, lot 1, NE¼NW¼, SE¼SW¼;
Sec. 33, SE¼SE¼;
Sec. 34, S½SW¼.
T. 12 S., R. 18 E.,
Sec. 4, lots 1 and 4, SW¼NW¼;
Sec. 5, SE¼NE¼, SE¼SW¼, SW¼SE¼, E½SE¼;
Sec. 6, SE¼SE¼.
T. 10 S., R. 19 E.,
Sec. 26, SE¼SE¼.

Containing approximately 8,400 acres.

4. The public lands affected by this classification are located within the following described areas, and are shown on maps on file in the Burley District Office, Bureau of Land Management, and in the Land Office, Bureau of Land Management, 550 West Fort Street, Boise, Idaho:

BOISE MERIDIAN, IDAHO

T. 9 S., R. 13 E.,
Sec. 1, lot 1, SE¼SW¼;
Sec. 12, W½NW¼, SW¼, W½SE¼;
Sec. 13, NE¼NW¼, W½NW¼, NW¼SW¼;
Sec. 14, E½E½;
Sec. 23, NE¼NE¼, W½E½;
Sec. 26, W½NE¼, SE¼NE¼, NW¼SE¼, E½SE¼;
Sec. 35, NE¼NE¼.

T. 10 S., R. 13 E.,
Sec. 1;
Sec. 20, SE¼SE¼;
Secs. 21 and 28;
Sec. 29, E½NE¼, NE¼SE¼;
Sec. 33, E½NW¼, NW¼SW¼.

T. 11 S., R. 13 E.,
Sec. 4, E½SW¼, SE¼;
Sec. 9, NE¼, NE¼NW¼, E½SE¼;
Sec. 10, S½, W½NW¼;
Secs. 13 and 14;
Sec. 15, N½, N½SE¼, SE¼SE¼;
Sec. 23, N½NE¼;
Sec. 24, NW¼NE¼, S½NE¼, N½NW¼, SE¼NW¼, NE¼SE¼.

T. 8 S., R. 14 E.,
Sec. 29;
Sec. 31, lot 4, SE¼NE¼, E½SW¼.

T. 9 S., R. 14 E.,
Secs. 6 and 9;
Secs. 11, 12, and 17.

T. 10 S., R. 14 E.,
Sec. 30.

T. 11 S., R. 14 E.,
Sec. 10;
Sec. 11, NE¼SW¼, S½SW¼, SE¼;
Secs. 12 through 15 inclusive;
Secs. 19 through 29 inclusive;
Sec. 30, NE¼, NE¼NW¼, NE¼SE¼;
Sec. 32, N½NE¼, SE¼NE¼;
Sec. 33, N½, SE¼;
Secs. 34 and 35.

T. 12 S., R. 14 E.,
Secs. 1 through 3 inclusive;
Sec. 4, lots 1, 2, 3, S½NE¼, SE¼;
Sec. 9, E½NE¼, NE¼SE¼;
Secs. 10 through 13 inclusive;
Sec. 14, N½, NE¼SW¼, SE¼;
Sec. 15, N½NE¼, NE¼NW¼;
Sec. 24;
Sec. 25, NE¼, E½NW¼, N½SE¼, SE¼SE¼.

T. 13 S., R. 14 E.,
Sec. 25, SE¼NE¼, E½SE¼.

T. 15 S., R. 14 E.,
Sec. 25, E½SE¼.

T. 16 S., R. 14 E.,
Sec. 1, E½NE¼.

T. 11 S., R. 15 E.,
All.

T. 12 S., R. 15 E.,
Secs. 1 through 12 inclusive;
Sec. 13, N½NE¼, SW¼NE¼, NW¼;
Sec. 14, N½;
Sec. 15, N½N½;
Secs. 17 through 22 inclusive;
Secs. 28 through 30 inclusive;
Sec. 31, lots 1 and 2, E½, E½NW¼;
Secs. 32 through 34 inclusive.

T. 13 S., R. 15 E.,
Secs. 2 through 5 inclusive;
Sec. 6, lots 1 and 2, S½NE¼, SE¼;
Sec. 7, E½;
Secs. 8 through 15 inclusive;
Sec. 17;
Sec. 18, lots 3 and 4, E½, SE¼NW¼, E½SW¼;
Secs. 19 through 35 inclusive.

T. 14 S., R. 15 E.,
Secs. 1 through 6 inclusive;
Sec. 7, lot 1, E½, E½NW¼, NE¼SW¼;
Secs. 8 through 10 inclusive;
Secs. 12 through 15 inclusive;
Sec. 17;
Sec. 18, lot 10, NW¼NE¼;
Sec. 19, E½E½, SW¼SE¼;
Secs. 20 and 21;
Secs. 24 through 26 inclusive;
Sec. 27, SW¼NW¼, SW¼, W½SE¼;
Sec. 28, SE¼NE¼, SE¼SW¼, E½SE¼, W½W½;
Sec. 29;
Sec. 30, E½, NE¼SW¼;
Sec. 31, E½E½, W½SE¼;
Secs. 32 through 35 inclusive.

T. 15 S., R. 15 E.,
Secs. 1 through 5 inclusive;
Sec. 6, lot 1, SE¼NE¼, NE¼SE¼;
Secs. 8 through 15 inclusive;
Sec. 17;
Sec. 18, E½;
Sec. 19, lot 5, E½, SE¼SW¼;
Secs. 20 through 29 inclusive;
Sec. 30, lots 2, 3, 4, 5, 6, 7, 8, E½, E½W½;
Secs. 31 through 35 inclusive.

T. 16 S., R. 15 E.,
Secs. 1 through 6 inclusive;
Sec. 7, NE¼, NE¼NW¼, E½SE¼;
Secs. 8 through 15 inclusive;
Sec. 17;
Sec. 18, E½E½;
Sec. 20, E½, E½NW¼, NW¼NW¼;
Secs. 21 through 28 inclusive;
Sec. 29, lots 3 and 4, E½NE¼, NE¼SE¼;
Secs. 34 and 35.

T. 9 S., R. 16 E.,
Sec. 18, lots 17, 18, 20;
Sec. 21, lot 3;
Sec. 24, lots 5, 6, 13.

T. 11 S., R. 16 E.,
Secs. 5 and 8;
Sec. 19, lots 1 and 2, E½NW¼;
Sec. 22;
Sec. 30, lots 1, 2, 3, 4, N½NE¼, E½W½, SW¼SE¼;
Sec. 31, lots 1, 2, 3, 4, SE¼NE¼, W½NE¼, E½W½, SE¼;
Sec. 32.

T. 12 S., R. 16 E.,
Sec. 1, lots 1, 2, 3, 4;
Sec. 2, lots 1, 2, 3, 4;
Secs. 5 through 9 inclusive;
Sec. 10, SW¼NW¼, S½;
Sec. 11, SW¼NW¼, W½SW¼, SE¼SW¼;
Sec. 13, SW¼SW¼;
Sec. 14, S½NE¼, W½, S½SE¼;
Secs. 15 and 17;
Secs. 20 through 23 inclusive;
Sec. 24, NE¼NW¼, S½NW¼;
Sec. 34, W½NW¼, NW¼SW¼.

T. 13 S., R. 16 E.,
Sec. 7;
Secs. 13 through 15 inclusive;
Sec. 18;
Sec. 19;
Sec. 20, SW¼NW¼, W½SW¼, SE¼SW¼, SW¼SE¼;
Secs. 22 through 24 inclusive;
Secs. 29 through 32 inclusive.

T. 14 S., R. 16 E.,
Secs. 5 through 8 inclusive;
Secs. 10, 12, and 13;
Secs. 18 through 20 inclusive;
Secs. 22 through 35 inclusive.

T. 15 S., R. 16 E.,
Secs. 1 through 9 inclusive;
Secs. 11 through 15 inclusive;
Secs. 17 through 35 inclusive.

T. 16 S., R. 16 E.,
All.

T. 9 S., R. 17 E.,
Sec. 30, lots 10, 11, 12;
Sec. 33, lot 3;
Sec. 34, lots 15, 16, 17.

T. 11 S., R. 17 E.,
Sec. 19, NW¼SE¼, S½SE¼;
Sec. 20, SW¼SW¼;
Sec. 28;
Sec. 29, W½;
Sec. 30, lots 2, 3, 4, E½W½, E½;
Sec. 31, lot 1, E½W½, E½;
Secs. 32 and 33.

T. 12 S., R. 17 E.,
Sec. 1, lots 1, 2, 3, 4, S½N½, SW¼, W½SE¼, NE¼SE¼;
Sec. 2, lots 3 and 4, S½NW¼, W½SW¼;
Sec. 4, lots 1, 2, 3, 4, S½NE¼, SW¼SW¼;
Sec. 5;
Sec. 6, lots 1, 2, 3, 4, S½NE¼, SE¼NW¼, NE¼SW¼, SE¼;
Sec. 7, lots 3 and 4, NE¼, SE¼NW¼, E½SW¼, SE¼;
Sec. 8, NW¼, W½NE¼, NE¼NE¼;
Sec. 9, NW¼NW¼, SW¼SW¼;
Sec. 10;
Sec. 11, NE¼SW¼, NW¼NW¼;
Sec. 12, E½NE¼, SE¼, NW¼NW¼;
Sec. 13, NW¼, S½;
Sec. 14, S½NE¼, SE¼NW¼, SE¼;
Sec. 15, NW¼NE¼, N½NW¼;
Sec. 21, W½NE¼, E½NW¼, SW¼, NW¼SE¼;
Secs. 22 through 26 inclusive;
Sec. 27, NE¼NE¼;
Sec. 28;
Sec. 29;
Secs. 31 through 33 inclusive;
Sec. 34, E½E½, SW¼NE¼;
Sec. 35.

T. 13 S., R. 17 E.,
Secs 5 through 8 inclusive;
Sec. 17;
Sec. 18.

T. 14 S., R. 17 E.,
Sec. 4;
Secs. 19 and 20;
Sec. 27, NW¼;
Secs. 29 through 32 inclusive.

T. 15 S., R. 17 E.,
Secs. 5 through 7 inclusive;
Secs. 18 and 19;
Secs. 30 through 35 inclusive.

T. 16 S., R. 17 E.,
All.

T. 9 S., R. 18 E.,
Sec. 32, lots 7 and 8;
Sec. 33, lot 2.

T. 10 S., R. 18 E.,
Sec. 3, lot 9, SW¼SW¼;
Sec. 4, lot 4, NW¼SE¼;
Sec. 10, lots 4 and 5;
Sec. 11, lots 3, 4, 7, 8, NW¼SW¼;
Sec. 12, lots 2, 6, 7.

T. 11 S., R. 18 E.,
Sec. 33, NE¼SE¼;
Sec. 34, S½NW¼, N½SW¼.

T. 12 S., R. 18 E.,
Secs. 1 through 3 inclusive;
Sec. 4, S½NE¼, SE¼NW¼, S½;
Sec. 5, lot 1, SW¼SW¼;
Sec. 6, lot 7, S½NE¼, SE¼NW¼, E½SW¼, W½SE¼, NE¼SE¼;
Secs. 7 through 15 inclusive;
Secs. 17 through 35 inclusive.

T. 15 S., R. 18 E.,
Secs. 31 through 33 inclusive.

T. 16 S., R. 18 E.,
All.

T. 10 S., R. 19 E.,
Sec. 7, lot 8;
Sec. 15, lot 3;
Sec. 24, lot 3;
Sec. 25, lot 2.

T. 11 S., R. 19 E.,
Sec. 10, S½SW¼.

T. 10 S., R. 20 E.,
Sec. 35, SW¼SW¼.

T. 11 S., R. 20 E.,
Sec. 4, lot 3;
Sec. 6, lot 1;
Sec. 17.

T. 10 S., R. 21 E.,
Sec. 29, lot 5.

The area described aggregates approximately 231,100 acres of public land.

5. As provided in paragraph No. 1 above, the following lands are further segregated from appropriation under the general mining laws:

BOISE MERIDIAN, IDAHO

T. 9 S., R. 13 E.,
Sec. 1, lot 1, SE¼SW¼;
Sec. 12, W½NW¼, NW¼SW¼;
Sec. 14, E½E½;
Sec. 23, W½E½, NE¼NE¼;
Sec. 26, W½NE¼, NW¼SE¼, E½SE¼;
Sec. 35, NE¼NE¼.
T. 10 S., R. 13 E.,
Sec. 1, lots 3 and 4;
Sec. 20, SE¼SE¼;
Sec. 21, W½NW¼ (Balanced Rock Rec. Site);
Sec. 28, SW¼NW¼, W½SW¼, SE¼SW¼;
Sec. 29, E½NE¼, NE¼SE¼;
Sec. 33, E½NW¼, NW¼SW¼.
T. 8 S., R. 14 E.,
Sec. 29, lots 3 and 4, S½NW¼, SW¼, W½SE¼;
Sec. 31, lot 4, E½SW¼ (Buhl Dunes Rec. Site).
T. 14 S., R. 15 E.,
Sec. 17, lots 1, 2, 3, E½W½, NW¼NW¼ (Salmon Dam Rec. Site);
Sec. 18, lot 10;
Sec. 19, E½NE¼ (Sand Bar Bay Rec. Site).
T. 15 S., R. 15 E.,
Sec. 8, SW¼SW¼, E½SW¼ (Gray's Landing Rec. Site);
Sec. 19, NE¼ (Norton Bay Rec. Site).
T. 16 S., R. 15 E.,
Sec. 2, SW¼ (Rabbit Springs Rec. Site);
Sec. 6, lot 7, SE¼SW¼ (China Creek Rec. Site).
T. 9 S., R. 16 E.,
Sec. 18, lots 17, 18, 20;
Sec. 21, lot 3;
Sec. 24, lots 5, 6, 13.
T. 9 S., R. 17 E.,
Sec. 30, lots 10, 11, 12 (Homestead Camp and Picnic Ground Rec. Site);
Sec. 33, lot 3;
Sec. 34, lots 15, 16, 17 (Twin Falls River Park Rec. Site).
T. 12 S., R. 17 E.,
Sec. 21, NE¼NW¼ (Magic Valley Cycle Club—R&PP Rec. Site);
Sec. 31, lots 1 and 2 (Nah Supah Hot Springs Rec. Site).
T. 9 S., R. 18 E.,
Sec. 32, lots 7 and 8;
Sec. 33, lot 2.
T. 10 S., R. 18 E.,
Sec. 3, lot 9;
Sec. 4, lot 4;
Sec. 10, lots 4 and 5 (Hansen Bridge Overlook & Park);
Sec. 11, lots 3, 4, 7, 8, NW¼SW¼;
Sec. 12, lots 2, 6, 7.
T. 10 S., R. 19 E.,
Sec. 7, lot 8;
Sec. 15, lot 3;
Sec. 24, lot 3;
Sec. 25, lot 2.
T. 11 S., R. 20 E.,
Sec. 4, lot 3;
Sec. 6, lot 1;
Sec. 17.
T. 10 S., R. 21 E.,
Sec. 29, lot 5.

Containing approximately 3,990 acres.

6. Some of the lands that are classified in this decision may be potentially irrigable if water becomes available. Reclassification of such lands will be made when conditions warrant through new developments or technology and private development outweighs public values.

7. For a period of thirty (30) days from the date of publication of this notice in the FEDERAL REGISTER, this classification shall be subject to the exercise of administrative review and modification by the Secretary of the Interior as provided for in 43 CFR 2411.2(c).

JOE T. FALLINI,
State Director.

[F.R. Doc. 70-6273; Filed, May 20, 1970; 8:48 a.m.]

[Serial No. I-2340]

IDAHO

Notice of Classification of Public Lands for Transfer Out of Public Ownership

MAY 14, 1970.

1. The following public lands are hereby classified for transfer out of Federal ownership through public sale under section 2455 of the Revised Statutes (43 U.S.C. 1171):

BOISE MERIDIAN, IDAHO

T. 11 S., R. 19 E.,
Sec. 10, N½SW¼.

The public lands described above total 80 acres and are located in Twin Falls County, Idaho.

2. The following public lands are hereby classified for transfer out of Federal ownership by exchange under section 8 of the Taylor Grazing Act (43 U.S.C. 315g):

BOISE MERIDIAN, IDAHO

T. 11 S., R. 14 E.,
Sec. 11, SE¼NE¼.
T. 12 S., R. 15 E.,
Sec. 24, SE¼SE¼;
Sec. 26, W½SW¼.
T. 12 S., R. 16 E.,
Sec. 18, NE¼SW¼, SW¼SE¼;
Sec. 19, lot 4, SE¼SW¼, SE¼SE¼, NE¼NW¼, NE¼NE¼;
Sec. 30, E½SW¼;
Sec. 34, E½SW¼, SE¼.
T. 13 S., R. 16 E.,
Sec. 2, lot 4;
Sec. 3, lots 1, 2, 3, S½NE¼, SE¼;
Sec. 10, E½E½;
Sec. 11, W½NW¼, SW¼;
Sec. 12, SE¼SW¼, SW¼SE¼;
Sec. 27, NW¼, SW¼NE¼;
Sec. 28, SW¼SW¼;
Sec. 33, E½SW¼, SE¼;
Sec. 34, W½SW¼.
T. 14 S., R. 16 E.,
Sec. 3, lot 4;
Sec. 4, lots 1 and 2, S½NE¼, SE¼;
Sec. 9, S½SE¼.
T. 12 S., R. 17 E.,
Sec. 21, NE¼NE¼.
T. 13 S., R. 17 E.,
Sec. 19, SW¼NE¼, SE¼SE¼;
Sec. 20, SE¼;
Sec. 29, N½NE¼, SE¼NE¼, SE¼;
Sec. 32, N½NE¼.
T. 14 S., R. 17 E.,
Sec. 7, lot 4;
Sec. 22, E½SW¼, NW¼SE¼;
Sec. 27, NE¼NE¼;
Sec. 28, SE¼SE¼.
T. 15 S., R. 17 E.,
Sec. 4, lots 2, 3, 4, S½N½, W½SE¼, E½SW¼;
Sec. 9, NW¼, W½NE¼, SE¼NE¼;
Sec. 15, W½W½, SE¼NW¼, NE¼SW¼;
Sec. 22, E½;
Sec. 26, SW¼NE¼;
Sec. 27, SW¼SW¼.
T. 11 S., R. 18 E.,
Sec. 32, E½SE¼.
T. 15 S., R. 18 E.,
Sec. 29, E½NW¼.

