FEDERAL REGISTER

VOLUME 35 • NUMBER 180

Wednesday, September 16, 1970 • Washington, D.C.

Pages 14493–14529

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THE NATIONAL ARCHIVES OF THE UNITED STATES
LITTERA SCRIPTA MANET
1934

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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Title 7—AGRICULTURE

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

SUBCHAPTER C—REGULATIONS AND STANDARDS UNDER THE AGRICULTURAL MARKETING ACT OF 1946

PART 53—LIVESTOCK, MEATS, PREPARED MEATS, AND MEAT PRODUCTS (GRADING, CERTIFICATION, AND STANDARDS)

Subpart A—Regulations

FEES FOR GRADING SERVICE

Pursuant to the authority contained in sections 203 and 205 of the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1622, 1624), the regulations in Part 53, Title 7, Code of Federal Regulations, are hereby amended in the following respects:

Section 53.29, paragraphs (a) and (b), is hereby amended to read as follows:

§ 53.29 Fees and other charges for service.

* * * * *

(a) *Fees based on hourly rates.* Except as otherwise provided in this section, fees for service shall be based on the time required to render the service, calculated to the nearest 15-minute period, including the time required for the preparation of certificates and travel of the official grader in connection with the performance of the service. A minimum charge for one-half hour shall be made for service pursuant to each request notwithstanding that the time required to perform the service may be less than 30 minutes. The base hourly rate shall be $10.80 per hour for work performed between the hours of 6 a.m. and 6 p.m. Monday through Friday, except on legal holidays; $13 per hour for work performed before 6 a.m. or after 6 p.m. Monday through Friday, and anytime Saturday or Sunday except on legal holidays; and $21.60 per hour for all work performed on legal holidays.

(b) *Fees for service on commitment basis.* Minimum fees for service performed under a commitment agreement shall be on the basis of 8 hours per day, Monday through Friday, calculated at the hourly rates in accordance with paragraph (a) of this section. Hours worked on Saturdays, Sundays, legal holidays, and in excess of 8 hours per day will be charged at the appropriate hourly rate in accordance with paragraph (a) of this section. The Consumer and Marketing Service reserves the right under such a commitment to use any grader assigned to the plant on a commitment basis to perform service for other applicants as provided in § 53.8(c), crediting the commitment applicant with the number of hours charged to the other applicants, provided the allowable credit hours, plus hours actually worked for the applicants, do not exceed 8 hours on any day, Monday through Friday.

* * * * *

The Agricultural Marketing Act of 1946 provides for the collection of fees equal as nearly as may be to the cost of the services, such as Federal meat grading services, rendered under its provisions. Therefore, it has been determined that in order to collect fees related to providing the service before the hours of 6 a.m. and after 6 p.m., the hourly fee for such service must be as provided for herein. These costs not included in the base hourly rate include night differential wages paid to grading personnel and additional supervisory costs. The need for the increase and the amount thereby are dependent upon facts within the knowledge of the Consumer and Marketing Service. Therefore, under the provisions of 5 U.S.C. 553, it is found that notice and other procedures with respect to this amendment are impractical and unnecessary.

This amendment shall become effective October 18, 1970, with respect to all Federal meat grading services rendered on and after that date.

(Secs. 203, 205, 60 Stat. 1087, 1090; 7 U.S.C. 1622, 1624)

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

G. R. GRANGE,
Acting Administrator.

[F.R. Doc. 70-12298; Filed, Sept. 15, 1970; 8:47 a.m.]

Chapter III—Agricultural Research Service, Department of Agriculture

PART 319—FOREIGN QUARANTINE NOTICES

Subpart—Coffee

MISCELLANEOUS AMENDMENTS

Pursuant to the authority conferred by sections 5, 7, and 9 of the Plant Quarantine Act of 1912, as amended, and section 106 of the Federal Plant Pest Act (7 U.S.C. 159, 160, 162, 150ee), the regulations in the Subpart "Coffee" in Part 319, Chapter III, Title 7 of the Code of Federal Regulations (7 CFR 319.73-1 through 319.73-5), are revised to read as follows:

REGULATIONS

§ 319.73-1 Definitions.

For the purposes of the provisions in this subpart, unless the context otherwise requires, the following words shall be construed, respectively, to mean:

(a) *Division.* The Plant Quarantine Division, Agricultural Research Service, U.S. Department of Agriculture.

(b) *Director.* The Director of the Plant Quarantine Division, Agricultural Research Service, U.S. Department of Agriculture, or any officer or employee of the Division to whom authority has heretofore been delegated or may hereafter be delegated to act in his stead.

(c) *Inspector.* A properly identified employee of the U.S. Department of Agriculture or other person authorized by the Department to enforce the provisions of the Plant Quarantine Act and the Federal Plant Pest Act.

§ 319.73-2 Products prohibited importation.

The seeds or beans of coffee which, previous to importation, have not been roasted to a degree which, in the judgment of an inspector, will have destroyed coffee borers in all stages; coffee berries or fruits; coffee plants and leaves; and empty sacks previously used for unroasted coffee; are prohibited importation into Puerto Rico or Hawaii, except as provided in § 319.73-3.

§ 319.73-3 Conditions for transit movement of certain products through Puerto Rico or Hawaii.

(a) Transit shipments from any foreign country through Puerto Rico or Hawaii of samples of unroasted coffee seeds and beans in closed mail dispatches, destined to foreign countries or to destinations elsewhere in the United States in compliance with this subpart, will be allowed to proceed without action by the inspector. Other samples of unroasted coffee seeds or beans received by mail in the post offices in Puerto Rico or Hawaii shall be subject to inspection and safeguard action by the inspector, who shall require their immediate return to origin or immediate forwarding to a destination elsewhere in the United States in compliance with this subpart. Such return or onward movement shall be made in closed mail dispatches. If such immediate action is not possible the samples shall be destroyed.

(b) Samples of unroasted coffee seeds or beans coming to Puerto Rico or Hawaii as cargo and not unloaded in Puerto Rico or Hawaii will be allowed to proceed to a foreign destination or to a destination elsewhere in the United States in compliance with paragraph (a) of this section. If the samples are to be unloaded and transshipped in Puerto Rico or Hawaii, it shall be done immediately after the inspector ascertains that the samples are properly wrapped or packaged to prevent the escape of any plant pests that may be present during transit and, before transshipment the carrier shall rewrap or package the samples in such manner as the inspector may require if

he deems such action is necessary to prevent the escape of any plant pests that may be present.

(c) Other mail, cargo, and baggage shipments of products covered by § 319.-73-2, arriving in Puerto Rico or Hawaii shall not be unloaded or transshipped in Puerto Rico or Hawaii and shall be subject to the inspection and other applicable requirements of the Plant Safeguard Regulations (Part 352 of this chapter).

§ 319.73-4 Costs.

All costs incident to the inspection, handling, cleaning, safeguarding, treating, or other disposal of products or articles under this subpart, except for the services of an inspector during regularly assigned hours of duty and at the usual places of duty, shall be borne by the owner, or his agent, having responsible custody thereof.

(Sec. 9, 37 Stat. 318, sec. 106, 71 Stat. 33; 7 U.S.C. 162, 150ee. Interpret or apply secs. 5, 7, 37 Stat. 316, 317, as amended; 7 U.S.C. 159, 160; 29 F.R. 16210, as amended)

These regulations shall become effective upon publication in the FEDERAL REGISTER.

The purpose of this revision of the regulations is to place the same restrictions on (1) the importation of unroasted coffee seeds and beans, (2) empty sacks previously used for unroasted coffee and (3) transit movement of certain coffee products, into and through Puerto Rico as now pertain to Hawaii. The Commonwealth of Puerto Rico is a commercial producer of coffee as is Hawaii.

A very injurious rust disease of coffee caused by the fungus *Hemileia vastatrix* B. and Br. has recently been found established for the first time in the Americas, specifically Brazil. Since that finding it has spread throughout three states in Brazil. The Department of Agriculture of Puerto Rico has urgently requested that the regulations pertaining to Puerto Rico under Quarantine 73 afford the same protection to coffee growers in the Commonwealth of Puerto Rico against the introduction of coffee rust as is now provided to Hawaii.

Following a public hearing on June 11, 1959, the Coffee Quarantine 73 was made effective October 24, 1959. It prohibited the importation into Puerto Rico and Hawaii of unroasted seeds or beans of coffee, coffee berries or fruits, coffee plants and leaves, and empty sacks previously used for unroasted coffee, except as permitted in the regulations supplemental to Quarantine 73. The regulations allowed importations of unroasted coffee bean samples and used coffee sacks into Puerto Rico under permit because such items originated in South America where coffee rust was not known to occur. Since coffee rust has recently become established in Brazil, S.A., and in order to prevent the spread of the disease into Puerto Rico, it is now necessary to revise the regulations as they apply to Puerto Rico so that they will provide the same protection as now applies to Hawaii. Therefore, § 319.73-3 has been deleted and § 319.73-4 has been redesignated to § 319.73-3 with Puerto Rico added under the same regulations as for Hawaii.

Inasmuch as prompt action in revising the regulations affecting Puerto Rico is essential to prevent the introduction of coffee rust into the Commonwealth, this revision of regulations must be made effective immediately to accomplish its purpose in the public interest. Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the revision are impracticable, unnecessary, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 11th day of September 1970.

[SEAL] F. J. MULHERN,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 70-12327; Filed, Sept. 15, 1970; 8:50 a.m.]

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

SUBCHAPTER C—SPECIAL PROGRAMS

[Amdt. 2]

PART 775—FEED GRAINS

Subpart—1970 Feed Grain Program

COUNTY PROJECTED YIELDS AND COUNTY RATES

In F.R. Doc. 70-3322 appearing at page 5082 in the issue of Thursday, March 26, 1970, the following corrections are made in the tabular material in § 775.25:

1. Under Georgia, the projected yield and rate for computing diversion payments for Gordon County for barley, should read "35.0 and $1.08".

2. Under Montana, the rate for computing diversion payments for Stillwater County for barley, should read "$0.88".

3. Under Washington, the projected yield for Grant County for corn, should read "105.7".

(Sec. 16(i), 79 Stat. 1190, as amended, 16 U.S.C. 590p(i); sec. 105(e), 79 Stat. 1188, as amended, 7 U.S.C. 1441 note)

Effective date: Date of publication in the FEDERAL REGISTER.

Signed at Washington, D.C., September 8, 1970.

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

[F.R. Doc. 70-12301; Filed, Sept. 15, 1970; 8:47 a.m.]

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

SUBCHAPTER F—DETERMINATION OF NORMAL YIELDS AND ELIGIBILITY FOR ABANDONMENT AND CROP DEFICIENCY PAYMENTS

[Amdt. 3]

PART 841—NORMAL YIELDS; BEET SUGAR AREA

1969 and Subsequent Crops of Sugar Beets

Pursuant to the provisions of section 303 of the Sugar Act of 1948, as amended, § 841.3 (30 F.R. 14846) is amended by revising paragraph (c) thereof to read as follows:

§ 841.3 Definitions.

* * * * *

(c) "Planted acres" means the acreage of sugar beets (within a farm proportionate share if established by the Secretary) as determined by the county committee which was (1) harvested for the extraction of sugar, (2) bona fide abandoned to the extent of fulfilling at least the requirements for abandonment payment set forth in subparagraphs (1) through (5) of paragraph (a) of § 842.2 of this chapter, as shown by the office records of the county committee, or (3) any other acreage seeded to sugar beets for the production of sugar or liquid sugar on lands suitable for the production of the crop and which was cared for during the growing season in a workmanlike manner.

* * * * *

Statement of bases and considerations. Amendment 6 to § 891.1 (35 F.R. 4609) provides that acreages suitable for the production of sugar beets which are seeded to sugar beets and which are cared for in a workmanlike manner throughout the growing season but which are not harvested and are not classified as abandoned acres will qualify as accredited acreages for program purposes. This amendment provides that such acreage shall be considered as "planted acres" for the purpose of computing farm normal yields, thereby putting this acreage on the same basis as harvested and abandoned acreage.

Accordingly, I hereby find and conclude that the foregoing amendment will effectuate the applicable provisions of the Act.

(Secs. 303, 403, 61 Stat. 930, as amended, 932; 7 U.S.C. 1133, 1153)

Effective date: Date of publication.

Signed at Washington, D.C., on September 9, 1970.

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

[F.R. Doc. 70-12300; Filed, Sept. 15, 1970; 8:47 a.m.]

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

[Orange Reg. 66]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, 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 committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of oranges, except Temple and Murcott Honey oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The recommendations by the Growers Administrative Committee reflect its appraisal of the Florida orange crop and the current and prospective market conditions. Shipments of oranges, except Temple and Murcott Honey oranges, are expected to begin on or after September 16, 1970. The size and grade requirements specified herein are necessary to prevent the handling, on and after September 16, 1970, of oranges of the named varieties that are of a lower grade or smaller size so as to provide consumers with good quality fruit, consistent with the overall quality of the crop, while maximizing returns to the producers pursuant to the declared policy of the act.

(3) 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 regulation until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because 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 as hereinafter set forth. Shipments of oranges, except Temple and Murcott Honey oranges, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on September 10, 1970, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this regulation, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary to make this regulation effective on September 16, 1970, to preclude the shipment of immature oranges, as hereinafter set forth, and to otherwise effectuate the declared policy of the act; compliance with this regulation will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

§ 905.524 Orange Regulation 66.

(a) Order:

(1) During the period September 16, 1970, through September 12, 1971, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any oranges, except Navel, Temple and Murcott Honey oranges, grown in the production area, which do not grade at least U.S. No. 1: *Provided,* That during the period September 16, through October 11, 1970, any handler may ship Valencia, Lue Gim Gong, and similar late maturing oranges of the Valencia type, grown in the production area, that do not grade less than U.S. No. 2 Russet;

(ii) Any oranges, except Navel, Temple, and Murcott Honey oranges, grown in the production area, which are of a a size smaller than 2⅝₆ inches in diameter, except that a tolerance of 10 percent, by count, of oranges smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in the U.S. Standards for Florida Oranges and Tangelos: *Provided,* That during the period September 16, through October 11, 1970, any handler may ship Valencia, Lue Gim Gong, and similar late maturing oranges of the Valencia type, grown in the production area, that are not smaller than 2⅛₆ inches in diameter except that a tolerance of 10 percent, by count, of oranges smaller than such minimum diameter shall be permitted which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in the United States Standards for Florida Oranges and Tangelos: *Provided further,* That in determining the percentage of oranges in any lot which are smaller than the applicable minimum of 2⅝₆ inches in diameter such percentage shall be based only on those oranges in such lot which are of a size 2¹¹⁄₁₆ inches in diameter or smaller and in determining the percentage of oranges in any lot which are smaller than the applicable minimum of 2⅛₆ inches in diameter such percentage shall be based only on those oranges in such lot which are of a size 2¹⁰⁄₁₆ inches in diameter or smaller;

(iii) Any Navel oranges, grown in the production area, which do not grade at least U.S. No. 1 Golden; or

(iv) Any Navel oranges, grown in the production area, which are of a size smaller than 2⅝₆ inches in diameter, except that a tolerance of 10 percent, by count, of oranges smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in the U.S. Standards for Florida Oranges and Tangelos.

(b) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, standard pack, and standard box, as used herein, shall have the applicable meaning given to the respective term in the U.S. Standards for Florida Oranges and Tangelos (§§ 51.1140–51.1178 of this title).

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

Dated: September 14, 1970.

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

[F.R. Doc. 70-12343; Filed, Sept. 14, 1970; 12:40 p.m.]

[Grapefruit Reg. 69]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, 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 recommendation of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The recommendations by the Growers Administrative Committee reflect its appraisal of the Florida grapefruit crop and the current and prospective market conditions. Shipments of grapefruit, in volume, are expected to begin on or after September 16, 1970. The size and grade requirements specified herein are necessary to prevent the handling, on and after September 16, 1970, of grapefruit that are of a lower grade or smaller size so as to provide consumers with good quality fruit, consistent with the overall quality of the crop, while maximizing returns to the producers pursuant to the declared policy of the act.

(3) 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 regulation until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because 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 as hereinafter set forth. Shipments of all grapefruit, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on September 10, 1970, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this regulation, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit, and compliance with this regulation will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

§ 905.525 Grapefruit Regulation 69.

(a) Order:

(1) During the period beginning September 16, 1970, through September 12, 1971, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any seeded grapefruit, grown in the production area, which do not grade at least U.S. No. 1;

(ii) Any seeded grapefruit, grown in the production area, which are smaller than $3^{15}/_{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of seeded grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the United States Standards for Florida Grapefruit;

(iii) Any seedless grapefruit, grown in Regulation Area I, which do not grade at least U.S. No. 1;

(iv) Any seedless grapefruit, grown in Regulation Area II, which do not grade at least Improved No. 2; or

(v) Any seedless grapefruit, grown in the production area, which are smaller than $3^{9}/_{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of seedless grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the U.S. Standards for Florida Grapefruit.

(b) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, standard pack, and standard box, as used herein, shall have the same meaning as is given to the respective term in the U.S. Standards for Florida Grapefruit (§§ 51.750–51.783 of this title).

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

Dated: September 14, 1970.

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

[F.R. Doc. 70–12342; Filed, Sept. 14, 1970; 12:40 p.m.]

[Tangelo Reg. 40]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, 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 committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of tangelos, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The recommendations by the Growers Administrative Committee reflect its appraisal of the Florida tangelo crop and the current and prospective market conditions. Shipments of tangelos are expected to begin on or after September 16, 1970. The size and grade requirements specified herein are necessary to prevent the handling, on and after September 16, 1970, of tangelos that are of a lower grade or smaller size so as to provide consumers with good quality fruit, consistent with the overall quality of the crop, while maximizing returns to the producers pursuant to the declared policy of the act.

(3) 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 regulation until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because 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 September 16, 1970. Shipments of all tangelos, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order. The committee held an open meeting on September 10, 1970, to consider recommendations for a regulation, in accordance with the said amended marketing agreement and order, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; information regarding the provisions of the regulation recommended by the committee has been disseminated among shippers of tangelos, grown in the production area, and this regulation, including the effective time thereof, is identical with the recommendation of the committee; movement is expected to begin on or about the effective time hereof, and it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective on such date, so as to provide so far as practicable for the regulation of the handling of all such tangelos; and compliance with this regulation will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

§ 905.526 Tangelo Regulation 40.

(a) Order:

(1) During the period beginning September 16, 1970, through September 12, 1971, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any tangelos, grown in the production area, which do not grade at least U.S. No. 1; or

(ii) Any tangelos, grown in the production area, which are of a size smaller than $2^{9}/_{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of tangelos smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in the U.S. Standards for Florida Oranges and Tangelos.

(b) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade and diameter, as used herein, shall have the same meaning as is given to the respective term in the amended U.S. Standards for Florida Oranges and Tangelos (§§ 51.1140–51.1178 of this title).

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

Dated: September 11, 1970.

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

[F.R. Doc. 70-12344; Filed, Sept. 14, 1970; 12:40 p.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

[CCC Grain Price Support Regs., 1970 and Subsequent Crops Soybean Supp.]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1970 and Subsequent Crops Soybean Loan and Purchase Program

Correction

In F.R. Doc. 70-11682 appearing at page 13971, in the issue of Thursday, September 3, 1970, the word "Corps" in the sixth line of § 1421.365 should read "Crops".

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

[Docket No. 70-261]

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Areas Quarantined

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

1. In § 76.2, paragraph (e)(19) relating to the State of Illinois, is amended to read:

(19) *Illinois.* (i) That portion of Macoupin County comprised of Nilwood and South Otter Townships.

(ii) That portion of Randolph County comprised of Road District No. 4, also known as Kaskaskia Island located southwest of the present channel of the Mississippi River and otherwise surrounded by the old channel of the Mississippi River, also the Missouri-Illinois State Line.

