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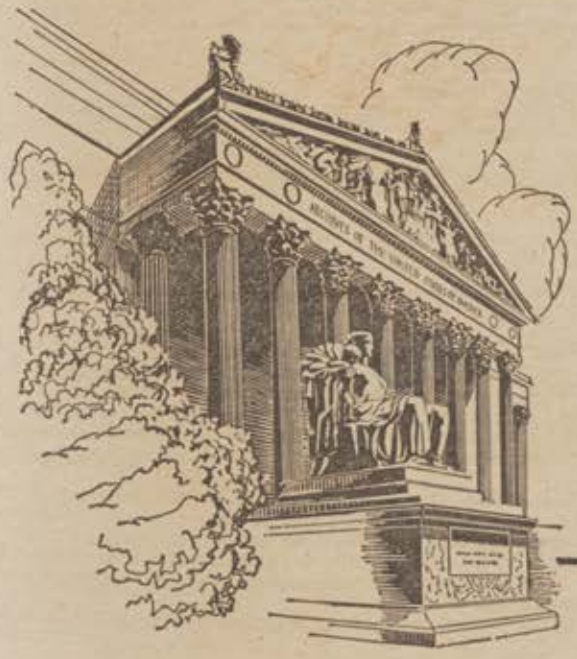

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List of CFR Parts Affected

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

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

Presidential Documents

Title 3—THE PRESIDENT

Proclamation 4018

MODIFYING PROCLAMATION NO. 3279 RELATING TO IMPORTS OF PETROLEUM AND PETROLEUM PRODUCTS

By the President of the United States of America

A Proclamation

The Director of the Office of Emergency Preparedness has found, with the advice of the Oil Policy Committee—

1. that the importation from Western Hemisphere sources into District I, without charge to import quotas, of 14.6 million barrels of No. 2 fuel oil during the period January 1, 1971 through December 31, 1971 for allocation to independent deepwater terminal operators under appropriate seasonal restrictions, would not adversely affect the national security;

2. that the importation authorized by this Proclamation of Canadian crude oil, unfinished oils, and finished products produced in Canada from Canadian crude oil by means of vessels operating on waterways (other than ocean waterways) in or between the United States and Canada, would not adversely affect the national security;

3. that the importation other than by sea from Canada of natural gas liquids produced in Canada, without charge to import quotas, would not adversely affect the national security;

4. that imports of ethane, propane and butane derived from Western Hemisphere sources may be increased without adversely affecting the national security;

5. that crude oil may be imported into District I to be topped for use as burner fuel subject to such conditions as the Secretary may specify by regulation, without adversely affecting the national security;

6. that Canadian crude oil may be imported into the United States from Canada to be topped for use as burner fuel under such conditions as the Secretary may specify by regulation, without adversely affecting the national security; and

7. that crude oil may, without regard to its viscosity, be imported for use as burner fuel, under the same conditions and restrictions as now apply to residual fuel oil imported for use as fuel, without adversely affecting the national security.

The Director has recommended, with the advice of the Oil Policy Committee, that Proclamation No. 3279,[1] as amended, be amended to adjust imports in conformity with these findings.

I accept these findings and deem it necessary and consistent with the security objectives of Proclamation No. 3279, as amended, to adjust imports as hereinafter provided.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, acting under and by virtue of the authority vested in me by the Constitution and statutes, including section 232 of the Trade Expansion Act of 1962, do hereby proclaim that, effective immediately:

---

[1] 24 F.R. 1781; 3 CFR, 1959–1963 Comp., p. 11.

(1) Clause (ii) of the last sentence of subparagraph (1) of paragraph (a) of Section 2 of Proclamation No. 3279 of March 10, 1959, as added by Proclamation No. 3990 of June 17, 1970, is amended by striking "December 31, 1970", and inserting in lieu thereof "December 31, 1971";

(2) Section 1A of Proclamation No. 3279, as added by Proclamation No. 3969 of March 10, 1970, is amended by adding four new subsections as follows:

"(d) Any crude oil, unfinished oils, or finished products that may otherwise be transported into the United States from Canada under the provisions of this proclamation, may also be transported into the United States by vessel, as defined in 1 U.S.C. 3, so long as such transportation involves only waterways (other than ocean waterways) in or between the United States and Canada.

"(e) On and after October 1, 1970, any natural gas liquids, as defined in subparagraph (1) of paragraph (a) of Section 2 of this proclamation, derived solely from Canadian natural gas, may be transported other than by sea into the United States from Canada without license and without reducing the quantities of crude oil, unfinished oils, or finished products that may be imported into the United States under the provisions of Section 1, Section 1A, and Section 2 of this proclamation.

"(f) On or after October 1, 1970, ethane, propane and butane produced in the Western Hemisphere from Western Hemisphere crude or gas may be imported into the United States without reducing the quantities of crude oil, unfinished oils, and finished products that may be imported into the United States under the provisions of Section 1, Section 1A, and Section 2 of this proclamation.

"(g) Crude oil may be imported into District I to be topped for use as burner fuel under such conditions as the Secretary may, by regulation, provide. Crude oil may be imported into the United States from Canada to be topped for use as burner fuel under such conditions as the Secretary may, by regulation, provide. The quantities of crude oil, unfinished oils, and finished products that may be imported into the United States under the provisions of Section 1, Section 1A, and Section 2 shall not be reduced by reason of imports of crude oil used as fuel under this paragraph (g)."

(3) Subparagraph (7) of paragraph (g) of Section 9 of Proclamation No. 3279 is amended to read as follows:

"(7) residual fuel oil—(i) topped crude oil or viscous residuum which has a viscosity of not less than 45 seconds Saybolt universal 100° F. and (ii) crude oil which is to be used as fuel without further processing other than by blending by mechanical means;"

IN WITNESS WHEREOF, I have hereunto set my hand this 16th day of October, in the year of our Lord nineteen hundred seventy, and of the Independence of the United States of America the one hundred ninety-fifth.

Richard Nixon

[F.R. Doc. 70-14182; Filed, Oct. 19, 1970; 8:58 a.m.]

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

General Services Administration

Section 213.3337 is amended to show that one additional position of Confidential Assistant to the Commissioner, Public Buildings Service, is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (2) of paragraph (b) is amended under § 213.3337 as set out below.

§ 213.3337 General Services Administration.

* * * * *

(b) *Public Buildings Service.* * * *

(2) Two Confidential Assistants to the Commissioner.

* * * * *

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

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

[F.R. Doc. 70-14145; Filed, Oct. 19, 1970; 8:49 a.m.]

Title 7—AGRICULTURE

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

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

Order Amending the Order, as Amended, Regulating Handling

§ 907.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations made in connection with the issuance of the order and each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the Agriculture Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and the applicable rules of practice and procedure effective thereunder (7 CFR Part 900), a public hearing was held at Los Angeles, Calif., on May 13, 1970, upon proposed amendments to the marketing agreement, as amended, and to Order No. 907, as amended (7 CFR Part 907), regulating the handling of Navel oranges grown in Arizona and designated part of California. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The said order, as amended and as hereby further amended, regulates the handling of Navel oranges grown in the designated production area in the same manner as, and is applicable only to persons in the respective classes of commercial or industrial activity specified in, the marketing agreement and order upon which hearings have been held;

(3) The said order, as amended and as hereby further amended, is limited in its application to the smallest regional production area that is practicable consistently with carrying out the declared policy of the act;

(4) The said order, as amended and as hereby further amended, prescribes, so far as practicable, such different terms, applicable to different parts of the production area, as are necessary to give due recognition to differences in the production and marketing of Navel oranges; and

(5) All handling of Navel oranges grown in the designated production area is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

(b) *Additional findings.* It is hereby found, on the basis hereinafter indicated that good cause exists for making the provisions of this amendatory order effective not later than November 1, 1970, and that it would be contrary to the public interest to postpone such effective date until 30 days after publication (5 U.S.C. 553). The provisions of this order liberalize the provisions with respect to the loaning and use of allotment for handling short life oranges, change the provisions for allocation of early maturity allotment and prescribe a certification to the committee by the handler as to the control of the oranges described in his application for a prorate base and allotments in lieu of submitting written contracts. The fiscal period and the new season begin November 1, 1970, and the effective time of the provisions of this amendment should coincide with this date so applications for prorate bases and allotments, allocation of early maturity allotment, and loans of short life allotment may be made in accordance with such provisions. The provisions of this order are well known to producers and handlers. The hearing in connection therewith was held at Los Angeles on May 13, 1970, and the recommended decision and final decision were published in the FEDERAL REGISTER on July 18, 1970 (35 F.R. 11587), and August 20, 1970 (35 F.R. 13290), respectively. Copies of this amendatory order were made available to all known interested parties, and compliance with such provisions will not require advance preparation on the part of persons subject thereto which cannot be completed prior to the effective time specified.

(c) *Determinations.* It is hereby determined that:

(1) The agreement amending the marketing agreement, as amended, regulating the handling of Navel oranges grown in the designated production area, upon which the aforesaid public hearing was held, has been signed by handlers (excluding cooperative associations of producers who were not engaged in processing, distributing, or shipping the oranges covered by this order) who, during the period November 1, 1969, through July 31, 1970, handled not less than 80 percent of the oranges covered by said order, as amended, and as hereby further amended;

(2) The issuance of this order, amending the aforesaid order, is favored or approved by at least three-fourths of the producers who participated in a referendum on the question of its approval and who, during the determined representative period (Nov. 1, 1969, through July 31, 1970) were engaged within the area in the production for market of the oranges covered by the said order, as amended, and as hereby further amended; and

(3) The issuance of this order, amending the aforesaid order, is favored or approved by said producers who, during the aforesaid representative period, produced for market at least two-thirds of the volume of Navel oranges produced for market within the designated production area.

It is, therefore, ordered, That, on and after the effective date hereof, all handling of Navel oranges grown in the production area shall be in conformity to, and in compliance with, the terms and conditions of the said order, as amended, and as hereby further amended as follows:

§ 907.31 [Amended]

1. Section 907.31 *Expenses and compensation* is amended by deleting "$15" in the first sentence and substituting in lieu thereof "$25".

2. Section 907.53 *Prorate bases* is amended by deleting paragraph (c) and substituting in lieu thereof a new paragraph (c) to read as follows:

§ 907.53 Prorate bases.

* * * * *

(c) Such application shall include a certification by the handler that he has control, for all purposes relating to this part, of the oranges described in the application.

* * * * *

3. Section 907.57 *Allotment loans* is amended by deleting the first sentence, including the proviso, in paragraph (a) and the second sentence in paragraph (b), and substituting in lieu thereof new sentences to read as follows:

§ 907.57 Allotment loans.

(a) A person to whom allotments have been issued under general maturity or the short life provisions of this subpart may, in accordance with the provisions of this section, lend such allotments to other persons, within any prorate district, to whom allotments also have been issued. * * *

(b) * * * A person desiring to loan allotment to persons outside his own district shall request the committee to arrange the loan on his behalf with the committee first offering the loan to persons within the district who file requests for such loans and, failing to do so, may then arrange to offer the loan outside of the district in an equitable manner: *Provided*, That offers to loan short life allotment to persons within any district to whom allotments have been issued under general maturity shall be arranged through the committee. * * *

* * * * *

4. Section 907.60 *Early maturity allotments* is amended by revising the fourth sentence to read as follows:

§ 907.60 Early maturity allotments.