The public lands described above aggregate approximately 5,036.35 acres and are located in Twin Falls County, Idaho.

3. The following lands were included in the proposed notice of classification for either public sale under section 2455 of the Revised Statutes (43 U.S.C. 1171) or exchange under section 8 of the Taylor Grazing Act (43 U.S.C. 3159). These lands are in private ownership. The segregative effect of the notice of proposed classification is hereby terminated as to the following described lands:

BOISE MERIDIAN, IDAHO

T. 10 S., R. 19 E.,
Sec. 32, NW¼SE¼.
T. 11 S., R. 19 E.,
Sec. 5, S½NW¼, N½SW¼;
Sec. 6, SW¼SE¼.
T. 12 S., R. 16 E.,
Sec. 18, SE¼SE¼.
T. 13 S., R. 16 E.,
Sec. 3, SE¼SW¼.

4. These lands were described in the notice of proposed classification, F.R. Doc. No. 68-7474, appearing on pages 9308 and 9309 of the issue of June 25, 1968, which segregated them from all forms of disposal under the public land laws, including the mining laws, until classified. Publication did not, however, alter the applicability of the public land laws governing the disposal of their mineral and vegetative resources other than under the mining laws.

5. For a period of 30 days, interested parties may submit comments to the Secretary of the Interior, LLM, 320, Washington, D.C. 20240 (43 CFR 2411.1-2(d)). When this decision becomes final, proper applications filed under the applicable regulations may be entertained by the Manager, Idaho Land Office. Regulations governing sales and exchanges of land are contained in 43 CFR, Subparts 2243 and 2244, respectively.

JOE T. FALLINI,
State Director.

[F.R. Doc. 70-6274; Filed, May 20, 1970; 8:48 a.m.]

[N-3849, N-4044, N-4128, N-4302, N-2373, N-2431]

NEVADA

Notices of Proposed Classification of Public Lands for Disposal Revoked and Public Lands for Disposal Revoked in Part

MAY 14, 1970.

1. Notices of proposed classification of public lands for disposal under authority of the Point Reyes National Seashore Act of September 13, 1962 (16 U.S.C. 459c) issued by District Office decision or published in the FEDERAL REGISTER under Nevada Serial Nos. N-3849, N-4044, N-4128, and N-4302 are hereby revoked, only as to disposal under that authority. Notice of classification published in the FEDERAL REGISTER under Nevada Serial No. N-2431 is hereby revoked as to the lands described in paragraph 2 below. Notice of classification published in the FEDERAL REGISTER under Nevada Serial No. N-2373 is hereby revoked as to the lands described in paragraph 3 below. Segregation of the lands from other forms of entry afforded by the proposed Point Reyes classification is hereby terminated, as is the segregation afforded by

the final classification as to the lands described in paragraphs 2 and 3.

2. The description of lands for which classification is being revoked in Nevada Serial No. N–2431 is as follows:

MOUNT DIABLO MERIDIAN, NEVADA

T. 34 N., R. 55 E.,
Sec. 3, N½, N½NE¼SE¼, SE¼NE¼SE¼, W½SW¼, W½E½SW¼, SE¼SE¼SW¼;
Sec. 8, N½NE¼NE¼, W½SE¼NE¼NE¼, SW¼NE¼NE¼, E½NW¼NE¼, N½NW¼NW¼NE¼, SW¼NW¼NW¼NE¼, SW¼NW¼NE¼, N½NE¼SW¼NE¼, SW¼NE¼SW¼NE¼, SE¼SW¼NE¼, E½NW¼SW¼NE¼, NE¼SW¼SW¼NE¼, N½NE¼SE¼NE¼, NW¼SE¼NE¼, W½SW¼SE¼NE¼, N½SE¼SE¼NE¼, SW¼SE¼SE¼NE¼, E½NE¼NW¼, NW¼NE¼NW¼, N½SW¼NE¼NW¼, SW¼SW¼NE¼NW¼, E½NW¼NW¼, N½NW¼NW¼NW¼, SW¼NW¼NW¼NW¼, SW¼NW¼NW¼, N½SW¼NW¼, SW¼SW¼NW¼, N½SE¼SW¼NW¼, N½NE¼SE¼NW¼, SE¼NE¼SE¼NW¼, W½NW¼SE¼NW¼, W½SW¼SE¼NW¼, SE¼SW¼SE¼NW¼, S½SE¼SE¼NW¼, NE¼SW¼, E½NW¼SW¼, NW¼NW¼SW¼, N½SW¼NW¼SW¼, SE¼SW¼NW¼SW¼, NW¼NE¼NE¼SE¼, N½NW¼NE¼SE¼, SW¼NW¼NE¼SE¼, SE¼NE¼SE¼, E½NW¼SE¼, S½NW¼NW¼SE¼, SW¼NW¼SE¼.
T. 35 N., R. 55 E.,
Sec. 34, S½S½.
T. 34 N., R. 56 E.,
Sec. 18.

The lands described above total 1,692.50 acres.

3. The description of lands for which classification is being revoked in Nevada Serial No. N–2373 is as follows:

MOUNT DIABLO MERIDIAN, NEVADA

T. 32 N., R. 44 E.,
Sec. 36, lots 1, 2, W½NE¼, NW¼.

The lands described above total 334.26 acres.

4. The proposed classifications numbered above were published in the FEDERAL REGISTER on December 24, 1969, and/or issued by District Office decisions of December 8 and 24, 1969. The notices of classification were published in the FEDERAL REGISTER on September 18, 1968, and October 23, 1968. On January 21, 1970, a public meeting was held in Elko, Nev., to review and consider the Point Reyes exchange program in Nevada. As a result of comments and statements made at that meeting or furnished to the Bureau of Land Management subsequent to the meeting, a reevaluation of the lands included in these classification proposals is being made.

NOLAN F. KEIL,
State Director, Nevada.

[F.R. Doc. 70-6275; Filed, May 20, 1970; 8:49 a.m.]

[Serial No. I-2835]

IDAHO

Notice of Proposed Classification of Public Lands for Multiple Use Management; Correction

MAY 14, 1970.

In F.R. Doc. 70-4853; filed April 21, 1970, appearing on page 6444 of the issue for April 22, 1970, the following correction should be made: "T. 1 S., R. 36 E., Sec. 4, lots 2, 3, and 4, SE¼NE¼, S½NW¼, SW¼, and W½SE¼," should read:

T. 1 S., R. 36 E.,
Sec. 4, lots 2, 3, and 4, SW¼NE¼, S½NW¼, SW¼, and W½SE¼;

JOE T. FALLINI,
State Director.

[F.R. Doc. 70-6276; Filed, May 20, 1970; 8:49 a.m.]

[New Mexico 11690]

NEW MEXICO

Notice of Proposed Classification

MAY 15, 1970.

Pursuant to section 2 of the Act of September 19, 1964 (43 U.S.C. 1412), notice is hereby given of a proposal to classify the lands described below for disposal through exchange, under section 8 of the Act of June 28, 1934 (48 Stat. 1269; 43 U.S.C. 315g), as amended.

The District Advisory Board, local governmental officials and other interested parties have been notified of this application. Information derived from discussions and other sources indicates that these lands meet the criterion of 43 CFR 2410.1–3(c)(4), which authorizes classification of lands "for exchanges under appropriate authority, where they are found to be chiefly valuable for public purposes because they have special values, arising from the interest of exchange proponents, for exchange for other lands which we need for the support of a Federal program." Information concerning the lands, including the record of public discussions, is available for inspection and study in the Land Office, Bureau of Land Management, U.S. Post Office and Federal Building, Santa Fe, N. Mex. 87501 and Albuquerque District Office, Bureau of Land Management, 1304 Fourth Street NW., Albuquerque, N. Mex. 87107.

For a period of 60 days from the date of this publication, interested parties may submit comments to the District Manager of the Albuquerque District Office.

The lands affected by this proposal are located in McKinley County, N. Mex., and are described as follows:

NEW MEXICO PRINCIPAL MERIDIAN

T. 13 N., R. 17 W.,
Sec. 3, lots 1, 2, 3, 4 and W½W½;
Sec. 5, S½N½ and S½;
Sec. 9, E½, N½NW¼ and E½SW¼.
T. 14 N., R. 18 W.,
Sec. 1;
Sec. 3, S½;
Secs. 7, 9, 11 and 13;
Sec. 15, N½ and N½S½;
Sec. 17;
Sec. 19, E½;
Sec. 21, NW¼ and S½;
Secs. 23, 25 and 27;
Sec. 29, NE¼ and S½;
Sec. 31;
Sec. 33, NE¼ and S½.
T. 14 N., R. 19 W.,
Sec. 1, S½;
Secs. 3 and 5;
Sec. 7, lots 3, 4, E¼SW½ and SE¼;
Sec. 9, W½E½ and W½;
Secs. 11 and 13;
Sec. 15, W½W½;
Sec. 17, NE¼ and S½;
Sec. 19, lots 3, 4, E½ and E½SW¼;
Secs. 21, 23, 25 and 27;
Sec. 29, NE¼ and S½;
Secs. 31, 33 and 35.

The areas described aggregate 19,923.38 acres.

W. J. ANDERSON,
State Director.

[F.R. Doc. 70-6239; Filed, May 20, 1970; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

[Amdt. 9]

SALES OF CERTAIN COMMODITIES

Annual Sales List (Fiscal Year Ending June 30, 1970)

The CCC Annual Sales List for the fiscal year ending June 30, 1970, published in 35 F.R. 2602, is amended to insert a section 18 therein to read as follows:

18. *Barley, export sales (bulk).*

Export market price, as determined by CCC, for cash under Announcement GR–212.

Signed at Washington, D.C., on May 15, 1970.

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

[F.R. Doc. 70-6311; Filed, May 20, 1970; 8:51 a.m.]

DEPARTMENT OF COMMERCE

National Bureau of Standards

CONFERENCE PROGRAM OF THE U.S. METRIC STUDY

Requests for Inputs to the National Metric Study

Under the provisions of Public Law 90–472, the Secretary of Commerce is directed to make a report, together with such recommendations as he deems appropriate, to the Congress concerning what action, if any, should be taken in the United States with respect to the increasing worldwide and domestic use of the metric system.

The U.S. Metric Study, at the National Bureau of Standards, in response to this directive, is seeking answers from all sectors of the economy to the following key questions: (1) What is the present impact within the United States of increasing worldwide and domestic use of the metric system? (2) What would this impact be in the future, assuming the use of the metric system continues to increase with no coordination among the various sectors of the society? (3) What would be the effect of a coordinated national program to increase the use of the metric system?

Prior to the submission of the final report to the Congress in August 1971,

it is essential to insure that proper consideration be given the viewpoints of all sectors of the economy regarding these key questions. The purpose of this notice is to solicit such viewpoints from trade associations, labor organizations, professional, scientific, and engineering societies, and other similar organizations. This information will be considered along with the reports of the National Metric Study Conferences which will be conducted during the summer and fall of 1970.

To receive proper consideration, all submittals must be received by September 30, 1970. Interested parties should direct inquiries about submittals or the Conference program to the Manager, National Conferences Program, U.S. Metric Study, Washington, D.C. 20234.

May 5, 1970.

LEWIS M. BRANSCOMB,
Director.

[F.R. Doc. 70-6263; Filed, May 20, 1970; 8:47 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

ANYL-RAY CORP.

Notice of Filing of Petition for Food Additives

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 0M2510) has been filed by Anyl-Ray Corp., 7910 North Tamiami Trail, Sarasota, Fla. 33580, proposing that § 121.3001 (21 CFR 121.3001) be amended to provide for the safe use of the radioactive isotope iodine 125 as a source in a control device for determining fat content of meat.

Dated: May 14, 1970.

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

[F.R. Doc. 70-6295; Filed, May 20, 1970; 8:50 a.m.]

STOKELY-VAN CAMP, INC.

Notice of Filing of Petition for Food Additives

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 0A2538) has been filed by Stokely-Van Camp, Inc., Post Office Box 1113, Indianapolis, Ind. 46206, proposing that § 121.1017 *Calcium disodium EDTA* (21 CFR 121.1017) be amended in paragraph (b)(1) to provide for the safe use of calcium disodium EDTA as a color stabilizer in canned, cooked hominy.

Dated: May 14, 1970.

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

[F.R. Doc. 70-6296; Filed, May 20, 1970; 8:50 a.m.]

FEDERAL MARITIME COMMISSION

SOUTH AND EAST AFRICA RATE AGREEMENT

Notice of Agreement Filed

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

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

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

Notice of Agreement filed by:

William L. Hamm, Secretary, South and East Africa Rate Agreement, 25 Broadway, New York, N.Y. 10004.

Agreement No. 8054-9, among the member lines of the South and East Africa Rate Agreement, amends certain provisions of the basic agreement by (1) adding a new Article 1(a) providing that two-thirds of all members entitled to vote shall constitute a quorum at any meeting and that no meeting shall be held unless a quorum is present; (2) changing the designation of present Article 1(a) to Article 1(b) and amending the language thereof to provide that all action under the agreement, shall be taken by a two-thirds vote of all members entitled to vote instead of by unanimous vote as presently provided. However, changes in the agreement may be made only with the unanimous consent of all parties to the agreement, and telephone polls, circular letters, or other methods the members may determine best to effect action, shall require the unanimous consent of all members entitled to vote; (3) changing the designation of present Article 1(b) to Article 1(c) and deleting therefrom the language providing for the reservation of the right of each member to alter for itself any presently effective rate, charge, classification or related tariff matter upon giving the other members at least forty-eight (48) hours advance notice thereof; and (4) amending Article 3(h) to set forth the understanding that any member whose service has been suspended for failure to provide required sailings in the trade shall have no vote on any matter under the agreement except with respect to proposed changes in the agreement itself.

Dated: May 18, 1970.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[F.R. Doc. 70-6307; Filed, May 20, 1970; 8:51 a.m.]

STRAITS/NEW YORK CONFERENCE

Notice of Agreement Filed

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

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

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

Notice of Agreement Filed by:

Elkan Turk, Jr., Esq., Burlingham, Underwood, Wright, White & Lord, 25 Broadway, New York, N.Y. 10004.

Agreement No. 6010–14 between the member lines of the Straits/New York Conference was filed with the Commission for its approval under section 15 of the Shipping Act, 1916, on June 13, 1968. The basic purpose of this modification was to restrict the agents of the various lines to serving conference members only in loading ports in Malaysia and the Republic of Singapore. By its order dated September 24, 1969, the Commission ordered an investigation and hearing (Docket 69–49). After prehearing conference and before the start of any formal hearings, counsel for the Straits/New York Conference filed a modification of agreement No. 6010–14 on April 10, 1970, and simultaneously requested that the proceeding be discontinued. On April 22, 1970, the presiding Examiner granted this motion and approved agreement No. 6010–14 as refiled. In its order served May 13, 1970, the Commission stated that, "this modified proposal constitutes a new filing which is subject to our notice requirements."

Agreement No. 6010–14, as filed on April 10, 1970, provides, basically, that no party to the agreement shall be represented in Singapore, Fort Swettenham or Penang by any agent engaged in the solicitation, booking, receipt, and/or documentation of cargoes without requiring such agent to agree not to represent, except as husbanding agent or chartering broker, any common, private or contract carrier in the trade at ports of loading other than carriers who are parties to agreement No. 6010. The Straits/New York Conference seeks approval of this measure for a period of 2 years.

Dated: May 18, 1970.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[F.R. Doc. 70–6308; Filed, May 20, 1970; 8:51 a.m.]

UNITED STATES/SOUTH AND EAST AFRICA CONFERENCE

Notice of Agreement Filed

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

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

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

Notice of Agreement filed by:

William L. Hamm, Secretary, United States/South and East Africa Conference, 25 Broadway, New York, N.Y. 10004.

Agreement No. 9502–5, among the member lines of the United States/South and East Africa Conference, amends certain provisions of the basic agreement by (1) deleting from Article 4 thereof the language providing for the right of each member to alter for itself any presently effective rate, charge, classification, or related tariff matter upon giving the other members at least forty-eight (48) hours advance notice thereof; (2) deleting from Article 8(f) provision that the giving of notice by one member to withdraw from membership will thereby terminate the agreement for all lines unless such withdrawal was for the purpose of abandoning the conference trade; (3) adding a new paragraph designated Article 9(a) providing that two-thirds of all members entitled to vote shall constitute a quorum at any meeting, and that no meeting shall be held unless a quorum is present; (4) amending the present language of Article 9 to provide that all action under the agreement shall be taken by two-thirds vote of all members entitled to vote instead of by unanimous vote as presently provided. However, changes in the agreement may be made only with unanimous consent of all members; (5) amending Article 10(b) to provide that telephone polls, circular letters, or other methods the members may determine best to effect action, shall require the unanimous consent of all members entitled to vote; and (6) clarifying the present language of Article 11 to set forth the understanding that any member whose service has been suspended for failure to provide the required sailings in the trade shall have no vote on any matter under the agreement except with respect to proposed changes in the agreement itself.

Dated: May 18, 1970.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[F.R. Doc. 70–6309; Filed, May 20, 1970; 8:51 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G–4269, etc.]

CALIFORNIA CO. ET AL.

Notice of Petitions To Amend

MAY 12, 1970.

Take notice that on April 22, 1970, The California Co., a division of Chevron Oil Co., 1111 Tulane Avenue, New Orleans, La. 70112, and c/o Justin R. Wolf, Esq., 1625 K Street NW., Washington, D.C. 20006, filed in Docket No. G–4269 et al.; and Chevron Oil Co., Western Division, Post Office Box 599, Denver, Colo. 80201, and c/o Justin R. Wolf, Esq., 1625 K Street NW., Washington, D.C. 20006, filed in Docket No. G–7223 et al., petitions to amend the orders issued pursuant to section 7(c) of the Natural Gas Act in said dockets by substituting petitioners in lieu of Standard Oil Company of Texas, a division of Chevron Oil Co., as certificate holders, all as more fully set forth in the petitions to amend which are on file with the Commission and open to public inspection.

Petitioners state that pursuant to a plan of reorganization Standard Oil Company of Texas has ceased to exist as an operating entity and that responsibility for natural gas sales has been transferred to petitioners. Petitioners propose to continue without change the sales of natural gas in interstate commerce heretofore authorized to be made pursuant to the FPC gas rate schedules of Standard Oil Company of Texas.

Any person desiring to be heard or to make any protest with reference to said petitions to amend should on or before June 5, 1970, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70–6267; Filed, May 20, 1970; 8:48 a.m.]