2. In § 76.2, paragraph (e)(3) relating to the State of Louisiana is amended to read:

(3) *Louisiana.* (i) The adjacent portions of West Carroll and Morehouse Parishes bounded by a line beginning at the junction of the Louisiana-Arkansas State line and the west bank of Bayou Macon; thence, following the west bank of Bayou Macon in a generally southwesterly direction to State Highway 2; thence, following State Highway 2 in a generally southwesterly direction to U.S. Highway 165; thence, following U.S. Highway 165 in a northeasterly direction to the Louisiana-Arkansas State line; thence, following the Louisiana-Arkansas State line in an easterly direction to its junction with the west bank of Bayou Macon.

(ii) That portion of Madison Parish bounded by a line beginning at the junction of the east bank of Bayou Macon and the northern boundary line of sec. 21 in T. 16 N. and R. 10 E.; thence, following the east bank of Bayou Macon in a generally southwesterly direction to the Madison-Franklin Parish line; thence, following the Madison-Franklin Parish line in an easterly direction to the Madison-Tensas Parish line; thence, following the Madison-Tensas Parish line in an easterly and thence northeasterly direction to Spring Bayou; thence, following the west bank of Spring Bayou in a generally northwesterly direction to Alligator Bayou; thence, following the west bank of Alligator Bayou in a generally northwesterly direction to the Tensas River; thence, following the west bank of the Tensas River in a generally northwesterly direction to the division line between secs. 16 and 21 in T. 16 N. and R. 11 E.; thence, following the division line between secs. 16 and 21 in T. 16 N. and R. 11 E. in a westerly direction and continuing west along the northern boundaries of secs. 20 and 19 in T. 16 N. and R. 11 E.; thence, continuing west along the northern boundary lines of secs. 24, 23, 22, and 21 in T. 16 N. and R. 10 E. to its junction with east bank of Bayou Macon.

3. In § 76.2 in paragraph (e)(6) relating to the State of Missouri a new subdivision (v) relating to Butler County is added to read:

(6) *Missouri.* * * *

(v) That portion of Butler County bounded by a line beginning at the junction of the Butler-Wayne County line and U.S. Highway 67; thence, following U.S. Highway 67 in a generally southwesterly direction to U.S. Highway 60; thence, following U.S. Highway 60 in a generally northwesterly direction to the Butler-Carter County line; thence, following the Butler-Carter County line in a generally northerly direction to the Butler-Wayne County line; thence, following the Butler-Wayne County line in an easterly direction to its junction with U.S. Highway 67.

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

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

The amendments quarantine a portion of Randolph County, Ill.; a portion of Butler County, Mo.; and a portion of Madison Parish in Louisiana because of the existence of hog cholera. This action is deemed necessary to prevent further spread of the disease. The restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will apply to the quarantined portions of such counties and parish.

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

Done at Washington, D.C., this 10th day of September 1970.

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

[F.R. Doc. 70-12299; Filed, Sept. 15, 1970; 8:47 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 5A—Federal Supply Service, General Services Administration

PART 5A-2—PROCUREMENT BY FORMAL ADVERTISING

Subpart 5A-2.3—Submission of Bids

BID COPY DISTRIBUTION

Section 5A-2.370 is revised to read as follows:

§ 5A-2.370 Copies of bids required in submission.

(a) Normally the bidding set mailed to each prospective bidder shall consist of three copies of the invitation for bids, including three copies of all material which the invitation states is attached to and incorporated. When material is incorporated by reference and is not required to be returned with the bid, a single copy of such material, if not previously furnished, should be included with each bidding set, as necessary or appropriate. Bids shall be submitted in an original and one copy, the third copy being retained by the bidder for his records. The original copy will be used by the procurement activity for the tabulation and evaluation of bids. The copy will be retained by the Business Service Center for public information until the bid abstract is available to replace it. After

award the procurement activity shall furnish the successful bidder documentation of award in accordance with the provisions of § 5A-2.407-82.

(b) When it is necessary to vary the normal distribution prescribed in paragraph (a) of this section, the approval of the Chief, Procurement Division in the regional offices, the chief of the appropriate branch of the Procurement Operations Division, ADP Procurement Division or Special Programs Division in the Central Office, shall be obtained.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c); 41 CFR 5-1.101(c))

Effective date. These regulations are effective 30 days after the date shown below.

Dated: September 4, 1970.

L. E. SPANGLER,
Acting Commissioner,
Federal Supply Service.

[F.R. Doc. 70-12285; Filed, Sept. 15, 1970; 8:46 a.m.]

Title 12—BANKS AND BANKING

Chapter I—Bureau of the Comptroller of the Currency, Department of the Treasury

PART 10—ANNUAL REPORT TO STOCKHOLDERS

Private Right of Action

On July 28, 1970, a notice of proposed rule making regarding the deletion of § 10.2 of Part 10 of the rules and regulations of the Comptroller of the Currency was published in the FEDERAL REGISTER (35 F.R. 12064). Section 10.2 concerns the subject of private rights of action by shareholders.

After consideration of all relevant comment presented by interested persons, the following amendment is adopted by the Comptroller of the Currency:

Section 10.2 is deleted.

Dated: September 11, 1970.

[SEAL] WILLIAM B. CAMP,
Comptroller of the Currency.

[F.R. Doc. 70-12331; Filed, Sept. 15, 1970; 8:50 a.m.]

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

[No. 70-226]

PART 545—OPERATIONS

Federal Savings and Loan Associations as Pension Trustees and Maximum Amount of Loan by Federal Association on Single-Family Dwelling

SEPTEMBER 10, 1970.

Resolved that the Federal Home Loan Bank Board, considers it advisable to amend Part 545 of the Rules and Regulations for the Federal Savings and Loan System (12 CFR Part 545) for the purpose of implementing the provisions of sections 708 and 709 of Public Law 91-315, which amend section 5(c) of the Home Owners' Loan Act of 1933 (12 U.S.C. 1464(c)) by (1) adding a new paragraph to authorize a Federal savings and loan association to act as trustee of certain trusts which form part of a stock bonus, pension, or profit-sharing plan, and (2) by increasing the amount limitation ordinarily applicable to a loan secured by a single-family dwelling from $40,000 to $45,000. On the basis of such consideration and for such purpose, the Federal Home Loan Bank Board hereby amends said Part 545 as follows, effective September 16, 1970:

1. Paragraph (a) of § 545.6-5 is amended to read as follows:

§ 545.6-5 Purchase of loans.

(a) *General provisions.* A Federal association may purchase any loan that it may make, unless expressly prohibited by other provisions of this part, and may also purchase any insured loan secured by a home or combination of home and business property located outside of its regular lending area at an investment not exceeding the sum of (1) $45,000 for each single-family dwelling (2) an amount per dwelling unit within the limits set forth in section 207(c)(3) of the National Housing Act, with such increases therein as may be made from time to time by the Federal Housing Commissioner in accordance therewith, and (3) the percentage of value acceptable to the insuring agency of such part of the property as is not attributable to dwelling use. No loan may be purchased by a Federal association from an affiliated institution without the prior approval of the Board, or from a director, officer or employee of such association, or from any person or firm regularly serving such association in the capacity of attorney at law. If a Federal association increases its savings accounts as a part of the purchase of any loan, it shall obtain such approval as is required by the rules and regulations for insurance of accounts.

* * * * *

2. Paragraph (a) of § 545.6-7 is amended to read as follows:

§ 545.6-7 Real estate loans and investments subject to 20-percent-of-assets limitation.

No Federal association may make or invest its funds in any loan of any of the types enumerated in paragraphs (a) through (d) of this section, except a guaranteed loan at least 20 percent of which is guaranteed and except a loan which is subject to the 5-percent-of-assets limitation of § 545.6-18, if the resulting aggregate amount of such loan and of the following investments would exceed 20 percent of the association's assets:

(a) Loans on single-family dwellings, homes, or combination of home and business property in excess of the sum of (1) $45,000 for each single-family dwelling, and (2) an amount per dwelling unit within the limits set forth in section 207(c)(3) of the National Housing Act, with such increases therein as may be made from time to time by the Federal Housing Commissioner in accordance therewith, but if any such loan is secured by a blanket mortgage on two or more properties, only such parts of such loan as are apportionable to the respective security properties and as are in excess of the foregoing limitations shall be subject to the provisions of this paragraph (a);

* * * * *

3. A new undesignated center head and a new § 545.17-1 are added, immediately after § 545.17, to read as follows:

TRUSTEE

§ 545.17-1 Stock bonus, pension, or profit-sharing plan.

A Federal association which has a charter in the form of Charter K (rev.) or Charter N may act as trustee, and may receive reasonable compensation for so acting, of any trust created or organized in the United States and forming part of a stock bonus, pension, or profit-sharing plan which qualifies or qualified for specific tax treatment under section 401(d) of the Internal Revenue Code of 1954, if the funds of such trust are invested only in savings accounts or deposits in such association or in obligations or securities issued by such association. All funds held in such fiduciary capacity by any such association may be commingled for appropriate purposes of investment, but individual records shall be kept by the fiduciary for each participant and shall show in proper detail all transactions engaged in under the authority of this section.

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

Resolved further that, since affording notice and public procedure on the above amendments would delay them from becoming effective for a period of time and since it is in the public interest that such amendments become effective as soon as possible, the Board hereby finds that notice and public procedure thereon are contrary to the public interest under the provisions of 12 CFR 508.11 and 5 U.S.C. 553(b); and, for the same reason, the Board finds that publication of such amendments for the 30-day period specified in 12 CFR 508.14 and 5 U.S.C. 553(d) prior to the effective date thereof is contrary to the public interest; and the Board hereby provides that such amendments shall become effective as hereinbefore set forth.

By the Federal Home Loan Bank Board.

[SEAL] JACK CARTER,
Secretary.

[F.R. Doc. 70-12329; Filed, Sept. 15, 1970; 8:50 a.m.]

SUBCHAPTER F—REGULATIONS FOR SAVINGS AND LOAN HOLDING COMPANIES

[No. 70-227]

PART 584—REGULATED ACTIVITIES

Continuance of Certain Business Activities by Multiple Holding Companies or Their Subsidiaries

SEPTEMBER 10, 1970.

Resolved that the Federal Home Loan Bank Board considers it advisable to amend § 584.2 of the Regulations for Savings and Loan Holding Companies (12 CFR 584.2) for the purpose of conforming it to the provisions of section 705 of Public Law 91-351, which amends section 408(c)(2) of the National Housing Act (12 U.S.C. 1730a(c)(2)) to change the period of time a multiple holding company, or a subsidiary thereof which is not an insured institution, may continue any business activity other than an activity specified in said section 408(c)(2) from 2 years after February 14, 1968, to 5 years after said date. On the basis of such consideration and for such purpose, the Federal Home Loan Bank Board hereby amends paragraph (b) of said § 584.2 to read as follows, effective September 16, 1970.

§ 584.2 **Prohibited holding company activities.**

* * * * *

(b) *Unrelated business activity.* No multiple savings and loan holding company or subsidiary thereof which is not an insured institution shall commence, or continue for more than 5 years after February 14, 1968, or for more than 180 days after becoming a savings and loan holding company or subsidiary thereof (whichever is later), any business activity other than (1) furnishing or performing management services for a subsidiary insured institution, (2) conducting an insurance agency or an escrow business, (3) holding or managing or liquidating assets owned by or acquired from a subsidiary insured institution, (4) holding or managing properties used or occupied by a subsidiary insured institution, (5) acting as trustee under deed of trust, or (6) furnishing or performing such other services or engaging in such other activities as the Corporation may approve or may prescribe by regulation as being a proper incident to the operations of insured institutions and not detrimental to the interests of savings account holders therein.

* * * * *

(Sec. 402, 48 Stat. 1256, as amended, sec. 408, 48 Stat. 1261, as added by 73 Stat. 691, as amended; 12 U.S.C. 1725, 1730a. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943-48, Comp., p. 1071)

Resolved further that the Board hereby finds that notice and public procedure under the provisions of 12 CFR 508.11 and 5 U.S.C. 553(b) are not necessary regarding the above amendment for the reason that said amendment conforms the Regulations for Savings and Loan Holding Companies to the provisions of the above-mentioned Public Law; and for the same reason the Board also finds that publication of said amendment for the 30-day period specified in 12 CFR 508.14 and 5 U.S.C. 553(d) prior to the effective date of said amendment is likewise unnecessary; and the Board hereby provides that said amendment shall become effective as hereinbefore set forth.

By the Federal Home Loan Bank Board.

[SEAL] JACK CARTER,
Secretary.

[F.R. Doc. 70-12330; Filed, Sept. 15, 1970; 8:50 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 10574; Amdt. 95-197]

PART 95—IFR ALTITUDES

Miscellaneous Amendments

The purpose of this amendment to Part 95 of the Federal Aviation Regulations is to make changes in the IFR altitudes at which all aircraft shall be flown over a specified route or portion thereof. These altitudes, when used in conjunction with the current changeover points for the routes or portions thereof, also assure navigational coverage that is adequate and free of frequency interference for that route or portion thereof.

As a situation exists which demands immediate action in the interest of safety, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 95 of the Federal Aviation Regulations is amended, effective October 15, 1970, as follows:

1. By amending Subpart C as follows:

Section 95.1001 *Direct Routes—United States* is amended to delete:

From, To, and MEA

Albany, Ga., VOR; Brooklyn INT, Ga.; 2,500.
Brooklyn INT, Ga., INT, 115° M rad, Tuskegee VOR and 218° M rad, Columbus VOR; *2,400. *1,600—MOCA.
Brunswick, Ga., VOR; Stafford INT, Ga.; *1,500. *1,400—MOCA.
Savannah, Ga., VOR; Liberty, Ga. RBN; 2,500.

Section 95.1001 *Direct routes—United States* is amended by adding:

Albany, Ga., VOR; Omaha INT, Ga.; *2,500. *1,900—MOCA.

Section 95.1001 *Direct routes—United States* is amended to read in part:

Woodring, Okla., VOR; Stillwater, Okla, VOR; *2,900. *2,700—MOCA.
Tulsa, Okla., VOR; Bartlesville, Okla., VOR; 2,500.
Reno, Nev., VOR; INT, 180° M rad, Reno, Nev., VOR and 064° M rad, Modesto, Calif., VOR; *24,000. *13,000—MOCA. MAA—39,000.

Section 95.6002 *VOR Federal airway 2* is amended to read in part:

Minneapolis, Minn., VOR; Prescott INT, Wis.; 3,400.
Minneapolis, Minn., VOR via N alter.; River Falls INT, Wis.; via N alter.; 3,400.

Section 95.6003 *VOR Federal airway 3* is amended to read in part:

Ranger INT, Conn.; Yale INT, Conn.; 2,600.
Yale INT, Conn.; Hartford, Conn., VOR; *2,700. *2,100—MOCA.

Section 95.6004 *VOR Federal airway 4* is amended to read in part:

St. Louis, Mo., VOR; Troy, Ill., VOR; 2,100.
Centralia, Ill., VOR; Maunie INT, Ill.; *2,300. *2,100-MOCA.
Maunie INT, Ill.; Evansville, Ind., VOR; 2,100.

Section 95.6006 *VOR Federal airway 6* is amended to read in part:

Selinsgrove, Pa., VOR; Allentown, Pa., VOR; *4,000. *2,900—MOCA.

Section 95.6007 *VOR Federal airway 7* is amended to read in part:

Marianna, Fla., VOR via W alter.; *Malone INT, Fla., via W alter.; **2,000. *3,000—MRA. **1,500—MOCA.
Malone INT, Fla., via W alter.; *Dothan, Ala., VOR via W alter.; 2,000. *3,000—MRA.
Clio INT, Ala.; Shady Grove INT, Ala.; *2,300. *1,900—MOCA.

Section 95.6011 *VOR Federal airway 11* is amended to read in part:

Augusta INT, Ind., via E alter.; *Jasper INT, Ind., via E alter.; **3,500. *3,500—MRA. **1,900—MOCA.

Section 95.6012 *VOR Federal airway 12* is amended to read in part:

Lewis, Ind., VOR; Wilbur INT, Ind.; *2,200. *2,100—MOCA.
Wilbur INT, Ind.; Brooklyn INT, Ind.; *2,600. *1,900—MOCA.
Brooklyn INT, Ind.; Shelbyville, Ind., VOR; *2,600. *2,100—MOCA.

Section 95.6013 *VOR Federal airway 13* is amended to read in part:

Farmington, Minn., VOR; White Bear INT, Minn.; 2,600.

Section 95.6014 *VOR Federal airway 14* is amended to read in part:

Stout INT, Mo.; Vichy, Mo., VOR; *3,000. *2,400—MOCA.

Section 95.6018 *VOR Federal airway 18* is amended to read in part:

Jackson, Miss., VOR via N alter.; *Trace INT, Miss., via N alter.; **2,300. *3,000—MRA. **1,800—MOCA.
Trace INT, Miss., via N alter.; *Stratton INT, Miss., via N alter.; **2,300. *3,500—MRA. **1,800—MOCA.
Stratton INT, Miss., via N alter.; Meridian, Miss., VOR via N alter.; *2,300. *1,800—MOCA.
Monroe, La., VOR; *Redwood INT, Miss.; **2,000. *3,800—MRA. **1,900—MOCA.
Redwood INT, Miss.; *Black INT, Miss.; **2,000. *3,600—MRA. **1,400—MOCA.

Black INT, Miss.; Jackson, Miss., VOR; *2,000. *1,400—MOCA.

Section 95.6020 *VOR Federal airway 20* is amended to read in part:

Russell INT, Ga.; Anderson, S.C., VOR; 3,000.

Section 95.6021 *VOR Federal airway 21* is amended by adding:

Salt Lake City, Utah, VOR; Ogden, Utah, VOR; *7,000. *6,900—MOCA.

Section 95.6021 *VOR Federal airway 21* is amended to read in part:

Fairfield, Utah, VOR; Riverton, Utah, FM; 9,800.

Riverton, Utah, FM; *Salt Lake City, Utah, VOR; northbound 8,000; southbound 9,800. *8,000—MCA Salt Lake City VOR, southbound.

Section 95.6023 *VOR Federal airway 23* is amended to read in part:

Roseburg, Oreg., VOR via W alter.; *Vaughn INT, Oreg., via W alter.; **7,000. *7,000—MRA. **4,400—MOCA.

Vaughn INT, Oreg., via W alter.; Noti INT, Oreg., via W alter.; *7,000. *4,400—MOCA.

Section 95.6026 *VOR Federal airway 26* is amended to read in part:

Sand Creek INT, Wyo.; *Rushmore INT, S. Dak.; **13,000. *9,000—MRA. **9,200—MOCA.

Rushmore INT, S. Dak.; *Rapid City, S. Dak., VOR; Westbound 13,000; Eastbound 7,000. *6,500—MCA Rapid City VOR, Westbound.

Section 95.6039 *VOR Federal airway 39* is amended to read in part:

Pinehurst, N.C., VOR; South Boston, Va., VOR; *2,500. *2,200—MOCA.

Section 95.6051 *VOR Federal airway 51* is amended to read in part:

Livingston, Tenn., VOR via E alter.; Liberty, Ky., VOR via E alter.; *3,100. *2,500—MOCA.

Section 95.6052 *VOR Federal airway 52* is amended to read in part:

St. Louis, Mo., VOR; Troy, Ill., VOR; 2,100.

Section 95.6071 *VOR Federal airway 71* is amended to read in part:

Natchez, Miss., VOR; *Baskin INT, La.; **2,000. *4,000—MRA. **1,800—MOCA.

Baskin INT, La.; Monroe, La., VOR; *2,000. *1,900—MOCA.

Section 95.6078 *VOR Federal airway 78* is amended to read in part:

Minneapolis, Minn., VOR; White Bear INT, Minn.; 3,400.

Section 95.6088 *VOR Federal airway 88* is amended to read in part:

Stout INT, Mo.; Vichy, Mo., VOR; *3,000. *2,400—MOCA.

Section 95.6097 *VOR Federal airway 97* is amended to read in part:

Winona INT, Minn.; Prescott INT, Wis.; *2,900. *2,800—MOCA.

Prescott INT, Wis.; Minneapolis, Minn., VOR; 3,400.

Section 95.6161 *VOR Federal airway 161* is amended to read in part:

River Falls INT, WIS.; Minneapolis, Minn., VOR; 3,400.

Nowata INT, Okla.; Oswego, Kans., VOR; *2,800. *2,300—MOCA.