* * * Total early maturity allotments approved by the committee for each prorate district shall be allocated in an equitable manner among the requesting handlers who qualify therefor. * * *

§ 907.61 [Amended]

5. Section 907.61 *Short life allotments* is amended by deleting the sentence reading, "Short life allotments may be used only in the handling of short life oranges".

6. Section 907.66 *Prorate districts is* amended by adding a new paragraph (d) to read as follows:

§ 907.66 Prorate districts.

* * * * *

(d) Upon a determination by the committee that such action is necessary and appropriate it may, with the approval of the Secretary, establish a separate district for that part of the production area north of the 38th Parallel.

7. The text of § 907.40 *Expenses* is revised to read as follows:

§ 907.40 Expenses.

The Navel Orange Administrative Committee is authorized to incur such expenses as the Secretary finds are reasonable and likely to be incurred to carry out the functions of the committee under this subpart during each fiscal year.

8. The first sentence of paragraph (a) in § 907.41 *Assessments* is revised to read as follows:

§ 907.41 Assessments.

(a) Each person who first handles oranges shall, with respect to the oranges handled by him, pay to the committee upon demand, such person's pro rata share of the expenses which the Secretary finds are reasonable and likely to be incurred each fiscal year. * * *

* * * * *

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

Dated, October 15, 1970, to become effective November 1, 1970.

RICHARD E. LYNG,
Assistant Secretary.

[F.R. Doc. 70-14099; Filed, Oct. 19, 1970; 8:48 a.m.]

PART 971—LETTUCE GROWN IN LOWER RIO GRANDE VALLEY IN SOUTH TEXAS

Limitation of Shipments

Notice of rule making with respect to a proposed limitation of shipments regulation to be made effective under Marketing Agreement No. 144 and Order No. 971 (7 CFR Part 971), regulating the handling of lettuce grown in the Lower Rio Grande Valley in South Texas was published in the FEDERAL REGISTER, October 1, 1970 (35 F.R. 15302). This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The notice afforded interested persons an opportunity to file written data, views, or arguments pertaining thereto not later than 10 days following its publication in the FEDERAL REGISTER. None was filed.

Findings. After consideration of all relevant matters, including the proposal set forth in the aforesaid notice which was recommended by the South Texas Lettuce Committee, established pursuant to the said marketing agreement and order, it is hereby found that the limitation of shipments regulation, as hereinafter set forth, will tend to effectuate the declared policy of the act.

The recommendations of the committee are in accord with the committee's marketing policy and reflect its appraisal of the composition of the 1970–71 crop of lettuce in the Lower Valley and the marketing prospects for the season. The grade, pack, and container requirements are needed in the interest of orderly marketing so as to improve returns to producers. The provisions with respect to special purpose shipments are designed to meet the different requirements for other than normal channels of trade.

It is hereby further found that good cause exists for not postponing the effective date of this section until 30 days after its publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of lettuce grown in the production area will begin on or about the effective date specified herein, (2) to maximize benefits to producers, this regulation should apply to as many shipments as possible during the effective period, (3) information regarding the provisions of this regulation has been made available to producers and handlers in the production area, and (4) compliance with this regulation will not require any special preparation on the part of persons subject thereto which cannot be completed by such effective date.

§ 971.311 Limitation of shipments.

During the period October 19, 1970, through March 31, 1971, no person shall handle any lot of lettuce grown in the production area unless such lettuce meets the requirements of paragraph (a), (b), (c), and (f) of this section, or unless such lettuce is handled in accordance with paragraph (d) or (e) of this section. Further, no person may package lettuce during the above period on any Sunday.

(a) *Grade.* Eighty percent U.S. No. 1, or better quality, with not more than 10 percent serious damage including not more than 5 percent affected by decay on any portion of the head exclusive of the wrapper leaves. Individual containers may have not less than 60 percent U.S. No. 1 quality and not more than double the specified tolerance for serious damage, including not more than three heads affected by decay in any portion of the head exclusive of the wrapper leaves.

(b) *Sizing and pack.* (1) Lettuce heads, packed in container Nos. 7303, 7306, or 7313, if wrapped, may be packed only 18, 20, 22, 24, or 30 heads per container; if not wrapped, only 18, 24, or 30 heads per container.

(2) Lettuce heads in container No. 85–40 may be packed only 24 heads per container.

(c) *Containers.* Containers may be only—

(1) Cartons with inside dimensions of 10 inches x 14¼ inches x 21⁹⁄₁₆ inches (designated as carrier container No. 7303), or

(2) Cartons with inside dimensions of 9¾ inches x 14 inches x 21 inches (designated as carrier container Nos. 7306, and 7313), or

(3) Cartons with inside dimensions of 21½ inches x 16⅛ inches x 10¾ inches (designated as carrier container No. 85–40—flat pack).

(d) *Minimum quantity.* Any person may handle up to, but not to exceed two cartons of lettuce a day without regard to inspection, assessment, grade, size, and pack requirements, but must meet container requirements. This exception may not be applied to any portion of a shipment of over two cartons of lettuce.

(e) *Special purpose shipments.* Lettuce not meeting grade, size or container requirements of paragraph (a), (b), or (c) of this section may be handled for any purpose listed, if handled as prescribed, in this paragraph. Inspection and assessments are not required on such shipments.

(1) For relief, charity, experimental purposes, or export to Mexico, if, prior

to handling, the handler pursuant to §§ 971.120–971.125 obtains a Certificate of Privilege applicable thereto and reports thereon.

(2) For export to Mexico, if the handler of such lettuce loads or transports it only in a vehicle bearing Mexican registration (license).

(f) *Inspection.* (1) No handler may handle any lettuce for which an inspection certificate is required unless an appropriate inspection certificate has been issued with respect thereto.

(2) No handler may transport, or cause the transportation of, by motor vehicle, any shipment of lettuce for which an inspection certificate is required unless each such shipment is accompanied by a copy of an inspection certificate or by a copy of a shipment release form (SPI–23) furnished by the inspection service verifying that such shipment meets the current grade, size, pack, and container requirements of this section. A copy of the inspection certificate, or shipment release form applicable to each truck lot shall be available and surrendered upon request to authorities designated by the committee.

(3) For administration of this part, an inspection certificate or shipment release form required by the committee as evidence of inspection is valid for only 72 hours following completion of inspection, as shown on such certificate or form.

(g) *Definitions.* (1) "Wrapped" heads of lettuce refers to those which are enclosed individually in parchment, plastic, or other commercial film (cf. AMS 481) and then packed in cartons or other containers.

(2) "U.S. No. 1" and "serious damage" have the same meaning as in the U.S. Standards for Grades of Lettuce (§§ 51.2510–51.2531 of this title).

(3) Other terms used in this section have the same meaning as when used in Marketing Agreement No. 144 and this part.

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

Dated: October 14, 1970, to become effective October 19, 1970.

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

[F.R. Doc. 70–14069; Filed, Oct. 19, 1970; 8:45 a.m.]

PART 982—FILBERTS GROWN IN OREGON AND WASHINGTON

Free and Restricted Percentages for 1970–71 Fiscal Year

Notice was published in the October 3, 1970, issue of the FEDERAL REGISTER (35 F.R. 15446) regarding a proposal to establish free and restricted percentages applicable to filberts grown in Oregon and Washington for the 1970–71 fiscal year beginning August 1, 1970. The percentages are based on recommendations of the Filbert Control Board and other available information in accordance with the applicable provisions of the marketing agreement, as amended, and Order No. 982, as amended (7 CFR Part 982), regulating the handling of filberts grown in Oregon and Washington, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The notice afforded interested persons opportunity to submit written data, views, or arguments with respect to the proposal. None were submitted within the prescribed time.

After consideration of all relevant matter presented, including those in the notice, the information and recommendations submitted by the Board, and other available information, it is found that to establish free and restricted percentages as hereinafter set forth will tend to effectuate the declared policy of the act.

Therefore, the free and restricted percentages for merchantable filberts during the 1970–71 fiscal year are established as follows:

§ 982.220 Free and restricted percentages for merchantable filberts during the 1970–71 fiscal year.

The following percentages are established for merchantable filberts for the fiscal year beginning August 1, 1970:

Free percentage	78
Restricted percentage	22

It is further found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that: (1) The relevant provisions of said amended marketing agreement and this part require that free and restricted percentages designated for a particular fiscal year shall be applicable to all inshell filberts handled during such year; and (2) the current fiscal year began on August 1, 1970, and the percentages established herein will automatically apply to all such filberts beginning with such date.

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

Dated: October 14, 1970.

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

[F.R. Doc. 70–14098; Filed, Oct. 19, 1970; 8:48 a.m.]

Title 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

MISCELLANEOUS AMENDMENTS TO CHAPTER

The following amendments to Chapter I of Title 8 of the Code of Federal Regulations are hereby prescribed:

PART 100—STATEMENT OF ORGANIZATION

Districts 6 and 27 of paragraph (b) of § 100.4 are amended to read as follows:

§ 100.4 Field service.

* * * * *

(b) *District offices.* The following districts, which are designated by numbers, have fixed headquarters and are divided as follows:

* * * * *

6. *Miami, Fla.* The district office in Miami, Fla., has jurisdiction over the State of Florida, Cuba, the Caribbean Islands, except the Dominican Republic, and South America; also, over the U.S. immigration office located in Nassau, Bahamas.

* * * * *

27. *San Juan, P.R.* The district office in San Juan, P.R., has jurisdiction over the Commonwealth of Puerto Rico, the Virgin Islands of the United States, and the Dominican Republic.

* * * * *

PART 103—POWERS AND DUTIES OF SERVICE OFFICERS; AVAILABILITY OF SERVICE RECORDS

Paragraphs (i) and (j) of § 103.1 are amended to read as follows:

§ 103.1 Delegations of authority.

* * * * *

(i) *Immigration officer.* Any immigration inspector, immigration examiner, border patrol agent, airplane pilot, deportation officer, detention guard, investigator, general attorney (nationality), trial attorney (immigration) or supervisory officer of such employees is hereby designated as an immigration officer authorized to exercise the powers and duties of such officer as specified by the Act, or this chapter.

(j) *Chief patrol agents.* Under the executive direction of a regional commissioner, the Border Patrol activities of the Service within their respective sector areas, including exercise of the authority contained in section 242(b) of the Act to permit aliens to depart voluntarily from the United States prior to commencement of hearing.

PART 212—DOCUMENTARY REQUIREMENTS: NONIMMIGRANTS; WAIVERS; ADMISSION OF CERTAIN INADMISSIBLE ALIENS; PAROLE

§ 212.4 [Amended]

The first sentence of paragraph (a) *Applications under section 212(d)(3)(A)* of § 212.4 *Applications for the exercise of discretion under section 212(d)(3)* is amended to read as follows: "District directors in the United States and officers in charge outside the United States in Hong Kong, B.C.C.; Frankfurt, Germany; Mexico, D.F., Mexico; and Rome, Italy, districts are authorized to act upon recommendations made by consular officers for the exercise of discretion under section 212(d)(3)(A) of the Act."