[Docket No. CP70–266]

CITY OF SAVANNAH, TENN., AND TENNESSEE GAS PIPELINE CO.

Notice of Application

MAY 12, 1970.

Take notice that on May 1, 1970, the city of Savannah, Tenn. (Applicant), filed in Docket No. CP70–266 an application pursuant to section 7(a) of the

Natural Gas Act for an order of the Commission directing Tennessee Gas Pipeline Co., a division of Tenneco Inc. (Respondent), to establish an additional point of delivery between the facilities of respondent and applicant and to sell to applicant increased volumes of natural gas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to take delivery of natural gas at a new point to be located in Hardin County, Tenn., near Childers Hill, west of the Tennessee River. The estimated third year increased maximum day and annual requirements of Applicant are 6,097 Mcf and 2,149,252 Mcf respectively. Applicant states that the additional point of delivery and sale of increased volumes of natural gas will enable it to bring the advantages of natural gas and savings in fuel costs to a large industrial customer, Tennessee River Pulp and Paper Co., and commercial and residential customers.

The estimated total cost of the proposed facilities is $325,000, of which $125,000 will be borne by applicant and financed from funds presently available for the purpose. The balance will be borne by Tennessee River Pulp and Paper Co.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 2, 1970, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-6268; Filed, May 20, 1970; 8:48 a.m.]

[Docket No. CP70-265]

HUMBLE GAS TRANSMISSION CO.

Notice of Application

MAY 12, 1970.

Take notice that on May 1, 1970, Humble Gas Transmission Co. (Applicant), 1700 Commerce Building, New Orleans, La. 70112, filed in Docket No. CP70-265 an application pursuant to section 7(b) of the natural gas act for an order of the Commission permitting and approving the abandonment and removal of certain natural gas facilities and abandonment of natural gas service, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to abandon a delivery point meter setting and gas service therewith to applicant's Baton Rouge Refinery. Applicant states that the entire natural gas requirement will be supplied by Monterey Pipeline Co. after May 1, 1970, and that the aforementioned facilities are no longer needed for the operation of its refinery.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 1, 1970, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

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

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

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-6269; Filed, May 20, 1970; 8:48 a.m.]

[Dockets Nos. G-5716, etc.]

NORTHERN NATURAL GAS PRODUCING CO. ET AL.

Notice of Applications for Certificates, Abandonment of Service, and Petitions To Amend Certificates; Correction

MAY 8, 1970.

In the notice of applications for certificates, abandonment of service, and petitions to amend certificates, issued April 23, 1970, and published in the FEDERAL REGISTER May 2, 1970 F.R. 35(7035), column 2, Docket No. G-15470: Change applicant's address to read "Gulf States Building, Dallas, Tex. 75201" in lieu of "1900 Life of America Building, Dallas, Tex. 75202".

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-6265; Filed, May 20, 1970; 8:48 a.m.]

[Dockets Nos. RP69-35, RP70-20]

PANHANDLE EASTERN PIPE LINE CO.

Order Approving Tracking Procedure of Supplier Rate Changes, Consolidating Processings, and Rejecting for Filing Revised Tariff Sheets; Correction

MAY 6, 1970.

In the order approving tracking procedure of supplier rate changes, consolidating proceedings, and rejecting for filing revised tariff sheets, issued January 30, 1970, and published in the FEDERAL REGISTER February 6, 1970, 35 F.R. 2704, in ordering paragraph (E), Change "May 5, 1969" to "December 4, 1969".

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-6266; Filed, May 20, 1970; 8:48 a.m.]

FEDERAL RESERVE SYSTEM

BRENTON BANKS, INC.

Order Approving Acquisition of Bank Stock by Bank Holding Company

In the matter of the application of Brenton Banks, Inc., Des Moines, Iowa, for approval of acquisition of 80 percent or more of the voting shares of The Fidelity Savings Bank, Marshalltown, Iowa.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)) and § 222.3 (a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), the application of Brenton Banks, Inc., Des Moines, Iowa (Applicant), a registered bank holding company, for the Board's prior approval of the acquisition of 80 percent or more of the voting shares of The Fidelity Savings Bank, Marshalltown, Iowa (Bank).

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Superintendent of the Department of Banking for the State of Iowa and requested his views and recommendation. The Deputy Superintendent replied, and recommended approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on April 9, 1970 (35 F.R. 5841), which provided an opportunity for interested persons to submit comments and views with respect to the proposal. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. The time for filing comments and views has expired and all those received have been considered by the Board.

The Board has considered the application in the light of the factors set forth in section 3(c) of the Act, including the effect of the proposed acquisition on competition, the financial and managerial resources of the applicant and the banks concerned, and the convenience and needs of the communities to be served. Upon such consideration, the Board finds that:

Applicant, the second largest bank holding company and the third largest banking organization in Iowa, has 15 subsidiary banks with $156 million in deposits, which represent 2.7 percent of the total deposits for the State. (All banking data are as of June 30, 1969, adjusted to reflect bank holding company formations and acquisitions approved by the Board to date.) Upon acquisition of bank ($24 million deposits), applicant's share of State deposits would increase to 3.1 percent. Applicant has no subsidiary bank in Marshall County, in which bank is located. Its closest subsidiary is located about 30 miles southeast in adjoining Poweshiek County, and neither it nor any other of applicant's present subsidiaries compete to any meaningful extent with bank. Bank is the second largest of nine banks in the area which it serves (Marshall County and a small part of Tama County, adjoining to the east). The largest and third largest banks in the area (deposits $30 million and $15 million, respectively) are also headquartered in Marshalltown, and provide aggressive competition. Consummation of the proposed acquisition would not eliminate existing competition or foreclose significant potential competition, and would not have undue adverse effects on the viability or competitive effectiveness of any competing bank.

Based upon the foregoing, the Board concludes that consummation of the proposed acquisition would not have an adverse effect on competition in any relevant area. The banking factors, as applied to the facts of record, are consistent with approval of the application, and considerations relating to the convenience and needs of the communities to be served lend some weight in support of approval. It is the Board's judgment that the proposed transaction would be in the public interest, and that the application should be approved.

It is hereby ordered, For the reasons set forth above, that said application be and hereby is approved: *Provided*, That the action so approved shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such time be extended for good cause by the Board, or by the Federal Reserve Bank of Chicago pursuant to delegated authority.

By order of the Board of Governors,[1] May 13, 1970.

[SEAL] ELIZABETH L. CARMICHAEL,
Assistant Secretary.

[F.R. Doc. 70-6232; Filed, May 20, 1970; 8:45 a.m.]

COMMERCE BANCSHARES, INC.

Order Approving Acquisition of Bank Stock by Bank Holding Company

In the matter of the application of Commerce Bancshares, Inc., Kansas City, Mo., for approval of acquisition of more than 80 percent of the voting shares of Mexico Savings Bank, Mexico, Mo.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)) and § 222.3(a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by Commerce Bancshares, Inc., Kansas City, Mo., a registered bank holding company, for the Board's prior approval of the acquisition of more than 80 percent of the voting shares of Mexico Savings Bank, Mexico, Mo.

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Commissioner of Finance of the State of Missouri, and requested his views and recommendation. The Commissioner interposed no objection to approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on November 27, 1969 (34 F.R. 18995), providing an opportunity for interested persons to submit comments and views with respect to the proposal. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered by the Board.

It is hereby ordered, For the reasons set forth in the Board's statement[1] of this date, that said application be and hereby is approved: *Provided*, That the action so approved shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order unless such time be extended for good cause by the Board, or by the Federal Reserve Bank of Kansas City pursuant to delegated authority.

By order of the Board of Governors,[2] May 13, 1970.

[SEAL] ELIZABETH L. CARMICHAEL,
Assistant Secretary.

[F.R. Doc. 70-6233; Filed, May 20, 1970; 8:45 a.m.]

UNITED BANCSHARES OF FLORIDA, INC.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made, pursuant to section 3(a) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)), by United Bancshares of Florida, Inc., which is a bank holding company located in Coral Gables, Fla., for prior approval by the Board of Governors of the acquisition by applicant of at least 82.37 percent of the voting shares of Security Exchange Bank, West Palm Beach, Fla.

Section 3(c) of the Act provides that the Board shall not approve:

(1) Any acquisition or merger or consolidation under section 3 which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or

(2) Any other proposed acquisition or merger or consolidation under section 3 whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless the Board finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Atlanta.

By order of the Board of Governors, May 11, 1970.

[SEAL] NORMAND BERNARD,
Assistant Secretary.

[F.R. Doc. 70-6234; Filed, May 20, 1970; 8:45 a.m.]

COMMERCE BANCSHARES, INC.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made, pursuant to section 3(a) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)), by Commerce Bancshares, Inc., which is a bank holding company located in Kansas City, Mo., for prior approval by the Board of Governors of the acquisition by applicant of more than 80 percent of the voting shares of State Bank of Lebanon, Lebanon, Mo.

Section 3(c) of the Act provides that the Board shall not approve:

(1) Any acquisition or merger or consolidation under section 3 which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or

(2) Any other proposed acquisition or merger or consolidation under section 3 whose effect in any section of the country

[1] Voting for this action: Vice Chairman Robertson and Governors Mitchell, Maisel, Brimmer, and Sherrill. Absent and not voting: Chairman Burns and Governor Daane.

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Kansas City. Concurring Statement of Governor Brimmer also filed as part of the original document and available upon request.

[2] Voting for this action: Chairman Burns and Governors Robertson, Mitchell, Daane, Maisel, Brimmer, and Sherrill.

may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless the Board finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Kansas City.

By order of the Board of Governors, May 15, 1970.

[SEAL] NORMAND BERNARD,
Assistant Secretary.

[F.R. Doc. 70-6271; Filed, May 20, 1970; 8:48 a.m.]

GENERAL SERVICES ADMINISTRATION

DESIGNATION OF SOLICITATION OPENING TIME

Interim Procedures

1. *Purpose.* This order provides interim procedures for designation of bid opening time in the case of advertised solicitations for procurement or sales, and designation of the time fixed for receipt of offers in the case of solicitations for negotiated procurement or sales.

2. *Application.* The provisions of this order apply to contracting officers, other officials charged with bid opening duties, and other GSA officials having procurement or sales responsibility.

3. *Background.* In Decision B-167641, dated September 11, 1969, the Comptroller General of the United States interpreted the Uniform Time Act of 1966 (Public Law 89-387, April 13, 1966; 80 Stat. 107; 15 U.S.C. 260-267), pointing out that there is no longer a distinction to be made between standard time and daylight time, and that under that Act within each time zone only the preestablished standard time exists, regardless of the fact that during a certain portion of the year standard time is advanced 1 hour. To prevent possible misunderstandings in procurements and sales, uniform procedures appear desirable.

4. *Interim procedures.* Pending issuance of an appropriate amendment to the Federal Procurement Regulations and to the Federal Property Management Regulations, the statement of the time designated as bid opening time in the case of solicitations for advertised procurement or sales, or the time fixed for receipt of offers in the case of solicitations for negotiated procurement or sales, shall include the phrase "local time at the place of bid opening." Where a particular block or blank space on a standard form does not readily permit inclusion of the phrase, an asterisk may be used to call attention to an explanatory phrase which should be stated elsewhere in the solicitation. Procurement or sales documents should not refer to "daylight time" or "daylight saving time" and abbreviations such as "EDT" or "PDT" should not be used.

5. *Effective date.* This order is effective with respect to procurement or sales documents issued after May 25, 1970.

JOHN W. CHAPMAN, Jr.,
Acting Administrator.

MAY 14, 1970.

[F.R. Doc. 70-6294; Filed, May 20, 1970; 8:50 a.m.]

OFFICE OF EMERGENCY PREPAREDNESS

TEXAS

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 May 13, 1970, the President declared a major disaster as follows:

I have determined that the damages in those areas of the State of Texas, adversely affected by tornadoes and windstorms beginning on or about April 17, 1970, 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 Texas. 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, Nov. 20, 1969), to administer the Disaster Relief Act of 1969 (Public Law 91-79, 83 Stat. 125), I hereby appoint Mr. George E. Hastings, Regional Director, OEP Region 5, 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 Texas to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of May 13, 1970:

The Counties of:

Briscoe.	Hockley.
Cochran.	Lamb.
Donley.	Lubbock.
Gray.	Parmer.
Hale.	Swisher.

Dated: May 15, 1970.

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

[F.R. Doc. 70-6279; Filed, May 20, 1970; 8:49 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3421]

CONTINENTAL VENDING MACHINE CORP.

Order Suspending Trading

MAY 15, 1970.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, 10 cents par value of Continental Vending Machine Corp., and the 6 percent convertible subordinated debentures due September 1, 1976, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period May 16, 1970, through May 25, 1970, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 70-6245; Filed, May 20, 1970; 8:46 a.m.]

[70-4878]

DELMARVA POWER & LIGHT CO.

Notice of Proposed Issue and Sale of Notes to Banks and to Dealer in Commercial Paper and Exception From Competitive Bidding

MAY 14, 1970.

Notice is hereby given that Delmarva Power & Light Co. ("Delmarva") 600 Market Street, Wilmington, Del. 19899, a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6 and 7 of the Act and Rule 50(a)(5) promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application, which is summarized below,

for a complete statement of the proposed transactions.

Delmarva requests that, for the period commencing on the granting of this application and ending December 31, 1971, the exemption from the provisions of section 6(a) of the Act afforded to it by the first sentence of section 6(b) of the Act, relating to the issue of short-term notes, be increased from 5 percent to approximately 10 percent of the principal amount and par value of the other securities of Delmarva at the time outstanding. Delmarva proposes, under said exemption, to issue and sell short-term notes (including commercial paper) in an aggregate face amount not to exceed $25 million to be outstanding at any one time. The proceeds from the issue and sale of the short-term notes, including the commercial paper, are to be utilized by Delmarva to finance its 1970 construction program, which is estimated at approximately $85 million.

The notes to be issued to banks will aggregate not in excess of $15,500,000 outstanding at any one time, and will mature not more than 180 days from the date of issue and in any event not later than December 31, 1971. The bank notes will bear interest at the prime commercial bank rate, in effect as of the dates the notes are executed and will be subject to prepayment at any time without penalty except that the notes may not be prepaid in whole or in part from the proceeds of any subsequent bank loan at a lower rate of interest. The proposed borrowings will be effected from among banks in maximum amounts as set forth below:

Wilmington Trust Co., Wilmington, Del	$4,600,000
Bank of Delaware, Wilmington, Del	2,700,000
Farmers Bank of the State of Delaware, Wilmington, Del	1,800,000
Delaware Trust Co., Wilmington, Del	1,400,000
First National Bank of Maryland, Salisbury and Baltimore, Md	5,000,000
Total	15,500,000

Delmarva also proposes to issue and sell, from time to time to mature not later than December 31, 1971, commercial paper in the form of short-term promissory notes to an investment banker and dealer in commercial paper, A. G. Becker & Co., Inc. ("dealer"), of up to $25 million face amount to be outstanding at one time. The total amount of commercial paper and bank loans outstanding at any one time will not exceed $25 million. The commercial paper notes will be of varying maturities, with no such notes maturing more than 270 days after the date of issue. Such notes, in denominations of not less than $50,000 and not more than $1 million, will be issued and sold by Delmarva directly to the dealer at a discount which will not be in excess of the discount rate per annum prevailing at the date of issuance for commercial paper of comparable quality and of the particular maturity sold by issuers thereof to commercial paper dealers. The application states that no commercial paper notes will be issued having a maturity of more than 90 days, at an effective interest cost which exceeds that at which Delmarva could borrow from banks.

It is stated that no commission or fee will be payable in connection with the issue and sale of the commercial paper notes. The dealer, as principal, will reoffer such notes at a discount of one-eighth of 1 percent per annum less than the prevailing discount rate to Delmarva. The notes will be reoffered in a manner which will not constitute a public offering to no more than 200 identified and designated customers in a list (nonpublic) prepared in advance by the dealer. No additions will be made to this customer list.

The application states that Delmarva expects to retire the bank notes and commercial paper from the net proceeds of the sale of first mortgage bonds and/or equity securities prior to December 31, 1971.

Delmarva requests exception from the competitive bidding requirements of Rule 50 for the proposed issue and sale of its commercial paper pursuant to paragraph (a)(5) thereof. It is stated that it is not practical to invite competitive bids for commercial paper and that current rates for commercial paper for such prime borrowers as Delmarva are published daily in financial publications. The company further states that the proposed commercial paper notes will have a maturity of 270 days or less and will be sold at effective interest costs that will not exceed the bank prime rate and that it expects to sell its commercial paper at lower effective interest costs. Delmarva also requests authority to file certificates under Rule 24 with respect to the issue and sale of commercial paper on a quarterly basis.

The application states that fees and expenses related to the proposed transactions are estimated not to exceed $1,400, including legal fees of $500. It is further stated that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than June 5, 1970, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 70-6246; Filed, May 20, 1970; 8:46 a.m.]

[70-4880]

COLUMBIA GAS SYSTEM, INC.

Notice of Proposed Issue and Sale of Short-Term Notes to Banks and to Dealers in Commercial Paper and Exception From the Competitive Bidding Requirements

MAY 14, 1970.

Notice is hereby given that The Columbia Gas System, Inc. ("Columbia"), 120 East 41st Street, New York, N.Y. 10017, a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating section 6(b) thereof and Rule 50(a) promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transactions.

Columbia requests that the exemption from the provisions of section 6(a) of the Act afforded to it by the first sentence of section 6(b) thereof, relating to the issue and sale of short-term notes, be increased through May 31, 1971, from 5 percent to approximately 13 percent of the principal amount and par value of the other securities of Columbia then outstanding in order to permit Columbia to have outstanding up to $140 million principal amount of proposed short-term notes, consisting of bank notes and commercial paper. Generally, Columbia will make the proceeds from the sale of these notes available to its subsidiary companies for construction, for the purchase of underground storage gas during the summer months, and for other short-term seasonal requirements, in accordance with the terms of another filing with this Commission (File No. 70-4872). Of the maximum of $140 million to be borrowed, up to $80 million will be used for the subsidiary companies' underground storage gas and other short-term seasonal requirements and will be repaid from cash generated during the winter months. The subsidiary companies' construction expenditures are estimated to aggregate approximately $205,600,000 during 1970.