Section 95.6198 *VOR Federal airway 198* is amended to read in part:

Brookley, Ala., VOR; *Dalphne INT, Ala.; **2,000. *2,200—MRA. **1,500—MOCA.

Dalphne INT, Ala.; Saufley, Fla., VOR; *2,000. *1,500—MOCA.

Section 95.6216 *VOR Federal airway 216* is amended by adding:

Saginaw, Mich., VOR via S. alter.; INT, 134° M rad, Saginaw VOR and 274° M rad, Peck VOR via S alter.; 2,600.

INT, 134° M rad, Saginaw VOR and 274° M rad, Peck VOR via S. alter.; Peck, Mich., VOR via S alter.; *2,600. *2,200—MOCA.

Section 95.6232 *VOR Federal airway 232* is amended to read in part:

Freeland INT, Pa.; Delaware River INT, N.J.; *8,000. *4,000—MOCA.

Delaware River INT, N.J.; Broadway INT, N.J.; *7,000. *2,700—MOCA.

Section 95.6243 *VOR Federal airway 243* is amended to read in part:

Apalona INT, Ind.; *Jasper INT, Ind.; **4,000. *3,500—MRA. **2,000—MOCA.

Jasper INT, Ind.; Lewis, Ind., VOR; *2,400. *2,000—MOCA.

Section 95.6271 *VOR Federal airway 271* is added to read:

Muskegon, Mich., VOR; Manistee, Mich., VOR; *2,800. *2,100—MOCA.

Section 95.6289 *VOR Federal airway 289* is amended to read in part:

South INT, Mo.; Vichy, Mo., VOR; *3,000. *2,400—MOCA.

Section 95.6292 *VOR Federal airway 292* is amended to read in part:

Sparta, N.J., VOR; Spring Valley INT, N.Y.; 3,000.

Spring Valley INT, N.Y.; Nyack INT, N.Y.; 2,300.

Nyack INT, N.Y.; Carmel, N.Y., VOR; 2,000.

Ranger INT, Conn.; Yale INT, Conn.; 2,600.

Yale INT, Conn.; Hartford, Conn., VOR; *2,700. *2,100—MOCA.

Section 95.6337 *VOR Federal airway 337* is amended by adding:

Saginaw, Mich., VOR; Mount Pleasant, Mich., VOR; *2,600. *2,300—MOCA.

Mount Pleasant, Mich., VOR; White Cloud, Mich., VOR; *3,000. *2,300—MOCA.

Section 95.6337 *VOR Federal airway 337* is amended to read in part:

Bloomer INT, Mich.; INT, 134° M rad, Saginaw VOR and 274° M rad, Peck VOR; *3,000. *2,500—MOCA.

INT, 134° M rad, Saginaw VOR and 274° M rad, Peck VOR; Saginaw, Mich., VOR; 2,600.

Section 95.6430 *VOR Federal airway 430* is amended to read in part:

Minot, N. Dak., VOR; Farmer INT, N. Dak.; *3,200. *2,800—MOCA.

Farmer INT, N. Dak.; Devils Lake, N. Dak., VOR; *3,600. *3,000—MOCA.

Section 95.6440 *VOR Federal airway 440* is amended to read in part:

Martha INT, Alaska; *Friday INT, Alaska; **6,500. *7,000—MCA Friday INT, Westbound. **6,400—MOCA.

Friday INT, Alaska; *Puntilla Lake INT, Alaska; #10,000. *11,000—MRA. #MEA is established with a gap in navigation signal coverage.

Puntilla Lake INT, Alaska; *Windy Fork INT, Alaska; 10,000. *8,600—MCA Windy Fork INT, eastbound.

Windy Fork INT, Alaska; McGrath, Alaska, VOR; 4,000.

Section 95.6450 *VOR Federal airway 450* is amended to read:

Green Bay, Wis., VOR; Larrabee INT, Wis.; 3,000.

Larrabee INT, Wis.; Montague INT, Mich.; *3,800. *1,900—MOCA.

Montague INT, Mich.; Muskegon, Mich., VOR; *2,300. *1,900—MOCA.

Muskegon, Mich., VOR; Comstock INT, Mich.; *2,700. *2,200—MOCA.

Comstock INT, Mich.; Owosso INT, Mich.; *2,700. *2,100—MOCA.

Owosso INT, Mich.; Flint, Mich., VOR; *2,600. *2,100—MOCA.

Flint, Mich., VOR; Hunter INT, Mich.; *2,800. *2,300—MOCA.

Section 95.6455 *VOR Federal airway 455* is amended to read in part:

Hattiesburg, Miss., VOR; Meridian, Miss., VOR; *2,300. *1,900—MOCA.

Section 5.6474 *VOR Federal airway 474* is amended to read in part:

Delroy INT, Pa.; Paradise INT, Pa.; 2,800.

Section 95.6510 *VOR Federal airway 510* is amended to read in part:

McGrath, Alaska, VOR; *Windy Fork INT, Alaska; 4,000. *8,600—MCA Windy Fork INT, eastbound.

Windy Fork INT, Alaska; INT, 100° M rad, McGrath, Alaska, VOR and 268° M rad, Big Lake, Alaska, VOR; 10,000.

INT, 100° M rad, McGrath, Alaska, VOR and 268° M rad, Big Lake, Alaska, VOR; Sevenmile INT, Alaska; 10,000.

Susitna INT, Alaska; Big Lake, Alaska, VOR; 2,000.

Section 95.7554 *Jet route No. 554* is amended to read in part:

From, To, MEA, and MAA

INT, 106° M rad, Joliet VORTAC & 279° M rad, Fort Wayne VORTAC; Carleton, Mich., VORTAC; 21,000 and 45,000.

2. By amending Subpart D as follows:

Section 95.8005 *Jet routes changeover points:*

From; to—Changeover point; Distance; from

J–507 is amended to read in part:

Yakutat, Alaska, VOR; Northway, Alaska, VOR; 82; Yakutat.

(Secs. 307, 1110, Federal Aviation Act of 1958, 49 U.S.C. 1348, 1510)

Issued in Washington, D.C., on September 9, 1970.

HARRY A. TURNPAUGH,
Acting Director,
Flight Standards Service.

[F.R. Doc. 70-12258; Filed, Sept. 15, 1970; 8:45 a.m.]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

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

O,O-Diethyl S-[2-(Ethylthio)Ethyl] Phosphorodithioate

A petition (PP 0F0945) was filed with the Food and Drug Administration by the Chemagro Corp., Post Office Box 4913, Kansas City, Mo. 64120, proposing establishment of a tolerance of 0.1 part per million for residues of the insecticide *O,O*-diethyl *S*-[2-(ethylthio)ethyl] phosphorodithioate in or on the raw agricultural commodity peppers.

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 that the proposed tolerance is safe and will protect the public health. Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and under authority delegated to the Commissioner (21 CFR 2.120), § 120.183 is amended by revising the last item "0.1 part per million * * *" to read as follows:

§ 120.183 *O,O*-Diethyl *S*-[2-(ethylthio) ethyl] phosphorodithioate; tolerances for residues.

* * * * *

0.1 part per million in or on peppers and soybeans.

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.

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

Dated: September 4, 1970.

SAM D. FINE,
Associate Commissioner for Compliance.

[F.R. Doc. 70-12286; Filed, Sept. 15, 1970; 8:46 a.m.]

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

Triphenyltin Hydroxide

A petition (PP 9F0841) was filed with the Food and Drug Administration by the Thompson Hayward Chemical Co., Post Office Box 2383, Kansas City, Kans. 66110, proposing establishment of a tolerance of 0.1 part per million for negligible residues of the fungicide triphenyltin hydroxide in or on the raw agricultural commodity sugar beets.

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 materials, the Commissioner of Food and Drugs concludes:

1. Residues of the fungicide are not reasonably expected to result in milk or meat from the feed use of dried sugar beet pulp. This use is in the category set forth in § 120.6(a)(3).

2. The proposed tolerance is safe and will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and under authority delegated to the Commissioner (21 CFR 2.120), § 120.236 is revised as follows:

§ 120.236 Triphenyltin hydroxide; tolerances for residues.

Tolerances are established for residues of the fungicide triphenyltin hydroxide in or on raw agricultural commodities as follows:

0.1 part per million (negligible residue) in or on sugar beets (but not tops).

0.05 part per million (negligible residue) in or on pecans and potatoes.

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.

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

Dated: September 4, 1970.

SAM D. FINE,
Associate Commissioner for Compliance.

[F.R. Doc. 70-12287; Filed, Sept. 15, 1970; 8:46 a.m.]

SUBCHAPTER C—DRUGS

PART 135a—NEW ANIMAL DRUGS FOR OPHTHALMIC AND TOPICAL USE

Kanamycin Ophthalmic Ointment and Solution

Correction

In F.R. Doc. 70-11869 appearing at page 14211 in the issue for Wednesday, September 9, 1970, the reference to "§ 148.1" in § 135a.5(a)(1) should read "§ 148h.1".

PART 144—ANTIBIOTIC DRUGS; EXEMPTIONS FROM LABELING AND CERTIFICATION REQUIREMENTS

Arsenosobenzene and Antibiotic Drugs in Poultry Feed; Revocation of Exemption From Certification Requirements

No comments were received in response to the notice published in the FEDERAL REGISTER of June 12, 1970 (35 F.R. 9215), in which for reasons given the Commissioner of Food and Drugs proposed to revoke the exemption from certification of poultry feeds containing arsenosobenzene and antibiotic drugs. Accordingly, the Commissioner concludes that the proposal should be adopted.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512, 82 Stat. 343-51; 21 U.S.C. 360b) and under authority delegated to the Commissioner (21 CFR 2.120), § 144.26 *Animal feed containing certifiable antibiotic drugs* is amended by deleting "or arsenosobenzene in a quantity, by weight of feed, of 0.002 percent," from paragraph (b)(18)(i).

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

(Sec. 512, 82 Stat. 343-51; 21 U.S.C. 360b)

Dated: September 4, 1970.

SAM D. FINE,
Associate Commissioner for Compliance.

[F.R. Doc. 70-12288; Filed, Sept. 15, 1970; 8:46 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of Transportation

SUBCHAPTER I—ANCHORAGES

[CGFR 70-53A]

PART 110—ANCHORAGE REGULATIONS

Subpart A—Special Anchorage Areas

MARCO ISLAND, MARCO RIVER, FLA.

1. The Commander, Seventh Coast Guard District, Miami, Fla., by a public notice dated March 13, 1970, proposed the establishment of a special anchorage area east of Captains Landing Docks in the Marco River at Marco Island, Collier County, Fla. This notice was amended to correct a typographical error by a public notice dated March 25, 1970. These notices were made available to all persons known to have an interest in the subject. In addition, a notice of proposed rule making was published in the FEDERAL REGISTER of April 16, 1970 (35 F.R. 6188). No objections were received. Therefore, the request to establish a special anchorage area east of Captains Landing Docks in the Marco River at Marco Island, Collier County, Fla., is granted. In this special anchorage area, vessels not more than 65 feet in length, when at anchor, are not required to carry or exhibit anchor lights.

2. Part 110 is amended by adding a new § 110.74 to read as follows:

§ 110.74 Marco Island, Marco River, Fla.

Beginning at a point approximately 300 feet east of the Captains Landing Docks at latitude 25°58'04" N., longitude 81°43'31" W.; thence 108°, 450 feet; thence 198°, 900 feet; thence 288°, 450 feet; thence 018°, 900 feet to the point of beginning.

NOTE: The area is principally for use by yachts and other recreational craft. Fore and aft moorings will be allowed. Temporary floats or buoys for marking anchors in place will be allowed. Fixed mooring piles or stakes are prohibited. All moorings shall be so placed that no vessel, when anchored, shall at any time extend beyond the limits of the area.

(Sec. 1, 30 Stat. 98, as amended, sec 6(g)(1)(B), 80 Stat. 937; 33 U.S.C. 180, 49 U.S.C. 1655 (g)(1)(B); 49 CFR 1.46(c)(2) (35 F.R. 4959))

Effective date. This amendment shall become effective 30 days following the date of publication in the FEDERAL REGISTER.

Dated: September 9, 1970.

C. R. BENDER,
Admiral, U.S. Coast Guard, Commandant.

[F.R. Doc. 70-12292; Filed, Sept. 15, 1970; 8:46 a.m.]

Title 42—PUBLIC HEALTH

Chapter I—Public Health Service, Department of Health, Education, and Welfare

SUBCHAPTER G—PREVENTION, CONTROL, AND ABATEMENT OF AIR POLLUTION

PART 81—AIR QUALITY CONTROL REGIONS, CRITERIA, AND CONTROL TECHNIQUES

Evansville (Indiana)—Owensboro-Henderson (Kentucky) Interstate Air Quality Control Region

On May 20, 1970, notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 7740) to amend Part 81 by designating the Evansville (Indiana)—Owensboro-Henderson (Kentucky) Interstate Air Quality Control Region.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments, and a consultation with appropriate State and local authorities pursuant to section 107(a) of the Clean Air Act (42 U.S.C. 1857c-2(a)) was held on June 26, 1970. Due consideration has been given to all relevant material presented.

In consideration of the foregoing and in accordance with the statement in the notice of proposed rule making, § 81.61, as set forth below, designating the Evansville (Indiana)—Owensboro-Henderson (Kentucky) Interstate Air Quality Control Region, is adopted effective on publication.

§ 81.61 Evansville (Indiana)—Owensboro-Henderson (Kentucky) Interstate Air Quality Control Region.

The Evansville (Indiana)—Owensboro-Henderson (Kentucky) Interstate Air Quality Control Region 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 Indiana:

Dubois County.	Posey County.
Gibson County.	Spencer County.
Perry County.	Vanderburgh County.
Pike County.	Warrick County.

In the State of Kentucky:

Daviess County.	Henderson County.
Hancock County.	Union County.

(Secs. 107(a), 301(a), 81 Stat. 490, 504; 42 U.S.C. 1857c-2(a), 1857g(a))

Dated: September 3, 1970.

JOHN G. VENEMAN,
Acting Secretary.

[F.R. Doc. 70-12093; Filed, Sept. 15, 1970; 8:45 a.m.]

PART 81—AIR QUALITY CONTROL REGIONS, CRITERIA, AND CONTROL TECHNIQUES

Huntington (West Virginia)—Ashland (Kentucky) — Portsmouth - Ironton (Ohio) Interstate Air Quality Control Region

On May 20, 1970, notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 7740) to amend Part 81 by designating the Huntington (West Virginia)—Ashland (Kentucky)—Portsmouth-Ironton (Ohio) Interstate Air Quality Control Region.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments, and a consultation with appropriate State and local authorities pursuant to section 107(a) of the Clean Air Act (42 U.S.C. 1857c-2(a)) was held on June 25, 1970. Due consideration has been given to all relevant material presented.

In consideration of the foregoing and in accordance with the statement in the notice of proposed rule making, § 81.64, as set forth below, designating the Huntington (West Virginia)—Ashland (Kentucky)—Portsmouth-Ironton Ohio) Interstate Air Quality Control Region, is adopted effective on publication.

§ 81.64 Huntington (West Virginia)—Ashland (Kentucky)—Portsmouth-Ironton (Ohio) Interstate Air Quality Control Region.

The Huntington (West Virginia)—Ashland (Kentucky)—Portsmouth-Ironton (Ohio) Interstate Air Quality Control Region 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 West Virginia:

Cabell County.	Wayne County.
Mason County.	

In the State of Kentucky:

Boyd County.	Lawrence County.
Greenup County.	

In the State of Ohio:

Gallia County.	Scioto County.
Lawrence County.	

(Secs. 107(a), 301(a), 81 Stat. 490, 504; 42 U.S.C. 1857c-2(a), 1857g(a))

Dated: September 3, 1970.

JOHN G. VENEMAN,
Acting Secretary.

[F.R. Doc. 70-12092; Filed, Sept. 15, 1970; 8:45 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 18627; FCC 70-963]

PART 89—PUBLIC SAFETY RADIO SERVICES

Radio Call Box Operations

Report and order. 1. On August 8, 1969, a notice of proposed rule making (FCC 69-853) was released in the above-entitled matter proposing to adopt specific rule standards for licensing radio call box systems in the Public Safety Radio Services in the 72–76 MHz band. The notice solicited comments by September 15, 1969, and replies by September 25, 1969. By subsequent order (Mimeo No. 41085), released November 10, 1969, we extended the comment and reply comment periods until December 5, and December 20, 1969, respectively.

2. Briefly, the 72–76 MHz band is between television Channels 4 and 5. Radio call box systems, as well as other radio users, have been licensed in this band upon a prescribed special showing intended to prevent harmful interference to television reception on those channels. However, the Commission had concluded tentatively in its notice that a number of factors existed which required special rules to govern the operation of radio call box systems in that band. Thus, we proposed to authorize radio call boxes in the 72–76 MHz band on a regular basis under the following proposed standards: The maximum radiated power would be limited to 1 watt; the maximum height of the antenna proposed would be 20 feet above ground, antenna gain would be limited to unity and only vertical polarization would be permitted; call boxes would transmit only one-way tone signals of short duration (2 seconds maximum) and the signal from any one transmitter could be repeated only after 1-minute interval; and, finally, applicants for call boxes would be required to select a frequency with the greatest possible frequency separation from Channel 4 or 5. With these standards and, more importantly, because of the extremely low duty cycle of call box systems as well as the complete absence of any complaints of interference from existing call box systems, we expected that the interference potential to television reception would be inconsequential. Therefore, we did not propose to impose specifically a responsibility on call box system licensees to eliminate interference to television reception, should any occur.

3. Comments were submitted by the Academy of Model Aeronautics, Inc. (AMA); Associated Public-Safety Communication Officers, Inc. (APCO); California Public Safety Radio Association, Inc. (CPSRA); Eagle-Picher Industries, Inc.; the Electronics Industries Association (EIA); Motorola Communications and Electronics, Inc.; National Broadcasting Co., Inc. (NBC); Northern California Chapter of the Associated Public Safety Communication Officers, Inc. (NCAPCO); RCA Corp., Solid State Technology; Chronicle Broadcasting Co. (Chronicle); The Association of Maximum Service Telecasters, Inc. (MST), WJXT of Jacksonville, Fla. (WJXT) and WLAC-TV, Inc., of Nashville, Tenn. (WLAC-TV).

4. MST, Chronicle, WJXT, and WLAC opposed our proposal. All of the other parties who filed comments supported it, some with reservations,[1] while others suggested a number of modifications which are discussed and are disposed of below. Those who opposed our proposal argued mainly that widespread use of radio call boxes in the 72–76 MHz band could result in significant interference to television reception on Channels 4 and 5. MST and others argued, for example, that the interference potential of a radio call box is greater than we had indicated in the notice; that our proposal would be "a fundamental change in the allocation principle governing the use of frequencies in the 72–76 MHz band, that of noninterference to television reception * * *", and urged that * * * "the Commission should continue to require an adequate technical showing of the likelihood of noninterference before deleting even the engineering criteria of § 89.101(c), (4), and (5)." Finally, MST and others urged that, if the Commission decides to permit radio call boxes in the 72–76 MHz band, it should continue to require licensees to "satisfy interference complaints."

5. We have considered all of the comments carefully and we have concluded that the public interest would be served by permitting the operation of radio call box systems in the 72–76 MHz band essentially under the standards proposed but with some modifications, discussed below, which appear desirable in light of the comments. The reasons for our decisions are essentially the same as those recited in the notice and nothing offered in the comments persuades us to depart from the basic proposition.

6. We agree, at least in part, with those who argued that a signal from a radio call box operating under the proposed standards potentially could interfere with the reception of television signals on Channel 4 or 5 at distances greater than the 200 feet we indicated in the notice, depending on a number of factors including the distance from the television transmitter. Generally, the radius of interference potential will increase as the distance from the television transmitter increases. Nevertheless, the potential for harmful interference to the reception of television from call box systems operating under the proposed standards would be minimal at worst, certainly not enough to require barring radio call boxes from the 72–76 MHz band. We reach this conclusion because, in our view, the extremely low duty cycle of call box systems, the brevity of each transmission together with the technical limitations we have adopted would insure against any significant interference to television reception. Eagle-Picher, a manufacturer of radio call box equipment, for example, stated that its experience with street fire alarms indicate that a system of 75 to 100 boxes can be expected to transmit "* * * 6 to 10 messages per month, or roughly 20 to 30 seconds of air time." Further, each message is to last no longer than two seconds so that, even assuming that every signal interferes with television reception, the interference would not be more disruptive than that caused by passing airplanes, ignition noise, and other such sources of interference.