PART 238—CONTRACTS WITH TRANSPORTATION LINES

§ 238.3 [Amended]

The listing of transportation lines in paragraph (b) *Signatory lines* of

§ 238.3 *Aliens in immediate and continuous transit* is amended by adding the following transportation lines in alphabetical sequence: "British Midland Airways, Ltd." and "Toyo Yusen Co., Ltd."

PART 242—PROCEEDINGS TO DETERMINE DEPORTABILITY OF ALIENS IN THE UNITED STATES: APPREHENSION, CUSTODY, HEARING, AND APPEAL

Paragraphs (a) and (c) of § 242.5 are amended to read as follows:

§ 242.5 Voluntary departure prior to commencement of hearing.

(a) *Authorized officers.* The authority contained in section 242(b) of the Act to permit aliens to depart voluntarily from the United States may be exercised by district directors, district officers who are in charge of investigations, officers in charge, and chief patrol agents.

* * * * *

(c) *Revocation.* If, subsequent to the granting of an application for voluntary departure under this section, it is ascertained that the application should not have been granted, that grant may be revoked without notice by any district director, district officer in charge of investigations, officer in charge, or chief patrol agent.

PART 287—FIELD OFFICERS; POWERS AND DUTIES

Section 287.2 is amended to read as follows:

§ 287.2 Criminal violations; investigation and action.

Whenever a district director or chief patrol agent has reason to believe that there has been a violation punishable under any criminal provision of the laws administered or enforced by the Service, he shall cause an investigation to be made immediately of all the pertinent facts and circumstances and shall take or cause to be taken such further action as the results of such investigation warrant.

PART 316a—RESIDENCE, PHYSICAL PRESENCE AND ABSENCE

§ 316a.2 [Amended]

The listing of American institutions of research in § 316a.2 *American institutions of research* is amended by adding the following institution in alphabetical sequence: "University of Nebraska Mission in Colombia, South America."

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

This order shall be effective on the date of its publication in the FEDERAL REGISTER. Compliance with the provisions of section 553 of title 5 of the United States Code (80 Stat. 383), as to notice of proposed rule making and delayed effective date, is unnecessary in this instance and would serve no useful purpose because the amendments to Districts 6 and 27 of §§ 100.4(b), 103.1 (i) and (j), 212.4(a), 242.5, and 287.2 relate to agency management; the amendment to § 238.3(b) adds transportation lines to the listing; and the amendment to § 316a.2 adds an institution of research to the listing.

Dated: October 14, 1970.

RAYMOND F. FARRELL,
Commissioner of Immigration and Naturalization.

[F.R. Doc. 70-14074; Filed, Oct. 19, 1970; 8:46 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

[Docket No. 70-280]

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, in paragraph (e)(4) relating to the State of Louisiana, subdivision (ii) relating to West Carroll and Morehouse Parishes is deleted.

2. In § 76.2, in paragraph (e)(5) relating to the State of Maryland, subdivision (i) relating to Charles, St. Mary's, and Calvert, and portions of Prince Georges and Anne Arundel Counties is deleted.

3. In § 76.2, in paragraph (e)(6) relating to the State of Massachusetts, subdivision (i) relating to Bristol County is amended to read:

(6) *Massachusetts.* (i) That portion of Bristol County comprised of Norton Town, Raynhan Town, and Taunton Town.

4. In § 76.2, in paragraph (e)(9) relating to the State of North Carolina, subdivision (iii) relating to Craven and Carteret Counties is deleted.

5. In § 76.2, the reference to the State of Rhode Island in the introductory portion of paragraph (e) and paragraph (e)(11) relating to the State of Rhode Island are deleted.

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

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

The amendments exclude portions of West Carroll and Morehouse Parishes in Louisiana; all of Charles, St. Marys and Calvert, and portions of Prince Georges and Anne Arundel Counties in Maryland; portions of Bristol County, Mass.; portions of Craven and Carteret Counties in North Carolina; and a portion of Kent County, R.I., from the areas quarantined because of hog cholera. Therefore, the restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will not apply to the excluded areas, but will continue to apply to the quarantined areas described in § 76.2. Further, the restrictions pertaining to the interstate movement of swine and swine products from nonquarantined areas contained in said Part 76 will apply to the excluded areas. The amendments release Rhode Island from the list of States quarantined because of hog cholera.

The amendments relieve certain restrictions presently imposed and must be made effective immediately to be of maximum benefit to affected persons. Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendments are impracticable and unnecessary, and good cause is found for making them effective less than 30 days after publication in the FEDERAL REGISTER.

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

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

[F.R. Doc. 70-14096; Filed, Oct. 19, 1970; 8:48 a.m.]

[Docket No. 70-282]

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, the introductory portion of paragraph (e) is amended by adding thereto the name of the State of Nebraska, and a new paragraph (e)(18)

relating to the State of Nebraska is added to read:

(18) *Nebraska.* That portion of Nuckolls County bounded by a line beginning at the junction of State Road 14 and the Nebraska-Kansas State line; thence, following State Road 14 in a northeasterly and then northerly direction to Sankey Road; thence, following Sankey Road in an easterly direction to Crosby Creek; thence, following the west bank of Crosby Creek in a southeasterly direction to the Nebraska-Kansas State line; thence, following the Nebraska-Kansas State line in a westerly direction to its junction with State Road 14.

2. In § 76.2, in paragraph (e)(6) relating to the State of Massachusetts, subdivision (ii) relating to Plymouth County is deleted.

(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 Nuckolls County, Nebr., 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 contained in 9 CFR Part 76, as amended, will apply to the quarantined portion of such county.

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

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

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

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

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

[F.R. Doc. 70–14097; Filed, Oct. 19, 1970; 8:48 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. C–1765]

PART 13—PROHIBITED TRADE PRACTICES

A. Sabith Furs, Inc., and Abraham A. Sabith

Subpart—Furnishing false guaranties: § 13.1053 *Furnishing false guaranties:* 13.1053–35 Fur Products Labeling Act. Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* 13.1108–45 Fur Products Labeling Act. Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185–30 Fur Products Labeling Act: § 13.1212 *Formal regulatory and statutory requirements:* 13.1212–30 Fur Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852–35 Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, A. Sabith Furs, Inc., et al., New York, N.Y., Docket C–1765, July 14, 1970]

In the Matter of A. Sabith Furs, Inc., a Corporation, and Abraham A. Sabith, Individually and as an Officer of Said Corporation

Consent order requiring a New York City manufacturer of furs to cease and desist from misbranding, falsely invoicing and deceptively guaranteeing its fur products.

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

It is ordered, That respondents A. Sabith Furs, Inc., a corporation, and its officers, and Abraham A. Sabith, individually and as an officer of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, or manufacture for introduction, into commerce, or the sale, advertising or offering for sale in commerce, of any fur product; or in connection with the manufacture for sale, sale, advertising, offering for sale, transportation or distribution of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as the terms "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding fur products by:

1. Representing, directly or by implication, on labels, that the fur contained in such fur products is "color altered", when such fur is dyed.

2. Failing to affix labels to fur products showing, on one side of the label, all of the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

B. Falsely or deceptively invoicing fur products by:

1. Representing, directly or by implication, on invoices that the fur contained in the fur product is natural when such fur is pointed, bleached, dyed, tip-dyed or otherwise artificially colored.

2. Failing to furnish invoices, as the term "invoice" is defined in the Fur Products Labeling Act, showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

It is further ordered, That A. Sabith Furs, Inc., a corporation, and Abraham A. Sabith, individually and as an officer of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, do forthwith cease and desist from furnishing a false guaranty that any fur product is not misbranded, falsely invoiced or falsely advertised when the respondents have reason to believe that such fur product may be introduced, sold, transported or distributed in commerce.

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

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

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

Issued: July 14, 1970.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 70–14079; Filed, Oct. 19, 1970; 8:46 a.m.]

[Docket No. C-1795]

PART 13—PROHIBITED TRADE PRACTICES

Ambassador International, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.70 *Fictitious or misleadingly guarantees;* § 13.175 *Quality of product or service.* Subpart—Using misleading name—Goods: § 13.2330 *Quality.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Ambassador International, Inc., et al., Scottsdale, Ariz., Docket C-1795, Sept. 23, 1970]

In the Matter of Ambassador International, Inc., a Corporation, Doing Business as Ambassador Leather Goods, and Morris Holiff, Also Known as Murray Hall, and Joyce Holiff, Also Known as Joy Hall, individually and as Officers of Said Corporation

Consent order requiring a Scottsdale, Ariz., mail-order distributor of various leather and nonleather products to cease advertising nonleather products as made of leather and failing to disclose the nature and extent of its guarantees.

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

It is ordered, That respondents Ambassador International, Inc., a corporation doing business as Ambassador Leather Goods, or under any other trade name or trade names, and its officers, and Morris Holiff, also known as Murray Hall, and Joyce Holiff, also known as Joy Hall, individually and as officers of said corporation, and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale or distribution of wallets, purses, handbags, or other products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Failing to clearly and conspicuously disclose in advertising or other promotional material that a product made of materials other than leather, which simulates or imitates leather or which is depicted so as to simulate or imitate leather, is not made of leather.

2. Using such leather-connoting terms as "calftone," "leather grain," or any others of similar import or meaning to describe or refer to any nonleather product unless it is clearly and conspicuously stated, in immediate conjunction with the leather-connoting term, that the product is not made of leather.

3. Representing, directly or by implication, that any nonleather product is made of leather.

4. Representing, directly or by implication, that any product is guaranteed unless the nature and extent of the guarantee, the identity of the guarantor, and the manner in which the guarantor will perform thereunder are clearly and conspicuously disclosed.

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

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

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

Issued: September 23, 1970.

By the Commission.

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

[F.R. Doc. 70-14080; Filed, Oct. 19, 1970; 8:46 a.m.]

[Docket No. C-1797]

PART 13—PROHIBITED TRADE PRACTICES

Curtis Brothers, Inc.

Subpart—Advertising falsely or misleadingly: § 13.71 *Financing:* 13.71–10 Truth in Lending Act; § 13.73 *Formal regulatory and statutory requirements:* 13.73–92 Truth in Lending Act; § 13.155 *Prices:* 13.155–95 Terms and conditions; 13.155–95(a) Truth in Lending Act. Subpart—Misrepresenting oneself and goods—Goods: § 13.1623 *Formal regulatory and statutory requirements:* 13.1623–95 Truth in Lending Act,[1] Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852–75 Truth in Lending Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 82 Stat. 146, 147; 15 U.S.C. 45, 1601–1605) [Cease and desist order, Curtis Brothers, Inc., Washington, D.C., Docket C-1797, Sept. 23, 1970]

In the Matter of Curtis Brothers, Inc., a Corporation

Consent order requiring a Washington, D.C. distributor of furniture and other merchandise to cease violating the Truth in Lending Act by failing to state in terminology prescribed by Regulation Z the cash price of its furniture, the annual percentage rate of the finance charge, the deferred payment price, failing to inform customers whose homes are obligated as security that they have the opportunity to rescind such agreement, and failing to make other disclosures required by Regulation Z.