Columbia proposes to issue and sell, from time to time, commercial paper in the form of promissory notes to one or

more dealers in commercial paper, up to $140 million face amount to be outstanding at any one time. The aggregate amount of commercial paper notes and of bank notes outstanding at any one time will not exceed $140 million. It is columbia's intention to issue and sell commercial paper and continue to do so as long as the effective interest rate is less than the effective interest cost which Columbia would have to pay to banks for an equivalent amount of funds as of the date of borrowing, except that, in order to obtain maximum flexibility, commercial paper may be issued with a maturity of not more than 60 days from the date of issue with an effective interest cost in excess of such effective interest cost on bank borrowings.

The commercial paper notes will be of varying maturities, not to exceed 270 days, and none will be prepayable prior to maturity. The actual maturities will be determined by market conditions, effective interest cost to Columbia, and Columbia's anticipated cash requirements at the time of issue. Each commercial paper note will be issued in denominations of not less than $50,000 and not more than $1 million and will be sold to the dealers at a discount which will be not in excess of the discount rate per annum prevailing at the date of issuance for prime commercial paper of the particular maturity.

It is stated that no commission or fee will be payable in connection with the issue and sale of the commercial paper notes. Each dealer, as principal, will reoffer such notes at a discount rate of one-eighth of 1 percent per annum less than the discount rate to Columbia. The notes will be reoffered to no more than 100 customers of each dealer, identified and designated in a list (nonpublic) prepared in advance. In no event will the total number of customers, to which such notes will be reoffered, exceed 200. No additions will be made to such customer lists, which will consist of institutional investors which invest funds in commercial paper. It is expected that Columbia's commercial paper notes will be held by customers to maturity, but, if they wish to resell prior thereto, the dealers pursuant to a repurchase agreement, will repurchase the notes and reoffer the same to others in its specified group of customers.

Columbia requests exception from the competitive bidding requirements of Rule 50 for the proposed issue and sale of its commercial paper. Columbia states that the proposed commercial paper notes will have a maturity of 9 months or less, that it is not practical to invite competitive bids for commercial paper, and that current rates for commercial paper for such prime borrowers as Columbia are published daily in financial publications.

Columbia proposes that up to $80 million of the aforesaid commercial paper will be converted into inventory bank loans on or before November 2, 1970, and Columbia has secured credit lines from a group of 32 banks in a maximum aggregate amount of $80 million, borrowings thereunder to be repaid at maturity in February, March, and April of 1971, with cash generated from operations. The bank loans will bear interest at the minimum commercial lending rate in effect from time to time at Morgan Guaranty Trust Co. of New York. The notes will be prepayable, in whole or in part, at any time without premium or penalty, except that no prepayments may be made with funds borrowed from banks at a lower rate of interest. Columbia will pay no fees to the banks for the lines of credit.

The fees and expenses to be paid by Columbia in connection with the proposed transactions are estimated at $700. It is stated that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than June 2, 1970, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 70-6247; Filed, May 20, 1970; 8:46 a.m.]

[812-2703]

MUTUAL FUNDS ADVISORY, INC.

Notice of Application for Order Exempting Transactions

MAY 12, 1970.

Notice is hereby given that Mutual Fund Advisory, Inc. (Applicant), 382 Miracle Mile, Coral Gables, Fla. 33134, a broker dealer registered under the Securities Exchange Act of 1934, has filed an application pursuant to section 6(c) of the Investment Company Act of 1940 (Act) for an order exempting from the prohibitions of section 17(a) and section 22(d) of the Act the sale by the applicant of shares of other registered investment companies to the Fundpack, Inc. ("Fundpack"), a newly formed registered investment company which is an affiliated person of the applicant within the meaning of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations which are summarized below.

Fundpack registered with the Commission on September 22, 1969, as a nondiversified, open-end investment company and is not yet publicly offering its securities for sale. Messrs. Victor H. Polk, Walter A. Svehla, and Charles Schlaitzer own, control, and are officers and directors of Applicant and are officers and directors of Fundpack. Applicant is a registered dealer engaged in the public sale of various load type mutual funds. Fundpack proposes to invest at least 80 percent of its assets in securities issued by other investment companies of the load as well as the no-load variety. It will not invest more than 30 percent of its assets in the securities of any other investment company nor purchase more than 3 percent of the outstanding securities of such company. Fundpack does not intend to purchase load fund shares where the cost to it, together with any redemption fee, will exceed 1 percent of the offering price, exclusive of the sales charge for Fundpack shares which will be a maximum of 1½ percent of the public offering price.

Applicant, as a dealer in various load fund shares is a party to selling agreements with principal underwriters of such funds and is able to purchase shares at a graduated reduced costs (depending on quantity purchased) for subsequent resale. In order to minimize the charge to which Fundpack investors will be subject directly through the purchase of its shares and indirectly through Fundpack's purchase of shares of other investment companies, Applicant proposes to sell Fundpack shares of other mutual funds at prices equal to its cost. Thus, in such transactions MFA will charge Fundpack only the net asset value of such shares plus the principal underwriter's discount with respect thereto.

Section 17(a) of the Act, as here pertinent, prohibits Applicant as principal and as an affiliated person of a registered investment company from making the contemplated securities sales to such registered investment companies.

Section 22(d) of the Act provides in pertinent part that no registered investment company shall sell any redeemable security issued by it to any person except either to or through a principal underwriter for distribution or at a current public offering price described in the Prospectus and if such class of security is being currently offered to the public by or through an underwriter, no principal underwriter of such security and no dealer shall sell any such security to any person except a dealer, a principal underwriter or the issuer, except at a current public offering price described in the Prospectus.

Section 6(c) of the Act provides that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security or

transaction from any provision or provisions of the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant states that Messrs. Polk, Svehla, and Schlaitzer have a fiduciary obligation to Fundpack and its shareholders, as officers and directors, to assist it in making portfolio purchases of mutual fund shares at the lowest possible cost. Applicant also maintains that the sale of fund shares to Fundpack at its cost is consistent not only with its fiduciary obligation to Fundpack but is justified economically because it does not incur selling costs in making such sales to Fundpack which it does have when making sales of fund shares to members of the general public. It is also urged that the transactions contemplated will be in the public interest and for the benefit and protection of investors.

Notice is further given that any interested person may, not later than June 5, 1970, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address stated above. Proof of such service by affidavit (or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 70-6248; Filed, May 20, 1970; 8:46 a.m.]

[File Nos. 811-964, 811-1650]

BOSTON CAPITAL CORP. AND BOSTON CAPITAL SMALL BUSINESS INVESTMENT CORP.

Certification

MAY 14, 1970.

Boston Capital Corp. ("Boston") and Boston Capital Small Business Investment Corp. ("BOSBIC"), 535 Boylston Street, Boston, Mass. 02116, each a closed-end nondiversified management investment company registered under the Investment Company Act of 1940 ("Act"), have filed a joint application for an order certifying to the Secretary of the Treasury, pursuant to section 851(e) of the Internal Revenue Code of 1954 ("Code"), that Boston and BOSBIC are each principally engaged in the furnishing of capital to other corporations which are principally engaged in the development or exploitation of inventions, technological improvements, new processes or products not previously generally available ("development corporations").

Boston and BOSBIC each propose to qualify as a regulated investment company under section 851(a) of the Code for the fiscal year ended March 31, 1970. Pursuant to the provisions of section 851(e) of the Code, the certifications requested are a prerequisite to a qualification as a regulated investment company under section 851(a).

BOSBIC was established in 1967 as a wholly owned subsidiary of Boston and succeeded to Boston's license as a small business investment company. By order dated April 22, 1968, this Commission granted exemptions which, in effect, permitted BOSBIC to operate as Boston's wholly owned subsidiary. For purposes of determining whether Boston is entitled to the requested certification, Boston has allocated its investment in BOSBIC between development and nondevelopment companies in the ratio that BOSBIC's holdings in development and nondevelopment companies bears to BOSBIC's total assets. In support of the application applicants have submitted a detailed description of each of the companies whose securities are held in their portfolio and have specified those investments which are considered to be development corporations. The following table shows the composition of the total assets of Boston as of each of the calendar quarters ended June 30, 1969, September 30, 1969, December 31, 1969, and March 31, 1970.

BOSTON

Assets (at value)	6-30-69	9-30-69	12-31-69	3-31-70
Investments representing capital furnished to corporations believed to be principally engaged in the development or exploitation of inventions, new processes or products not previously generally available	$25,815,736	[1] $25,131,304	[1] $23,703,578	[1] $25,255,736
Other investments	30,127,530	27,184,786	19,662,194	19,692,844
Total investments	55,943,266	52,316,090	43,365,772	44,948,580
Cash awaiting permanent investment or temporarily invested in U.S. Government securities	1,088,868	1,283,352	1,078,564	1,041,651
Other assets	25,523	71,201	81,089	89,917
Total assets	57,057,657	53,670,643	44,525,425	46,080,148

[1] The investment in Boston Capital Small Business Investment Corp. is allocated between development and nondevelopment companies in the ratio that Boston Capital Small Business Investment Corp.'s holdings in development and nondevelopment companies bears to Boston Capital Small Business Investment Corp.'s total assets.

The following table shows the composition of the total assets of BOSBIC as of each of the periods ended June 30, 1969, September 30, 1969, December 31, 1969 and March 31, 1970.

BOSBIC

Assets (at value)	6-30-69	9-30-69	12-31-69	3-31-70
Investments representing capital furnished to corporations believed to be principally engaged in the development or exploitation of inventions, new processes or products not previously generally available	$4,925,155	$5,374,746	$5,124,372	$3,903,006
Other investments	1,170,600	830,096	808,877	559,877
Total investments	6,095,755	6,204,842	5,933,249	4,462,883
Cash awaiting permanent investment or temporarily invested in U.S. Government securities	92,282	144,131	122,593	178,513
Other assets	8,603			
Total assets	6,196,640	6,348,973	6,055,842	4,641,396

On the basis of an examination of the reports and information filed by Boston and BOSBIC with the Commission pursuant to the provisions of the Investment Company Act and rules and regulations promulgated thereunder, including the data and information set forth in Boston's application for a certificate under section 851(e) of the Code filed for prior fiscal years and in the instant joint application, it appears to the Commission that Boston and BOSBIC are each principally engaged in the furnishing of capital to other corporations which are principally engaged in the development or exploitation of inventions, technological improvements, new processes or products not previously generally available within the intent of section 851(e) of the Code.

It is therefore certified to the Secretary of the Treasury, or his delegate, pursuant to section 851(e) of the Code, that Boston Capital Corp. and Boston Capital Small Business Investment Corp., each a closed-end, nondiversified management investment company registered under the Investment Company Act of 1940, are principally engaged in the development or exploitation of inventions, technological improvements, new processes, or products not previously generally available.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 70-6283; Filed, May 20, 1970; 8:49 a.m.]

[70-4883]

NEW JERSEY POWER & LIGHT CO. AND JERSEY CENTRAL POWER & LIGHT CO.

Notice of Proposed Intrasystem Sale and Acquisition of Utility Assets

MAY 14, 1970.

Notice is hereby given that New Jersey Power & Light Co. ("NJP&L"), and Jersey Central Power & Light Co. ("JCP&L"), Madison Avenue at Punch Bowl Road, Morristown, N.J. 07960, both public-utility subsidiary companies of General Public Utilities Corp., a registered holding company, have filed a declaration, pursuant to the Public Utility Holding Company Act of 1935 ("Act") designating section 12(f) of the Act and Rule 43 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transaction.

NJP&L proposes to sell and JCP&L proposes to acquire certain utility assets now owned by NJP&L including primarily power transformers and related equipment, and high voltage cable and line termination equipment, at the original cost thereof with respect to unused equipment or in the case of used equipment at the original cost thereof less depreciation to the date of sale, or, if the assets are already being used by JCP&L, to the date when such use commenced. If the sale and acquisition had been consummated at December 31, 1969, the aggregate consideration would have been approximately $132,980. The actual consideration will be of a lesser amount to reflect additional depreciation accruing after December 31, 1969. It is stated that the assets have ceased to be useful to NJP&L in the operation of its utility business and that the assets are needed by JCP&L in the operation of its utility business. It is further stated that the transaction is not being made pursuant to a written agreement.

The Board of Public Utility Commissioners of the State of New Jersey has jurisdiction over the proposed sale by NJP&L. No other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction. The total fees and expenses, all of which are to be paid by NJP&L, are estimated at $1,800, including $1,600 for legal fees.

Notice is further given that any interested person may, not later than June 3, 1970, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from its rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 70-6284; Filed, May 20, 1970; 8:49 a.m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority 30-C, Oklahoma City Disaster 1]

MANAGER OF DISASTER BRANCH OFFICE, OKLAHOMA CITY, OKLA.

Delegations Relating to Financial Assistance Functions

I. Pursuant to the authority delegated to the District Director by Delegation of Authority No. 30-C, 35 F.R. 5440, the following authority is hereby redelegated to the positions as indicated herein:

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

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

(*Name*), *Administrator,*
By ----------
Manager,
Disaster Branch Office

3. To cancel, reinstate, modify, and amend authorizations for disaster loans approved under delegated authority.

4. To disburse unsecured disaster loans.

5. To extend the disbursement period on disaster loan authorizations or undisbursed portions of disaster loans.

II. The authority delegated herein may not be redelegated.

III. All authority delegated herein to a specific position may be exercised by an SBA employee designated as acting in that position.

Effective date: May 2, 1970.

E. BRUCE CAFKY,
District Director,
Oklahoma City.

[F.R. Doc. 70-6281; Filed, May 20, 1970; 8:49 a.m.]

[Declaration of Disaster Loan Area 765]

INDIANA

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of April 1970, because of the effects of certain disasters, damage resulted to residences and business property located in Ripley County, Ind.;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property, situated in the aforesaid county and areas adjacent thereto, suffered damage or destruction resulting from winds and hailstorm occurring on April 30, 1970.

OFFICE

Small Business Administration District Office, 36 South Pennsylvania Street, Indianapolis, Ind. 46204.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to November 30, 1970.

Dated: May 11, 1970.

HILARY SANDOVAL, JR.,
Administrator.

[F.R. Doc. 70-6282; Filed, May 20, 1970; 8:49 a.m.]

[Declaration of Disaster Loan Area 766]

OKLAHOMA

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of May 1970, because of the effects of certain disasters, damage resulted to residences and business property located in Tulsa County, Okla.;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property, situated in the aforesaid county and areas adjacent thereto, suffered damage or destruction resulting from floods occurring on May 9 and 10, 1970.

OFFICE

Small Business Administration District Office, 30 North Hudson, Oklahoma City, Okla. 73102.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to November 30, 1970.

Dated: May 12, 1970.

HILARY SANDOVAL, Jr.,
Administrator.

[F.R. Doc. 70-6244; Filed, May 20, 1970; 8:46 a.m.]

[Declaration of Disaster Loan Area 767]

TEXAS

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of May, 1970, because of the effects of certain disasters, damage resulted to residences and business property located in Lubbock County, Tex.;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property situated in the aforesaid county and areas adjacent thereto, suffered damage or destruction resulting from tornado occurring on May 11, 1970.

OFFICE

Small Business Administration District Office, 1616 19th Street, Lubbock, Tex. 79408.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to November 30, 1970.

Dated: May 12, 1970.

HILARY SANDOVAL, Jr.,
Administrator.

[F.R. Doc. 70-6280; Filed, May 20, 1970; 8:49 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 492]

COMMON CARRIER SERVICES INFORMATION [1]

Domestic Public Radio Services Applications Accepted for Filing [2]

MAY 18, 1970.

Pursuant to §§ 1.227(b)(3) and 21.26(b) of the Commission's rules, an application, in order to be considered with any domestic public radio services application appearing on the list below, must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business 1 business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cutoff dates are set forth in the alternative—applications will be entitled to consideration with those listed below if filed by the end of the 60-day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to § 21.27 of the Commission's rule for provisions governing the time for filing and other requirements relating to such pleadings.

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

[1] All applications listed below are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations, and other requirements.

[2] The above alternative cutoff rules apply to those applications listed below as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio, and Local Television Transmission Services (Part 21 of the rules).

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

File No., applicant, call sign and nature of application

7353-C2-P-(3)70—The Mountain States Telephone & Telegraph Co. (KON914), C.P. to replace transmitters operating on frequencies 152.54 and 152.66 MHz and change the antenna system at station located at Little Mountain, 8.3 miles west-southwest of Plain City, Utah.

7373-C2-P-70—Anserphone of Durham (KIY758), C.P. to relocate the 2-way facilities operating on 152.18 MHz to 111 Corcoran Street, Durham, N.C., and change the antenna system for same.

7374-C2-P-70—AAA Anserphone, Inc.—Jackson (New), C.P. for a new 2-way station to be located at Beech Springs School, 2.5 miles north of Tupelo, Miss., to operate on frequency 152.09 MHz.

7375-C2-P-70—J. K. Communications (New), C.P. for a new 1-way station to be located at Asnebumskit Road, town of Paxton, Mass., to operate on frequency 35.22 MHz.

7377-C2-P-70—The Chesapeake and Potomac Telephone Co. of Maryland (KGA587), C.P. to add test facilities to operate on frequencies 459.400, 459.450, and 459.500 MHz. Location of auxiliary test station: 320 St. Paul Place, Baltimore, Md.

7378-C2-P-70—RAM Broadcasting of Oregon, Inc. (New), C.P. for a new air-ground station to be located at Prospect Hill, 6 miles southwest of Salem, Oreg., to operate on frequency 454.675 MHz signaling; 454.850 and 454.925 MHz base.

7379-C2-P-70—R. O. Deaderick Co. (New), C.P. for a new air-ground station to be located at 1 mile north-northeast of Maynardville, Tenn., to operate on frequency 454.675 MHz signaling and 454.750 MHz base.

7380-C2-P-70—Polar Rural Telephone Mutual Aid Corp. (New), C.P. for a new 2-way station to be located at Route No. 5, 0.8 mile west of Akra, N. Dak., to operate on base frequency 152.66 MHz.

7381-C2-P-70—Radio Broadcasting Co. (New), C.P. for a new 2-way station to be located at 28 West State Street, Trenton, N.J., to operate on frequency 454.050 MHz.

7382-C2-P-70—Radio Broadcasting Co. (New), C.P. for a new 1-way station to be located at 0.55 mile west of Milmay, N.J., to operate on base frequency 158.70 MHz.

7383-C2-P-(2)70—The Pacific Telephone & Telegraph Co. (New), C.P. for a new 1-way station to operate on frequency 152.84 MHz at location No. 1: 740 South Olive Street, Los Angeles, Calif., and location No. 2: 1615 North Lake Avenue, Pasadena, Calif.