7. Experience with existing call box systems supports these conclusions. A survey of licensees conducted in the summer of 1969 showed that call boxes installed even on busy highways for use by motorists had a low duty cycle. For example, call box activation in a system operated on the Maryland portion of the Capital Beltway, the largest call box system authorized, has been slightly more than once a day per mile. There are four boxes in approximately 1 mile of the highway. Generally, fire alarm systems are used less frequently. Of equal, or perhaps greater, significance, is the complete absence of any interference to television reception from existing radio call box operations. None of the existing call box licensees we surveyed reported any complaints of interference. Also NBC, which operates television stations on Channel 4 in Washington, D.C., and in Los Angeles, Calif., where radio call box systems have been authorized, reported in its comments that there has been no interference with its operations. We note that those who opposed our proposal offered no factual evidence of any interference to television reception from existing systems. Accordingly, requests that we impose a noninterference condition on call box use are denied. However, call box licensees will be expected to cooperate in alleviating interference problems.

8. In sum, our action here is not making a "fundamental change in the allocation principle" for the use of the frequencies in the 72–76 MHz band, as MST argued. We are promoting the fuller use of the frequencies in that band in the public interest consistent with our desire to protect from harmful interference television broadcasting on the adjacent Channels 4 and 5.

9. We recognize, however, that our experience with radio call box systems in the 72–76 MHz band is limited and, therefore, we believe that the better course to follow is to proceed cautiously particularly in urban areas. Thus, we

[1] Motorola Inc., for example, argued that call box systems, to be fully effective, should be capable of two-way communications and suggested that our proposal to permit radio call boxes in the 72–76 MHz band would not meet fully the requirements of public safety officials. It urged that the Commission act favorably on the petition (RM-1509) filed jointly by the States of Rhode Island and Connecticut and the Commonwealth of Massachusetts asking the Commission to authorize radio call boxes for two-way voice communication on highways on the four pairs of frequencies in the 450–470 MHz band which have been reserved for possible future use in connection with a highway safety communications system.

think that, for the time being, it is desirable to limit the size of the system we will authorize until we get more experience not only with respect to the interference potential of call box systems but also with respect to the utility and the demand for large scale use of such systems. Accordingly, we will not authorize systems of more than 250 units in any call box system. This should accommodate substantially the needs indicated so far, primarily in suburban and other relatively small communities and to a more limited extent on parts of densely traveled highways.

10. We now turn to the comments directed more specifically to the proposed technical standards. It was urged that we permit higher power and antenna height in order to increase the reliability of call box systems. However, it has not been shown that more power and higher antennas are necessary. Call box transmitters now available are about 2.5 watts input or 1 watt output and systems conform generally with the proposed standards. The available evidence indicates that the power and antenna height limits are adequate. There is no indication, either in the comments or in the responses to our survey of existing licenses, that these call boxes have been unreliable because of these aspects. In fact, except for the city of Los Angeles which is converting its radio call box system to telephones for reasons unrelated to power and antenna limitation, licensees report that call box systems are highly dependable. Additionally, reliability is likely to be augmented since adoption of rules for licensing radio call boxes on a regular basis should encourage equipment manufacturers to develop even more efficient and reliable systems than are being marketed today. For all of these reasons, we find that the basic proposed power and antenna height limitations should be maintained, but we are including a provision for transmitters of 2.5 watts plate input power.

11. Other comments questioned the proposal to limit each transmission to 2 seconds and to permit reactivation of each transmitter only after a minimum of 1-minute intervals. Eagle-Picher and RCA urged that we permit repetition of the signal three or four times within about 30 seconds. They note that Standard No. 73 of the National Fire Protection Association, which is followed for municipal fire alarm systems, states that "Boxes transmitting a coded indication shall send three or four rounds of the box number." We find that provisions for a series of automatic repetitions of radio call box transmissions is warranted to help assure that the message is received. Two additional 2-second transmissions spaced within the 30 seconds following the initial signal should be sufficient and will be permitted. However, as proposed, a 1-minute interval for reactivation of the signal cycle will be retained. In addition, in order to prevent interference caused by malfunctioning equipment, we will require that each call box provide automatic means to deactivate the transmitter in the event the carrier remains on for a period in excess of 3 minutes.

12. The 68 frequencies in the 72–76 MHz band which would be available for call box operations include five frequencies which may be also assigned in the Citizens Radio Service for model aircraft control.[2] The AMA requests that these frequencies be assigned for call boxes only after it is shown "that none of the remaining frequencies was available in the area, and that the use of one or more of these five frequencies would be less likely to result in mutual harmful interference than would the use of a frequency otherwise available." However, this request must be denied as inconsistent with § 95.41(c)(2)(ii) of the Commission's rules which provides that protection will not be afforded for model aircraft control from interference due to the operation of fixed stations in other services on the same frequencies. Nevertheless, it can be expected that applicants will give consideration to this possibility of mutual interference in their own interest as well as with regard to the model aircraft control problem when they make their frequency selection.

13. Comments suggesting that the tone system used in a particular call box installation be required to be specified in the application and be shown on the authorization or included within the Commission's data base have been considered. We are aware that some problems have been caused due to the use of tone controlled squelch systems in land mobile installations. In the call box case, however, the signaling systems employ digital methods and it appears extremely unlikely that the system of one manufacturer would falsely activate the readout device employed by another. We are currently reviewing the uses of tone coding devices and we may propose standards for these devices. We would, at that time, conform our licensing of call boxes to whatever data elements prove to be required to alleviate unwanted unlocking of receivers.

14. Finally, the question was raised as to whether the proposed standards should apply to radio call box systems to be operated at substantial distances from television stations on Channel 4 or 5. We believe this would be desirable. First, as we have stated, the power and antenna limits we have adopted are adequate for satisfactory service. Secondly, in the absence of a compelling need for varying standards, it is desirable to apply the same standards across the board for ease in administration and to promote equipment standardization. Accordingly, the same rules will apply to all call box systems authorized in the 72–76 MHz band.

15. In view of the foregoing, we conclude that the public interest would be served by adopting the rules set forth in Appendix I below. Authority for our action is contained in sections 4(i) and 303 of the Communications Act of 1934, as amended.

16. *Accordingly, it is ordered,* That, effective October 19, 1970, Part 89 of the Commission's rules is amended as shown below. *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: September 9, 1970.

Released: September 11, 1970.

FEDERAL COMMUNICATIONS COMMISSION,[3]
[SEAL] BEN F. WAPLE,
Secretary.

APPENDIX I

Part 89 of the Commission's rules is amended as follows:

1. Section 89.101(c) is amended to read as follows:

§ 89.101 Frequencies.

* * * * *

(c) Except as provided in § 89.102, the following frequencies in the band 72–76 MHz may be authorized and used only in accordance with the criteria set forth in subparagraphs (1) to (6) of this paragraph.

* * * * *

2. New § 89.102 is added to read as follows:

§ 89.102 Radio call box operations in the 72–76 MHz band.

(a) The frequencies listed in § 89.101 (c) may be assigned in the Local Government Radio Service for operation of radio call boxes to be used by the public to request fire, police, ambulance, road service and other emergency assistance subject to the following conditions and limitations.

(1) Maximum transmitter power either 2.5 watts plate input to the final stage or one watt output.

(2) Antenna gain may not exceed zero dBd [referred to a half-wave dipole] in any direction.

(3) Only vertical polarization of antennas may be permitted.

(4) The antenna and its supporting structure must not exceed 20 feet in height above the ground.

(5) A1, A2, F1, or F2 emission only may be authorized.

(6) Transmitter frequency tolerance shall be 0.005 percent.

(7) Except for test purposes, each transmission must be limited to a maximum of 2 seconds and may be automatically repeated not more than two times at spaced intervals within the following 30 seconds; thereafter, the authorized cycle may not be reactivated for 1 minute.

(8) All transmitters installed after December 10, 1970, shall be furnished with automatic means to deactivate the transmitter in the event the carrier remains on for a period in excess of 3 minutes. The automatic cutoff system must be so designed that the transmitter cannot be reactivated until manually reset.

[2] By a further notice of proposed rule making, released on June 12, 1970, in Docket 18733 (FCC 70-603), it is proposed to allocate two additional frequencies in this band, 72.16 and 72.32 MHz, for model control in the Citizens Radio Service.

[3] Commissioner Robert E. Lee concurring and issuing a statement in which Commissioner Johnson joins which is filed as part of the original document; Commissioner H. Rex Lee absent.

(9) Frequency selection must be made with due regard to reception of television stations on channels 4 (66–72 MHz) and 5 (76–82 MHz) and should maintain the greatest possible frequency separation from either or both of these channels if they are assigned in the area.

(10) Until further order of the Commission, the maximum number of radio call boxes that may be authorized in any call box system is 250.

(b) Radio call box systems authorized before December 10, 1970, may continue to be authorized subject to the provisions of § 89.101(c).

APPENDIX II

CALL BOX TRANSMITTERS NOT ACCEPTABLE FOR NEW INSTALLATIONS

The following call box transmitters have not been shown to be capable of compliance with the timing requirements of § 89.102(a). In addition, those noted by asterisk (*) have rated power in excess of the limitations of § 89.102(a)(1). These transmitter types will not be acceptable for new installations on or after December 10, 1970, and will be so noted in the Commission's Radio Equipment List. Any manufacturer or licensee wishing to provide a showing of compliance by his equipment with these requirements may file appropriate data for consideration by the Commission as to whether the particular transmitter type should be reconsidered for its acceptability for use in any such new installation.

EAGLE-PICHER INDUSTRIES, INC.

EP–M1	EP–M1A

GAMEWELL DIVISION OF GULF & WESTERN

M110

HOFFMAN ELECTRONICS CORP.

*EC–T–267–A	*EC–T–267–C
EC–T–267–A2	EC–T–267–C3
EC–T–267–A3	EC–T–267–C4
EC–T–267–A4	*EC–T–267–D
*EC–T–267–B	EC–T–267–D3
EC–T–267–B3	EC–T–267–D4
EC–T–267–B4	

PACIFIC WORLD INDUSTRIES

MA–T–1	MA–T–3
MA–T–1M	MA–T–3M
MA–T–2	MA–T–4
MA–T–2M	MA–T–4M

RCA CORP.

VTC–C–102–A	VTC–C–104–A
VTC–C–102–B	VTC–C–104–B
VTC–C–102–C	VTC–C–104–C
VTC–C–102–D	VTC–C–104–D
VTC–C–103–A	VTC–C–104–E
VTC–C–103–B	VTS–C–101–A
VTC–C–103–C	VTS–C–101–B
VTC–C–103–D	VTS–C–101–C
VTC–C–103–E	VTS–C–101–D

SPENCER-KENNEDY LABS.

PA–T–0–1	PA–T–2–2
PA–T–0–2	PA–T–2–3
PA–T–0–3	PA–T–2–4
PA–T–0–4	PA–T–3
PA–T–1	PA–T–3–1
PA–T–1–1	PA–T–3–2
PA–T–1–10	PA–T–3–3
PA–T–1–11	PA–T–3–4
PA–T–1–12	PA–T–4
PA–T–1–2	PA–T–4–1
PA–T–1–3	PA–T–4–2
PA–T–1–4	PA–T–4–3
PA–T–2	PA–T–4–4
PA–T–2–1	

[F.R. Doc. 70–12315; Filed, Sept. 15, 1970; 8:49 a.m.]

Title 49—TRANSPORTATION

Subtitle A—Office of the Secretary of Transportation

[OST Docket No. 1, Amdt. 1–36]

PART 1—ORGANIZATION AND DELEGATION OF POWERS AND DUTIES

Delegation of Authority With Respect to Administration of Water Quality Improvement Act of 1970

The purpose of this amendment is to delegate to the Commandant of the Coast Guard the authority of the Secretary of Transportation, under sections 11(b)(5) and 13 of the Federal Water Pollution Control Act of 1956, added by the Water Quality Improvement Act of 1970 (Public Law 91–224; 84 Stat. 92, 100), and under sections 1 (b), (e), and (g), 2 (a) through (d), and 5 of Executive Order 11548, of July 20, 1970 (35 F.R. 11677).

Section 11(b)(5) of the Water Pollution Control Act, as amended, provides for the assessment of civil penalties for the discharge of oil into the navigable waters of the United States. Section 13 of the Act, as amended, provides for control of sewage from vessels. Section 1 (b), (e), and (g) of Executive Order 11548 directs the Secretary of the Interior and, upon Reorganization Plan No. 3 of 1970 becoming effective, the Administrator of the Environmental Protection Agency to consult with the Secretary of Transportation in carrying out certain enumerated provisions of sections 11 and 12 of the Act, as amended. Section 2 (a) through (d) of the Executive order directs the Secretary of Transportation to carry out certain enumerated provisions of section 11 of the Act, as amended. Section 5 of the Executive order directs the Secretary of Transportation to carry out certain enumerated provisions of sections 11 and 12 of the Act, as amended, in and for the waters and areas assigned to him under § 306.2 of the National Oil and Hazardous Materials Pollution Contingency Plan (35 F.R. 8511).

Since this amendment involves a delegation of authority and relates to the internal management of the Department, notice and public procedure thereon are not required and the amendment may be made effective in less than 30 days.

In consideration of the foregoing, effective September 9, 1970, § 1.46 of Title 49, Code of Federal Regulations is amended by adding new paragraphs (l) and (m) at the end thereof to read as set forth below.

§ 1.46 Delegations to Commandant of the Coast Guard.

* * * * *

(l) Carry out sections 11(b)(5) and 13 of the Water Pollution Control Act of 1956, added by the Water Quality Improvement Act of 1970 (84 Stat. 92, 100), relating to the assessment of civil penalties for the discharge of oil into the navigable waters of the United States and the control of sewage from vessels, respectively.

(m) Carry out the responsibilities and exercise the authorities delegated to the Secretary of Transportation by sections 1 (b), (e), and (g), 2 (a) through (d), and 5 of Executive Order No. 11548 (35 F.R. 11677), relating to the administration of the Water Quality Improvement Act of 1970 (84 Stat. 91).

(Sec. 9, Department of Transportation Act (49 U.S.C. 1659); sec. 7, Executive Order 11548 (35 F.R. 11679))

Issued in Washington, D.C., on September 9, 1970.

JOHN A. VOLPE,
Secretary of Transportation.

[F.R. Doc. 70–12293; Filed, Sept. 15, 1970; 8:47 a.m.]

Title 50—WILDLIFE AND FISHERIES

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

PART 32—HUNTING

Washita National Wildlife Refuge, Okla.

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

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

OKLAHOMA

WASHITA NATIONAL WILDLIFE REFUGE

The public hunting of quail and cottontail rabbits on the Washita National Wildlife Refuge, Okla., is permitted only on the areas designated by signs as open to hunting. This open area, comprising 2,430 acres, is delineated on maps available at refuge headquarters, Butler, Okla., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103.

Upland game hunting shall be in accordance with all applicable State regulations governing the hunting of quail and cottontail rabbits subject to the following special conditions:

(1) The open season for quail hunting on the refuge extends from November 21, 1970, through January 14, 1971, inclusive.

(2) The open season for cottontail rabbit hunting on the refuge extends from November 21, 1970, through January 14, 1971, inclusive.

(3) Hunting of either quail or cottontail rabbits is permitted only on Mondays, Thursdays, Saturdays, and national holidays.

(4) Rifles and hand guns are prohibited on the refuge. Only shotguns are legal firearms for the taking of quail and rabbits on the refuge.

The provisions of this special regulation supplement the regulations which

govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 14, 1971.

LEMOYNE B. MARLATT,
Refuge Manager, Washita National Wildlife Refuge, Butler, Okla.

AUGUST 18, 1970.

[F.R. Doc. 70-12290; Filed, Sept. 15, 1970; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 926]

TOKAY GRAPES GROWN IN SAN JOAQUIN COUNTY, CALIF.

Approval of Expenses and Fixing of Rate of Assessment for 1970–71 Fiscal Period

Consideration is being given to the following proposals submitted by the Industry Committee, established under the marketing agreement, as amended, and Order No. 926, as amended (7 CFR Part 926), regulating the handling of Tokay grapes grown in San Joaquin County, Calif., effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), as the agency to administer the terms and provisions thereof:

(a) That expenses that are reasonable and likely to be incurred by the Industry Committee, during the period April 1, 1970, through March 31, 1971, will amount to $27,225.

(b) That there be fixed, at three cents ($0.03) per standard package or equivalent quantity of Tokay grapes, the rate of assessment payable by each handler in accordance with § 926.46 of the aforesaid marketing agreement and order.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals should file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the 10th day after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: September 11, 1970.

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

[F.R. Doc. 70–12328; Filed, Sept. 15, 1970; 8:50 a.m.]

Packers and Stockyards Administration

[9 CFR Part 201]

PACKERS AND LIVE POULTRY DEALERS AND HANDLERS

Business Dealings With Poultry Growers and Sellers; Extension of Time To File Comments

On July 21, 1970, there was published in the FEDERAL REGISTER (35 F.R. 11634) a notice of a proposal to amend the regulations (9 CFR Part 201) by the addition thereto of new §§ 201.100 through 201.110, pertaining to packers and live poultry dealers and handlers regarding their business dealings with poultry growers and sellers. The notice provided that written data, views, or arguments concerning the proposed amendments should be filed in duplicate with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, within 60 days from the publication of the notice in the FEDERAL REGISTER. The time for filing such comments will expire on September 19, 1970.

In response to a request from the industry, the time for filing such written data, views, or arguments is hereby extended to and including November 18, 1970.

Done at Washington, D.C., this 10th day of September 1970.

DONALD A. CAMPBELL,
Administrator, Packers and Stockyards Administration.

[F.R. Doc. 70–12326; Filed, Sept. 15, 1970; 8:49 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[41 CFR Part 50–201]

WALSH-HEALEY PUBLIC CONTRACTS ACT

Proposed Extension of Exemption of Outside Salesmen

In furtherance of the Wage and Hour Division's objective of uniform application of the Fair Labor Standards Act and the Walsh-Healey Public Contracts Act where possible, pursuant to section 6 of the Walsh-Healey Public Contracts Act, I propose to exempt those employees employed in the capacity of outside salesmen under section 13(a)(1) of the Fair Labor Standards Act as that term is defined and delimited by the rules published in Part 541 of Title 29, Code of Federal Regulations, from the application of the Walsh-Healey Public Contracts Act, and would amend § 50–201.102 of Title 41, Code of Federal Regulations, to read as set forth below.

Interested persons may, within 30 days from the date of publication of this notice in the FEDERAL REGISTER, submit data, views, or arguments in writing to the Office of the Administrator of the Wage and Hour Division, U.S. Department of Labor, 14th and Constitution Avenue NW., Washington, D.C. 20210, relative to the proposal.

Section 50–201.102 would read as follows:

§ 50–201.102 Employees affected.

The stipulations shall be deemed applicable only to employees engaged in or connected with the manufacture, fabrication, assembling, handling, supervision, or shipment of materials, supplies, articles, or equipment required under the contract, and shall not be deemed applicable to employees performing only office or custodial work, nor to any employee employed in a bona fide executive, administrative, professional, or outside salesman capacity, as those terms are defined and delimited by the regulations (29 CFR Part 541) applicable during the period of performance of the contract under section 13(a)(1) of the Fair Labor Standards Act of 1938, as amended.

(Secs. 4 and 6, 49 Stat. 2038; 41 U.S.C. 38, 40)

Signed at Washington, D.C., this 11th day of September 1970.

ROBERT D. MORAN,
Administrator.

[F.R. Doc. 70–12332; Filed, Sept. 15, 1970; 8:50 a.m.]