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

It is ordered, That respondent Curtis Brothers, Inc., a corporation, and its officers, and respondent's agents, representatives, and employees, directly or through any corporate or other device, in connection with any consumer credit sale of furniture or any other merchandise or service, as "credit sale" is defined in Regulation Z (12 CFR Part 226) of the Truth in Lending Act (Public Law 90-321, 15 U.S.C. 1601 et seq.), do forthwith cease and desist from:

1. Failing to print the terms "annual percentage rate" and "finance charge", where required by Regulation Z to be used, more conspicuously than other required terminology, as set forth in § 226.6(a) of Regulation Z.

2. Failing to disclose, where one or more periodic rates may be used to compute the finance charge, each such rate, using the term "periodic rate" (or "rates"), the range of balances to which each rate is applicable, and the corresponding annual percentage rate determined by multiplying the periodic rate by the number of periods in a year, as required by § 226.7(a)(4) of Regulation Z.

3. Failing to employ the term "previous balance" to describe the outstanding balance in the customer's account at the beginning of the billing cycle, as required by § 226.7(b)(1) of Regulation Z.

4. Failing to employ the term "payments" to describe the amounts credited to the customer's account during the billing cycle for payments, as required by § 226.7(b)(3) of Regulation Z.

5. Failing to employ the term "credits" to describe credits other than payments credited to the customer's account during the billing cycle, as required by § 226.7(b)(3) of Regulation Z.

6. Failing to disclose each periodic rate that may be used to compute the finance charge (whether or not applied during the billing cycle), using the term "periodic rate" (or "rates"), and the range of balances to which each rate is applicable, as required by § 226.7(b)(5) of Regulation Z.

7. Failing to disclose the annual percentage rate or rates determined in accordance with § 226.5(a) of Regulation Z, using the term "annual percentage rate" (or "rates"), as required by § 226.7(b)(6) of Regulation Z.

8. Failing to disclose the balance on which the finance charge is computed, as required by § 226.7(b)(8) of Regulation Z.

9. Failing to state how the balance on which the finance charge was computed is determined, as required by § 226.7(b)(8) of Regulation Z.

10. Failing to disclose a statement, accompanying the term "new balance", indicating the date by which, or period, if any, within which, payment must be made to avoid additional finance charges, as required by § 226.7(b)(9) of Regulation Z.

11. Placing greater emphasis on the term "total installment due" or any other term indicating the minimum payment due, than on the required term "new balance", in accordance with § 226.6(c) of Regulation Z.

[1] New.

12. Failing to give the customer the notice of opportunity to rescind, as set forth in § 226.9(b) of Regulation Z, when a security interest is or will be retained or acquired in any real property which is used or is expected to be used as the principal residence of the customer, as required by § 226.9(a) of Regulation Z.

13. Engaging in any consumer credit transaction or disseminating any advertisement within the meaning of Regulation Z of the Truth in Lending Act without making all disclosures that are required by §§ 226.6, 226.7, 226.8, 226.9, and 226.10 of Regulation Z in the amount, manner and form therein specified.

It is further ordered, That respondent shall forthwith deliver a copy of this order to cease and desist to all store managers and other persons engaged in the completion of credit agreements growing out of the sales of respondent's products or services and shall secure from each such store manager and other persons a signed statement acknowledging receipt of said order.

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

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

Issued: September 23, 1970.

By the Commission.

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

[F.R. Doc. 70-14082; Filed, Oct. 19, 1970; 8:46 a.m.]

[Docket No. C-1796]

PART 13—PROHIBITED TRADE PRACTICES

Burton A. Dietch and Carpet Specialists

Subpart—Advertising falsely or misleadingly: § 13.70 *Fictitious or misleading guarantees;* § 13.75 *Free goods or services;* § 13.85 *Government approval, action, connection or standards:* 13.85-27; Federal Housing Administration; § 13.155 *Prices:* 13.155-5 Additional charges unmentioned; 13.155-10 Bait; 13.155-15 Comparative; 13.155-100 Usual as reduced, special, etc.; § 13.175 *Quality of product or service;* § 13.260 *Terms and conditions.* Subpart—Misrepresenting oneself and goods—Goods: § 13.1625 *Free goods or services;* § 13.1645 *Government standards or specifications;* § 13.1647 *Guarantees;* § 13.1715 *Quality;* § 13.1760 *Terms and conditions;* Misrepresenting oneself and goods—Prices: § 13.1778 *Additional costs unmentioned;* § 13.1779 *Bait;* § 13.1785 *Comparative;* § 13.1825 *Usual as reduced or to be increased.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Burton A. Dietch et al., Bethesda, Md., Docket C-1796, Sept. 23, 1970]

In the Matter of Burton A. Dietch, an Individual Doing Business as Carpet Specialists

Consent order requiring a Bethesda, Md., seller of floor coverings to cease using bait advertising, deceptive pricing and "free" claims, misleading guarantees, misrepresenting that sales are made on a "No Money Down" basis, failing to include padding and installation charges in advertised prices, misrepresenting that his carpets are approved by the Federal Housing Administration or any other Government agency, and inaccurately depicting the quality of carpets through illustrations in newspaper and television material.

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

It is ordered, That respondent Burton A. Dietch, an individual doing business as Carpet Specialists or under any other trade name or names and respondent's agents, representatives, and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale, distribution or installation of carpeting or floor covering or any other article of merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using, in any manner, a sales plan, scheme, or device wherein false, misleading, or deceptive statements or representations are made in order to obtain leads or prospects for the sale of other merchandise or services.

2. Advertising or offering merchandise for sale for the purpose of obtaining leads or prospects for the sale of different merchandise when the advertised merchandise is inadequate to perform the functions for which it is offered and respondent does not maintain a reasonably adequate and readily available stock of said advertised merchandise.

3. Discouraging the purchase of or disparaging any merchandise or services which are advertised or offered for sale.

4. Representing, directly or by implication, that any merchandise or services are offered for sale when such offer is not a bona fide offer to sell such merchandise or services.

5. Using the words "Wall to Wall Carpet Sale", "Spectacular Carpeting Offer" or any other word or words of similar import or meaning unless the price for any merchandise being offered for sale constitutes a reduction, in an amount not so insignificant as to be meaningless, from the actual bona fide price at which the advertised merchandise was sold or offered for sale to the public on a regular basis by respondent for a reasonably substantial period of time in the recent regular course of his business.

6. (a) Representing, in any manner, that by purchasing any of respondent's merchandise, customers are afforded savings amounting to the difference between respondent's stated price and respondent's former price unless such merchandise has been sold or offered for sale in good faith at the former price by respondent for a reasonably substantial period of time in the recent, regular course of his business.

(b) Representing, in any manner, that by purchasing any of respondent's merchandise, customers are afforded savings amounting to the difference between respondent's stated price and a compared price for said merchandise in respondent's trade area unless a substantial number of the principal retail outlets in the trade area regularly sell said merchandise at the compared price or some higher price.

(c) Representing, in any manner, that by purchasing any of respondent's merchandise, customers are afforded savings amounting to the difference between respondent's stated price and a compared value price for comparable merchandise, unless substantial sales of merchandise of like grade and quality are being made in the trade area at the compared price or a higher price and unless respondent has in good faith conducted a market survey or obtained a similar representative sample of prices in this trade area which establishes the validity or said compared price and it is clearly and conspicuously disclosed that the comparison is with merchandise of like grade and quality.

7. Failing to maintain adequate records which disclose the facts upon which any savings claims, sale claims and other similar representations as set forth in paragraphs 5 and 6 of the order are based, and (b) from which the validity of any savings claims, sales claims and similar representation can be determined.

8. Representing, directly or by implication, that a prospective purchaser or respondent's products or services will receive a "free" dinnerware set or any other prize or award unless all conditions, obligations, or other prerequisites to the receipt of such prizes or award are clearly and conspicuously disclosed and respondent does in fact deliver said gift to all persons entitled to receive them.

9. Representing, directly or by implication, that any gift is furnished "free" or at no cost to a purchaser of advertised merchandise, when, in fact, the cost of such gift is obtained through an increase in the selling price of the advertised merchandise to cover the cost of the "free" gift or such cost is regularly included in the selling price of the advertised merchandise.

10. Representing, directly or by implication, that any product or service is guaranteed, unless the nature and extent of the guarantee, the identity of the guarantor, and the manner in which the guarantor will perform thereunder are clearly and conspicuously disclosed; and respondent delivers to each purchaser a written guarantee clearly setting forth all of the terms, conditions and limitations

of the guarantee fully equal to the representation, directly or impliedly made to each such purchaser, and unless respondent promptly and fully performs all of his obligations and requirements under the terms of each such guarantee.

11. Representing, directly or by implication, that respondent usually and customarily discounts, negotiates, or assigns customers' conditional sales contracts, promissory notes or other instruments of indebtedness to a bank, rather than to a finance company or other third party unless respondents does, in fact, usually and customarily assigns such customers' instruments of indebtedness to a bank.

12. Representing, directly or by implication, that respondent sells his products for "No Money Down" or that respondent sells his merchandise without requiring a down payment or for stated monthly installments or on any other terms or conditions, unless respondent does, in fact, sell his merchandise on the represented terms and conditions to all persons seeking to purchase said merchandise.

13. Representing, directly or by implication, that a stated price for floor covering includes the cost of a separate padding and the installation thereof, unless in every instance where it is so represented the stated price for floor covering does, in fact, include the cost of such separate padding and installation thereof; or misrepresenting in any manner, the prices, terms or conditions under which respondent supplies separate padding in connection with the sale of floor covering products.

14. Representing, directly or by implication, that respondent's carpeting or floor covering is approved by the Federal Housing Authority, or any other governmental authority; or misrepresenting in any manner the nature or character of any approval or endorsement of respondent's product or service.

15. Representing, directly or by implication, that carpeting or any other product will be shipped directly to the purchaser from the mill or that such products are being sold at mill prices or at prices which eliminate the middleman profit.

16. Inaccurately depicting the depth of the pile face of carpeting or the characteristics or quality of any products through illustrations or other pictorial depictions in newspapers, television or other promotional material.

It is further ordered, That respondent deliver a copy of this order to cease and desist to all present and future salesmen or other persons engaged in the sale of respondent's products or services, and secure from each such salesman or other person a signed statement acknowledging receipt of said order.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form of his compliance with this order.

Issued: September 23, 1970.

By the Commission.

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

[F.R. Doc. 70-14081; Filed, Oct. 19, 1970; 8:46 a.m.]

[Docket No. C-1794]

PART 13—PROHIBITED TRADE PRACTICES

Hercules, Inc., and Columbian Rope Co.

Subpart—Acquiring corporate stock or assets: § 13.5 *Acquiring corporate stock or assets.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 7, 38 Stat. 731, as amended; 15 U.S.C. 18) [Cease and desist order, Hercules, Inc., et al., Wilmington, Del., Docket C-1794, Sept. 23, 1970]

In the Matter of Hercules, Inc., a Corporation, and Columbian Rope Co., a Corporation

Consent order requiring a major producer of rope synthetic fiber, located in Wilmington, Del. (Hercules), to divest all stock and share capital it acquired from a major distributor of hard and synthetic fiber rope, located in Auburn, N.Y. (Columbian), by selling such shares within 90 days to Columbian; that Hercules refrain for 10 years from acquiring any stock of any domestic concern which in the prior year had over $500,000 worth of purchases of polypropylene resin without 45 days notice to the Federal Trade Commission; and that Columbian refrain from acquiring any stock of any domestic rope producer without prior approval of the Federal Trade Commission.