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE—continued

7384–C2–AL–70—Springfield Local Telephone Co. Consent to assignment of license from Springfield Local Telephone Co., Assignor, to: Vermont State Telephone Corp., Assignee.
7427–C2–P–70—Radio Broadcasting Co. (New), C.P. for a new 1-way station to be located at Third Street, Lakewood, N.J., to operate on frequency 158.70 MHz.
7428–C2–P–70—Mobilfone of Monmouth and Ocean (KEJ886), C.P. to add a second base channel on frequency 454.175 MHz. Station location: Northwest corner of Freeway and 35 West Bangs Avenue, Neptune, N.J.
7429–C2–P–70—Radio Telephone Co. of Gainesville (KJU814), C.P. to change 1-way base frequency to 152.24 MHz and replace transmitter for same. Station location: On State Highway No. 346, 4.5 miles east-southeast of Archer, Fla.
7480–C2–P–70—Radiocall Paging Service (New), C.P. for a new 1-way station to be located at First and Robinson Streets, Oklahoma City, Okla., to operate on frequency 158.70 MHz.
7481–C2–AL–70—G & M Communications, Inc. Consent to assignment of license from G & M Communications, Inc., Assignor, to: W. Donald Molitor and Donald N. Molitor, doing business as Canaveral Communications, Assignee.
7482–C2–P–70—Dome Communications (KLF516), C.P. to change base frequency to 454.15 MHz; replace transmitter operating on same and change the antenna system at location No. 2: 1482 Big Horn Avenue, Sheridan, Wyo.
7483–C2–MP–(2)70—Gerard T. Uht (KEK289), Modification of C.P. to relocate facilities to 50 High Street, Buffalo, N.Y., operating on frequency 152.06 MHz and add a second channel on 454.075 MHz.
7484–C2–P–(7)70—Mountain States Telephone & Telegraph Co. (KKI458), C.P. to increase the power of transmitters operating on frequencies 152.51, 152.57, 152.63, 152.69, 152.75, and 152.81 MHz base and 157.77, 157.83, 157.89, 157.95, 158.01, and 158.07 MHz test and change the antenna system.
7485–C2–P–70—New England Telephone & Telegraph Co. (KCC793), C.P. to change base frequency to 454.850 MHz; replace transmitter for same and for 454.675 MHz signaling and change the antenna system. Station location: Bear Hill Road, Waltham, Mass.
7487–C2–P–70—Charlotte Electronics Corp. (New), C.P. for a new 1-way station to be located 2804 Hanson Street, Fort Myers, Fla., to operate on frequency 152.24 MHz.
7488–C2–ML–70—Hearne Mobilfone (KLB569), Modification of license to change the base frequency to 152.12 MHz. Station location: On Highway No. 391, 4 miles east of Hearne, Tex.
5294–C2–P–70—Office Service Bureau, Inc. (New), C.P. for a new 2-way station to be located at 832 Niagara Avenue, Sheboygan, Wis., to operate on frequency 152.12 MHz.
2306–C2–R–70—Mountain States Telephone & Telegraph Co. (KAR68), Renewal of license expiring June 1, 1970. Term: June 1, 1970 to June 1, 1971 (Developmental).

Major Amendments

3072–C2–P–69—Radio Dispatch Co. (New), Amended for additional facilities at a new location described as location No. 4: 0.55 mile west Milmay, N.J., to operate on frequency 152.24 MHz. All other particulars remain as reported in public notice dated Dec. 2, 1968, Report No. 416.
3029–C2–P–69—Stockton Mobilphone, Inc. (New), Amended to change frequency to 152.24 MHz. All other particulars remain as reported in public notice dated Dec. 2, 1968, Report No. 416.
1105–C2–P–70—General Telephone Co. of California (New), Amended to change base frequency to 454.750 MHz. All other particulars remain as reported in public notice dated Sept. 2, 1969.
3525–C2–P–(2)–70—Western California Telephone Co. (New), Amended to change base frequency to 454.775 MHz. All other particulars remain as reported in public notice dated Feb. 24, 1970.
3844–C2–P–70—General Telephone Co. of California (New), Amended to change base frequency to 454.850 MHz. All other particulars remain as reported in public notice dated Mar. 30, 1970.

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE—continued

Informative

It appears that the following applications to provide 1-way paging service in or near Los Angeles, Calif., may be mutually exclusive (wholly or in part) by reason of economic and/or electrical interference and are therefor subject to the Commission's rules regarding ex parte presentations:

Mobile Radio System of Ventura, Inc. (New), 2142–C2–P–69.
Radio Page Communications, Inc. (New), 2785/2869–C2–P–69.
Orange County Radiotelephone Service, Inc. (New), 3031–C2–P–69.
Industrial Communications Systems, Inc. (New), 3045–C2–P–69.
Mobilfone, Inc. (New), 3397–C2–P–69.
American Mobile Radio, Inc. (New), 3465–C2–P–69.
Intrastate Radio Telephone, Inc. (New), 3556–C2–P–69.
Advanced Electronics (New), 3624–C2–P–69.
Pomona Radio Dispatch Corp. (New), 3665–C2–P–69.

RURAL RADIO SERVICE

7354–C1–P/ML–70—Lafayette Radiofone (KLU50), C.P. and modification of license to add frequencies 158.55, 158.58, 158.64, and 158.67 MHz and 20 units in any temporary fixed location within the territory of the licensee.
7452–C1–P–70—Hawaiian Telephone Co. (New), C.P. for a new rural subscriber station to be located at 1.73 miles northwest of Puu Hinai Trig. Station, Puu Hinai, Hawaii to operate on frequency 459.5 MHz communicating with station KYO31, Kamuela, Hawaii.
7453–C1–ML–70—Hawaiian Telephone Co. (KYO31), Modification of license to change the point of communication to Puu Hinai, Hawaii.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIER)

5681–C1–R–70—Northwestern Bell Telephone Co. (KYN36), Renewal of radio station license, expiring May 27, 1970. Term: May 27, 1970, to May 27, 1971.
5682–C1–R–70—Northwestern Bell Telephone Co. (KYN37), Renewal of radio station license, expiring May 27, 1970. Term: May 27, 1970, to May 27, 1971.
7355–C1–P/L–70—The Pacific Telephone & Telegraph Co. (New), C.P. and license for a new station to be located at 7800 Beverly Boulevard, Los Angeles, Calif. Frequency: 11,665 MHz toward Los Angeles, Calif.
7356–C1–P–70—The Mountain States Telephone & Telegraph Co. (KPB52), C.P. to add frequency 4050 MHz toward Camp Williams, Utah. Station location: 70 South State Street, Salt Lake City, Utah.
7357–C1–P–70—The Mountain States Telephone & Telegraph Co. (KPB53), C.P. to add frequency 4090 MHz toward Salt Lake City and Provo, Utah. Station location: 5 miles northwest of Lehi, Utah (Camp Williams).
7358–C1–P–70—The Mountain States Telephone & Telegraph Co. (KPB54), C.P. to add frequency 4050 MHz toward Camp Williams, Utah. Station location: 1210 West Center Street, Provo, Utah.
The Pacific Telephone & Telegraph Co. C.P. for 11 applications to permit all authorized and proposed four GHz systems to be routed through the proposed new station (Mount Emma). The presently authorized 11 GHz systems will remain on the Hi Vista—Mount Gleason direct route.
7362–C1–P–70—The Pacific Telephone & Telegraph Co. (KMQ30), Add frequencies 10,755 and 10,995 MHz toward Oat Mountain, Calif., and 3750, 3770, 3830, and 3850 MHz toward Mount Gleason, Calif. Location: 4480 Kester Avenue, Sherman Oaks, Calif.
7363–C1–P–70—The Pacific Telephone & Telegraph Co. (KMA37), Add frequencies 11,445 and 11,685 MHz toward Sherman Oaks, Calif., and 3970 MHz toward Hall Canyon Hill, Calif. Station location: Oat Mountain, 5.5 miles southwest of Newhall, Calif.
7364–C1–P–70—The Pacific Telephone & Telegraph Co. (KMA38), Add frequencies 3770, 3850, and 4150 MHz toward Mount Gleason, Calif. Station location: 434 South Grand Avenue, Los Angeles, Calif.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIER)—continued

7365–C1–P–70—The Pacific Telephone & Telegraph Co. (KML61), Add frequency 4010 MHz toward Mount Adelaide, Calif. Station location: 1520 20th Street, Bakersfield, Calif.

7366–C1–P–70—The Pacific Telephone & Telegraph Co. (KMW56), Add frequency 3970 MHz toward Bakersfield and 4110 MHz toward Cameron, Calif. Station location: Mount Adelaide, 16 miles east of Bakersfield, Calif.

7367–C1–P–70—The Pacific Telephone & Telegraph Co. (KMW57), Add frequency 4150 MHz toward Mount Adelaide and Hi Vista, Calif. Station location: Cameron, 3 miles south of Monolith, Calif.

7368–C1–P–70—The Pacific Telephone & Telegraph Co. (KMW58), C.P. to change antenna toward Mount Gleason to Mount Emma for frequencies 3710, 3790, 3870, 3950, 4030 MHz, add 3730, 3810, 4110 MHz toward Mount Emma, add 3730, 3810 MHz toward Mojave, and 4110 MHz toward Cameron, Calif., correct cordinates.

7369–C1–P–70—The Pacific Telephone & Telegraph Co. (KMX55), Add frequency 4010 MHz toward Oat Mountain, Calif. Station location: Hall Canyon Hill, 1.5 miles northeast of Ventura, Calif.

7370–C1–P–70—The Pacific Telephone & Telegraph Co. (KNK48), Add frequencies 3710, 3730, 3790, 3810, 3870, 3950, 4030, 4110 MHz toward Mount Emma, Calif., this replaces frequencies and point of communication of Hi Vista, Calif. Add frequencies 3710, 3730, 3790, and 3810 MHz toward Sherman Oaks, Calif., and 3730, 3810, and 4110 MHz toward Los Angeles, Calif. Station location: Mount Gleason, 13 miles northeast of Sunland, Calif.

7371–C1–P–70—The Pacific Telephone & Telegraph Co. (KNM70), Add frequencies 3770 and 3850 MHz toward Hi Vista, Calif. Station location: 8.4 miles east-southeast of Mojave, Calif.

7372–C1–P–70—The Pacific Telephone & Telegraph Co. (New), C.P. for a new station to be located at Mount Emma, 6.3 miles west-southwest of Little Rock, Calif. Frequencies: 3750, 3770, 3830, 3850, 3910, 3990, 4070, and 4150 MHz toward Mount Gleason, Calif. and 3750, 3770, 3830, 3850, 3910, 3990, 4070, and 4150 MHz toward Hi Vista, Calif.

7376–C1–MP–70—United Inter-Mountain Telephone Co. (KJB45), Modification of C.P. to add passive antennas toward East Tennessee State University. Station location: Corner North Roan and Commerce Streets, Johnson City, Tenn.

Pacific Northwest Bell Telephone Co. Six radio station C.P. applications requesting authorization to construct additional video facilities to serve the Corporation of Public Broadcast.

7385–C1–P–70—Pacific Northwest Bell Telephone Co. (KOU55), Add frequency 4030 MHz toward Portland, Oreg. Station location: Livingston Mountain, 6.3 miles northeast of Camas, Wash.

7386–C1–P–70—Pacific Northwest Bell Telephone Co. (KPE28), C.P. to add frequency 3870 MHz toward Moses Lake, Wash. Station location: 10 miles east of Kittitas, Wash.

7387–C1–P–70—Pacific Northwest Bell Telephone Co. (KPE29), Add frequency 3930 MHz toward Ritzville, Wash. Station location: 2.7 miles southeast of Moses Lake, Wash.

7388–C1–P–70—Pacific Northwest Bell Telephone Co. (KPE30), Add frequency 3890 MHz toward Sprague, Wash. Station location: 8.7 miles west-southwest of Ritzville, Wash.

7389–C1–P–70—Pacific Northwest Bell Telephone Co. (KOJ96), Add frequency 3910 MHz toward Brown's Mountain, Wash. Station location: 1 mile northwest of Sprague, Wash.

7390–C1–P–70—Pacific Northwest Bell Telephone Co. (KOM52), Add frequency 3870 MHz toward Spokane, Wssh. Station location: Brown's Mountain, 7.5 miles southeast of Spokane, Wash.

American Telephone & Telegraph Co. Thirty-six C.P. applications to provide additional Type TD–2 and Type TD–3 radio relay channels on existing radio relay routes.

7391–C1–P–70—American Telephone & Telegraph Co. (KOC26), Add frequencies 3970 and 4050 MHz toward Matteson, Ill. Station location: 10 South Canal Street, Chicago, Ill.

7392–C1–P–70—American Telephone & Telegraph Co. (KOC27), Add frequencies 4010 and 4090 MHz toward Chicago and Grant Park, Ill. Station location: 2 miles north of Matteson, Ill.

7393–C1–P–70—American Telephone & Telegraph Co. (KSG64), Add frequencies 3970 and 4050 MHz toward Matteson, Ill., and 3870 MHz toward Bonfield, Ill. Station location: Grant Park, 4 miles northeast of Momence, Ill.

7394–C1–P–70—American Telephone & Telegraph Co. (KSG65), Add frequencies 3990 MHz toward Grant Park, Ill., and 3870 MHz toward Norway, Ill. Station location: 3.8 miles southwest of Bonfield, Ill.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIER)—continued

7395–C1–P–70—American Telephone & Telegraph Co. (KSA81), Add frequencies 3990 MHz toward Bonfield, Ill., and 3830 and 3910 MHz toward Mendota, Ill. Station location: 2.8 miles east-southeast of Norway, Ill.

7396–C1–P–70—American Telephone & Telegraph Co. (KSI20), Add frequencies 3790 and 3870 MHz toward Norway and Buda, Ill. Station location: 4 miles south-southwest of Mendota, Ill.

7397–C1–P–70—American Telephone & Telegraph Co. (KSH99), Add frequencies 3830 and 3910 MHz toward Mendota and Kewanee, Ill. Station location: 2 miles east of Buda, Ill.

7398–C1–P–70—American Telephone & Telegraph Co. (KSH98), Add frequencies 3790 and 3870 MHz toward Buda and New Windsor, Ill. Station location: 1 mile north-northwest of Kewanee, Ill.

7399–C1–P–70—American Telephone & Telegraph Co. (KSH97), Add frequencies 3830 and 3910 MHz toward Kewanee and Joy, Ill. Station location: 1.5 miles east-southeast of New Windsor, Ill.

7400–C1–P–70—American Telephone & Telegraph Co. (KSH96), Add frequencies 3790 and 3870 MHz toward New Windsor, Ill., and Crawfordsville, Iowa. Station location: 1 mile west of Joy, Ill.

7401–C1–P–70—American Telephone & Telegraph Co. (KAO58), Add frequencies 3830 and 3910 MHz toward Joy, Ill., and Fairfield, Iowa. Station location: 2.5 miles southeast of Crawfordsville, Iowa.

7402–C1–P–70—American Telephone and Telegraph Co. (KAO57), Add frequencies 3790 and MHz toward Crawfordsville and Blakesburg, Iowa. Station location: 9 miles northwest of Fairfield, Iowa.

7403–C1–P–70—American Telephone & Telegraph Co. (KAO56), Add frequencies 3830 and 3910 MHz toward Fairfield and Mystic, Iowa. Station location: 1.5 miles east-southeast of Blakesburg, Iowa.

7404–C1–P–70—American Telephone & Telegraph Co. (KAO55), Add frequencies 3790 and 3870 MHz toward Crawfordsville and Blakesburg, Iowa. Station location: 9 miles northwest of Fairfield, Iowa.

7405–C1–P–70—American Telephone & Telegraph Co. (KAO54), Add frequencies 3830 and 3910 MHz toward Mystic and Afton, Iowa. Station location: 8 miles east-northeast of Leon, Iowa.

7406–C1–P–70—American Telephone & Telegraph Co. (KAO53), Add frequencies 3790 and 3870 MHz toward Leon, Iowa, and 3830 and 3910 MHz toward Corning, Iowa. Station location: 7 miles south-southeast of Afton, Iowa.

7407–C1–P–70—American Telephone & Telegraph Co. (KAO52), Add frequencies 3790 and 3870 MHz toward Afton and Red Oak Junction, Iowa. Station location: 5 miles south-southeast of Corning, Iowa.

7408–C1–P–70—American Telephone & Telegraph Co. (KAN24), Add frequencies 3830 and 3910 MHz toward Corning, Iowa. Station location: 6.5 miles south of Red Oak, Iowa.

7409–C1–P–70—American Telephone & Telegraph Co. (KQF58), Add frequency 4110 MHz toward Pleasant Lake, Ind. Station location: 0.5 mile south of West Unity, Ohio.

7410–C1–P–70—American Telephone & Telegraph Co. (KSG75), Add frequency 4150 MHz toward West Unity, Ohio, and Albion, Ind. Station location: 1.75 miles southeast of Pleasant Lake, Ind.

7411–C1–P–70—American Telephone & Telegraph Co. (KSG74), Add frequency 4110 MHz toward Pleasant Lake, and Atwood, Ind. Station location: 2 miles southwest of Albion, Ind.

7412–C1–P–70—American Telephone & Telegraph Co. (KSG73), Add frequency 4150 MHz toward Albion, and Culver, Ind. Station location: 4 miles northwest of Atwood, Ind.

7413–C1–P–70—American Telephone & Telegraph Co. (KSG72), Add frequency 4110 MHz toward Atwood and Kouts, Ind. Station location: 3.5 miles west of Culver, Ind.

7414–C1–P–70—American Telephone & Telegraph Co. (KSG63), Add frequency 4150 MHz toward Culver, Ind. Station location: 0.5 mile south of Kouts, Ind.

7415–C1–P–70—American Telephone & Telegraph Co. (KSN54), Add frequency 3770 MHz toward Highland, Ill. Station location: 1.5 miles north of Centralia, Ill. (Centralia Junction).

7416–C1–P–70—American Telephone & Telegraph Co. (KSB74), Add frequency 4130 MHz toward Centralia Junction, Ill. Station location: 2 miles north-northwest of Highland, Ill.

7417–C1–P–70—American Telephone & Telegraph Co. (KSP39), Add frequency 3870 MHz toward Eagleton, Wis. Station location: 304 South Dewey Street, Eau Claire, Wis.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIER)—continued

7418–C1–P–70—American Telephone & Telegraph Co. (KSP38), Add frequency 3910 MHz toward Eau Claire and Bellinger, Wis. Station location: Eagleton, 1.5 miles east-northeast of Eagle Point, Wis.