DEPARTMENT OF TRANSPORTATION

Hazardous Materials Regulations Board

[49 CFR Part 173]

[Docket No. HM–58; Notice 70–17]

TRANSPORTATION OF HAZARDOUS MATERIALS

Retest of Damaged Tank Car Tanks

The Hazardous Materials Regulations Board is considering amending § 173.31 of the Department's Hazardous Materials Regulations to require the hydrostatic retest of damaged tank car tanks after repairs requiring hot or cold forming to restore tank shell contour.

This proposal is based upon a petition submitted by the Manufacturing Chemists Association. Presently, the regulations do not require the retest of single unit tank car tanks that have been heated or cold jacked and straightened after damage unless the repair of such tanks also required welding, riveting, or calking of rivets.

The Board believes the petition has merit and would provide another positive factor in assuring product retention capability of the tank car before it is returned to service, notwithstanding the existing requirements of § 173.31(f) relative to repairs or alterations.

In consideration of the foregoing, it is proposed to amend 49 CFR 173.31 as follows:

In § 173.31 paragraph (c) (9) would be amended to read as follows:

§ 173.31 Qualification, maintenance, and use of tank cars.

* * * * *

(c) * * *

(9) After repairs requiring welding, riveting, calking of rivets, or hot or cold forming to restore tank shell contour, tanks must be retested as specified in Retest Table 1 of this paragraph before return to service. Glass, lead, or rubber lined tanks must be retested before lining is renewed. Interior heater systems must be retested before return to service after repairs or renewals of any part of the system.

* * * * *

Interested persons are invited to give their views on this proposal. Communications should identify the docket number and be submitted in duplicate to the Secretary, Hazardous Materials Regulations Board, Department of Transportation, 400 Sixth Street SW., Washington, D.C. 20590. Communications received on or before November 17, 1970, will be considered before final action is taken on the proposal. All comments received will be available for examination by interested persons at the Office of the Secretary, Hazardous Materials Regulations Board, both before and after the closing date for comments.

This proposal is made under the authority of sections 831–835 of title 18, United States Code, and section 9 of the Department of Transportation Act (49 U.S.C. 1657).

Issued in Washington, D.C., on September 9, 1970.

CARL V. LYON,
Acting Administrator,
Federal Railroad Administration.

[F.R. Doc. 70-12314; Filed, Sept. 15, 1970; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 14119]

BROADCAST ANNOUNCEMENTS OF FINANCIAL INTERESTS

Order Extending Time for Filing Comments and Reply Comments

In the matter of broadcast announcement of financial interests of broadcast stations and networks and their principals and employees in service and commodities receiving broadcast promotions.

1. On May 19, 1970, the Commission issued a notice of tentative decision in this proceeding (FCC 70-511) (35 F.R. 7982), including a proposed report and order and the text of a "plugola" rule, the latter including 23 examples of the rule's operation in particular situations. The dates for comments and reply comments on the tentative decision are presently September 15, 1970, and October 13, 1970, respectively.

2. On September 4, 1970, the National Association of Broadcasters (NAB) filed a "Petition for Further Extension of Time in Which to File Comments" for a period of 30 days in which to file comments in this proceeding. NAB states that it intends to file joint comments with the networks and other interested parties and in fact has already held meetings with the networks and the Commission staff. However, due to the press of other business before the Commission, they will not be able to prepare meaningful and useful comments by the September 15 deadline. It also states that this extension would be acknowledged as a final deadline and neither NAB nor the networks would request any additional time.

3. It appears that the requested extension of time is warranted and would serve the public interest. *Accordingly, it is ordered,* That the time for filing comments and reply comments in response to the notice of tentative report and order in this proceeding is extended to October 15, 1970, and November 13, 1970, respectively. Authority for this action is contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended, and § 0.281(d) (8) of the Commission's rules.

Adopted: September 8, 1970.

Released: September 9, 1970.

[SEAL] GEORGE S. SMITH,
Chief, Broadcast Bureau.

[F.R. Doc. 70-12317; Filed, Sept. 15, 1970; 8:49 a.m.]

[47 CFR Part 89]

[Docket No. 19001; FCC 70-988]

LOCAL GOVERNMENT RADIO SERVICE

Certain Frequencies for Highway Emergency Radio Communication System

In the matter of amendment of Part 89 of the rules to permit regular use in the Local Government Radio Service of certain reserved 450 MHz frequencies for the purpose of operating a highway emergency radio communication system, Docket No. 19001, RM-1509.

1. The Commission has under consideration a joint petition submitted by the States of Connecticut, Massachusetts, and Rhode Island requesting amendment of § 89.259 (f) and (g) (11) of the rules governing frequency assignments in the Local Government Radio Service. Specifically, it is proposed that four frequency pairs in the 450 MHz band, which are presently reserved for possible future use for communications related to safety on highways, be made available at this time for regular assignment in connection with highway emergency radio systems similar to that devised for the petitioner's tri-State area. The petitioner's plan is to install radio call boxes to operate on two pairs of these 450 MHz frequencies on major highways to be used by motorists to voice-communicate with highway assistance control centers and to install these frequencies in a base mobile system for vehicles engaged in the operation of the highway. A secondary feature of the system would be the use of tones to transmit information from roadside sensor devices concerning weather and road conditions to dispatch or control points which could then be disseminated to motorists by activation of appropriate highway signs. Where frequency loading resulting from call box operation would preclude this as a secondary function, an additional pair of frequencies would be provided. The remaining pair of frequencies would be used for voice and tone transmissions to and from specific vehicles, for route guidance and other functions. Some of these uses would, of course, require fixed station, point-to-point operations. As such, the uses proposed would constitute a departure from present principles and policies against the use of mobile bands for fixed operations. Consistent with these principles, the frequencies involved are presently allocated only for base and mobile operations. Other proposed uses of the frequencies for mobile communication between highway motorist assistance vehicles and control centers are, of course, consistent with these principles.

2. The complex long-range problems concerning the use of radio-communication to promote the safety of motorists on highways have been of concern to highway officials, the Commission, and others for some time and are presently the subject of a number of studies in connection with our notice of inquiry in Docket 17049.[1] While the proposals relate to these problems, they are not intended by the petitioners, nor are they being considered by the Commission, as an overall solution. Consequently, the only issues being considered in this proceeding are whether to permit the use of the reserved frequencies at this time and, if so, whether to permit their use for the fixed operations proposed.

3. The 450 MHz frequencies involved in this rule making request are 453.025, 453.075, 453.125, 453.175, 458.025, 458.075, 458.125, and 458.175 MHz. The reservation of these frequencies for future use and the proscription upon their use for fixed station operations were predicated upon findings in Docket 13847[2] regarding highway communications requirements. We are inclined to agree with the petitioner that, "The ultimate solution to the accident assistance problem lies undoubtedly in a system in which, from his vehicle, the motorist can summon by voice the specific aid requested, receive prompt acknowledgement in the same manner that the assistance is forthcoming from a dispatcher who in turn can dispatch that assistance expeditiously."

[1] Released Dec. 19, 1966, FCC 66-1141, 31 F.R. 16380.

[2] See paragraphs 11 and 16, 2d Report and Order, Docket 13847, adopted Feb. 7, 1968, FCC 68-128, 11 FCC 2d 648.

We have little information or other indications that achievement of this goal is likely in the foreseeable future. There seems little justification, therefore, for the continued total restriction of use of these frequencies for a possible use which may not be a reality for some time to come. This is particularly true if an interim use can be made of the channels in a system which will not preclude the addition of other desirable functions at a later date. Accordingly, we are persuaded that it would be in the public interest to adopt at this time interim provisions for limited use of these frequencies to alleviate some of the immediate problems associated with highway safety. As suggested by the petitioners, we believe the uses proposed for adoption herein would have the requisite flexibility to be incorporated into a more complex highway communication system which may be developed in the future, or subsequent to our determinations in Docket 17049. We believe, however, that in any event, use of these channels be limited exclusively to highway safety enhancement, and we do not think their use for maintenance activities or similar purposes should be permitted. Further, we do not contemplate operations involving uses beyond those proposed herein without further rule making.

4. Consistent with the foregoing, comments are solicited on the desirability of amending the rules to permit fixed station operations on the 450 MHz frequencies, which have been reserved by § 89.259 (g) (11) for highway safety communications. Since some operational experience will be required to determine the degree to which this communication need can be met by the frequencies available, we think that in any event use of call boxes should be limited to locations on the National System of Defense and Interstate Highways. It is our view that the need for an emergency system of communications is greater on these roads than on others transversing more populated areas. If provisions for use of the channels involved are to be adopted we are suggesting inclusion of the following:

A. Radio call box power shall be limited to a maximum of 1 watt input to the antenna and shall be individually adjusted so that all call box transmissions arrive at a central receiving point at about the same level. Control stations shall be limited to a maximum of 25 watts effective radiated power (ERP).

B. Antenna heights shall be restricted to a maximum of 20 feet above the road surface for call boxes and shall be limited to a maximum of 50 feet above ground for control stations.

C. Directional antennas are required for call boxes and for central control stations and must limit beam width to 20° between half-power points; where call boxes lie in more than one direction from the associated control station, a bidirectional antenna may be utilized if feasible from a coverage standpoint. Upon a showing of unfeasibility in this regard, use of an omnidirectional antenna may be authorized.

D. Each call box shall be provided with an automatic time delay or clock device which will deactivate the station not more than 2 minutes after its activation.

E. Call boxes must be directly controlled by the control operator using equipment capable of deactivating any call box in the system.

F. Call boxes shall be designed to provide automatic station identification and to alert the central control operator as to the particular call box being activated upon lifting of the handset.

G. Identifier codes and "canned" messages shall be in ASCII code.

H. Call boxes installed under these provisions shall be located only upon the National System of Defense and Interstate Highways.

I. Call boxes are to be authorized on base station frequencies and control stations on mobile-only frequencies.

J. Call boxes may be used on a secondary basis to transmit information from sensors along the highway to alert central control stations of dangerous road conditions, bad weather and the like; control stations may also be used on a secondary basis to transmit digital information for purposes of changing road signs and thereby warning motorists of traffic congestion, accidents, weather condition, and the like.

5. We are concerned about a number of questions raised by the petitioners' proposal including some policy considerations which we feel require very careful consideration and study. Additionally, although comments submitted in response to the petitioners' proposal are essentially in support, certain issues are raised therein which, together with additional questions, we wish to explore further. Accordingly, in addition to any other point which they wish to make, the Commission requests parties who submit comments as to these rule change proposals to direct themselves to the following specific inquiries.

A. What are the factors and considerations which may warrant a departure from the accepted and long established principles regarding use of mobile bands for fixed operations? In particular, why can't the fixed operations be accommodated within the frequency bands now allocated for that purpose?

B. Can adequate call box systems be provided within the four channels available, particularly if radiotelephony is permitted? Comments are invited concerning the desirability of utilizing non-voice techniques (includes codes and "canned" messages) as a means of providing a greater accommodation.

C. To what extent can we permit call box operations and still maintain the capability of adding mobile facilities in the automobiles of the general public to permit direct car-to-central control communication?

D. To what extent can we permit interconnection between groups of call boxes by means of these same frequencies? Comments are invited concerning the possibility of utilizing common frequency repeater stations for the purposes of relaying information along the Interstate Highway System.

6. Pursuant to the foregoing and to the extent indicated herein, the petition (RM-1509), submitted by the States of Connecticut, Massachusetts, and Rhode Island, is granted, and in all other respects denied. Authority for this proposed amendment is contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before November 2, 1970, and reply comments on or before November 17, 1970. In accordance with § 1.419(b) of the Commission's rules, an original and 14 copies of all statements, briefs, and comments filed shall be furnished the Commission. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken. The Commission may also take into account other pertinent information before it in addition to specific comments invited by this notice.

Adopted: September 9, 1970.

Released: September 11, 1970.

FEDERAL COMMUNICATIONS COMMISSION,[3]

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 70-12316; Filed, Sept. 15, 1970; 8:49 a.m.]

[3] Commissioner Robert E. Lee dissenting and issuing a statement which is filed as part of the original document; Commissioner H. Rex Lee absent.

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[S-3733]

CALIFORNIA

Notice of Proposed Classification of Public Lands for Transfer Out of Federal Ownership; Termination

The notice of proposed classification and segregation appearing in the FEDERAL REGISTER (35 F.R. 12080) on July 28, 1970, is hereby terminated in its entirety.

A determination has been made that the classification and segregation cannot be effected under 43 CFR Subpart 2462. A subsequent classification will be issued under the provisions of 43 CFR Subpart 2450.

For the State Director.

JOHN F. LANZ,
District Manager.

[F.R. Doc. 70-12289; Filed, Sept. 15, 1970; 8:46 a.m.]

Office of the Secretary

ELLERTON E. WALL

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) None.
(2) Standard Oil Company of California 3,074. Domtar Ltd. 500.
(3) None.
(4) None.

This statement is made as of August 21, 1970.

Dated: August 25, 1970.

E. E. WALL.

[F.R. Doc. 70-12303; Filed, Sept. 15, 1970; 8:47 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

[Docket No. S-256]

PACIFIC FAR EAST LINE, INC.

Notice of Application

Notice is hereby given that Pacific Far East Line, Inc. (PFEL), by application of August 28, 1970, has applied for operating-differential subsidy on two services on Trade Route No. 27 which PFEL proposes to acquire and succeed to the operations of The Oceanic Steamship Co. (Oceanic) presently being conducted under an operating-differential subsidy agreement, Contract No. FMB-44. The form of the acquisition will be the purchase by PFEL from Oceanic of the latter's ships now operated on Trade Route No. 27 (two C-3 type freight vessels and two combination passenger-freight vessels), and Oceanic's position in contracts for the construction, with construction-differential subsidy, of two container vessels (Marad Design C7-S-88a) now building at Bethlehem Steel Co.'s Sparrows Point shipyard under Contracts Nos. MA/MSB-89 and 91.

PFEL intends to operate the two combination passenger-freight ships on Trade Route No. 27 and on cruises, essentially in the same manner as has Oceanic. With respect to the freight service, PFEL intends to operate two cargo liners on Trade Route No. 27 until delivery of the containerships being built by Bethlehem. The two containerships would then replace the two cargo liners.

PFEL requests operating-differential subsidy for the following services:

(1) *Trade Route No. 27—combination passenger-freight service.* Twelve to 16 sailings annually by the combination passenger-freight vessels "Mariposa" and "Monterey", operating between ports of California, the port of Seattle, Wash., Pacific coast ports of Alaska, Pacific coast ports of Canada, and Pacific coast ports of Mexico, on the one hand, and, on the other, ports in Australia, New Zealand, Fiji, Tahiti, Hawaii, and ports of islands lying along the general route, including service between intermediate ports as authorized by law.

(2) *Trade Route No. 27—freight service.* Twelve to 24 sailings per annum by cargo vessels between U.S. Pacific coast ports and ports in British Columbia, on the one hand, and on the other, ports of Australia, Samoa, New Zealand, Tahiti, Fiji, Hawaii, and ports of islands lying along the general route, including service between intermediate ports as authorized by law.

Any persons, firm, or corporation having any interest in such application and desiring a hearing on issues pertinent to section 605(c) of the Merchant Marine Act, 1936, as amended, 46 U.S.C. 1175, should, by the close of business on October 1, 1970, notify the Secretary, Maritime Subsidy Board in writing in triplicate, and file petition for leave to intervene in accordance with the rules of practice and procedure of the Maritime Subsidy Board.

In the event a section 605(c) hearing is ordered to be held on the Freight Service, the purpose thereof will be to receive evidence relevant to (1) whether the application is one with respect to a vessel to be operated on a service, route, or line served by citizens of the United States which would be in addition to the existing service, or services, and if so, whether the service already provided by vessels of U.S. registry in such service, route, or line is inadequate, and (2) whether in the accomplishment of the purposes and policy of the Act additional vessels should be operated thereon.

In the event that a section 605(c) hearing is ordered to be held on the Combination Passenger-Freight Service to be provided by the "SS Mariposo" and "SS Monterey," the purpose thereof will be to receive evidence relevant to (1) whether the application is one with respect to a vessel operated or to be operated on a service, route, or line served by two or more citizens of the United States with vessels of U.S. registry, and if so, whether the effect of such contract would be to give undue advantage or be unduly prejudicial, as between citizens of the United States, in the operation of vessels in competitive services, routes, or lines, and (2) whether it is necessary to enter into such contract in order to provide adequate service by vessels of U.S. registry.

If no request for hearing and petition for leave to intervene is received within the specified time, or if the Maritime Subsidy Board determines that petitions for leave to intervene filed within the specified time do not demonstrate sufficient interest to warrant a hearing, the Maritime Subsidy Board will take such action as may be deemed appropriate.

Dated: September 14, 1970.

By order of the Maritime Subsidy Board.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 70-12421; Filed, Sept. 15, 1970; 8:50 a.m.]

[Docket No. S-255]

WATERMAN STEAMSHIP CORP.

Notice of Application

Notice is hereby given that Waterman Steamship Corp. has filed an application dated August 31, 1970, for operating-differential subsidy on a service on Trade Route No. 18 described as follows:

Between U.S. Gulf and Atlantic ports and ports on the Red Sea, Persian Gulf and Indian Ocean for a minimum of twenty (20) and a maximum of twenty-eight (28) sailings per year.

Any person, firm, or corporation having any interest in such application and desiring a hearing on issues pertinent to section 605(c) of the Merchant Marine Act, 1936, as amended, 46 U.S.C. 1175, should, by the close of business on September 30, 1970, notify the Secretary, Maritime Subsidy Board in writing in triplicate, and file petition for leave to

intervene in accordance with the rules of practice and procedure of the Maritime Subsidy Board.

In the event a section 605(c) hearing is ordered to be held, the purpose thereof will be to receive evidence relevant to (1) whether the application is one with respect to a vessel to be operated on a service, route, or line served by citizens of the United States which would be in addition to the existing service, or services, and if so, whether the service already provided by vessels of U.S. registry in such service, route, or line is inadequate, and (2) whether in the accomplishment of the purposes and policy of the Act additional vessels should be operated thereon.

If no request for hearing and petition for leave to intervene is received within the specified time, or if the Maritime Subsidy Board determines that petitions for leave to intervene filed within the specified time do not demonstrate sufficient interest to warrant a hearing, the Maritime Subsidy Board will take such action as may be deemed appropriate.

Dated: September 14, 1970.

By order of the Maritime Subsidy Board.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 70-12422; Filed, Sept. 15, 1970; 8:50 a.m.]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

ASSISTANT SECRETARY FOR HOUSING PRODUCTION AND MORTGAGE CREDIT AND FEDERAL HOUSING COMMISSIONER

Delegation of Authority With Respect to Low-Rent Public Housing

The delegation of authority to the Assistant Secretary for Housing Production and Mortgage Credit and Federal Housing Commissioner (herein called the Assistant Secretary-Commissioner) with respect to low-rent public housing effective February 7, 1970 (35 F.R. 2749), is amended as follows:

I. Revise section C to read:

SEC. C. *Authority to redelegate.* 1. The Assistant Secretary-Commissioner is authorized to redelegate to employees of the Department any of the authority delegated under section A, 1, and 2.

2. The Assistant Secretary-Commissioner is further authorized to redelegate to Regional Administrators, Deputy Regional Administrators, Area Directors, and Deputy Area Directors the authority delegated under section A, 3.

II. Add the following section D immediately following section C:

SEC. D. *Exercise of redelegated authority.* Redelegations of final authority pursuant to section C of this delegation shall not be construed to modify or otherwise affect the administrative and supervisory powers of the Regional Administrator and Area Director, and their respective deputies, to whom a delegate is responsible, and these supervisors shall, in addition to any other authority delegated to them, have the same final authority redelegated to their subordinates.

III. Change existing section D to read "Section E".

(Sec. 7(d), Department of HUD Act, 42 U.S.C. 3535(d))

Effective date. This amendment of delegation of authority shall be effective as of September 1, 1970.

GEORGE ROMNEY,
Secretary of Housing and Urban Development.