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

I. *It is ordered*, That respondent Hercules, Inc. (Hercules), a corporation, and its officers, directors, agents, representatives, employees, subsidiaries, affiliates, successors, and assigns, within ninety (90) days from the effective date of this order, shall divest, absolutely and in good faith, all stock and share capital of respondent Columbian Rope Co. (Columbian) held by Hercules, and that respondent Columbian, a corporation, its successors and assigns, shall within ninety (90) days from the effective date of this order, purchase such shares of Columbian held by Hercules.

II. *It is further ordered*, That Hercules, from the effective date of this order shall cease and desist from acquiring, without the prior approval of the Federal Trade Commission, the whole or any part of the stock, share capital or assets of respondent Columbian.

III. *It is further ordered*, That Hercules, for a period of ten (10) years from the effective date of this order, shall cease and desist from acquiring, without forty-five (45) days prior notification to the Federal Trade Commission, the whole or any part of the stock or share capital of any concern in the United States, which in the year prior to the acquisition had purchases of polypropylene resin in excess of five-hundred thousand dollars ($500,000), or any part of the assets of such concern insofar as such assets have been or are being used in the production of polypropylene products.

IV. *It is furthered ordered*, That from the effective date of this order, respondent Columbian shall cease and desist from acquiring, directly or indirectly, without the prior approval of the Federal Trade Commission, the whole or any part of the stock, share capital or assets of any company involved in the production and sale of rope in the United States.

The provisions of paragraph IV above also apply to any arrangement pursuant to which respondent Columbian obtains, in whole or in part, the market share in the United States of any concern engaged in the manufacture and sale of rope (a) through such concern discontinuing the manufacture or production of rope under its own trade name or label and thereafter distributing such product under any trade name or label owned by Columbian or (b) through such concern discontinuing the manufacture of rope and thereafter transferring or in any other way making available to respondent Columbian, customer lists or customer accounts.

As used in this order, "rope" means "a longitudinally extended element composed of at least three and not more than eight strands, each strand composed of two or more yarns; 'strand' means two or more yarns twisted together in the opposite direction of that of the yarn itself; and 'yarn' means a number of fibers twisted together".

V. *It is further ordered*, That respondent Hercules shall within sixty (60) days from the effective date of this order and at such further times as the Commission may require, submit to the Federal Trade Commission a detailed written report of its actions, plans, and progress in complying with the provisions of this order.

VI. *It is further ordered*, That respondent Columbian shall within sixty (60) days from the effective date of this order and at such further times as the Commission may order, submit to the Federal Trade Commission a detailed written report of its actions, plans and progress in complying with the terms of this order.

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

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

IX. *It is further ordered,* That respondent Hercules and Columbian shall forthwith distribute a copy of this order to each of their respective operating divisions.

Issued: September 23, 1970.

By the Commission.

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

[F.R. Doc. 70-14083; Filed, Oct. 19, 1970; 8:46 a.m.]

[Docket No. C-1800]

PART 13—PROHIBITED TRADE PRACTICES

Investigators Training Academy et al.

Subpart—Advertising falsely or misleadingly: § 13.71 *Financing:* 13.71-10 Truth in Lending Act; § 13.73 *Formal regulatory and statutory requirements:* 13.73-92 Truth in Lending Act; § 13.155 *Prices:* 13.155-95 Terms and conditions; 13.155-95(a) Truth in Lending Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852-75 Truth in Lending Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 82 Stat. 146, 147; 15 U.S.C. 45, 1601-1605) [Cease and desist order, Investigators Training Academy et al., Washington, D.C., Docket C-1800, Sept. 24, 1970]

In the Matter of Investigators Training Academy, a Corporation, and Jack Ezell, Also Known as Jack Young and as Thomas A. Ezelle, Individually and as an Officer of Said Corporation

Consent order requiring a Washington, D.C., school offering instructions in detective and investigational techniques to cease violating the Truth in Lending Act and Regulation Z issued thereunder by failing to make all disclosures in its consumer credit transactions required by said Act and regulation.

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

It is ordered, That respondents Investigators Training Academy, and its officers, and Jack Ezell, also known as Jack Young and as Thomas A. Ezelle, individually and as an officer of said corporation, and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with any extension of consumer credit, as "consumer credit" is defined in Regulation Z (12 CFR Part 226) of the Truth in Lending Act (Public Law 90-321, 15 U.S.C. 1601 et seq.), do forthwith cease and desist from failing, in any consumer credit transaction or advertisement, to make all disclosures, determined in accordance with §§ 226.4 and 226.5 of Regulation Z, in the manner, form and amount required by §§ 226.6, 226.8, and 226.10 of Regulation Z, the implementing regulation of the Truth in Lending Act, duly promulgated by the Board of Governors of the Federal Reserve System.

It is further ordered, That a copy of this order to cease and desist be delivered to all present and future personnel of respondents engaged in the consummation of any extension of consumer credit and/or in any aspect of preparation, creation, and placing of advertising, and failing to secure from each such person a signed statement acknowledging receipt of said order.

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

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

Issued: September 24, 1970.

By the Commission.

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

[F.R. Doc. 70-14084; Filed, Oct. 19, 1970; 8:47 a.m.]

[Docket No. C-1792]

PART 13—PROHIBITED TRADE PRACTICES

Jerwin, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.71 *Financing:* 13.71-10 Truth in Lending Act; § 13.73 *Formal regulatory and statutory requirements:* 13.73-92 Truth in Lending Act; § 13.155 *Prices:* 13.155-95 Terms and conditions; 13.155-95(a) Truth in Lending Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852-75 Truth in Lending Act; 13.1852-75(a) Regulation Z.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 82 Stat. 146, 147; 15 U.S.C. 45, 1601-1605) [Cease and desist order, Jerwin, Inc., et al., Atlanta, Ga., Docket C-1792, Sept. 8, 1970]

In the Matter of Jerwin, Inc., a Corporation, Trading and Doing Business as Jerwin Motors, and University Motor Co., Inc., a Corporation, Trading and Doing Business as University Motors, and Capital Discount, Inc., a Corporation, and Jerry G. Greenway and Winston W. Massengale, Individually and as Officers of Said Corporations

Consent order requiring three affiliated Atlanta, Ga., dealers in used automobiles to cease violating the Truth in Lending Act by failing to state in terminology prescribed by Regulation Z the cash price of their cars, the amount of the downpayment, the number, amount, and due date of scheduled payments, the annual percentage rate of the finance charge, and the deferred payment price.

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

It is ordered, That respondents Jerwin, Inc., a corporation, trading or doing business as Jerwin Motors or under any other name, University Motor Co., Inc., a corporation, trading or doing business as University Motors or under any other name, Capital Discount, Inc., a corporation, Jerry G. Greenway and Winston W. Massengale, individually and as officers of respondent corporations, and their officers, agents, representatives and employees, directly or through any corporate or other device, in connection with any advertisement or consumer credit sale of automobiles or any other merchandise or services, as "credit sale" is defined in Regulation Z (12 CFR Part 226) of the Truth in Lending Act (Public Law 90-321, 15 U.S.C. 1601 et seq.), do forthwith cease and desist from:

1. Representing, directly or by implication, in any advertisement as "advertisement" is defined in Regulation Z, the amount of the downpayment required or that no downpayment is required, the amount of any installment payment, the dollar amount of any finance charge, the number of installments or the period of repayment, or that there is no charge for credit, unless all of the following items are stated in terminology prescribed under § 226.8 of Regulation Z:

(i) The cash price;

(ii) The amount of the downpayment required or that no downpayment is required, as applicable;

(iii) The number, amount, and due dates or period of payments scheduled to repay the indebtedness if the credit is extended;

(iv) The amount of the finance charge expressed as an annual percentage rate; and

(v) The deferred payment price.

2. Placing or causing to be placed any advertisement as "advertisement" is defined in Regulation Z which in any other manner fails to comply with the requirements of § 226.10 of Regulation Z.

3. Consummating any customer "consumer credit" transaction as "consumer credit" is defined in Regulation Z, without first furnishing in writing to the customer all disclosures required to be made in the manner and form specified in § 226.8 of Regulation Z.

4. Failing to disclose any finance charge, as "finance charge" is defined in § 226.4 of Regulation Z, by representing as part of the "cash price" of goods or services any amount charged to the customer directly or indirectly which is in excess of the amount at which respondents would offer to sell the same goods or services for cash; or failing to disclose any finance charge as "finance charge" is defined in Regulation Z by any other means whatsoever.

5. Failing to preserve evidence of compliance with Regulation Z as required by § 226.6(i) of Regulation Z.

6. Failing to deliver a copy of this order to cease and desist to all present and future employees, salesmen or other persons engaged in any aspect of the preparation, creation, and placing of respondents' advertising or engaged in the sale of respondents' merchandise or services; and failing to secure from each such employee, salesmen or other person a signed statement acknowledging receipt of said order.

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

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

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

Issued: September 8, 1970.

By the Commission.

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

[F.R. Doc. 70-14085; Filed, Oct. 19, 1970; 8:47 a.m.]

[Docket No. C-1793]

PART 13—PROHIBITED TRADE PRACTICES

Owen W. Lofthus and Metro Distributors

Subpart—Advertising falsely or misleadingly: § 13.60 *Earnings and profits;* § 13.70 *Fictitious or misleading guarantees;* § 13.71 *Financing;* 13.71-10 Truth in Lending Act; § 13.73 *Formal regulatory and statutory requirements:* 13.73-92 Truth in Lending Act; § 13.75 *Free goods or services;* § 13.105 *Individual's special selection or situation;* § 13.115 *Jobs and employment;* § 13.155 *Prices:* 13.155-95 Terms and conditions; 13.155-95(a) Truth in Lending Act. Subpart—Misrepresenting oneself and goods—Goods: § 13.1615 *Earnings and profits;* § 13.1625 *Free goods or services;* § 13.1647 *Guarantees;* § 13.1663 *Individual's special selection or situation;* § 13.1670 *Jobs and employment.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852-75 Truth in Lending Act; 13.1852-75(a) Regulation Z; § 13.1882 *Prices;* § 13.1892 *Sales contract, right-to-cancel provision.* Subpart—Securing orders by deception: § 13.2170 *Securing orders by deception.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 82 Stat. 146, 147; 15 U.S.C. 45, 1601-1605)

[Cease and desist order, Owen W. Lofthus et al., Washington, D.C., Docket C-1793, Sept. 15, 1970]

In the Matter of Owen W. Lofthus, Individually and Trading as Metro Distributors

Consent order requiring a Washington, D.C., seller of an encyclopedia and certain other educational books to cease and desist from misrepresenting job opportunities to prospective salesmen, making various false and deceptive claims in the sale of the New Standard Encyclopedia or any other books, misrepresenting that any of its books or bookcases are free and that the sales contract is a guarantee, failing to include on the face of all notes that they may be canceled within 3 days, and failing to include in all contracts all the disclosures required by the Truth in Lending Act and Regulation Z.