7419–C1–P–70—American Telephone & Telegraph Co. (KSP40), Add frequency 3870 MHz toward Eagleton and Medford, Wis. Station location: 0.3 mile west of Bellinger, Wis.

7420–C1–P–70—American Telephone & Telegraph Co. (KSP41), Add frequency 3910 MHz toward Bellinger and Rib Hill Junction, Wis. Station location: 6 miles east of Medford, Wis.

7421–C1–P–70—American Telephone & Telegraph Co. (KSJ43), Add frequency 3870 MHz toward Medford, Wis. Station location: Rib Hill Junction, 2.5 miles southwest of Wausau, Wis.

7422–C1–P–70—American Telephone & Telegraph Co. (KSJ44), Add frequency 3930 MHz toward Bancroft, Wis. Station location: 1045 Clark Street, Stevens Point, Wis.

7423–C1–P–70—American Telephone & Telegraph Co. (KSM23), Add frequency 3890 MHz toward Coloma, Wis. Station location: 7.5 miles west-southwest of Bancroft, Wis.

7424–C1–P–70—American Telephone & Telegraph Co. (KSM22), Add frequency 3930 MHz toward Portage, Wis. Station location: 2.5 miles west-southwest of Coloma, Wis.

7425–C1–P–70—American Telephone & Telegraph Co. (KSM21), Add frequency 3890 MHz toward Madison Junction, Wis. Station location: 4.5 miles southwest of Portage, Wis.

7426–C1–P–70—American Telephone & Telegraph Co. (KSH89), Add frequency 3950 MHz toward Watertown Junction, Wis. Station location: Madison Junction, 1.5 miles west of Sun Prairie, Wis.

2572–C1–R–70—The Mountain States Telephone & Telegraph Co. (KAQ85), Renewal of existing license expiring June 12, 1970. Developmental: Term: June 12, 1970, to June 12, 1971.

2318–C1–R–70—The Pacific Telephone & Telegraph Co. (KMQ44), Renewal of existing license expiring May 29, 1970. Developmental: Term: May 29, 1970, to May 29, 1971.

5559–C1–ML–70—Southwestern Bell Telephone Co. (KAC96), Modification of license to add frequency 3970 MHz toward Basehor, Kans.

POINT-TO-POINT MICROWAVE RADIO SERVICE (NONTELEPHONE)

7344–C1–P–70—Sierra Microwave, Inc. (KNJ62), C.P. to change point of communication. Frequencies: 5937.0, 6056.0 MHz on azimuth 6°16'. Location: Freel Peak, 7 miles southeast of Al Tahoe, Calif., at lat. 38°51'27" N., long. 119°53'57" W.

7345–C1–P–70—Microwave Communications, Corp. (KYZ87), C.P. to change location of station to Warm Springs, 17 miles north of Reno, Nev., at lat. 39°47'44" N., long. 119°45'54" W. Change frequencies to 6286.2, 6345.5, 6375.2, and 6404.5 MHz on azimuth 307°35'.

7346–C1–P–70—Microwave Communications, Corp. (KYZ89), C.P. to change frequencies and point of communication. Location: Black Mountain, 5 miles southeast of Milford, Calif., at lat. 40°07'03" N., long. 120°18'43" W. Frequencies: 5974.8, 6063.8, and 6123.1 MHz on azimuth 260°38'.

7347–C1–P–70—Microwave Communications, Corp. (KYZ88), C.P. to change antenna and delete point of communication. Location: Mount Hough, 7.5 miles north-northwest of Quincy, Calif., at lat. 40°02'36" N., long. 120°53'07" W. Frequencies: 6226.9, 6286.2, and 6345.5 MHz on azimuth 193°33'.

(Informative: Applicant proposes to make technical changes in its system to improve service. Applicant proposes to provide the television signals of KTVU, KCRA–TV, and KOVR–TV to Quincy Community TV Association, Inc., in Quincy, Calif., and KTVU, KCRA–TV, and KGO–TV to Antennavision, Inc., in Susanville, Calif.)

7348–C1–P–70—West Texas Microwave Co. (WAY39), C.P. to change antenna system and to delete one point of communication. Location: Jennings Farm, 5.4 miles northwest of Ogg, Tex., at lat. 34°52'19" N., long. 101°58'25" W. Frequencies: 11,265, 11,345, 11,505, 11,425 and 11,585 MHz on azimuth 15°46'.

7349–C1–P–70—Tele-Communications of Oregon, Inc. (KPV59), C.P. to power split frequencies 5952.6, 5982.3, 6071.2, and 6100.9 MHz on azimuth 120°33', toward a new point of communication in Enterprise, Oreg. Location: 9 miles west-northwest of Palmer Junction, Oreg., at lat. 45°44'47" N., long. 118°02'03" W.

(Informative: Applicant proposes to provide the television signals of KATU–TV, KGW–TV, and KOIN–TV (full time) and the signals of KPTV and KOAP–TV (each part time) to Enterprise Television Service Co., Inc., in Enterprise, Oreg.)

7350–C1–ML–70—West Texas Microwave Co. (KLU88), Modification of license to provide audio subcarrier service to subscribers at Graham and Breckenridge, Tex.

7351–C1–ML–70—West Texas Microwave Co. (KLU91), Modification of license to provide audio subcarrier service to subscriber at Estes Ranch, Tex.

7352–C1–ML–70—West Texas Microwave Co. (KTR34), Modification of license to provide audio subcarrier service to subscriber at Post, Tex.

(Informative: Applicant proposes to deliver the audio programing of the Interstate Broadcasting Co. (IBC), Dallas, Tex., to subscribers at Breckenridge, Estes Ranch, Graham, and Post, Tex. See public notice dated May 4, 1970, for related West Texas Microwave Co. Applications, Files Nos. 6923 through 6931–C1–ML–70.)

[F.R. Doc. 70-6289; Filed, May 20, 1970; 8:50 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 46]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

MAY 15, 1970.

The following applications are governed by special rule 247[1] of the Commission's general rules of practice (49 CFR 1100.247 as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one (1) copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

application will be dismissed by the commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's General Policy Statement Concerning Motor Carrier Licensing Procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record.

The publications hereinafter set forth reflect the scope of the applications as filed by applicants, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

No. MC 200 (Sub-No. 236), filed May 1, 1970. Applicant: RISS INTERNATIONAL CORPORATION, 903 Grand Avenue, Kansas City, Mo. 64106. Applicant's representative: Rodger J. Walsh, 12th Floor, Temple Building, 903 Grand Avenue, Kansas City, Mo. 64106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts* (except hides and commodities in bulk, in tank vehicles), from Omaha, Nebr., and Oakland, Iowa, to points in Florida, Georgia, Alabama, Mississippi, North Carolina, Virginia, and South Carolina. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Kansas City, Mo.

No. MC 200 (Sub-No. 238), filed May 4, 1970. Applicant: RISS TRANSPORTATION CORPORATION, 903 Grand Avenue, Kansas City, Mo. 64106. Applicant's representative: Rodger J. Walsh, 12th Floor, Temple Building, 903 Grand Avenue, Kansas City, Mo. 64106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts* (except hides and commodities in bulk, in tank vehicles), from York, Nebr., to points in New York, New Jersey, Pennsylvania, and Florida. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Kansas City, Mo.

No. MC 17546 (Sub-No. 4), filed April 23, 1970. Applicant: R. G. DELIVERY SERVICE, INC., 366–374 Sixth Street, Jersey City, N.J., 07302. Applicant's representative: Charles J. Williams, 47 Lincoln Park, Newark, N.J. 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Shoes, hosiery, handbags, and such other merchandise as is used, sold or dealt in by retail shoe stores;* (1) from Totowa, N.J., to points in Nassau County, N.Y., and that part of Suffolk County, N.Y., and that part of Suffolk County, N.Y., on and west of a line extending from Port Jefferson through Seldon and Patchogue, to Patchogue Bay, and rejected, damaged, and returned shipments on return, under a continuing contract, or contracts with Felsway Corp.; and (2) from Jersey City, N.J., to points in Nassau County, N.Y., and that part of Suffolk County, N.Y., on and west of a line extending from Port Jefferson through Seldon and Patchogue, to Patchogue Bay, and rejected, damaged, and returned shipments on return, under continuing contract, or contracts with Melville Shoe Corp., Genesco, Inc., and Edison Brothers Stores, Inc., restricted to shipments which will have a prior or subsequent movement by rail or motor carrier. NOTE: If a hearing is deemed necessary, applicant requests it be held at Newark, N.J., or New York, N.Y.

No. MC 30837 (Sub-No. 394), filed April 22, 1970. Applicant: KENOSHA AUTO TRANSPORT CORPORATION, 4200 39th Avenue, Kenosha, Wis. 53141. Applicant's representative: Paul F. Sullivan, Washington Building, 15th and New York Avenue NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicles*, in initial movements, in driveaway and truckaway service, and *cabs, bodies, and parts* when moving with motor vehicles, from Garland, Tex., to points in the United States (excluding Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 32882 (Sub-No. 53), filed April 30, 1970. Applicant: MITCHELL BROS. TRUCK LINES, a corporation, 3841 North Columbia Boulevard, Portland, Oreg. 97217. Applicant's representative: Norman E. Sutherland, 1200 Jackson Tower, Portland, Oreg. 97205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automobile cleaning machines, parts, and equipment therefor*, including materials and equipment used in the construction or erection of buildings or housing facilities for the cleaning machines, parts, and equipment, between Portland, Oreg., and points within 5 miles thereof, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing in deemed necessary, applicant requests it be held at Portland, Oreg., or Seattle, Wash.

No. MC 42537 (Sub-No. 42), filed April 21, 1970. Applicant: CASSENS TRANSPORT COMPANY, a corporation, Post Office Box 468, Edwardsville, Ill. 62025. Applicant's representative: Donald W. Smith, 900 Circle Tower Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automobiles, trucks, buses, and chassis*, in secondary movements, in truckaway movements, in truckaway service, from St. Louis, Mo., to points in Kentucky, Ohio, and Tennessee. Restriction: Restricted to traffic originating at Chrysler Corp. plants. NOTE: Applicant states that tacking is not intended, but the possibility exists at St. Louis, Mo., under present Sub 5 certificate. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich., Chicago, Ill., or St. Louis, Mo.

No. MC 50307 (Sub-No. 53), filed April 14, 1970. Applicant: INTERSTATE DRESS CARRIERS, INC., 247 West 35th Street, New York, N.Y. 10001. Applicant's representative: Herbert Burstein, 160 Broadway, New York, N.Y. 10038. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel and materials, supplies, and equipment* used in the manufacture thereof, between the New York, N.Y., commercial zone, on the one hand, and, on the other Strasburg, Va. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 56863 (Sub-No. 9) (Clarification), filed February 13, 1970, published in FEDERAL REGISTER issue of April 16, 1970, and republished, as clarified, this issue. Applicant: ERKEL TRANSFER, INC., 358 North Cordova Street, Le Center, Minn. 56057. Applicant's representative: W. L. Heinen, 15 South Park Avenue, Le Center, Minn. 56057. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities;* (a) between Minneapolis-St. Paul and Le Center, Minn., from Minneapolis-St. Paul over U.S. Highway 169 to junction Minnesota Highway 21, thence south over Minnesota Highway 21 to junction Minnesota Highway 99, thence over Minnesota Highway 99 to Le Center, and return over the same routes, serving no intermediate points; (b) serving the terminal site of Spector Freight System, located in Egan Township (Dakota County), Minn., on Minnesota Highway 49, approximately one-half mile south of the junction of Minnesota Highways 49 and 55, as an off-route point in connection with the authority described in 1(a) above; and (c) from Le Center, Minn., to Cleveland, Minn., over Minnesota Highway 99, a distance of approximately 9 miles, as an extension of its route from the Twin Cities to Le Center, authorizing the transportation of freight from the Twin Cities to Cleveland, Minn. NOTE: The purpose of this republication is to clarify the authority sought and to show serving "no intermediate points", in lieu of "all intermediate points". If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 59640 (Sub-No. 20) (Clarification), filed April 13, 1970, published in the FEDERAL REGISTER issue of April 30, 1970, and republished as clarified this issue. Applicant: PAULS TRUCKING CORPORATION, Three Commerce Drive,

Cranford, N.J. 07016. Applicant's representative: Charles J. Williams, 47 Lincoln Park, Newark, N.J. 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in by wholesale, retail, and chain grocery and food business houses*, and in connection therewith, equipment, materials, and supplies used in the conduct of such business, from points in Sussex County, Del., to Woodbridge Township, N.J. Restriction: The authority sought herein is limited to a transportation service to be performed under a continuing contract, or contracts, with Supermarkets General Corp. NOTE: The purpose of this republication is to reflect the destination point as Woodbridge Township, N.J., in lieu of Woodbridge, N.J. If a hearing is deemed necessary, applicant requests it be held at Newark, N.J., or New York, N.Y.

No. MC 61592 (Sub-No. 175), filed April 27, 1970. Applicant: JENKINS TRUCK LINE, INC., 3708 Elm Street, Bettendorf, Iowa 52722. Applicant's representative: R. Connor Wiggins, Jr., 101 North Main Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and millwork*, from Tunica, Miss., and Memphis, Tenn., to Denver, Colo., and Phoenix, Ariz.; and (2) from Denver, Colo., to Phoenix, Ariz. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 69695 (Sub-No. 12), filed April 14, 1970. Applicant: RAY L. BRANDT TRUCKING CO., 460 West Philadelphia Street, York, Pa. 17404. Applicant's representative: John E. Fullerton, 407 North Front Street, Harrisburg, Pa. 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer*, in bulk, in tank vehicles, from the plantsite of Agway, Inc., in Spring Garden Township, York County, Pa., to points in Frederick County, Md. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Harrisburg, Pa.

No. MC 80430 (Sub-No. 136), filed April 10, 1970. Applicant: GATEWAY TRANSPORTATION CO., INC., 2130 South Avenue, La Crosse, Wis. 54601. Applicant's representative: Joseph E. Ludden (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Fond du Lac, Wis., and junction U.S. Highways 41 and 151 at or near Fond du Lac, over U.S. Highway 151 to junction Wisconsin Highway 19, and return over the same route; (2) between Oshkosh, Wis., and Tomah, Wis., from junction U.S. Highway 41 and Wisconsin Highway 21 at or near Oshkosh, Wis., over Wisconsin Highway 21 to junction U.S. Highway 16 at or near Tomah, and return over the same route; and (3) between Oshkosh, Wis., and Sparta, Wis., from Oshkosh over Wisconsin Highway 110 to junction Wisconsin Highway 116 near Butte des Morts, Wis., thence over Wisconsin Highway 21 at Omro, Wis., and thence over Wisconsin Highway to Sparta, and return over the same route; as alternate routes for operating convenience only, in connection with (1), (2), and (3) above, serving no intermediate points and serving the termini for purposes of joinder only. NOTE: If a hearing is deemed necessary, applicant requests it be held at Madison, Wis., or Minneapolis, Minn.

No. MC 82492 (Sub-No. 32) (Amendment), filed February 19, 1970, published FEDERAL REGISTER issue of March 19, 1970, amended April 27, 1970, and republished as amended, this issue. Applicant: MICHIGAN & NEBRASKA TRANSIT CO., INC., 693 Plymouth Avenue NE., Grand Rapids, Mich. 49505. Applicant's representative: William C. Harris (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned, preserved, and prepared and frozen foods*, except commodities in bulk, in mechanically refrigerated vehicles, from Archbold, Ohio, to points in Illinois, Indiana, Kentucky, and Michigan. Restriction: Restricted to traffic originating at the plantsites and warehouse facilities utilized by Beatrice Foods Co., including their divisions and/or subsidiaries, at or near Archbold, Ohio. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. The purpose of this republication is to add *"frozen foods"* to the commodity description and to include the restriction. The amendment also omits Pennsylvania as a destination State. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 82841 (Sub-No. 70) (Clarification), filed March 30, 1970, published in the FEDERAL REGISTER issue of April 23, 1970, and republished as clarified this issue. Applicant: HUNT TRANSPORTATION, INC., 801 Livestock Exchange Building, Omaha, Nebr. 68107. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lawnmowers, lawntractors, mini bikes, snow blowers, snow throwers, snow mobiles, and attachments, parts, and accessories therefor*, from Omaha, Nebr., and Council Bluffs, Iowa, to points in the United States (excluding Alaska and Hawaii); and (2) *materials, equipment, components, and supplies*, used in the manufacturing of items listed in (1) above, from points in Michigan, Wisconsin, Illinois, Indiana, and Ohio to Omaha, Nebr., and Council Bluffs, Iowa. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. The purpose of this republication is to clarify the authority sought from erroneous manner previously published. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Chicago, Ill.

No. MC 83539 (Sub-No. 273) (Correction), filed February 16, 1970, published in the FEDERAL REGISTER issue of March 12, 1970, May 7, 1970, respectively, and corrected and republished as corrected, this issue. Applicant: C & H TRANSPORTATION CO., INC., 1935 West Commerce Street, Post Office Box 5976, Dallas, Tex. 75222. Applicant's representatives: Kenneth Weeks (same address as applicant) and Thomas E. James, The 904 Lavaca Building, Austin, Tex. 78701. (2) *self-propelled articles*, each weighing 15,000 pounds or more and *related machinery, tools, parts, and supplies* moving in connection therewith (restricted to commodities which are transported on trailers), between points in California and Utah, on the one hand, and, on the other, points in Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, *Ohio*, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia. The rest of the application remains the same. NOTE: The purpose of this partial republication is to include the State of Ohio, which was inadvertently omitted from previous publication.

No. MC 94350 (Sub-No. 261), filed April 17, 1970. Applicant: TRANSIT HOMES, INC., Haywood Road, Post Office Box 1628, Greenville, S.C. 29602. Applicant's representatives: Mitchell King, Jr. (same address as above) and Ames, Hill & Ames, 666 11th Street NW., Suite 705 McLachlen Bank Building, Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings*, in sections, mounted on wheeled undercarriages, from points in Brunswick County, Va., to points in the United States (excluding Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Richmond, Va.