[F.R. Doc. 70-12319; Filed, Sept. 15, 1970; 8:49 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

HEALTH SERVICES AND MENTAL HEALTH ADMINISTRATION

Statement of Organization, Functions, and Delegations of Authority

Part 5 (Health Services and Mental Health Administration) of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health, Education, and Welfare as revised (33 F.R. 15953, Oct. 30, 1968, et seq.) is hereby amended with regard to section 5-B, *Organization*, as follows:

Delete the paragraph headed "Regional organization (20A1)" and insert in place thereof the following new paragraphs:

Regional organization (3A81). In each region plans, evaluates, and conducts a comprehensive program for facilitating and improving the ability of States, communities, and voluntary groups to organize and deliver physical and mental health services. Specifically: (1) Identifies health needs throughout the region, recommends HSMHA regional program priorities, and develops and carries out operational plans for regional health services activities; (2) provides technical consultation, assistance in staffing and other resource development, and financial support for (a) the planning of comprehensive health services and health facilities, (b) the development, improvement, and operation of comprehensive primary health care centers and systems, (c) the improvement of community organization for the provision of health services, (d) the filling of gaps in existing health services, (e) the design and construction of health facilities, (f) family planning services, (g) maternal and child health services, (h) emergency health activities, and (i) the development and operation of programs to prevent or control infectious and chronic diseases; and (3) reviews, approves, and funds grants for comprehensive health planning, for the support of general and mental health services, and for the construction of health facilities.

Regional Health Director (3A8101). The Regional Health Director, as the representative of the Administrator, directs the Administration's program operations and activities which are carried out through the regional office. Specifically: (1) Interprets and implements national policies and program guidelines established by or for the Administrator; (2) recommends HSMHA program priorities to meet regional, State, and community health needs and directs the utilization of Administration resources in accordance with the priorities officially established; (3) advises the Administrator and Headquarters Program Directors on program progress, problems, and needs; (4) advises and informs the Regional Director on all matters pertaining to Administration activities in the region; (5) directs Administration assistance to States and communities for comprehensive health planning and in the development of plans and projects for the provision of health services of all types—preventive and curative, physical and mental; (6) directs and coordinates the review and approval of State plans, project applications, and other requests for grant funds; (7) coordinates the Administration's regional activities with those of other Federal programs in mobilizing all Federal resources to meet urgent community needs; (8) selects and directs the Administration's regional staff; and (9) nominates members for the Regional Advisory Committee, presides at its meetings, and provides it with executive secretarial services.

Dated: September 9, 1970.

ELLIOT L. RICHARDSON,
Secretary.

[F.R. Doc. 70-12295; Filed, Sept. 15, 1970; 8:47 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 22367; Order 70-9-52]

AIR INDIES CORP.

Order To Show Cause

Issued under delegated authority September 10, 1970.

Air Indies Corp. (Air Indies) is an air taxi operator providing services pursuant to Part 298 of the Board's economic regulations. By petition filed July 15, 1970, Air Indies requested the board to establish final mail rates for the transportation of priority and nonpriority mail by aircraft between San Juan, P.R., on the one hand, and St. Thomas and St. Croix, V.I., on the other.

By Order 70-9-20, September 3, 1970, in this docket the Board granted Air Indies exemption authority to engage in the carriage of mail by aircraft in these markets.

No service mail rates are currently in effect for this transportation by Air Indies. The petitioner requests that the multielement service mail rates established for priority mail by Order E-25610,

August 28, 1967, in the Domestic Service Mail Case, and for nonpriority mail by Order 70–4–9, April 2, 1970, in Nonpriority Mail Rates [1] be made applicable to this carriage of mail.

On July 17, 1970, the Postmaster General filed a reply supporting the petition provided that Air Indies will be subject to all of the provisions of Orders E–25610 and 70–4–9, as amended. We propose to establish service rates for the transportation of mail by aircraft in these markets by Air Indies at the levels established in Orders E–25610 and 70–4–9, as amended.

The Board finds it in the public interest to fix and determine the fair and reasonable rates of compensation to be paid to Air Indies by the Postmaster General for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith between San Juan, P.R., and both St. Croix and St. Thomas, V.I. Upon consideration of the petition, the answer of the Postmaster General, and other matters officially noticed, the Board proposes to issue an order [2] to include the following findings and conclusions:

1. On and after September 3, 1970, the fair and reasonable final service mail rates to be paid to Air Indies Corp., pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith between San Juan, P.R., on the one hand, and St. Croix, V.I., and St. Thomas, V.I., on the other, shall be:

(a) For priority mail, the multielement rate established by the Board in Order E–25610, August 28, 1967;

(b) For nonpriority mail, the multielement rate established by the Board in Order 70–4–9, April 2, 1970.

2. The service mail rates here fixed and determined are to be paid entirely by the Postmaster General.

Accordingly, pursuant to the Federal Aviation Act of 1958 and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR Part 302 and 14 CFR 385.16(f):

It is ordered, That:

1. Air Indies Corp., the Postmaster General, Caribbean-Atlantic Airlines, Inc., Eastern Air Lines, Inc., Pan American World Airways, Inc., Trans Caribbean Airways, Inc., Airspur Caribbean, Inc., Puerto Rico International Airlines, Inc., and all interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rates specified above, as the fair and reasonable rates of compensation to be paid to Air Indies Corp. for the transportation of priority and nonpriority mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above;

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

3. This order shall be served upon Air Indies Corp., the Postmaster General, Caribbean-Atlantic Airlines, Inc., Eastern Air Lines, Inc., Pan American World Airways, Inc., Trans Caribbean Airways, Inc., Airspur Caribbean, Inc., and Puerto Rico International Airlines, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

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

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

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

[F.R. Doc. 70–12324; Filed, Sept. 15, 1970; 8:49 a.m.]

[1] Present service rates provide for terminal charges per pound of 2.34 cents at both San Juan and St. Thomas and 4.68 cents at St. Croix plus line-haul charges per mail ton-mile of 24 cents for priority mail and 11.33 cents for nonpriority mail.

[2] This order to show cause is not a final action and is not regarded as subject to the review provisions of 14 CFR Part 385. These provisions will be applicable to final action taken by the staff under authority delegated in § 385.16(g).

[Docket No. 22530]

CHANNEL AIRWAYS, LTD.

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference on the above-entitled application is assigned to be held on September 25, 1970, at 10 a.m., e.d.s.t., in Room 805, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner Hyman Goldberg.

Dated at Washington, D.C., September 10, 1970.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[F.R. Doc. 70–12322; Filed, Sept. 15, 1970; 8:49 a.m.]

[Docket No. 20993; Order 70–9–53]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Specific Commodity Rates

Issued under delegated authority September 9, 1970.

By Order 70–8–116, dated August 28, 1970, action was deferred with a view toward eventual approval, on an agreement embodied in the resolutions of the Joint Conferences of the International Air Transport Association (IATA) and adopted by the Ninth Meeting of the Joint Specific Commodity Rates Board which was reconvened in Geneva, June 16–18, 1970. The agreement is limited to matters relating to transatlantic specific commodity rates. The agreement extends for a further period of effectiveness certain specific commodity rates under current descriptions, adopted since the last meeting of the rates Board, names several rates to added points under existing commodity descriptions, and proposes reduced rates under a few new commodity descriptions.

In deferring action on the agreement, 10 days were granted in which interested persons might file petitions in support of or in opposition to the proposed action. No petitions have been received within the filing period, and the tentative conclusions in Order 70–8–116 will herein be made final.

Accordingly, it is ordered, That:

Agreement CAB 21753 be and it hereby is approved: *Provided*, That approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[F.R. Doc. 70–12325; Filed, Sept. 15, 1970; 8:49 a.m.]

[Docket No. 22329]

MARTIN'S LUCHTVERVOER MAATSCHAPPIJ N.V. (MARTIN'S AIR CHARTER)

Notice of Postponement of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding now assigned to be held on September 29, 1970, is hereby postponed to October 13, 1970, at 10 a.m., d.s.t., in Room 503, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the undersigned examiner.

Dated at Washington, D.C., September 10, 1970.

[SEAL] EDWARD T. STODOLA,
Hearing Examiner.

[F.R. Doc. 70–12323; Filed, Sept. 15, 1970; 8:49 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Canadian List 272]

CANADIAN STANDARD BROADCAST STATIONS

List of New Stations, Proposed Changes in Existing Stations, Deletions and Corrections in Assignments

SEPTEMBER 3, 1970.

List of new stations, proposed changes in existing stations, deletions, and corrections in assignments of Canadian standard broadcast stations modifying the assignments of Canadian broadcast stations contained in the appendix to the Recommendations of the North American Regional Broadcasting Agreement Engineering Meeting January 30, 1941.

Call letters	Location	Power kw.	Antenna	Schedule	Class	Antenna height (feet)	Ground system		Proposed date of commencement of operation
							Number of radials	Length (feet)	
		610 kHz							
CHNL (now in operation)	Kamloops, British Columbia, N. 50°38'50", W. 120° 16'15".	1	DA-1	U	III				
		620 kHz							
CJCI (assignment of call letters)	Prince George, British Columbia, N. 53°51'03", W. 122°43'10".	10	DA-N ND-D-180	U	III				
		730 kHz							
(New)	Rutland, British Columbia, N. 49°51'35", W. 119°26'50".	1	DA-1	U	II				9. 1. 71.
		740 kHz							
CBNM (now in operation)	Marystown, Newfoundland, N. 47°08'41", W. 55°16'22".	10	DA-N ND-D-195	U	II				
		1230 kHz							
CJNL (now in operation)	Merritt, British Columbia, N. 50°06'29", W. 120°46'06".	1D/0.25N	ND-190	U	IV	200	120	320	

[SEAL]

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Assistant Chief, Broadcast Bureau.

[F.R. Doc. 70-12318; Filed, Sept. 15, 1970; 8:49 a.m.]

FEDERAL MARITIME COMMISSION

[Docket No. 1153]

NEW YORK HARBOR

Truck and Lighter Loading and Unloading Practices

On February 25, 1969, the Commission served its report and order in Docket No. 1153—Truck and Lighter Loading and Unloading Practices at New York Harbor, 12 F.M.C. 166, wherein the New York Terminal Conference (Conference) was required, pursuant to section 17 of the Shipping Act, 1916, to include in its Truck Loading and Unloading Tariff certain specific rules and regulations governing the detention of motor vehicles at Conference piers or marine terminals (Vehicle Detention Rules).

The Conference sought review of the Commission's order before the U.S. Court of Appeals for the District of Columbia Circuit. The court refused to grant injunctive relief and ordered the effectuation of the Commission's detention rules. The court further ordered that pending review of the Commission's order, all monies collected under the detention rule be deposited into an escrow fund, established by, and under the supervision of, the Federal Maritime Commission. Subsequently, on June 11, 1970, the court of appeals in American Export Isbrandtsen Lines, Inc. et al. v. Federal Maritime Commission et al., —— F. 2d ——, upheld in its entirety, the Vehicle Detention Rules prescribed by the Commission in Docket No. 1153.

Now that the court has rendered its decision upholding the Vehicle Detention Rules it is necessary that the funds in the escrow account be dispersed in accordance with the court's decision. Also, the escrow accounts should be closed out and the portions of the Vehicle Detention Rules relating to the escrow should be revoked.

Now, therefore, it is ordered, That by September 30, 1970, each member of the Conference shall submit to the Commission:

1. A statement from the bank where he has the escrow account, showing the amount of money in the account as of August 31, 1970.

2. A summary of all claims where moneys have been deposited, showing the name and address of the company filing the claim and the amount claimed.

3. For each claim, a check covering the amount of the claim. In instances where a claimant has more than one claim, one check covering the total amount claimed may be submitted.

4. A signed withdrawal slip for the total amount in the escrow account.

Upon receipt and review of the above information, the Secretary, Federal Maritime Commission, will authorize the withdrawal of the money in escrow and forward the checks onto the respective claimants. After withdrawing the funds in escrow the terminal operator may close out the account.

It is further ordered, That in instances where there is a dispute over a particular claim, procedures will be established by the Commission for the settlement of such claims.

It is further ordered, That sections six (6) through twelve (12) of the Vehicle Detention Rules, relating directly to the escrow fund, be and hereby are revoked.

It is further ordered, That notice of this order be published in the FEDERAL REGISTER and served upon members of the Conference.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

[F.R. Doc. 70-12304; Filed, Sept. 15, 1970; 8:48 a.m.]

TRANS-PACIFIC FREIGHT CONFERENCE (JAPAN)

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 10 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:

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

Agreement No. 150, as amended, which is the basic agreement of the Trans-Pacific Freight Conference (Japan), presently provides in Article 9 that the Conference shall employ sworn measures at all ports within its jurisdiction to authenticate shippers' declared cargo weights and measures, and that the cost of these weighing and measuring services shall be borne by the Conference carriers. Agreement No. 150–46, here, would modify Article 9 to provide that the cost shall be borne by the Conference lines "unless otherwise provided in the Conference tariff."

Dated: September 11, 1970.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[F.R. Doc. 70–12305; Filed, Sept. 15, 1970; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP71–44]

BLUE DOLPHIN PIPE LINE CO.

Notice of Application

SEPTEMBER 9, 1970.

Take notice that on August 26, 1970, Blue Dolphin Pipe Line Co. (applicant), 1 Shell Plaza, Sixth Floor, Houston, Tex. 77002, filed in Docket No. CP71–44 a budget-type application pursuant to section 7(c) of the Natural Gas Act, as implemented by § 157.7(c)(1)(iii) of the regulations thereunder, for a certificate of public convenience and necessity authorizing it to make unspecified miscellaneous rearrangements of its existing transportation facilities during the 12-month period commencing October 20, 1970, and to operate such facilities, as hereinafter described, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant requests authorization to expend not more than $10,000 for the unspecified minor rearrangements to its facilities extending from the offshore Texas area to delivery points at the plant of Dow Chemical Co. in Freeport, Tex.

The applicant states that it will not transport annual volumes in excess of 100,000 Mcf through these facilities, and that the gas transported will not be used for boiler fuel purposes.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 29, 1970, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

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

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

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70–12275; Filed, Sept. 15, 1970; 8:45 a.m.]

[Docket No. E–7556]

CITIZENS UTILITIES CO.

Notice of Application

SEPTEMBER 9, 1970.

Take notice that on September 2, 1970, Citizens Utilities Co. (Applicant), filed an application seeking authority pursuant to section 204 of the Federal Power Act to issue new bonds proposed to be issued under its existing indenture, to be supplemented by a proposed 14th supplemental indenture, in an aggregate principal amount not to exceed $23 million.

Applicant is engaged primarily in the business of generating, purchasing, transmitting, distributing, or selling at wholesale or retail of electric energy in the States of Arizona, Hawaii, Idaho, and Vermont, with its principal business office at Stamford, Conn. Applicant is also engaged in the purchase, distribution and sale of natural gas in the States of Arizona and Colorado.

Applicant proposes to sell the new bonds, in one or more series, at competitive bidding with the interest rate and price to be paid for each series to be determined by the successful bidder or bidders. It is proposed that the bonds will be issued on or about November 25, 1970, and that the 14th supplemental indenture will be dated as of November 1, 1970. The final maturity of each series of bonds will be not less than 5 years nor more than 30 years from the date as of which the supplemental indenture will be dated, such maturity date or dates and the principal amount of each series to be determined by the applicant not less than 5 days prior to the opening of bids for the bonds. Applicant proposes to use all or nearly all the proceeds from the issuance of the securities to repay short-term bank borrowings, and any balance will be added to the general funds of applicant to provide a portion of the funds required for the construction, extension, and improvement of facilities.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 28, 1970, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70–12276; Filed, Sept. 15, 1970; 8:45 a.m.]

[Docket No. CP71–48]

EASTERN SHORE NATURAL GAS CO.

Notice of Application

SEPTEMBER 8, 1970.

Take notice that on August 28, 1970, Eastern Shore Natural Gas Co. (applicant), Post Office Box 615, Dover, Del. 19901, filed in Docket No. CP71–48 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity seeking authority to render a maximum of 9,300 Mcf per day of transportation service to Getty Oil Co. (Getty) for use in the latter's refinery at Delaware City, Del., and to construct and operate 13.2 miles of 10-inch pipeline facilities, as hereinafter described, all as more fully described in the application which is on file with the Commission and open to public inspection.

Specifically, applicant seeks to provide up to 9,300 Mcf per day of firm natural

gas transportation service to Getty. This service would complement the transportation service proposed in Docket No. CP71–30 wherein Transcontinental Gas Pipe Line Corp. (Transco) seeks authority to transport and deliver to Eastern Shore for Getty's account gas delivered to it by Getty in the offshore Texas area.

Applicant proposes to build two segments of 10-inch pipeline which will make available the necessary capacity to accommodate the proposed transportation service to Getty; to wit, applicant proposes to build a 1.2-mile segment to the Stauffer Chemical Co. plant and a 12-mile loop facility in the vicinity of Dover, Del.

Applicant states that the need for this service and these facilities arises from the expanded capacity now being installed in Getty's refinery, where gas is used as a raw material.

Applicant estimates that the cost of the added pipeline facilities will be $528,000. Applicant states that this will be financed initially by the appropriation of internally generated funds together with the use of short-term notes and that permanent financing will be arranged through the sale of first mortgage bonds after construction has begun.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 29, 1970, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

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

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

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70–12277; Filed, Sept. 15, 1970; 8:45 a.m.]

[Docket No. CP71–43]

KANSAS-NEBRASKA NATURAL GAS CO., INC.

Notice of Application

SEPTEMBER 9, 1970.

Take notice that on August 26, 1970, Kansas-Nebraska Natural Gas Co., Inc. (Applicant), Phillipsburg, Phillips County, Kans., filed in Docket No. CP71–43, an abbreviated application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicant to utilize certain of its existing facilities in Kansas for the purpose of providing natural gas service therefrom to the Sunflower Plant near Scott City, Kans., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to use the valve installations on its pipeline as required for delivery of gas to the Sunflower Plant for consumption and processing and the return of the residue gas following such processing. No significant costs to Applicant are involved in this proposal.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 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) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

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

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

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70–12278; Filed, Sept. 15, 1970; 8:45 a.m.]

[Dockets Nos. RP71–9, RP71–8]

MANUFACTURERS LIGHT AND HEAT CO. AND HOME GAS CO.

Notice of Proposed Changes in Rates and Charges

SEPTEMBER 9, 1970.

Notice is hereby given that the Manufacturers Light and Heat Co., and Home Gas Co. (Applicants), affiliates of the Columbia Gas System, Inc., on September 2, 1970, by separate applications tendered for filing proposed changes in their FPC Gas Tariffs to become effective November 1, 1970. The tariff changes would increase rates and charges for gas sold for resale, in the amount of approximately $4,480,000 and $400,000 respectively, based upon current sales levels.

In essentially similar statements, the Applicants each indicate that the sole purpose of these rate increase filings is to permit Manufacturers to track the increased rates of Texas Eastern Transmission Corp. in Docket No. RP70–29 subject to the refund conditions applicable to Manufacturers' presently effective rates in Dockets Nos. RP69–16, and RP69–33, and to permit Home to track Manufacturers' proposed increased rates on November 1, 1970, subject to refund conditions applicable to Home's presently effective rates in Dockets Nos. RP69–17 and RP69–32.

Any person desiring to be heard or to make any protest with reference to said applications should on or before October 5, 1970, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.08 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 protestants parties to the proceeding. Persons wishing to become parties to the proceedings or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The applications are on file with the Commission and available for public inspection.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70–12282; Filed, Sept. 15, 1970; 8:46 a.m.]

[Docket No. CP71–50, etc.]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Notice of Application

SEPTEMBER 9, 1970.