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

I. *It is ordered,* That respondent, Owen W. Lofthus, an individual trading as Metro Distributors, or under any other names and respondent's agents, representatives, and employees, directly or through any corporate or other device in connection with the advertising, offering for sale, sale or distribution of encyclopedias or other books or publications, services in connection therewith or any other products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication that:

a. Jobs are available or applicants are sought as mangement trainees for junior executive positions and/or professional interviewers; or misrepresenting in any manner, the type or kind of employment offered;

b. Respondent is doing business at more than one office location;

c. A salary or income is being paid for any job or position when only a Commission is paid to those accepting the employment; or misrepresenting, in any manner, the amount or method of compensating employees;

d. Respondent's representatives are conducting a survey for the purpose of brand-identification analysis; or are interviewing and soliciting only a select group of people for the purpose of obtaining an endorsement of the New Standard Encyclopedia or any other books; or that respondent's representatives are professional interviewers engaged in an advertising promotional campaign; or misrepresenting, in any manner, the purpose of the call or interview by respondent's representatives with prospective purchasers;

e. The prospective customer may obtain a set of the New Standard Encyclopedia free, or at a reduced price, merely by writing a letter of opinion thereon, or permitting the use of the customer's name in advertising, or purchasing an updating service, or that any of the books sold by respondent may be obtained by any means other than the payment of respondent's current price;

f. The customer will receive certain additional books and/or a bookcase free if he will pay for the yearly supplement service within a 2-year instead of a 10-year period;

g. The encyclopedia set and any other books offered for sale by respondent are "brand new" and not yet available on the general market, or misrepresenting in any manner their quality, age or distribution;

h. Respondent and/or the encyclopedia company is engaged in extensive national advertising;

i. Neither respondent, nor the encyclopedia company, is earning a profit through any purchase made by the homeowner;

j. The homeowner has been specially selected to receive the encyclopedia and/or any other books;

k. The research service accompanying the encyclopedia set covers any type of information not actually included in such service;

l. The sales contract is a guarantee;

m. The encyclopedia company fully guarantees all statements by respondent's employees;

n. The statement on the sales contract that no items included in the sale are free is printed in the contract to avoid the payment of a Federal gift tax;

o. Credit information requested by the salesman is for a character reference check or to insure a forwarding address should the homeowner move and fail to inform the company of his new address.

2. Failing to incorporate the following statement clearly and conspicuously on the face of all notes or other evidence of indebtedness executed by respondent's customers which, in the hands of any holder in due course would not be subject to all defenses which would be available to the customer in an action by respondent:

NOTICE

Any holder of this instrument takes this instrument subject to all defenses of the maker hereof which would be available to said maker in any action arising out of the contract which gave rise to the execution of this instrument if such action had been brought by any party to said contract.

It is further ordered, That the respondent herein shall, in connection with the offering for sale, sale, or distribution of encyclopedias, books, or publications or supplements in connection therewith or any other article of merchandise, when the offer for sale or sale is made in the buyer's home, forthwith cease and desist from:

(1) Contracting for any sale whether in the form of trade acceptance, conditional sales contract, promissory note, or otherwise which shall become binding on the buyer prior to midnight of the third day, excluding Sundays and legal holidays, after date of execution.

(2) Failing to disclose, orally prior to the time of sale and in writing on any trade acceptance, conditional sales contract, promissory note or other instrument executed by the buyer with such

conspicuousness and clarity as likely to be observed and read by such buyer, that the buyer may rescind or cancel the sale by directing or mailing a notice of cancellation to respondent's address prior to midnight of the third day, excluding Sundays and legal holidays, after the date of the sale. Upon such cancellation the burden shall be on respondent to collect any goods left in buyer's home and to return any payments received from the buyer. Nothing contained in this right-to-cancel provision shall relieve buyers of the responsibility for taking reasonable care of the goods prior to cancellation and during a reasonable period following cancellation.

(3) Failing to provide a separate and clearly understandable form which the buyer may use as a notice of cancellation.

(4) *Provided, however,* That nothing contained in this part of the order shall relieve respondent of any additional obligations respecting contracts made in the home required by Federal law or the law of the State in which the contract is made. When such obligations are inconsistent respondent can apply to the Commission for relief from this provision with respect to contracts executed in the State in which such different obligations are required. The Commission, upon proper showing, shall make such modifications as may be warranted in the premises.

II. *It is further ordered,* That respondent herein, his agents, representatives and employees, directly or through any corporate or other device, in connection with any consumer credit sale as "credit sale" is defined in Regulation Z (12 CFR Part 226) of the Truth in Lending Act (Public Law 90-321, 15 U.S.C. 1601 et seq.), or in connection with any advertisement to aid, promote, or assist directly or indirectly any extension of consumer credit as "advertisement" and "consumer credit" are defined in Regulation Z, do forthwith cease and desist from:

1. Failing to designate the amount of the cash price as "cash price", in accordance with § 226.8(c)(1) of Regulation Z.

2. Failing to designate the amount of the downpayment in money as "cash downpayment", in accordance with § 226.8(c)(3) of Regulation Z.

3. Failing to disclose the amount of the difference between the cash price and the cash downpayment, and to designate it as "unpaid balance of cash price", in accordance with § 226.8(c)(3) of Regulation Z.

4. Failing to disclose the amount of the amount financed, and to designate it as "amount financed", as required by § 226.8(c)(7) of Regulation Z.

5. Failing to disclose the date on which the finance charge begins to accure, as required by § 226.8(b)(1) of Regulation Z.

6. Failing to disclose the dollar amount of the finance charge, and to designate it as "finance charge", in accordance with § 226.8(c)(8)(i).

7. Failing to disclose the number of payments scheduled to repay the indebtedness, as required by § 226.8(b)(3) of Regulation Z.

8. Failing to disclose the amount of the sum of the payments scheduled to repay the indebtedness, and to designate it as "total of payments", in accordance with § 226.8(b)(3) of Regulation Z.

9. Failing to disclose the amount of the deferred payment price, and to designate it as "deferred payment price", in accordance with § 226.8(c)(8)(ii) of Regulation Z.

10. Failing to make all the required disclosures in one of the following three ways, in accordance with § 226.8(a) or § 226.801 of Regulation Z:

(a) Together on the contract evidencing the obligation on the same side of the page and above or adjacent to the place for the customer's signature; or

(b) On one side of a separate statement which identifies the transaction; or

(c) On both sides of a single document containing on each side thereof the statement "Notice. See other side for important information", with the place for the customer's signature following the full content of the document.

11. Failing to make all of the disclosures required by § 226.8 of Regulation Z before consummation of the credit transactions, in accordance with § 226.8(a) of Regulation Z.

12. Representing, directly or indirectly, that credit in a specified installment amount can be arranged unless respondents usually and customarily arrange installments in the advertised amount and for the advertised period, in accordance with § 226.10(a)(1) of Regulation Z.

13. Representing, directly, or indirectly that no downpayment will be accepted unless respondent usually and customarily accepts no downpayment, in accordance with § 226.10(a)(2) of Regulation Z.

14. Representing directly or indirectly the amount of any installment payment and period of repayment without stating all of the following items, in the terminology prescribed under § 226.10(d)(2) of Regulation Z:

(a) The cash price;

(b) The amount of the downpayment required;

(c) The number, amount and due dates or period of payments scheduled to repay the indebtedness;

(d) The amount of the finance charge expressed as an "annual percentage rate"; and

(e) The deferred payment price.

15. Representing the rate of finance charge without disclosing it as an "annual percentage rate", using that term, as required by § 226.10(d)(1) of Regulation Z, computed in accordance with the provisions of § 226.5 of Regulation Z.

16. Failing to make all the disclosures required by Regulation Z to be made in connection with any consumer credit transaction or advertisement, in accordance with §§ 226.5, 226.6, 226.8, and 226.10 of Regulation Z.

III. *It is further ordered,* That respondent herein shall forthwith cease and desist from failing to deliver a copy of this order to cease and desist to all present and future salesmen, solicitors or other persons employed by or through any respondent, who is engaged in soliciting for or selling any publication, product or service, and shall secure from each such salesman, solicitor or other person a signed statement acknowledging receipt of said order.

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

Issued: September 15, 1970.

By the Commission.[1]

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

[F.R. Doc. 70-14086; Filed, Oct. 19, 1970; 8:47 a.m.]

[Docket No. C-1799]

PART 13—PROHIBITED TRADE PRACTICES

Lone Oak State Bank and J. J. Lee

Subpart—Advertising falsely or misleadingly: § 13.71 *Financing:* 13.71-10 Truth in Lending Act; § 13.73 *Formal regulatory and statutory requirements:* 13.73-92 Truth in Lending Act; § 13.155 *Prices:* 13.155-95 Terms and conditions; 13.155-95(a) Truth in Lending Act. Subpart—Misrepresenting oneself and goods—Goods: § 13.1623 *Formal regulatory and statutory requirements:* 13.1623-95 Truth in Lending Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852-75 Truth in Lending Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 82 Stat. 146, 147; 15 U.S.C. 45, 1601-1605) [Cease and desist order, Lone Oak State Bank et al., Lone Oak, Tex., Docket C-1799, Sept. 24, 1970]

In the Matter of Lone Oak State Bank, a Corporation, and J. J. Lee, Individually and as an Officer of Said Corporation

Consent order requiring a Lone Oak, Tex., State-chartered, nonfederally insured bank to cease violating the Truth in Lending Act by failing to state in terminology prescribed in Regulation Z all individually itemized charges, the annual percentage rate, the total of all payments, the number, amount, and due date of scheduled payments, failing to designate as a "balloon payment" each payment which is more than twice the regular payment, and disclosing unrequired information in a manner to confuse the customer.

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

It is ordered, That respondents Lone Oak State Bank, a corporation, and its officers, and J. J. Lee, individually and as an officer of said corporation, and

[1] Chairman Kirkpatrick not participating.

respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with any extension of consumer credit, as "consumer credit" is defined in Regulation Z (12 CFR Part 226) of the Truth in Lending Act (Public Law 90-321, 15 U.S.C. 1601 et seq.), do forthwith cease and desist from:

1. Failing to include in the amount financed all charges, individually itemized, which are included in the amount of credit extended but which are not part of the finance charge, as required by § 226.8(d)(1) of Regulation Z.

2. Failing to disclose as part of the finance charge all charges required by § 226.4 of Regulation Z to be included therein, as required by § 226.8(d)(3) of Regulation Z.

3. Failing to disclose the rate of finance charge as an annual percentage rate, computed in accordance with § 226.5 of Regulation Z, as required by § 226.8(b)(2) of Regulation Z, and to state that rate accurately to the nearest quarter of 1 percent, as required by § 226.5 of Regulation Z.

4. Failing to disclose as the "total of payments" the sum of all payments scheduled to repay the indebtedness, as required by § 226.8(b)(3) of Regulation Z.

5. Failing to disclose the number, amount and due dates of payments scheduled to repay the indebtedness, as required by § 226.8(b)(3) of Regulation Z.

6. Failing to designate as a "balloon payment" each payment which is more than twice the amount of any otherwise regularly scheduled equal payment, as required by § 226.8(b)(3) of Regulation Z.

7. Disclosing additional information not required by Regulation Z in such a manner as to mislead or confuse the customer or contradict, obscure or detract from the information required, in violation of § 226.6(c) of Regulation Z.