No. MC 99161 (Sub-No. 4), filed February 15, 1970. Applicant: ALABAMA FREIGHT, INC., Post Office Box 611, Birmingham, Ala. 35201. Applicant's representative: Robert M. Pearce, Post Office Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Roofing and insulating materials, composition board, asbestos and asphalt siding and materials and accessories* used in the installation thereof, From the plantsite of the Celotex Corp., Birmingham, Ala., to points in North Carolina and South Carolina; (2) *Coal and lumber* between points in Chilton, Bibb, Perry, Hale, Tuscaloosa, Fayette, Walker, Jefferson, Winston, Cullman, Blount, Etowah, St. Clair, Calhoun, Shelby, Talladega, Coosa, and Clay Counties, Ala.; (3) *clay, concrete, and shale products, iron and steel*

articles, cotton (in bales), *cottonseed meal and hulls*, between points in Shelby, Bibb, Jefferson, Tuscaloosa, Walker, Cullman, Blount, St. Clair, and Talladega Counties, Ala., on the one hand, and, on the other, points in Alabama; (4) *pipe and heavy machinery*, between points in Alabama on and north of Alabama Highway 10; and (5)(a) *household goods* as defined by the Commission; (b) *furniture, fixtures, equipment*, and the *property* of stores, offices, museums, institutions, hospitals, or other establishments when a part of the stock, equipment, or supply of such stores, offices, museums, institutions, hospitals, or other establishments; (c) articles which because of size or weight require the use of special equipment or handling, between points in Alabama. NOTE: Applicant states that it now holds the authority in paragraphs (2) through (5) in Alabama intrastate certificates Nos. 677 and 720. Applicant operates under a registration in MC 99161. Because of the request for authority in paragraph (1) beyond the limits of the State of Alabama, applicant is requesting that a certificate be issued also for the authority set out above in paragraphs (2) through (5). Paragraphs (2), (3), and (4) are stated in mileage radii in the Alabama intrastate certificate but have been reworded in the authority requested because of ICC policy against authority being stated in terms of a mileage radius. Applicant proposes to tack each of the above paragraphs, where permitted, so as to perform a through service between all points sought. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala.

No. MC 102401 (Sub-No. 14), filed April 13, 1970. Applicant: TAYLOR HEAVY HAULING, INC., 20601 West Ireland Road, South Bend, Ind. 46614. Applicant's representative: Ferdinand Born, 1019 Chamber of Commerce Building, Indianapolis, Ind. 46614. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Antipollution systems and antipollution system parts*, from Mishawaka, Ind., to points in the United States (except Alaska and Hawaii); and (2) *materials, equipment, and supplies* used in the manufacture and processing of the commodities in (1) above, from points in the United States (except Alaska and Hawaii) to Mishawaka, Ind. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 103494 (Sub-No. 19), filed April 24, 1970. Applicant: EASLEY HAULING SERVICE, INC., 902 North First Avenue, Yakima, Wash. 98902. Applicant's representative: Norman Richardson (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper shipping containers*, corrugated and not corrugated, from Yakima, Wash., to Ontario, Oreg., under contract with Longview Fibre Co., Longview, Wash. NOTE: If a hearing is deemed necessary, applicant requests it be held at Yakima or Seattle, Wash., or Portland, Oreg.

No. MC 103993 (Sub-No. 520), filed April 14, 1970. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representatives: Paul D. Borghesani and Ralph H. Miller (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobile in initial movements, in truckaway service, from points in Laurens County, S.C., to points east of the Mississippi River, including Louisiana and Minnesota. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Anderson, S.C.

No. MC 103993 (Sub-No. 521), filed April 20, 1970. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representative: Paul D. Borghesani (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Campers and camp coaches*, from Milwaukie, Oreg., to points in Washington, Idaho, Utah, Montana, Wyoming, Colorado, New Mexico, Arizona, Nevada, and California. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 106398 (Sub-No. 471), filed April 13, 1970. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, Okla. 74151. Applicant's representatives: Irvin Tull and Fred Rahal, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Grain bins and silos and component parts*, from Mansfield, Ohio, to points in Oklahoma, Texas, New Mexico, Colorado, Utah, Wyoming, Idaho, Oregon, North Dakota, Washington, and Florida. NOTE: Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Akron or Canton, Ohio.

No. MC 106398 (Sub-No. 472), filed April 16, 1970. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, Okla. 74151. Applicant's representatives: Irvin Tull (same address as applicant), and Fred Rahal, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles, in initial movements, from Union County, Ill., to points in the United States (except Alaska and Hawaii). NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at East St. Louis, Ill.

No. MC 106400 (Sub-No. 76) (Amendment), filed March 23, 1970, published in FEDERAL REGISTER issue of April 16, 1970, and republished, as amended, this issue. Applicant: KAW TRANSPORT COMPANY, a corporation, Post Office Box 8525, Sugar Creek, Mo. 64054. Applicant's representatives: Harold D. Holwick (same address as above), and Robert L. Hawkins, Jr., 312 East Capitol Avenue, Jefferson City, Mo. 65101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic materials, flakes, granulars, limps, pellets, powder, or solid mass*, in bulk, in tank vehicles, from Kansas City, Mo., to points in Kansas, Nebraska, Minnesota, Iowa, Missouri, and Illinois. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Common control may be involved. The purpose of this republication is to reflect the tacking possibilities. If a hearing is deemed necessary applicant requests it be held at Kansas City, Mo.

No. MC 107295 (Sub-No. 374), filed April 23, 1970. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South Main Street, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe* (vent); *chimney assemblies; and accessories*, from points in Hocking County, Ohio, to points in the United States (except Washington, Oregon, California, Utah, Idaho, Nevada, Arizona, and New Mexico). NOTE: Applicant states that the nature of the application does not permit tacking with existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 107295 (Sub-No. 381), filed April 30, 1970. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South Main Street, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Boards, building, wall and/or insulating; fiberboard, sheathing, laminated wall boards, parts, materials, and accessories* incidental thereto, from the plantsite of Cardinal Industries at Wheaton, Ill., to points in Michigan, Ohio, Pennsylvania, Indiana, Kentucky, Iowa, Missouri, Wisconsin, Minnesota, Nebraska, Kansas, Oklahoma, Arkansas, and Tennessee. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 107403 (Sub-No. 791), filed April 22, 1970. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representatives: Harry C. Ames, Jr., 666 11th Street NW., Washington, D.C. 20001.

and John Nelson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Organic peroxides and percarbonates*, from the plantsite of PPG Industries, Barberton, Ohio, to points in the United States (except Alaska and Hawaii) restricted to traffic originating at the said plantsite. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 108722 (Sub-No. 3), filed April 10, 1970. Applicant: THEODORE MARABELLI AND JOSEPH M. MARABELLI, a partnership, Rural Delivery No. 2, Tunkhannock, Pa. 18657. Applicant's representative: Kenneth R. Davis, 999 Union Street, Taylor, Pa. 18517. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, from points in Lackawanna, Luzerne, and Schuylkill Counties, Pa., to Wayne County, Pa. NOTE: Applicant states it does not intend to tack. If a hearing is deemed necessary, applicant requests it be held at Scranton, Pa.

No. MC 112822 (Sub-No. 155), filed May 1, 1970. Applicant: BRAY LINES INCORPORATED, 1401 North Little Street, Post Office Box 1191, Cushing, Okla. 74023. Applicant's representative: Carl L. Wright (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: (1) *Clay pipe and accessories* used in the installation thereof, from points in Seminole County, Okla., to points in Arkansas, Colorado, Kansas, Missouri, New Mexico, and Texas; (2) *petroleum products*, in bulk, from Cleveland, Cushing, and Wynnewood, Okla., to St. Louis, Mo., and points in Illinois; (3) *petroleum and petroleum products*, from Cyril, Okla., to St. Louis, Mo., and points in Illinois, Indiana, Iowa, Nebraska, Ohio, and Wisconsin; (4) (a) *petroleum and petroleum products*, in packages and containers; and (b) *advertising matter and commodities* used or distributed by wholesale or retail suppliers, marketers, or distributors of petroleum products, in mixed shipments of petroleum products, from Wichita, Kans., to points in Florida. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City or Tulsa, Okla.

No. MC 113106 (Sub-No. 35) (Correction), filed April 17, 1970, published in FEDERAL REGISTER issue of May 14, 1970, and republished, as corrected this issue. Applicant: THE BLUE DIAMOND COMPANY, a corporation, 4401 East Fairmount Avenue, Baltimore, Md. 21224. Applicant's representative: Chester A. Zyblut, 1552 K Street NW., Suite 634, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: (1) *Salt and pepper* in containers, in mixed loads with salt, and *articles* distributed by or used in agriculture, water treatment, food processing wholesale groceries and institutional supply firms, when shipped in mixed loads with salt and pepper; from the plantsite of Morton Salt Co., Silver Springs, N.Y., to points in New Jersey, Pennsylvania, Delaware, and points in Cecil, Kent, Queen Annes, Talbot, Caroline, Dorchester, Wicomico, Somerset, and Worcester Counties, Md.; (2) *salt*, in containers, from the plantsite of International Salt Co., Retsof, N.Y., to points in Pennsylvania, New Jersey, Delaware, and Maryland and the District of Columbia; and (3) *salt*, from Watkins Glen, N.Y., to points in New Jersey, Pennsylvania, Delaware, and points in Cecil, Kent, Queen Annes, Talbot, Caroline, Dorchester, Wicomico, Somerset, and Worcester Counties, Md. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. The purpose of this republication is to reflect authority sought in (1) above, which was erroneously omitted in previous publication. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 113678 (Sub-No. 381), filed April 27, 1970. Applicant: CURTIS, INC., Post Office Box 16004, Stockyards Station, Denver, Colo. 80216. Applicant's representatives: Duane W. Acklie and Richard Peterson, Post Office Box 806, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products and articles distributed by meat packinghouses*, from Fargo and West Fargo, N. Dak., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Washington, D.C.

No. MC 113784 (Sub-No. 37), filed April 20, 1970. Applicant: LAIDLAW TRANSPORT LIMITED, Box 430, Highway 6, Hagersville, Ontario, Canada. Applicant's representative: William J. Hirsch, 43 Niagara Street, Buffalo, N.Y. 14202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hydrochloric acid regenerator oxide*, in bulk, in tank vehicles, from ports of entry on the international boundary line between the United States and Canada on the Detroit and Niagara Rivers to Toledo, Ohio. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

No. MC 113828 (Sub-No. 176), filed May 4, 1970. Applicant: O'BOYLE TANK LINES, INCORPORATED, 4848 Cordell Avenue, Washington, D.C. 20014. Applicant's representatives: John F. Grim (same address as applicant), and William P. Sullivan, 1819 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sodium silico aluminate slurry*, in bulk, from Baltimore, Md., to Cincinnati, Ohio. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 113855 (Sub-No. 220) (Correction), filed April 15, 1970, published in the FEDERAL REGISTER issue of May 7, 1970, and republished as corrected in this issue. Applicant: INTERNATIONAL TRANSPORT, INC., South Highway 52, Rochester, Minn. 55901. Applicant's representative: Alan Foss, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Irrigation systems and parts* for irrigation systems, from points in Holt County, Nebr., to points in Washington, Oregon, California, Nevada, Idaho, Utah, Arizona, Montana, Wyoming, Colorado, New Mexico, North Dakota, South Dakota, Kansas, Iowa, Oklahoma, Texas, Minnesota, Missouri, Arkansas, Wisconsin, Illinois, Tennessee, Mississippi, Louisiana, Alabama, Georgia, and Florida. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. The purpose of this republication is to include the State of Wyoming in the destination territory which was inadvertently omitted in the previous publication. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 114015 (Sup-No. 335) (Amendment), filed January 19, 1970, published in the FEDERAL REGISTER issue of February 12, 1970, amended March 18, 1970, and republished as amended this issue. Applicant: TRANS-COLD EXPRESS, INC., Post Office Box 5842, Dallas, Tex. 75222. Applicant's representative: J. B. Stuart (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frames, mirror and picture, wood and wooden, not glazed*; (2) *pictures, printed on paper and paperboard sheets*; (3) *display stands and advertising material*, from Fayetteville, St. Pauls, Parkton, and Fairmont, N.C., to points in Arizona, California, Connecticut, Florida, Indiana, Iowa, Maine, Michigan, Minnesota, Illinois, Mississippi, Nebraska, New Hampshire, North Dakota, South Dakota, Rhode Island, Texas, Vermont, and Pennsylvania. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. The purpose of this application is to add the origin point of Fairmont, N.C. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 114323 (Sub-No. 13), filed April 27, 1970. Applicant: PAUL MARCKESANO AND SONS CO., INC., 54th Avenue and Fifth Street, Long Island City, N.Y. 11101. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fly ash and pozament*, in bulk, from New York, N.Y., and Milford, Conn., to points in New Jersey

and New York. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 114457 (Sub-No. 85), filed April 23, 1970. Applicant: DART TRANSIT COMPANY, a corporation, 780 North Prior Avenue, St. Paul, Minn. 55104. Applicant's representative: Charles W. Singer, 33 North Dearborn Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, and articles distributed by meat packinghouses* as described in sections A, B, C, and D of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from St. Paul, Minn., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Minneapolis, Minn.

No. MC 115092 (Sub-No. 12), filed April 27, 1970. Applicant: WEISS TRUCKING, INC., Post Office Box O, Vernal, Utah 84078. Applicant's representative: William S. Richards, 900 Walker Bank Building, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber mill products*, between points in Utah, on the one hand, and, on the other, points in Arizona, California, Colorado, Illinois, Indiana, Iowa, Missouri, Nevada, New Mexico, Oklahoma, Texas, Utah, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah.

No. MC 115311 (Sub-No. 108), filed April 24, 1970. Applicant: J & M TRANSPORTATION CO., INC., Post Office Box 488, Milledgeville, Ga. 31061. Applicant's representative: Paul M. Daniell, 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt, salt products, and materials and supplies* used in agricultural, water treatment, food processing, wholesale grocery and institutional supply industries when shipped in mixed loads with salt and salt products, from the plantsite and warehouses and shipping facilities of Carey Salt Co., a subsidiary of Interpace, Inc., at New Orleans, and Cote Island, La., to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, South Carolina, and Tennessee. NOTE: Applicant indicates that tacking possibilities exist, however, no tacking is intended and it is agreeable to a restriction against tacking. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

No. MC 116077 (Sub-No. 293) (Amendment), filed April 2, 1970, published in FEDERAL REGISTER issue of May 7, 1970, amended April 21, 1970, and republished, as amended, this issue. Applicant: ROBERTSON TANK LINES, INC., 5700 Polk Avenue, Post Office Box 1505, Houston, Tex. 77001. Applicant's representative: Pat H. Robertson, Suite 401 First National Life Building, Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk; (1) from De Ridder, La., to points in Arkansas, Louisiana, Mississippi, Oklahoma, and Texas; and (2) from Monticello, Miss., to points in Arkansas, Louisiana, Oklahoma, and Texas. NOTE: Applicant states that the requested authority can be tacked with its existing authority in MC 116077, however applicant states, it has no present intention to tack. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Applicant further states that no duplicating authority is being sought. The purpose of this republication is to broaden the scope of authority sought. If a hearing is deemed necessary, applicant requests it be held at New Orleans or Lafayette, La.

No. MC 118282 (Sub-No. 29) (Amendment), filed March 16, 1970, published in the FEDERAL REGISTER issue of April 16, 1970, and republished as amended, this issue. Applicant: JOHNNY BROWN'S INC., 6801 Northwest 74th Avenue, Miami, Fla. 33166. Applicant's representatives: Archie B. Culbreth and Guy H. Postell, 1273 West Peachtree Street NE., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fruit and fruit byproducts and canned goods*, from points in Pennsylvania, points in the Lower Peninsula of Michigan and points in that part of New York on and west of a line beginning at the New York-Pennsylvania State line and extending along U.S. Highway 11 to Syracuse, N.Y., thence along New York Highway 57 to Lake Ontario at Oswego, N.Y., to points in Virginia on and west of U.S. Highway 81. NOTE: Applicant states that it intends to tack at Winchester, Va., to provide through service to points in Florida and Georgia. Applicant now holds contract carrier authority under its permit No. MC 125811, therefore, dual operations may be involved. The purpose of this republication is to broaden the territorial scope. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 119099 (Sub-No. 9), filed April 20, 1970. Applicant: BJORKLUND TRUCKING, INC., First Avenue NE and Eighth Street, Buffalo, Minn. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Adhesives* used in connection with plastic burial vault liners (except bulk), from Palatine, Ill., to St. Paul, Minn., and Little Hocking, Ohio; (2) *handles* for burial vaults, from Addison, Ill., to Little Hocking, Ohio; and (3) *plastic burial vaults*, from St. Paul, Minn., and Little Hocking, Ohio, to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 119777 (Sub-No. 178), filed April 27, 1970. Applicant: LIGON SPECIALIZED HAULER, INC., Post Office Drawer L, Madisonville, Ky. 42431. Applicant's representative: Fred F. Bradley, 213 St. Clair Street, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Platform bodies, van dump bodies, packer bodies, cranes, tilt frames, loaders, lift gates, hydraulic hoists, hydraulic cylinders and pumps and component parts, stationary compackers, roll off containers and parts* to attach any of the foregoing to trucks, from points in Crawford County, Ohio; Bryan County, Okla.; Allen County, Ohio; and Los Angeles, Calif.; to points in the United States, including Alaska, but excluding Hawaii; and (2) *steel plates, sheets, angles, channels, and supplies*, between the plantsites of the Peabody Galion Corp. located at or near Galion, Ohio; Durant, Okla.; Lima, Ohio; and Los Angeles, Calif. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant is also authorized to operate as a contract carrier under MC 126970 and subs, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Frankfort, Ky., Louisville, Ky., or Nashville, Tenn.

No. MC 119777 (Sub-No. 179), filed April 27, 1970. Applicant: LIGON SPECIALIZED HAULER, INC., Post Office Drawer L, Madisonville, Ky. 42431. Applicant's representative: Fred F. Bradley, 213 St. Clair Street, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road building machinery, contractors' equipment, truck bodies, concrete mixers, truck mounted concrete mixers, concrete pumps, trailers, coal haulers, laundry dryers, cleaning machinery, pumps, and hide processers*, from Bryan, Ohio, and Industry, Calif., to points in the United States, including Alaska and Hawaii. NOTE: Applicant states it will tack at Bryan, Ohio, Illinois, Indiana, Ohio, and Kentucky, from points in Ohio, Illinois, Indiana, and Kentucky. Applicant is also authorized to operate as a contract carrier under MC 126970 and subs, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky., Nashville, Tenn., or Frankfort, Ky.