Take notice that on August 31, 1970, Natural Gas Pipeline Company of America (Applicant), 122 South Michigan Avenue, Chicago, Ill. 60603, filed in Dockets Nos. CP69–31 and CP71–50 a combined petition to amend an abbreviated application pursuant to section 7(c) of the Natural Gas Act, as amended, for a certificate of public convenience

and necessity authorizing Applicant to engage in a 20-year gas exchange with Phillips Petroleum Co. (Phillips); and to engage in a 5-year term gas exchange among Applicant, Phillips and Michigan Wisconsin Pipe Line Co. (Michigan Wisconsin); and for an amendment to the certificate authorizing the existing 5-year gas exchange with Phillips in Docket No. CP69–31. All gas will be exchanged pursuant to the three party gas exchange agreement for 5 years and then only as provided for in the 20-year term gas exchange agreement. The facts with respect to both of these actions are more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant states that it is presently exchanging gas with Phillips in Moore County, Tex., and Beaver County, Okla., under the certificate issued Applicant in Docket No. CP69–31. By this application Applicant seeks to amend that certificate to allow it to receive exchange gas in Hansford County, Tex.; to obtain a certificate to allow it to engage in a 20-year gas exchange with Phillips; and to engage in a 5 year—three party exchange with Phillips and Michigan Wisconsin. Applicant proposes to make deliveries, at all times, to Phillips in Gray County and Moore County, Tex. For the 5-year term of the three-party exchange, deliveries will be made by Phillips to Michigan Wisconsin for Applicant's account in Hansford County, Tex. Michigan Wisconsin will then redeliver gas to Applicant in Hansford County, Tex. Thereafter, Phillips will deliver exchange quantities of gas directly to Applicant in Beaver County, Okla., or in part in Beaver County, Okla., and in part in Gray County, Tex. Applicant also proposes to construct and operate a tap connection and a measuring station on its Quinduno line.

Applicant states that the subject exchange is beneficial to Applicant and its customers in that the exchanges proposed herein will obviate Applicant's having to otherwise transport said quantities through its pipeline system from points on said system at which Applicant makes deliveries of gas for exchange to points on its system at which redelivery of the exchange quantities are made to Applicant.

Applicant states that no monetary or other compensation will be paid by Applicant or Phillips to each other in connection with the subject exchange, the transaction being a straight gas-for-gas exchange.

The application states that the estimated cost of the proposed facilities is $66,300, which will be financed from funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 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) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

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

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

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70–12279; Filed, Sept. 15, 1970; 8:45 a.m.]

[Project No. 405]

SUSQUEHANNA POWER CO. AND PHILADELPHIA ELECTRIC POWER CO.

Notice of Application for Amendment of License for Constructed Project

SEPTEMBER 4, 1970.

Public notice is hereby given that application for amendment of license has been filed under the Federal Power Act (16 U.S.C. 791a–825r) by The Susquehanna Power Co. and Philadelphia Electric Power Co. (correspondence to: Vincent P. McDevitt, General Counsel, 1000 Chestnut Street, Philadelphia, Pa. 19105) for constructed Project No. 405 known as the Conowingo Project, located on the Susquehanna River in Harford and Cecil Counties, Md., and York, Lancaster, Chester, and Montgomery Counties, Pa.

Applicants seek by the amendment to include under the license a new Visitors Center in addition to the existing recreation facilities presently consisting of a visitation area with parking, boat ramps, fishing areas, picnic areas, and Boy and Girl Scout camping areas. The proposed Visitors Center at Conowingo Dam will include: (1) An electrically heated and air-conditoned exhibition area located in the present plant lobby area and containing informational exhibits and models relating to hydroelectric power; (2) a 150-seat auditorium located on the existing turbine hall roof and containing a vestibule, office, storage room, projection room, movable stage, projection screen and audiovisual equipment; (3) an enclosed connecting stairway between the exhibition area and the auditorium; (4) an exterior observation area consisting of a raised walkway on the roof of the turbine hall overlooking the Conowingo Dam, tailrace and Fishermen's park; (5) a new cantilevered walkway approximately 122 feet long between the existing parking lot and walkway to the exhibit area; and (6) new exhibits showing the construction and operation of the Project and a public address system in the existing turbine hall gallery.

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

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 70–12280; Filed, Sept. 15, 1970; 8:45 a.m.]

[Docket No. CP71–42]

TRANSCONTINENTAL GAS PIPELINE CORP. AND ATLANTIC SEABOARD CORP.

Notice of Joint Application

SEPTEMBER 9, 1970.

Take notice that on August 26, 1970, Transcontinental Gas Pipeline Corp. (Transco), Post Office Box 1396, Houston, Tex. 77001, and Atlantic Seaboard Corp. (Atlantic Seaboard), Post Office Box 1273, Charleston, W. Va. 25325, filed in Docket No. CP71–42 a joint application pursuant to section 7(c) of the Natural Gas Act and the rules and regulations thereunder, for a certificate of public convenience and necessity authorizing the exchange and delivery of natural gas under the terms of an exchange agreement between the parties dated May 18, 1970, as hereinafter described, all as more fully described in the application which is on file with the Commission and open to public inspection.

The applicants state that two exchange agreements are currently in effect for the exchange of natural gas at various points in their systems authorized by the Commission in joint Docket No. G–19424 and joint Docket No. CP61–105. The applicants seek Commission approval of a new agreement dated May 18, 1970, which would consolidate the presently authorized points of exchange into

one agreement and would permit exchanges through deliveries to joint customers in Virginia and Maryland.

The applicants state that the exchange agreement proposed herein is designed to serve as a protective measure to insure the continuity of delivery to customers served by both Transco and Atlantic Seaboard.

The applicants state that no new facilities need be built to effectuate the proposed changes.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 29, 1970, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

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

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

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-12281; Filed, Sept. 15, 1970; 8:45 a.m.]

[Docket No. CI67-1226]

PHILLIPS PETROLEUM CO. AND MARATHON OIL CO.

Notice of Petition To Amend

SEPTEMBER 14, 1970.

Take notice that on September 14, 1970, Phillips Petroleum Co., Bartlesville, Okla. 74004, and Marathon Oil Co., 539 South Main Street, Findlay, Ohio 45840, filed in Docket No. CI67-1226 a petition to amend the order heretofore issued in said docket pursuant to section 3 of the Natural Gas Act by authorizing the exportation of liquefied natural gas (LNG) from the United States to Spain, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioners have heretofore been authorized in the subject docket to export from the United States to Japan LNG from production in the North Cook Inlet Field and Kenai Field in Alaska which gas is liquefied in petitioners' facilities at Port Nikiski, Alaska. In the instant petition petitioners propose to export natural gas to Spain by sale to Mediterranean Standard Oil Co. (Mediterranean) for ocean transportation and resale to Gas Natural S.A., Barcelona, Spain.

Petitioners propose to sell to Mediterranean a maximum of 939,329,600,000 B.t.u.'s of LNG (equivalent to 265,000 U.S. barrels of LNG having 1,007 B.t.u.'s per cubic foot of vaporous gas) at $1.20 per million B.t.u.'s. Petitioners state that the gas will be produced from the fields and liquefied in the facilities otherwise utilized in the production and liquefaction of natural gas for exportation to Japan. Petitioners state further that one of the two ships used to transport LNG to Japan will be temporarily out of service and that petitioners will therefore have excess LNG plant capacity to enable them to make the proposed sale to Mediterranean. The LNG would be transported to Spain by a ship which will arrive at Port Nikiski, Alaska, on October 1, 1970, and will be prepared to receive LNG at that time.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before September 25, 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. 70-12425; Filed, Sept. 15, 1970; 9:58 a.m.]

FEDERAL RESERVE SYSTEM

CHARTER NEW YORK CORP.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)), by Charter New York Corp., which is a bank holding company located in New York, N.Y., for prior approval by the Board of Governors of the acquisition by applicant of 100 percent of the voting shares of Hempstead Bank, Hempstead, N.Y.

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 New York.

By order of the Board of Governors, September 8, 1970.

[SEAL] ELIZABETH L. CARMICHAEL,
Assistant Secretary.

[F.R. Doc. 70-12283; Filed, Sept. 15, 1970; 8:46 a.m.]

HUNTINGTON 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)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)), by Huntington Bancshares Inc., which is a bank holding company located in Columbus, Ohio, for prior approval by the Board of Governors of the acquisition by Applicant of 80 percent or more of the voting shares of First National Bank and Trust Company of Lima, Lima, Ohio.

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 Cleveland.

By order of the Board of Governors, September 8, 1970.

[SEAL] ELIZABETH L. CARMICHAEL,
Assistant Secretary.

[F.R. Doc. 70-12284; Filed, Sept. 15, 1970; 8:46 a.m.]

UNITED BANKS OF COLORADO, INC.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)), by United Banks of Colorado, Inc., formerly Denver U.S. Bancorporation, Inc., which is a bank holding company located in Denver, Colo., for prior approval by the Board of Governors of the acquisition by Applicant of 80 percent or more of the voting shares of Mesa National Bank of Grand Junction, Grand Junction, Colo.

Section 3(c) of the Act provides that the Board shall not approve:

(1) Any acquisition or merger or consolidation under section 3 which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or

(2) Any other proposed acquisition or merger or consolidation under section 3 whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, of 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 transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Kansas City.

By order of the Board of Governors, September 8, 1970.

[SEAL] ELIZABETH L. CARMICHAEL,
Assistant Secretary.

[F.R. Doc. 70-12302; Filed, Sept. 15, 1970; 8:47 a.m.]

INTERIM COMPLIANCE PANEL (COAL MINE HEALTH AND SAFETY)

RENEWAL PERMITS FOR NONCOMPLIANCE WITH INTERIM MANDATORY DUST STANDARD

Notice of Opportunity for Public Hearing

Applications for Renewal Permits for Noncompliance with the Interim Mandatory Dust Standard (3.0 mg/m³) have been filed as follows:

(1) ICP Docket No. 10216, Old Ben Coal Corp. Mine No. 26, USBM ID No. 11-00590-0, Sesser, Franklin County, Ill., section ID No. 001 (7th, 8th, 9th South Panel off 11th E.S.).

In accordance with the provisions of section 202(b)(4) of the Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 742, et seq., Public Law 91-173), notice is hereby given that requests for public hearing as to an application for renewal may be filed within 15 days after publication of this notice. Requests for public hearing must be completed in accordance with 30 CFR Part 505 (35 F.R. 11296, July 15, 1970), copies of which may be obtained from the Panel on request.

A copy of the application is available for inspection and requests for public hearing may be filed in the office of the Correspondence Control Officer, Interim Compliance Panel, Suite 800, 1730 K Street NW., Washington, D.C. 20006.

GEORGE A. HORNBECK,
Chairman,
Interim Compliance Panel.

SEPTEMBER 11, 1970.

[F.R. Doc. 70-12294; Filed, Sept. 15, 1970; 8:47 a.m.]

[Docket No. 10108]

NORTH AMERICAN COAL CORP.

Hearing on Petition for Reconsideration of Permit for Noncompliance With Interim Mandatory Respirable Dust Standard

In accordance with the provisions of section 202(b)(4) of the Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 742, et seq., Public Law 91-173), notice is hereby given of the filing by The North American Coal Corp. of a petition seeking modification of its permit for noncompliance in the following respects:

(a) Conemaugh No. 1 Mine, USBM ID No. 36 00928 0; address—Seward, Indiana County, Pa.; working section—Kiski Mains, ID No. 002: Change the permit from a permissible level of 3.6 mg/m³ of respirable dust to the level of 4.5 mg/m³.

(b) Conemaugh No. 1 Mine, USBM ID No. 36 00928 0; address—Seward, Indiana County, Pa.; working section—New Mains, ID No. 004: Change the permit from a permissable level of 3.5 mg/m³ of respirable dust to the permissible level of 4.5 mg/m³.

Notice is hereby given that a hearing will be held on the above-described petition at 10 a.m. on September 29, 1970, in the offices of the Interim Compliance Panel, Suite 800, 1730 K Street NW., Washington, D.C. 20006, before the undersigned as presiding officer. The hearing will be conducted pursuant to 30 CFR Part 505 (35 F.R. 11296, July 15, 1970).

A copy of the petition and of the file are available for inspection in the office of the Correspondence Control Officer in the offices of the Interim Compliance Panel. A copy of the petition is also available for inspection at the office of the affected coal mine.

GEORGE A. HORNBECK,
Chairman,
Interim Compliance Panel.

SEPTEMBER 14, 1970.

[F.R. Doc. 70-12382; Filed, Sept. 14, 1970; 1:45 p.m.]

SECURITIES AND EXCHANGE COMMISSION

[811-1580]

SUMMIT INVESTMENT TRUST FUND

Notice of Filing of Application for Order Declaring That Company Has Ceased To Be An Investment Company

SEPTEMBER 9, 1970.

Notice is hereby given that Summit Investment Trust Fund (Applicant), Deadwood Avenue, Rapid City, S. Dak., a business trust formed under the laws of South Dakota and registered under the Investment Company Act of 1940 (Act), has filed an application pursuant to section 8(f) of the Act for an order declaring that Applicant has ceased to be an

investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein which are summarized below.

Applicant filed a notification of registration under the Act on January 2, 1968. Subsequently, on January 11, 1968, Applicant filed an application pursuant to section 6(b) of the Act, for an exemption as an employees' securities company. The aforesaid application has not been granted or denied by the Commission.

The application under section 8(f) states that, as of June 15, 1970, Applicant had 35 shareholders, all of whom are employees of Summit Inc., a construction company located in South Dakota. Each of Applicant's shareholders resides in South Dakota and is employed at the office and plant of Summit Inc. in Rapid City, S. Dak. In addition, all 35 shareholders are personally acquainted with the trustees of the Applicant and are kept advised of the trustees' activities regarding the trust fund. Furthermore, Applicant will not sell any additional shares. Shares presently outstanding are transferable only to existing shareholders. The application also states that Applicant has not made and will not make any public offering of its shares. Applicant's unaudited balance sheet dated June 30, 1970, indicates that it has total assets of approximately $40,000 and net worth of about $39,000. If the application for deregistration is granted, Applicant represents that its prior application for exemption under section 6(b) will be withdrawn.

Section 3(c)(1) of the Act excepts from the definition of investment company any issuer whose outstanding securities are beneficially owned by not more than 100 persons and which is not making and does not presently propose to make a public offering of its securities.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may not later than September 30, 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, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the matter herein may be issued by the Commission upon the basis of the information stated in the application, unless an order for hearing upon said proposal shall be issued upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

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

[F.R. Doc. 70–12291; Filed, Sept. 15, 1970; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATION FOR RELIEF

SEPTEMBER 11, 1970.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 42046—*Pulpwood to Houston, Tex.* Filed by Southwestern Freight Bureau, agent (No. B–176), for interested rail carriers. Rates on pulpwood, in carloads, as described in the application, from points in Kansas, to Houston, Tex.

Grounds for relief—Market competition and rate relationship.

Tariff—Supplement 72 to Southwestern Freight Bureau, agent, tariff ICC 4847.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Acting Secretary.*

[F.R. Doc. 70–12309; Filed, Sept. 15, 1970; 8:48 a.m.]

[Notice 20]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

SEPTEMBER 11, 1970.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules—Motor Carriers of Passengers, 1969 (49 CFR 1042.2(c)(9)), and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.2(c)(9)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.2(c)(9)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules—Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PASSENGERS

No. MC 1515 (Deviation No. 560), GREYHOUND LINES, INC. (Eastern Division), 1400 West Third Street, Cleveland, Ohio 44113, filed September 2, 1970. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over a deviation route as follows: From Philadelphia, Pa., over Interstate Highway 95 to junction Pennsylvania Highway 413, thence over Pennsylvania Highway 413 to junction U.S. Highway 13 in West Bristol, Pa., thence over U.S. Highway 13 to Interchange No. 29 of the Pennsylvania Turnpike, thence over the Pennsylvania Turnpike to junction New Jersey Turnpike at Interchange No. 6, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over pertinent service routes as follows: (1) From Philadelphia, Pa., over city streets to the Ben Franklin Bridge to Camden, N.J., thence over New Jersey Highway 38 to junction New Jersey Highway 73 (formerly New Jersey Highway S–41), thence over New Jersey Highway 73 via Camden-Philadelphia Interchange to the New Jersey Turnpike (also from Philadelphia to Camden as specified above, thence over New Jersey Highway 168 (Black Horse Pike) via Woodbury-South Camden Interchange to the New Jersey Turnpike); (2) from the Lincoln Tunnel Interchange over the New Jersey Turnpike to the Delaware Memorial Bridge Interchange; (3) from Philadelphia, Pa., over city streets and Tacony-Palmyra Delaware River Bridge to junction New Jersey Highway 73, thence over New Jersey Highway 73 to junction New Jersey Highway 38; and (4) from junction of northeast segment of the Pennsylvania Turnpike System and the Pennsylvania Turnpike, over the eastern extension of the Pennsylvania Turnpike via the Delaware River bridge near Edgeley, Pa., and Florence, N.J., to junction connecting segment of the New Jersey Turnpike, thence over connecting segment of the New Jersey Turnpike to the New Jersey Turnpike at Interchange No. 6 thereof, and return over the same route.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Acting Secretary.*

[F.R. Doc. 70–12312; Filed, Sept. 15, 1970; 8:48 a.m.]

[Notice 30]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

SEPTEMBER 11, 1970.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules—Motor Carriers of Property, 1969 (49 CFR 1042.4(d)(11)), and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.4(d)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.4(d)(12)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules—Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 30605 (Deviation No. 16), THE SANTA FE TRAIL TRANSPORTATION COMPANY, 1413 Railway Exchange, 80 East Jackson Boulevard, Chicago, Ill. 60604, filed September 2, 1970. Carrier proposes to operate as a common carrier, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between La Junta, Colo., and Trinidad, Colo., over U.S. Highway 350, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Denver, Colo., over U.S. Highway 85 to junction relocated U.S. Highway 85, near Crow, Colo., thence over relocated U.S. Highway 85 to junction U.S. Highway 85, south of Greenhorn, Colo., thence over U.S. Highway 85 via Rowe and Glorieta, N. Mex., to Albuquerque, N. Mex. (also from Denver as specified above to Rowe, N. Mex., thence over unnumbered highway via Pecos, N. Mex., to Glorieta, N. Mex., thence over U.S. Highway 85 to Albuquerque); (2) from Trinidad, Colo., over U.S. Highway 350 to La Junta, Colo., with service to be performed by the carrier limited to service which is auxiliary to, or supplemental of, rail service of the railway, (3) from the Colorado-Kansas State line over U.S. Highway 50 to Pueblo, Colo.; (4) from junction U.S. Highway 50 Bypass and U.S. Highway 85 north of Pueblo, Colo., over U.S. Highway 50 Bypass to junction U.S. Highway 50; and (5) from Pueblo, Colo., over Colorado Highway 96 to Boone, Colo., thence over Colorado Highway 209 to junction U.S. Highway 50, and return over the same routes.

No. MC 42487 (Deviation No. 84), CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. 94025, filed September 1, 1970. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Salina, Utah, over Interstate Highway 70 via Green River, Utah, and Grand Junction, Colo., to Denver, Colo., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Salina, Utah, over U.S. Highway 89 to Spanish Fork, Utah, thence over U.S. Highway 91 to Salt Lake City, Utah, thence over U.S. Highway 40 via Kimball Junction, Utah, to Silver Creek Junction, Utah, thence over U.S. Highway 189 via Warship and Echo, Utah, to Evanston, Wyo., thence over U.S. Highway 30S to Little America, Wyo., thence over U.S. Highway 30 to Laramie, Wyo., thence over U.S. Highway 287 to Denver, Colo., and return over the same route.

No. MC–105350 (Deviation No. 1), NORTH PARK TRANSPORTATION CO., 5150 Columbine Street, Denver, Colo. 80216, filed September 3, 1970. Carrier's representative: John P. Thompson, 450 Capitol Life Building, East 16th Avenue at Grant, Denver, Colo. 80203. Carrier proposes to operate as a *common carrier*, by motor vehicle, of general commodities, with certain exceptions, over a deviation route as follows: From Denver, Colo., over Interstate Highway 25 to junction Colorado Highway 14, thence over Colorado Highway 14 to junction Highway 287, thence over U.S. Highway 287 to junction Interstate Highway 80, thence over Interstate Highway 80 to Walcott, Wyo., and return over the same route, for operating convenience only. The notice indicates that the carrier presently authorized to transport the same commodities over pertinent service route as follows: (1) From Denver, Colo., over U.S. Highway 40 to junction Colorado Highway 125, thence over Colorado Highway 125 to Walden, Colo., thence over Colorado Highway 125 to the Colorado-Wyoming State line, thence over Wyoming Highway 230 to Saratoga, Wyo., thence over Wyoming Highway 130 to Walcott, Wyo., (2) from Denver, Colo., over U.S. Highway 40 to junction Colorado Highway 14, thence over Colorado Highway 14 to Walden, Colo., and (3) from Denver, Colo., over U.S. Highway 287 to Fort Collins, Colo., thence over U.S. Highway 287 to Laramie, Wyo., thence over Wyoming Highway 230 to the Colorado-Wyoming State line, thence over Colorado Highway 127 to junction Colorado Highway 125, thence over Colorado Highway 125 to the Colorado-Wyoming State line, thence over Wyoming Highway 230 to Saratoga, Wyo., thence over Wyoming Highway 130 to Walcott, Wyo., and return over the same routes.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Acting Secretary.