8. Failing, in any consumer credit transaction or advertisement, to make all disclosures determined in accordance with §§ 226.4 and 226.5 of Regulation Z in the manner, form and amount required by §§ 226.6, 226.8, 226.9, and 226.10 of Regulation Z.

9. Failing to deliver a copy of this order to cease and desist to all present and future personnel of respondent bank engaged in the preparation and execution of any loan documents, and failing to secure from each such person a signed statement acknowledging receipt of said order.

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

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

Issued: September 24, 1970.

By the Commission.

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

[F.R. Doc. 70-14087; Filed, Oct. 19, 1970; 8:47 a.m.]

[Docket No. C-1798]

PART 13—PROHIBITED TRADE PRACTICES

Polynesian Pools, Inc., and Thurlow F. Park

Subpart—Advertising falsely or misleadingly: § 13.71 *Financing:* 13.71-10 Truth in Lending Act; § 13.73 *Formal regulatory and statutory requirements:* 13.73-92 Truth in Lending Act; § 13.155 *Prices:* 13.155-95 Terms and conditions; 13.155-95(a) Truth in Lending Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852-75 Truth in Lending Act; 13.1852-75(a) Regulation Z.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 82 Stat. 146, 147; 15 U.S.C. 45, 1601-1605) [Cease and desist order, Polynesian Pools, Inc., et al., Silver Spring, Md., Docket C-1798, Sept. 24, 1970]

In the Matter of Polynesian Pools, Inc., a Corporation, and Thurlow F. Park, Individually and as an Officer of Said Corporation

Consent order requiring a Silver Spring, Md., seller of residential swimming pools to cease violating the Truth in Lending Act by failing to state in terminology prescribed by Regulation Z the cash price of the pool, the number, amount, and due date of scheduled payments, the annual percentage rate of the finance charge, and the deferred payment price.

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

It is ordered, That respondents Polynesian Pools, Inc., and its officers, and Thurlow F. Park, individually and as an officer of said corporation, and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with any advertisement to aid, promote, or assist directly or indirectly any extension of consumer credit, as "advertisement" and "consumer credit" are defined in Regulation Z (12 CFR Part 226) of the Truth in Lending Act (Public Law 90-321, 15 U.S.C. 1601 et seq.), do forthwith cease and desist from:

1. Stating the amount of the downpayment required or that no downpayment is required, the amount of any installment payment, the dollar amount of any finance charge, the number of installments or the period of repayment, or that there is no charge for credit, unless they state all of the following items in terminology prescribed under § 226.8 of Regulation Z:

a. The cash price;

b. The amount of the downpayment required or that no downpayment is required, as applicable;

c. The number, amount, and due dates or period of payments scheduled to repay the indebtedness if the credit is extended;

d. The amount of the finance charge expressed as an annual percentage rate; and

e. The deferred payment price.

2. Failing, in any advertisement, to make all disclosures in the manner, form and amount required by § 226.10 of Regulation Z.

It is further ordered, That a copy of this order to cease and desist be delivered to all present and future personnel of respondents engaged in any aspect of preparation, creation, or placing of advertising, and failing to secure from each such person a signed statement acknowledging receipt of said order.

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

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

Issued: September 24, 1970.

By the Commission.

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

[F.R. Doc. 70-14088; Filed, Oct. 19, 1970; 8:47 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 207—NAVIGATION REGULATIONS

San Diego Harbor, Calif.

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1), § 207.612 (a) governing the use and navigation of a seaplane restricted area in San Diego Harbor, Calif., is hereby revoked, effective upon publication in the FEDERAL REGISTER, as follows:

§ 207.612 San Diego Harbor, Calif.; restricted areas.

(a) *The seaplane restricted area.* [Revoked]

* * * * *

[Regs., September 25, 1970, 1522-01 (San Diego Harbor, Calif.) ENGCW-ON] (Sec. 7, 70 Stat. 266; 33 U.S.C. 1)

For the Adjutant General.

RICHARD B. BELNAP,
Special Advisor to TAG.

[F.R. Doc. 70-14060; Filed, Oct. 19, 1970; 8:45 a.m.]

Title 46—SHIPPING

Chapter I—Coast Guard, Department of Transportation

SUBCHAPTER K—MARINE INVESTIGATIONS AND SUSPENSION AND REVOCATION PROCEEDINGS

[CGFR 70-61a]

PART 137—SUSPENSION AND REVOCATION PROCEEDINGS

Offenses Involving Narcotic or Dangerous Drugs

A notice of rule making was published in the FEDERAL REGISTER of May 27, 1970 (35 F.R. 8291) and amended by a document published on June 10, 1970 (35 F.R. 8945) to revise § 137.03-3 and to add a new § 137.03-4. The notice proposed to extend the policy of requiring an order of revocation, presently applicable to offenses involving narcotic drugs, including marijuana, to include proven offenses involving the possession, use, sale or association with other dangerous drugs, not classified as narcotic drugs. The notice also proposed to authorize the examiner in cases involving marijuana to enter an order less than revocation whenever he is satisfied that the use, possession or association was the result of experimentation and the person charged submits satisfactory evidence that this use will not recur. Interested persons were invited to submit written comments on the proposal and to arrange for conferences with appropriate Coast Guard personnel. In addition to publication in the FEDERAL REGISTER, the notice was mailed to persons who had indicated a desire to be informed of notices of proposed rule making. No conferences were requested and only one written comment was received. This comment favored the proposal. Accordingly, this document effectuates the proposal without change.

Part 137 is amended by revising § 137.03-3 and by adding § 137.03-4 to read as follows:

§ 137.03-3 Possession of narcotics; prima facie case.

When a charge of misconduct is supported by a specification alleging possession of narcotic drugs, including marijuana, or dangerous drugs, evidence of possession is enough to support a finding of misconduct, unless the examiner is satisfied by other evidence that the possession was not wrongful.

§ 137.03-4 Offenses for which revocation of licenses or documents is mandatory.

Whenever a charge of misconduct by virtue of the possession, use, sale or association with narcotic drugs, including marijuana, or dangerous drugs is found proved, the examiner shall enter an order revoking all licenses, certificates and documents held by such a person. However, in those cases involving marijuana, where the examiner is satisfied that the use, possession or association, was the result of experimentation by the person and that the person has submitted satisfactory evidence that such use will not recur, he may enter an order less than revocation.

(R.S. 4450, as amended, Sec. 6(b)(1), 80 Stat. 937; 46 U.S.C. 239, 49 U.S.C. 1655(b)(1); 49 CFR 1.46(b) (35 F.R. 4959))

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

Dated: October 14, 1970.

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

[F.R. Doc. 70-14078; Filed, Oct. 19, 1970; 8:46 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 12782; FCC 70-1119]

PART 73—RADIO BROADCAST SERVICES

Competition and Responsibility in Network Television Broadcasting

Memorandum opinion and order staying effectiveness of § 73.658(j)(1)(i), and § 73.658(j)(1)(ii) in certain particulars.

1. The Commission has before it motions by NBC and ABC seeking to stay the effectiveness of § 73.658(j)(1)(i) and (ii) of the rules and regulations[1] until 1 year after the completion of final judicial review of the Commission's orders promulgating the rules.[2] These motions are unopposed.

2. In our order of August 7, we denied motions by several parties for stay of the effectiveness of the rule (paragraph 44). We observed, however, that

> § 73.658(j) as it applies to syndication distribution may involve stringent action by the networks upon a more persuasive showing, we might have been more sympathetic to a stay in this one area * * *

We noted that CBS already had announced plans to divest itself of its syndication arm and that neither NBC nor ABC had made a convincing showing that they will be irreparably injured in this area before an appeal can be decided.

3. Both NBC and ABC in the present motions cite the Commission's statement above quoted. They now seek to supply the "persuasive showing" necessary to sustain a stay of the syndication aspects of these rules.

4. NBC says that § 73.658(j) is a "divestiture order" and as such should be stayed pending appeal.

5. The division within NBC responsible for domestic and foreign syndication is NBC Enterprises which operates domestically through NBC Films, Inc. and in foreign countries through a number of foreign companies. NBC Enterprises has offices in five U.S. cities and eleven foreign countries.

6. According to NBC, a careful analysis shows that practical compliance by October 1, 1971 with the prohibition on syndication distribution will require NBC to begin to dispose of its distribution business at once. This is because business arrangements in syndication are such that any sort of sensible divestiture will require at least a year to accomplish. Hence, irrespective of the result of the appeals currently pending in the courts, NBC must start to dispose of its syndication business now or risk great loss. Also, NBC asserts that the prohibition on acquisition of syndication rights which became effective on October 1, 1970 subjects it to irreparable damage as it not only prevents NBC from replenishing its inventory for domestic distribution but will prohibit it from acquiring rights to programs for foreign sale. NBC relates a number of examples from its current syndication operations on which it bases its assertion that to enforce the time schedule of either part of the rule prior to the completion of review on appeal would subject it to severe commercial and financial damage which could not be repaired should the Commission be overruled by the courts.

7. NBC points out that over the past 5 years about 75 percent of the domestic syndication distribution rights it has acquired did not arise as the result of licensing programs for the NBC Television Network. Of the total of 1,005 half-hours

[1] (j) *Network syndication and program practices.* (1) Except as provided in subparagraph (3) of this paragraph, no television network shall:

(i) After Oct. 1, 1971, sell, license, or distribute television programs to television station licensees within the United States for nonnetwork television exhibition or otherwise engage in the business commonly known as "syndication" within the United States; or sell, license, or distribute television programs of which it is not the sole producer for exhibition outside the United States; or reserve any option or right to share in revenues or profits in connection with such domestic and/or foreign sale, license, or distribution; or

(ii) After Oct. 1, 1970, acquire any financial or proprietary right or interest in the exhibition, distribution, or other commercial use of any television program produced wholly or in part by a person other than such television network, except the license or other exclusive right to network exhibition within the United States and on foreign stations regularly included within such television network: *Provided*, That if such network does not timely avail itself of such license or other exclusive right to network exhibition within the United States, the grantor of such license or right to network exhibition may, upon making a timely offer reasonably to compensate the network, reacquire such license or other exclusive right to exhibition of the program.

[2] Report and order adopted May 4, 1970, 35 F.R. 7417, 23 FCC 2d 382; memorandum opinion and order (on reconsideration), adopted Aug. 7, 1970, 35 F.R. 13208, 25 FCC 2d 318, corrected Vol. 35, F.R. 13650.

acquired during those years, 618 were first-run productions by independent producers, 223 were programs that appeared on other networks; and 164 were programs that appeared originally on the NBC Television Network, but the syndication rights for which had been retained by the producer and were later sold to NBC Enterprises. NBC further says that 65 percent of the product acquired by NBC Enterprises for foreign distribution was acquired independently of licensing by producers of programs for the NBC Television Network. Of 2,282 half-hours acquired during the past 5 years for foreign sale, 195 were programs produced abroad by foreign companies and intended solely for foreign audiences; 655 were programs that appeared originally on other networks; 196 were programs that appeared originally on the NBC Television Network, but the rights for which were later sold to NBC Enterprises; 540 programs were acquired through independent sources within the United States, which programs never appeared on networks; and 696 were (NBC) network produced entertainment or news programs. As a practical matter, the prohibition on acquisition of rights will result in severe erosion of NBC's syndication business, both domestic and foreign, as a going concern, even while it is negotiating for sale or for some other means of disposition, and while the pending appeals are undecided.