No. MC 124692 (Sub-No. 65), filed April 10, 1970. Applicant: SAMMONS TRUCKING, a corporation, Post Office Box 933, Missoula, Mont. 59801. Applicant's representative: Richard Bebel,

2814 Cleveland Avenue North, St. Paul, Minn. 55113. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings, complete, knocked down, or in sections, and materials and supplies* used in the construction and erection thereof, and *building materials*, from Milwaukee, Wis., to points in California. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis., or Chicago, Ill.

No. MC 124835 (Sub-No. 9), filed April 24, 1970. Applicant: PRODUCERS TRANSPORT CO., a corporation, Post Office Box 4022, Chattanooga, Tenn. 37405. Applicant's representative: Clifford E. Sanders, 321 East Center Street, Kingsport, Tenn. 37660. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, (1) (a) from the plantsite of Signal Mountain Portland Cement Division, General Portland Cement Co., located in Knox County, Tenn., to points in Alabama, Georgia, Kentucky, North Carolina, South Carolina, Virginia, West Virginia, and Tennessee; and, (b) between points in Alabama, Georgia, Kentucky, North Carolina, South Carolina, Virginia, West Virginia and Tennessee, restricted in (b) above to traffic which has had a prior movement by rail from the plantsite of Signal Mountain Portland Cement Co., located in Hamilton County, Tenn.; and, (2) from the plantsite of Dundee Cement Co. at Nashville, Tenn., to points in Georgia and Mississippi. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn., or Atlanta, Ga.

No. MC 126025 (Sub-No. 2) (Amendment), filed February 2, 1970, published in FEDERAL REGISTER issue of March 5, 1970, amended April 29, 1970, and republished, as amended, this issue. Applicant: BALLARD TRANSFER OF WASHINGTON, INC., doing business as BALLARD TRANSFER CO., 2417 Northwest Market Street, a corporation, Seattle, Wash. 98107. Applicant's representative: George R. LaBissoniere, 1424 Washington Building, Seattle, Wash. 98101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, which because of their size or weight require the use of special equipment, from Seattle, Wash., to points in Washington, Idaho, and Montana, and *scrap metal* on the return inbound movement, to Kent, Wash., from Washington, Idaho, Montana, and Oregon, as a return movement, under a continuing contract for Northwest Steel Rolling Mills, Inc. NOTE: The purpose of this republication is to show applicant would have authority to transport a return inbound movement. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 126102 (Sub-No. 6), filed March 30, 1970. Applicant: ANDERSON MOTOR LINES, INC., 37 Woodruff Road, Walpole, Mass. 02181. Applicant's representative: Sanford A. Kowal, 73 Tremont Street, Boston, Mass. 02109. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are sold in retail stores by manufacturers of electrical appliances, including equipment and parts thereof, and other appurtenances used in connection therewith, between the warehouse sites of Radio Shack located at points in Alabama, Arizona, Arkansas, California, Colorado, Delaware, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, Washington, West Virginia, Wisconsin, Wyoming, and the District of Columbia, under contract with Radio Shack, a division of Tandy Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Boston, Mass.

No. MC 127042 (Sub-No. 56) (amendment), filed April 7, 1970, published FEDERAL REGISTER, issue of April 30, 1970, and republished as amended in this issue. Applicant: HAGEN, INC., 4120 Floyd Boulevard, Post Office Box 6, Leeds Station, Sioux City, Iowa 51108. Applicant's representative: Joseph W. Harvey (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products and meat byproducts, and articles distributed by meat packinghouses* as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsites and/or cold storage facilities utilized by Wilson Sinclair Co., at Albert Lea, Minn., and Cedar Rapids, Iowa, to points in Indiana, Michigan (Lower Peninsula), and Ohio. Restriction: Restricted to the transportation of traffic originating at the above specified plantsites and/or cold storage facilities and destined to the named destination States. NOTE: The purpose of this republication is to reflect a change in territorial scope of the application. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 127840 (Sub-No. 26), filed April 10, 1970. Applicant: MONTGOMERY TANK LINES, INC., 612 Maple Street, Willow Springs, Ill. 60480. Applicant's representative: Richard A. Kerwin, 33 North Dearborn Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and vegetable oil and blends thereof, oil foots and oil sediments, and mono-, di-, and tri-glicerides* in bulk, in tank vehicles, between the plantsite and storage facilities of Glidden-Durkee, a division of S.C.M. Corp. located approximately 12 miles southwest of Joliet (Will County), Ill., on the one hand, and, on the other, points in Arkansas, Colorado, Connecticut, Delaware, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Dakota, Ohio, Pennsylvania, Rhode Island, South Dakota, Vermont, Virginia, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 129039 (Sub-No. 1), filed April 27, 1970. Applicant: JACOBY TRANSPORT SYSTEM, INC., 4754 James Street, Philadelphia, Pa. 19137. Applicant's representative: Paul Ribner, 400 Penn Square Building, Juniper and Filbert Streets, Philadelphia, Pa. 19107. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood fiberboard*, plain or with decorative and protective covering and *accessories and supplies* used in the installation thereof, from the plantsite and warehouse sites of the Masonite Corp. in Bellmawr, N.J., to points in Maine, Vermont, New Hampshire, Connecticut, Rhode Island, Massachusetts, New York, Pennsylvania, Maryland, New Jersey, Delaware, District of Columbia, Virginia, West Virginia, and North Carolina. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 129625 (Sub-No. 2), filed March 25, 1970. Applicant: ROBERT J. COLE, doing business as ROBERT COLE TRUCKING, Rural Delivery No. 3, Indiana, Pa. 15701. Applicant's representative: William J. Lavelle, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Salt and deicing materials*, from points in Clearfield and Jefferson Counties, Pa., to points in Armstrong, Cambria, Cameron, Clarion, Clearfield, Elk, Forest, Indiana, Jefferson, McKean, Potter, and Warren Counties, Pa. Restriction: The service authorized above is restricted to the transportation of shipments having a prior interstate movement by rail; (2) *lumber, lumber products, wood chips, and logs*, between points in New York and Pennsylvania; and (3) *coal*, in dump vehicles; (a) from points in Elk and Jefferson Counties, Pa., to points in that part of New York east of U.S. Highway 15 and on and west of Interstate Highway 81; and (b) from points in Cambria, Cameron, Clarion, and Indiana, Pa., to points in that part of New York on and west of Interstate Highway 81. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa

No. MC 133221 (Sub-No. 2), filed April 27, 1970. Applicant: OVERLAND

CO., INC., Route 1, Box 406A, Lawrenceville, Ga. 30254. Applicant's representative: Paul M. Daniell, 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ceramic foam, plastics, plastic products, and plastic coated metal* (except in bulk), from the plantsite and warehouse facilities of The Dow Chemical Co. at Findlay, Ohio; Lawrence and Scioto Counties, Ohio; and Royersford, Pa.; to points in Virginia, West Virginia, Kentucky, Tennessee, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, and Louisiana. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich., or Atlanta, Ga.

No. MC 133223 (Sub-No. 1), filed February 16, 1970. Applicant: OLYMPIC FREIGHTWAYS, INC., 1801 West 31st Place, Chicago, Ill. Applicant's representatives: Themis N. Anastos, 120 West Madison Street, Chicago, Ill. 60602, and Paul C. Ross, 188 West Randolph Street, Chicago, Ill. 60601. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fresh bakery goods*, from Chicago, Ill., to points in Wisconsin, Indiana, Missouri, and Iowa, under contract with East Balt Commissary, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 133296 (Sub-No. 4), filed April 20, 1970. Applicant: DRACHE TRUCK LINE, INC., Post Office Box 42, Medford, Minn. 55049. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn. 55042. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and supplies, signs, and materials* used in the sale thereof, from Sheboygan, Milwaukee, and La Crosse, Wis., to Rochester and Owatonna, Minn.; under contract with Shea Distributing Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 133655 (Sub-No. 27), filed April 10, 1970. Applicant: TRANSNATIONAL TRUCK, INC., Post Office Box 4168, Amarillo, Tex. 79105. Applicant's representative: Charles W. Singer, 33 North Dearborn Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products, woodpulp, and articles produced or distributed by manufacturer and converters of paper and paper products*, from Jackson, Ala., to points in Arkansas, Louisiana, and Texas. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 133977 (Sub-No. 4), filed April 24, 1970. Applicant: GENE'S INC., 302 Maple Lane, Arcanum, Ohio 45304. Applicant's representative: Paul F. Berry, 88 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fertilizer, fertilizer material, and fertilizer ingredients*, in bags, or in bulk, in dump vehicles, and (2) *fungicides, herbicides, and insecticides* when shipped in mixed shipments with fertilizer material and fertilizer ingredients, in bags, or in bulk in dump vehicles, between Cincinnati and Orrville, Ohio, on the one hand, and, on the other, points in Indiana, Kentucky, and Michigan. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 134050 (Sub-No. 2), filed April 21, 1970. Applicant: J. M. FOSTER, Route No. 6, Brookhaven, Miss. 39601. Applicant's representative: Donald B. Morrison, 717 Deposit Guaranty National Bank Building, Post Office Box 22628, Jackson, Miss. 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, cross-ties, and cross-arms*, between points in Alabama, Louisiana, Georgia, Mississippi, and Tennessee. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss.

No. MC 134381 (Sub-No. 1) (Amendment), filed February 27, 1970, published FEDERAL REGISTER under MC 134397, issue of April 2, 1970, and republished as amended, this issue. Applicant: W. W. HAIR, doing business as JIMMY'S AUTO STORAGE, 603 South Utah, Roswell, N. Mex. 88201. Applicant's representative: John F. Quinn, Post Office Drawer A, Santa Fe, N. Mex. 87501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Disabled vehicles*, between points in an area in New Mexico and Texas as follows: In Texas on and north of U.S. Highway 80 to the intersection of U.S. Highway 80 and U.S. Highway 87, thence along U.S. Highway 87 to junction U.S. Highway 87 and Interstate Highway 66, thence along Interstate Highway 66 to the Texas-New Mexico State line, and those points in New Mexico on and south of Interstate Highway 66. NOTE: The purpose of this republication is to show that the application has been amended to seek common carrier authority in lieu of contract. If a hearing is deemed necessary, applicant requests it be held at Albuquerque, N. Mex., El Paso or Lubbock, Tex.

No. MC 134407, filed March 5, 1970. Applicant: FRUSH TRUCKING COMPANY, a corporation, 100 Hafner Street, Pittsburgh, Pa. 15223. Applicant's representative: Jerome Solomon, 704 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, and except classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between the plantsite of the Screw & Bolt Division of Modulus Corp. located in East Huntingdon Township, Westmoreland County, Pa., on the one hand, and, on the other, points in Westmoreland, Fayette, Washington, Beaver, Butler, and Allegheny Counties, Pa. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa.

No. MC 134408 (Sub-No. 2), filed April 27, 1970. Applicant: SARCHFIELD TRANSFER, LTD., Woodstock, New Brunswick, Canada. Applicant's representative: Francis E. Barrett, Jr., 536 Granite Street, Braintree, Mass. 02184. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fencing*, from ports of entry on the international boundary line between the United States and Canada at or near Houlton, Calais, and Vanceboro, Maine, to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Portland, Maine, or Boston, Mass.

No. MC 134546, filed April 17, 1970. Applicant: WILLIAM KOCH, 3051 Red Rock Drive, Mesa, Ariz. 85201. Applicant's representative: Wayne E. Legg, 9 West Pepper Place, Mesa, Ariz. 85201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities, including household goods* (except those of unusual value, classes A and B explosives and commodities in bulk), between Los Angeles, Riverside, Indio, and Blythe, Calif.; Yuma, Gila Bend, Buckeye, Avondale, Casa Grande, Phoenix, Glendale, Scottsdale, Tempe, Mesa, Chandler, Superior, Miami, Globe, Showlow, Holbrook, and Springerville, Ariz.; and Socorra and Albuquerque, N. Mex. NOTE: If a hearing is deemed necessary, applicant requests it be held at Phoenix, Ariz., or Washington, D.C.

No. MC 134547, filed April 17, 1970. Applicant: BILBO TRANSPORTS, INC., 2722 Singleton Boulevard, Dallas, Tex. 75212. Applicant's representative: Austin L. Hatchell, 1102 Perry Brooks Building, Austin, Tex. 78701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum* (except in bulk), *gypsum products and building materials and supplies* distributed by gypsum products manufactures and distributors, from the plantsite and warehouse facilities of The Celotex Corp. at Celotex, Tex. (near Hamlin, Tex.), to points in Arkansas, Kansas, Louisiana, New Mexico, and Oklahoma under a continuing contract with The Celotex Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Forth Worth, Tex., or Washington, D.C.

No. MC 134553, filed April 24, 1970. Applicant: J. D. McCOTTER, INC., Broad Creek, Washington, N.C. 27889. Applicant's representative: Vaughan S. Winborne, 1108 Capital Club Building, Raleigh, N.C. 27601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting:

Boats (1) *inboard engine boats* (yachts, cruisers, sport boats); (2) *outboard engine boats*, with or without power; (3) *inboard-outboard engine boats;* and (4) *sailboats* with or without power; between points in Florida, Georgia, South Carolina, North Carolina, Virginia, Maryland, Delaware, Pennsylvania, New York, Maine, Michigan, Ohio, New Jersey, Tennessee, West Virginia, Connecticut, Massachusetts, New Hampshire, and the District of Columbia. If a hearing is deemed necessary, applicant requests it be held at Raleigh or Newbern, N.C.

No. MC 134556, filed April 13, 1970. Applicant: WATCO, INC., Clayton Road, Canaan, Conn. 06018. Applicant's representative: Reubin Kaminsky, Post Office Box 17–2056, 342 North Main Street, West Hartford, Conn. 06117. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cement products, lime, and limestone products, silica and silica products, sand and sand products, asphalt and asphalt products, mortar mix, gravel, gravel mix, tar products, marble chip, and calcium chloride*, from Canaan, Conn., to points in Maine, New Hampshire, Massachusetts, Rhode Island, and Vermont and points in that part of New York on and east of United States Highway 15; (2) *cement and cement products*, in bulk, in tank vehicles, from Kington and Rosendale, N.Y., to Canaan, Conn.; (3) *tar patch*, in bags, from Carmel, N.Y., to Canaan, Conn.; and (4) *calcium chloride*, from Syracuse, N.Y., to Canaan, Conn. Restriction: The above-described transportation service shall be performed only under continuing contract or contracts with Watta Crete Co., Inc., of Canaan, Conn. NOTE: If a hearing is deemed necessary, applicant requests it be held at Hartford, Conn., or Albany, N.Y.

No. MC 134557, filed April 16, 1970. Applicant: LEWIS R. BALL AND THOMAS L. ODLE, a partnership, doing business as PACIFIC COAST TRANSPORTATION, 1727 Mead Street, North Bend, Oreg. Applicant's representative: Robert R. Hollis, 1121 Commonwealth Building, Portland, Oreg. 97204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Forest products, lumber, hardboard, and wood chip products*, from points in Coos, Curry, and Douglas Counties, Oreg., to ports on Coos Bay, Oreg., restricted to traffic having a subsequent movement by water. NOTE: If a hearing is deemed necessary, applicant requests it be held at Medford or Portland, Oreg.

No. MC 134560, filed April 21, 1970. Applicant: ROBERT J. LITTLE, 312 Leavell Woods Drive, Jackson, Miss. 39212. Applicant's representative: Donald B. Morrison, 717 Deposit Guaranty National Bank Building, Post Office Box 22628, Jackson, Miss., 39205. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lumber*, from Memphis, Tenn., to points in Alabama, Louisiana, Mississippi, and Texas; and (2) *lumber*, between points in Alabama, Louisiana, Mississippi, and Texas, under a continuing contract with Owens Lumber, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss.

No. MC 134573, filed May 1, 1970. Applicant: JIM G. SHAFFER, 3 Eubanks Drive, Dayton, Ohio 45431. Applicant's representative: Earl N. Merwin, 85 East Gay Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used upholstered furniture*, which will be or has been reupholstered, between Dayton, Ohio, on the one hand, and, on the other, points in Kentucky. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 134581, filed May 4, 1970. Applicant: HARLEY I. KEETER, JR., 6379 Valmont Drive, Boulder, Colo. 80302. Applicant's representative: John P. Thompson, 450 Capitol Life Building, Denver, Colo. 80203. Authority sought to operate as a *contract carrier*, by motor vehicle over irregular routes, transporting: *Cast iron pipe and pipe fittings and accessories*, from Council Bluffs, Iowa, and Provo, Utah, to points in Colorado, under a continuing contract with Highland Contractors, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

APPLICATION FOR BROKERAGE LICENSE

No. MC 130114, filed April 8, 1970. Applicant: HILDA GAMBEL AND BOBBY PERLBERG, a partnership, doing business as ACE TRAVEL SERVICE, 1621 Sulgrave Avenue, Baltimore, Md. 21209. Applicant's representative: Herbert Rochlin, 110 East Lexington Street, Baltimore, Md. 21202. For a license (BMC–5) to engage in operations as a *broker*, at Baltimore, Md., in arranging for the transportation by motor vehicle, in interstate or foreign commerce of *passengers and their baggage*, as individuals and in groups, in charter operations, beginning and ending at points in Maryland, and extending to points in New York, New Jersey, and Pennsylvania.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

No. MC 117304 (Sub-No. 18), filed April 17, 1970. Applicant: DON PAFFILE, doing business as PAFFILE TRUCK LINES, 2906 29th Street North, Lewiston, Idaho 83501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed and feed ingredients*, from Spokane, Wash., to Lewiston, Idaho. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority.

No. MC 134446, filed March 23, 1970. Applicant: E. F. HARRIS, Lake Ferguson, Greenville, Miss. 38701. Applicant's representative: J. Wesley Watkins III, 618 Washington Avenue, Greenville, Miss. 38701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by truck tractors, in initial movements, from points in Washington County, Miss., to points in the United States (except Alaska and Hawaii), and, *new and used trailers* designed to be drawn by truck tractors, in secondary movements, between the businesses of the customers and/or dealers of Trailco-Greenville Corp. or its parent, Vernitron Corp., in the United States (except Alaska and Hawaii), and between the businesses of the customers and/or dealers of Trailco-Greenville Corp., or its parent, Vernitron Corp., in the United States (except Alaska and Hawaii), and the plantsites and warehouses of Trailco-Greenville Corp. or Vernitron Corp. at or near Greenville, Miss., Hummel's Wharf, Pa., and Michigan City, Ind.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 70–6217; Filed, May 20, 1970; 8:45 a.m.]

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