[F.R. Doc. 70–12313; Filed, Sept. 15, 1970; 8:48 a.m.]

[Notice 85]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

SEPTEMBER 11, 1970.

The following publications are governed by Special Rule 247 of the Commission's rules of practice, published in the FEDERAL REGISTER issue of April 20, 1966, which became effective May 20, 1966.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

MOTOR CARRIERS OF PROPERTY

No. MC 133977 (Republication), filed August 15, 1969, published in the FEDERAL REGISTER issue of September 18, 1969, and republished this issue. Applicant: GENE'S, INC., 302 Maple Lane, Arcanum, Ohio 45304. Applicant's representative: Paul F. Berry, 88 East Broad Street, Columbus, Ohio 43215. A Report and Recommended Order of the Hearing Examiner which was served on August 19, 1970, and which became effective on August 31, 1970, and served September 8, 1970, finds: that the present and future public convenience and necessity require operation by applicant as a common carrier by motor vehicle, in interstate or foreign commerce, over irregular routes, of cream or liquid cream substitutes, sauces, dressings, and salads (except in bulk), between Washington Court House, Ohio, on the one hand, and, on the other, points in Delaware, Indiana, Kentucky, Maryland, Michigan, New Jersey, Pennsylvania, West Virginia, and the District of Columbia. Restricted to traffic originating at or destined to the plantsite of Avoset Food Corp. Because it is possible that other persons, who relied upon the notice of the application in this publication as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in the proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

APPLICATION FOR CERTIFICATE OR PERMIT WHICH IS TO BE PROCESSED CONCURRENTLY WITH APPLICATION UNDER SECTION 5 GOVERNED BY SPECIAL RULE 240 TO THE EXTENT APPLICABLE

No. MC 51006 (Sub-No. 5), filed August 27, 1970. Applicant: SHAWMUT TRANSPORTATION CO., INC., Charlam

Drive, Braintree, Mass. 02184. Applicant's representatives: Edward M. Alfano, 2 West 45th Street, New York, N.Y. 10036, and Frank J. Weiner, 6 Beacon Street, Boston, Mass. 02108. 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, livestock, household goods as defined in *Practices of Motor Common Carriers and Household Goods*, 17 M.C.C. 467, commodities in bulk, and those requiring special equipment, serving all points in Massachusetts as offroute points in connection with applicant's authorized regular routes. NOTE: This application is a matter directly related to Docket No. MC–F–10935 published in FEDERAL REGISTER issue of September 9, 1970. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC–F–10939. Authority sought for purchase by MISSOURI TRANSIT LINES, INC., 104 North Clark Street, Moberly, Mo. of a portion of the operating rights and property of JEFFERSON LINES, INC., 1114 Currie Avenue, Minneapolis, Mo., and for acquisition by NELS J. KOCH, 550 Keo Way, Des Moines, Iowa, of control of such rights and property through the purchase. Applicants' attorney: E. S. Douglas, Jr., Professional Building, Post Office Box 280, Harrisonville, Mo. Operating rights sought to be transferred: Authority applied for in pending Docket No. MC–60325 Sub-8, covering the transportation of passengers and their baggage, express, mail, and newspapers, in the same vehicle with passengers, as a common carrier over regular routes, between Harrisonville and Fort Leonard Wood, Mo. Vendee is authorized to operate as a *common carrier* in Iowa and Missouri. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–10940. Authority sought for purchase by KNOX MOTOR SERVICE, INC., 5680 11th Street, Post Office Box 359, Rockford, Ill. 61105, of the operating rights and property of JAMES D. COLE, doing business as SMITH TRUCK SERVICE, Rural Route 2, Box 181, Brimfield, Ill. 61517, and for acquisition by WENDELL W. KNOX, 6350 North Lake Drive, Milwaukee, Wis. 53217, VINCENT T. KNOX, Box 156, Cherry Valley, Ill. 61016, JOAN KNOX RONK, Rural Route No. 1, Cherry Valley, Ill. 61016, and MYRTLE V. KNOX, Cherry Valley, Ill. 61016, of control of such rights and property through the purchase. Applicants' attorneys: Thomas A. Graham and Paul J. Maton, both of Suite 1620, 10 South La Salle Street, Chicago, Ill. 60603. Operating rights sought to be transferred: Under a certificate of registration, in Docket No. MC–42708 Sub-2, covering the transportation of general commodities, as a common carrier in interstate commerce, within the State of Illinois. Vendee is authorized to operate as a *common carrier* in Iowa, Wisconsin, and Illinois. Application has been filed for temporary authority under section 210a(b). NOTE: No. MC–19553 Sub 32 is a matter directly related.

No. MC–F–10941. Authority sought for purchase by THE YOUNGSTOWN CARTAGE CO., 825 West Federal Street, Youngstown, Ohio 44501, of the operating rights of HAROLD E. VAN WINKLE, doing business as BENNETT MOTOR EXPRESS, 900 East Church Street, Sandwich, Ill., 60548, and for acquisition by WILLIAM F. WOLFF and WILLIAM F. WOLFF, JR., also of Youngstown, Ohio, of control of such rights through the purchase. Applicants' attorney: Arnold L. Burke, Suite 2220, Brunswick Building, 69 West Washington Street, Chicago, Ill. 60602. Operating rights sought to be transferred: *General commodities*, excepting, among others, classes A and B explosives, household goods and commodities in bulk, as a *common carrier* over regular routes, between Chicago, Ill., and Sandwich, Ill., serving the intermediate point of Plano, Ill., with restriction, and under a certificate of registration, in No. MC–71567 Sub-2, covering the transportation of commodities generally, as a common carrier, in interstate commerce, within the State of Illinois. Vendee is authorized to operate as a *common carrier* in Pennsylvania, Ohio, West Virginia, New York, New Jersey, Michigan, Massachusetts, Rhode Island, Connecticut, Delaware, District of Columbia, Maryland, and Wisconsin, and under a certificate of registration, within the State of Illinois. Application has been filed for temporary authority under section 210a(b).

No. MC–F–10942. Application under section 5(1) of the Interstate Commerce Act for approval of an agreement between common carriers for the pooling of traffic. Applicants: PACIFIC INTERMOUNTAIN EXPRESS CO., 1417 Clay Street, Post Office Box 958, Oakland, Calif. 94604 (MC–730), BEE LINE MOTOR FREIGHT, INC., 1804 Paul Street, Omaha, Nebr. 68102 (MC–60066), seek to enter into an agreement for the pooling of traffic consisting of general commodities moving in interstate commerce between Omaha, Nebr., and points in Alda, Central City, Chapman, Clarks, Columbus, Cozad, Doniphan, Duncan, Grand Island, North Platte, Ogallala, Paxton, Silver Creek, and Sutherland, Nebr. Attorney: W. S. Pilling, 1417 Clay Street, Post Office Box 958, Oakland, Calif. 94604. NOTE: PACIFIC INTERMOUNTAIN EXPRESS CO., holds authority from this Commission to operate from coast to coast.

No. MC–F–10943. Authority sought for purchase by FOX & GINN, INC., 207 Perry Road, Bangor, Maine 04401, of the operating rights and property of FOGG'S TRANSPORTATION, INC., 76 Cross Street, Portland, Maine 04101, and for acquisition by C. L. FOX, MRC No. 47, Bangor, Maine 04401, C. L. FOX, JR., 129 Finson Road, Rural Delivery 3, Bangor, Maine 04401, D. W. FOX, 819 Essex Street, Bangor, Maine 04401, M. W. GINN, 14 Montgomery Street, Bangor, Maine 04401, H. E. GINN, 19 Rocky Hill Road, Cape Elizabeth, Maine, R. E. GINN, Hickery Hill, Manchester, Mass., S. E. GINN, 14 Montgomery Street, Bangor, Maine, and M. E. AVERILL, 20 Montgomery Street, Bangor, Maine, of control of such rights and property through the purchase. Applicants' attorneys: Richard R. Sigmon, 618 Perpetual Building, Washington, D.C. 20004 and Frank J. Weiner, 6 Beacon Street, Boston, Mass. 02108. Operating rights sought to be transferred: *General commodities*, as a *common carrier* over regular routes, between junction U.S. Highway 202 and Maine Highway 106 (approximately 4 miles north of Greene, Maine), and Leeds, Maine, serving no intermediate points, between Augusta, Maine, and Waterville, Maine, serving the intermediate point of Sidney, Maine, with restriction; under a certificate of registration, in No. MC–58135 Sub-No. 1, covering the transportation of property, as a common carrier, in interstate commerce, within the State of Maine; and under a certificate of registration in No. MC–58132 Sub-No. 3, covering the transportation of property, as a common carrier, in interstate commerce, within the State of Maine. Vendee is authorized to operate as a *common carrier* in Massachusetts, Maine, and New Hampshire. Application has been filed for temporary authority under section 210a(b). NOTE: No. MC–28536 Sub-No. 15, is a matter directly related.

No. MC–F–10944. Authority sought for purchase by COASTAL TANK LINES, INC., 215 East Waterloo Road, Akron, Ohio 44319, of the operating rights and property of BOWEN TRANSPORTS, INC., Post Office Box 363, Mattoon, Ill. 61938, and for acquisition by COASTAL INDUSTRIES, INC., also of Akron, Ohio 44319, of control of such rights and property through the purchase. Applicants' attorneys: Axelrod, Goodman, Steiner & Bazelon, 39 South La Salle Street, Chicago, Ill. 60603. Operating rights sought to be transferred: *Commodities in bulk*, as a *common carrier*, over regular routes, between Chicago, Ill., and junction U.S. Highways 41 and 6 and Indiana Highway 152, serving all intermediate points on the Calumet-Tri-State Expressway; *commodities in bulk*, over regular routes and irregular routes, (1) in the commercial areas of Chicago, Cincinnati, Dayton, Indianapolis, Detroit, and Milwaukee as described in appendix I, over irregular routes; (2) between points within the area bounded as follows: Commencing at junction U.S. Highways 41 and 30, over U.S. Highway 30 to junction Illinois Highway 31, thence over Illinois Highway 31 to junction U.S. Highway 20, thence over U.S. Highway 20 to junction U.S. Highway 41, north of Chicago, including all points on highways and that portion of the commercial zone of Chicago, in

Indiana within this area, over irregular routes; (3) between all points on regular routes described in appendix II over said routes, including commercial areas described in appendix I in the States of Illinois, Indiana, Kentucky, Michigan, Ohio, and Wisconsin, with the exception of routes 2 (c), (d), and (e), excluding from this exception that part of route 2(c) from Chicago, Ill., to certain specified points in Michigan, over U.S. Highway 12 to junction U.S. Highway 31, thence over U.S. Highway 31 to St. Joseph or Benton Harbor, thence over U.S. Highway 31 from junction Interstate Highway 94 to Niles; also serving points between junction Interstate Highway 94 and Michigan Highway 40 over Michigan Highway 40 to Niles; and

(4) Between points in commercial and suburban areas described in the findings 1 and 2 above, and all points on regular routes, on the one hand, and certain specified points in Ohio, and Coal City, Ill., on the other, limited to truckloads only, over irregular; Appendix I, points included in suburban areas; Appendix II regular routes, between Chicago, Ill., and Milwaukee, Wis.; between Chicago, Ill., and certain specified points in Michigan; in connection with the above route, also serving off-route points along U.S. Highway 31 from junction Interstate Highway 94 to Michigan Highway 89 over U.S. Highway 31; thence over Michigan Highway 89 to Fennville, Mich.; thence in a southerly direction over county roads through Grand Junction, Bangor, and Hartford, Mich., to junction Interstate Highway 94; also serving Lansing, Mich., over U.S. Highway 127 from junction Interstate Highway 94; also serving Flint, Mich., over U.S. Highway 23 from junction Interstate Highway 94; between Chicago, Ill., and Cincinnati, Ohio; between Chicago, Ill., and Dayton, Ohio; also serving coordinately with the above routes in regular service the territory adjacent to Chicago, including such points as Elgin, Aurora, Joliet, and St. Charles, Ill., and more fully described as from junction U.S. Highways 41 and 30 over U.S. Highway 30 to junction Illinois Highway 31; thence over Illinois Highway 31 to junction U.S. Highway 20; thence over U.S. Highway 20 to Chicago, over numerous alternate routes for operating convenience only. Vendee is authorized to operate in all States in the United States (except Alaska and Hawaii). Application has been filed for temporary authority under section 210a (b).

By the Commission.

[SEAL] ROBERT L. OSWALD,
Acting Secretary.

[F.R. Doc. 70-12311; Filed, Sept. 15, 1970; 8:48 a.m.]

[Notice 587]

MOTOR CARRIER TRANSFER PROCEEDINGS

SEPTEMBER 11, 1970.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-72287. By order of September 9, 1970, the Motor Carrier Board approved the transfer to Gerald M. LaVenture, Maywood, Calif., of a portion of certificate No. MC-27719 issued to Hayes Truck Lines, Inc., Tacoma, Wash., authorizing the transportation of: Household goods, as defined by the Commission, between points in Pierce County, Wash., on the one hand, and, on the other, points in Washington and Oregon. Between Winlock, Wash., and 10 miles thereof, and points in Oregon, in a radial movement. Jack R. Davis, attorney, 1100 IBM Building, Seattle, Wash. 98101.

No. MC-FC-72317 (Correction). By order of August 17, 1970, the Motor Carrier Board approved the transfer to Marlin A. Chanay and Marilyn Chanay, a partnership, doing business as Chanay Truck Line, Wellsville, Kans., of the operating rights in certificates Nos. MC-69299; MC-69299 (Sub-No. 1); and MC-69299 (Sub-No. 2) issued October 9, 1943, November 1, 1946, and April 27, 1950, respectively, to Artie Chanay (Helen K. Chanay, Executrix), Wellsville, Kans., authorizing the transportation of general commodities, with usual exceptions, and livestock between Wellsville, Kans., and Kansas City, Mo.; and livestock, building material, farm machinery, and feed between Rantoul and Stanton, Kans., and Kansas City, Mo.; and general commodities, with usual exceptions, from Kansas City, Mo., to Shawnee, Kans. The purpose of this republication is to show the correct docket number to be No. MC-69299 (Sub-No. 2) in lieu of No. MC-29299 (Sub-No. 2) as published in the issue of August 26, 1970. John L. Richeson, First National Bank Building, Ottawa, Kans. 66067, attorney for applicants.

No. MC-FC-72346. By order of September 9, 1970, the Motor Carrier Board approved the transfer to Patterson-Suer, Inc., doing business as World Wide Moving & Storage, Oxnard, Calif., of the operating rights in No. MC-133711 (Sub-No. 1), issued May 27, 1970, to Leo M. Welter, doing business as World Wide Moving & Storage, Oxnard, Calif., authorizing the transportation of used household goods, between specified points in California restricted to performance of specified service in connection with traffic having a prior or subsequent movement in containers beyond the point authorized. Ernest D. Salm, 3846 Evans Street, Los Angeles, Calif. 90027, representative for applicants.

[SEAL] ROBERT L. OSWALD,
Acting Secretary.

[F.R. Doc. 70-12308; Filed, Sept. 15, 1970; 8:48 a.m.]

[No. 35297]

TENNESSEE INTRASTATE RAIL FREIGHT RATES AND CHARGES, 1970

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D.C., on the 28th day of August 1970.

By petition filed on July 10, 1970, The Alabama Great Southern Railroad, Cincinnati, New Orleans & Texas Pacific Railway, Clinchfield Railroad, Gulf, Mobile & Ohio Railroad, Illinois Central Railroad, Louisville and Nashville Railroad Co., and Southern Railway Co., common carriers by railroad operating within the State of Tennessee, aver that the Tennessee Public Service Commission has refused to permit increases in intrastate rates and charges on aggregates, stone, pulpwood and wood chips, woodpulp, paper, and paper products, salt cake, and lime, corresponding to increases maintained by the carriers on interstate commerce as authorized by this Commission in Ex Parte No. 259, Increased Freight Rates, 1968, 332 ICC 590 and 332 ICC 714;

It appearing, that petitioners allege that the interstate rates and charges, as increased, on the specified commodities are just and reasonable, that conditions incident to the transportation thereof within the State of Tennessee are not more favorable than the conditions incident to interstate transportation of the same commodities to, from, and between points in the State of Tennessee, that an increase in intrastate rates and charges comparable to those authorized in Ex Parte No. 259 would not result in rates or charges that are unreasonable, that the failure of the Tennessee Public Service Commission to permit the

increases in rates and charges on intrastate traffic, referred to in the previous paragraph, causes and results in the petitioners being required to maintain abnormally low rates on such traffic, depriving them of needed revenue to offset increased operating costs, causing an undue burden on interstate commerce, causing undue, unreasonable, and unjust discrimination against interstate commerce, and giving undue and unreasonable advantage to intrastate shippers and subjecting interstate shippers of the same commodities to undue and unreasonable prejudice and disadvantage; thus, petitioners request an investigation, under sections 13 and 15a(2) of the Interstate Commerce Act, of the Tennessee intrastate rates and charges on traffic as more fully described hereinabove and an order removing the alleged unlawfulness, and petitioners seek to have all railroads operating in the State of Tennessee made respondents;

And it further appearing, that there have been brought in issue by the said petition matters sufficient to require, an investigation of the said intrastate rates and charges made or imposed by the State of Tennessee;

Wherefore, and good cause appearing:

It is ordered, That the petition be, and it is hereby, granted, and that an investigation be, and it is hereby, instituted under section 13 of the Act to determine whether the said rates and charges of carriers by railroad, or any of them, operating in the State of Tennessee, for the intrastate transportation of aggregates, stone, pulpwood, and wood chips, woodpulp, paper and paper products, salt cake, and lime made or imposed by authority of the State of Tennessee, cause or will cause, by reason of the failure of such rates and charges to include increases corresponding to those permitted by this Commission on the same commodities for interstate transportation in Ex Parte No. 259, Increased Freight Rates, 1968, supra, any undue or unreasonable, advantage, preference, or prejudice, as between persons or locations in intrastate commerce, on the one hand, and interstate or foreign commerce, on the other hand, or any undue, unreasonable, or unjust discrimination against, or undue burden on interstate or foreign commerce; and to determine what rates and charges, if any, or what maximum, or minimum, or maximum and minimum rates and charges shall be prescribed to remove the unlawful advantage, preference, prejudice, discrimination, or undue burden, if any, that may be found to exist;

It is further ordered, That all carriers by railroad operating within the State of Tennessee, subject to the jurisdiction of this Commission, be, and they are hereby, made respondents to this proceeding.

It is further ordered, That all persons who intend actively to participate in this proceeding and to file and receive copies of pleadings, shall make known that fact by notifying the Commission in writing on or before October 9, 1970. To conserve time and to avoid unnecessary expense, persons having common interests should endeavor to consolidate their presentation to the greatest extent possible. Individual participation is not precluded; however, mere casual interest does not justify participation. The Commission desires the participation only of those who intend to take an active part in the proceeding.

It is further ordered, That as soon as practicable after the date for indicating a desire to participate in the proceeding has passed, the Secretary will serve a list of the names and addresses of all participants.

It is further ordered, That a copy of this order be served upon the respondents; that the State of Tennessee be notified of the proceeding by sending a copy of this order by certified mail to the Governor of Tennessee and a copy to the Tennessee Public Service Commission, Nashville, Tenn.; and that further notice of this proceeding be given to the public by depositing a copy of this order in the office of the Secretary of this Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register, Washington, D.C., for publication in the FEDERAL REGISTER.

And it is further ordered, That this proceeding be assigned for hearing as may hereafter be designated.

By the Commission, Division 2.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[F.R. Doc. 70-12310; Filed, Sept. 15, 1970; 8:48 a.m.]

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