8. ABC asserts that if the rules affecting network syndication activity are not stayed it will be subjected to irreparable injury. Even though termination of its syndication activity is not required under the rule until October 1, 1971, business and economic reasons will force ABC to begin to dispose of its syndication business immediately. If the Commission's rule is not upheld by the courts, there would "be no practicable means of resuming syndication activity short of many years of invested effort and resources." In other words, even though judicial review might be completed prior to the effective date of the "syndication proscription" ABC, after careful study,

has concluded that it cannot wait to dispose of its syndication business if there is even the possibility, let alone the prospect, that it will be forced to disengage from all syndication by October 1, 1971.

9. ABC also claims that the rule which became effective October 1, 1970 prohibiting networks from further acquisition of syndication rights must be stayed if the value of ABC's syndication arm as a going business is to be retained even during the period while negotiation to dispose of it is in progress. To preserve its active inventory of broadcast rights upon which the profitability of its syndication distribution business depends both here and abroad, ABC must acquire distribution rights to an additional 750 half-hours of programing each year. To prohibit it from so doing—as the rule currently does—will greatly affect the value of its syndication activity as a profitable business and will compound ABC's loss by adversely affecting the value of the going business of which it must divest itself on the best terms it can get. ABC claims that in this way it would, in effect, be denied its right of appeal as it will sustain the full adverse effects of the rule before its appeal can be decided.

10. In determining whether the showing made by each of the networks here is "persuasive," our primary concern is the probable benefit or detriment to the public interest, and we must consider the allegations of irreparable injury to the petitioning parties in that context. We find persuasive the claims that the networks face liquidation of their syndication arms prior to a determination of the merits of their appeals. This injury appears irreparable. On consideration of all of the aspects of this matter, we do not believe that the public interest requires ABC and NBC to run the risks of irreparable damage which they assert will occur if § 73.658(j)(1)(i) is not stayed. We have determined that the public interest requires each of the actions we have taken in our new rules. Each restriction we have placed on network activity or network programing is essential to the public interest and has an important place in our design to ease network domination of the program process in television, to encourage station freedom and autonomy in program service, and to foster the growth of independent sources of television programing. We believe it essential in the public interest that no unnecessary delay be permitted with regard to any part of the rule. This is particularly true of the prime time access provisions where, in order to implement the rule, it will be necessary for additional program sources to develop so that programing may be made available as a substitute for the network programing in the top 50 markets. As we said in our order of August 7, 1970, the present situation with regard to affiliate dependence on networks is such that many of them are clearly not in a position to exercise the appropriate degree of freedom of choice and the responsibility for television service essential to the proper discharge of their broadcast trusteeships. We stated that this degree of network domination emphasized the need for Commission action to "reestablish licensee individuality and responsibility as operable factors in television broadcasting." This situation has an immediate and drastic effect on the public interest in television broadcast service and any delay in implementing the remedial action which we have taken directly to alleviate this situation, i.e. the prime time access rule 73.658(k), accentuates and compounds the direct damage to the public interest which is currently being suffered. On the other hand, network syndication activities, while they are of substantial import to the public interest on a continuing basis, do not affect the public interest to quite the same degree as does network domination of the prime time programing process. Accordingly, an immediate effectuation of the proposed remedy is not as crucial. We conclude that a stay of the prohibition against syndication will serve to protect against irreparable private injury without unduly affecting the paramount public interest.

11. NBC and ABC also allege that unless a stay of § 73.658(j)(1)(ii) is granted, thereby permitting them to continue to acquire distribution rights, both domestic and foreign, their business will be seriously eroded and they will suffer irreparable damage irrespective of the outcome of their appeals to the courts. In essence, each network says that to cut off its continuing supply of distribution rights and thus prevent it from replenishing its stock in trade will seriously impair if not totally destroy its syndication and foreign distribution activities as a going business. NBC presents detailed information indicating that a large part of its domestic and foreign distribution rights derive from transactions and sources not connected with its own network programing process and, hence, does not impinge on the principal area of Commission concern. ABC also carries on similar activities and obtains program rights from similar transactions and sources.[3]

12. The acquisition of syndication rights by networks as a prerequisite or condition of development or choice of programs for network exhibition was the principal focus of our prohibition against the acquisition by the networks of subsidiary program rights.[4] Both the prohibition on network domestic syndication distribution and the restrictions on foreign sales by networks were directed in large part to elimination of this area of possible abuse.

13. In view of these facts and our resolution of the basic issue of a stay of the general prohibition against syndication, we do not believe that the public interest will be irreparably injured if we stay the rule in part so as to permit networks to continue to acquire domestic and foreign rights which do not arise out of their network program selection process. We of course do not agree that acquisition of such rights by networks does not affect the public interest. We have found the contrary. But we take this action as a concommitant of our ruling above on the representation by ABC and NBC that failure to permit them to acquire rights sufficient to sustain viable commercial operations will subject them to irreparable injury before the appeals can be determined. However, we wish to emphasize that we are staying effectiveness of this part of the rule only as to distribution

[3] A question has been raised as to the applicability of the rule to the acquisition of foreign-produced programs for foreign distribution. The rule was not intended to cover this situation. ABC is considerably more dependent on the network program process for its domestic and foreign distribution rights than is NBC.

[4] See paragraph 29 of our order of Aug. 7: "* * * the principal purpose of our new syndication rules are two: (1) To lessen the bargaining leverage provided by network control of program exhibition on most stations throughout the country which enables networks successfully to bargain for subsidiary rights and interests with producers and (2) to remove the possibility that acquisition of such rights becomes a prerequisite of acceptance of a program for network exhibition."

rights in programs which are not produced for, or included in, or intended or proposed to be included in the network schedule of the particular network involved. This action, we believe, will enable ABC and NBC to continue in operation during the pendency of the appeals. However, the parties are advised that the acquisition of new programs during the period of the stay should be accomplished so as to avoid new problems in ultimately complying with the rules.

14. In order that we may keep fully informed, the two networks shall as a condition of the grant of stay herein, inform us in writing, 3 months after the date of issue of this order, and at intervals of 3 months thereafter, of all program rights and interests they have acquired which, but for the stay granted herein, would have been prohibited by the rules. This requirement is applicable to CBS if it decides to avail itself of the benefits of the stay ordered herein. If requested to do so we shall treat such information as confidential. In view of the uncertainty of the duration of the appeals herein, we have decided that the stays granted hereby shall be until the further order of the Commission.

15. *Therefore, it is ordered,* That the effectiveness of § 73.658(j)(1)(i) of the Commission's rules and regulations be stayed pending further order of the Commission. *It is further ordered,* That the effectiveness of § 73.658(j)(1)(ii), as it applies to domestic syndication and foreign distribution rights and interests in programs not produced for, or included in or proposed or intended to be included in the network schedule of the network acquiring such rights or interests, be stayed pending the further order of the Commission.

(Secs. 1, 2, 4, 301, 303, 307, 308, 310, 312, 313, 314, 48 Stat., as amended, 1064, 1066, 1081, 1082, 1083, 1084, 1086, 1087; 47 U.S.C. 151, 152, 154, 301, 303, 307, 308, 310, 312, 313, 314)

Adopted: October 14, 1970.

Released: October 15, 1970.

FEDERAL COMMUNICATIONS COMMISSION,[*]

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

[F.R. Doc. 70-14100; Filed, Oct. 19, 1970; 8:48 a.m.]

[*] Commissioner Johnson concurring in the result.

Proposed Rule Making

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 70-SO-72]

TRANSITION AREA

Proposed Designation

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

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

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

The Humboldt transition area would be designated as:

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Humbolt Municipal Airport (lat. 35°48'00" N., long. 88°52'00" W.); within 2.5 miles each side of the Dyersburg VORTAC 121° radial, extending from the 5-mile-radius area to 23 miles southeast of the VORTAC.

The proposed designation is required to provide controlled airspace protection for IFR operations in climb from 700 to 1,200 feet above the surface and in descent from 1,500 to 1,000 feet above the surface. A prescribed instrument approach procedure, utilizing the Dyersburg VORTAC, is proposed in conjunction with the designation of this transition area.

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

Issued in East Point, Ga., on October 12, 1970.

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

[F.R. Doc. 70-14066; Filed, Oct. 19, 1970; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[14 CFR Part 241]

[Docket No. 22546]

UNIFORM SYSTEM OF ACCOUNTS AND REPORTS FOR CERTIFICATED CARRIERS

Transactions With Affiliated Groups; Supplemental Notice of Proposed Rule Making

OCTOBER 15, 1970.

The Board, by circulation of notice of proposed rule making EDR-187, dated September 9, 1970, and publication at 35 F.R. 14464, gave notice that it had under consideration proposed amendments to Part 241 which would prescribe more complete disclosure of transactions by air carriers within affiliated groups of companies than is presently required and set forth standards in accounting for such transactions. Interested persons were invited to participate in the proceeding by submission of twelve (12) copies of written data, views, or arguments pertaining thereto to the Docket Section of the Board on or before October 15, 1970.

Subsequent to the issuance of the proposed rule, counsel representing 22 member carriers of the Airline Finance and Accounting Conference of the Air Transport Association of America requested an extension to December 15, 1970, of the time for filing comments on the proposed rule on the grounds that the proposal would require major revision of current accounting policies and procedures and that accordingly additional time is necessary to study the effects of these proposed rules before submitting comments.

The undersigned finds that good cause has been shown for additional time for filing comments to the extent hereinafter granted. Accordingly, pursuant to the authority delegated in § 385.20(d) of the Board's organization regulations, the undersigned hereby extends the time for submitting comments to December 1, 1970.

(Sec. 204(a), Federal Aviation Act of 1958, as amended, 72 Stat. 743; 49 U.S.C. 1324)

By the Civil Aeronautics Board.

[SEAL] ARTHUR H. SIMMS,
Associate General Counsel, Rules and Rates.

[F.R. Doc. 70-14095; Filed, Oct. 19, 1970; 8:48 a.m.]

FEDERAL MARITIME COMMISSION

[46 CFR Part 542]

[Docket No. 70-39]

FINANCIAL RESPONSIBILITY FOR OIL POLLUTION CLEANUP

Notice of Proposed Rule Making

On September 30, 1970, the Federal Maritime Commission published in the FEDERAL REGISTER (35 F.R. 15216) regulations to implement the financial responsibility provisions of section 11(p)(1) of the Water Quality Improvement Act of 1970 (84 Stat. 97). These regulations (Commission General Order 27) set forth the procedures whereby the owner or operator of every vessel over 300 gross tons, including any barge of equivalent size, using any port or place in the United States or the navigable waters of the United States must evidence financial responsibility to meet the liability to the United States to which such vessel could be subjected for the discharge of oil into or upon the waters of the United States. The rules also include the qualifications required by the Commission for issuance of Certificates evidencing financial responsibility, and the basis for the denial, revocation, modification or suspension of such Certificates.

Section 483(a) of title 31, United States Code, as implemented by the Bureau of the Budget Circular No. A-25, dated September 23, 1959, provides that fees and charges shall be charged for services rendered the public by Federal agencies in order that such services may be performed on a self-sustaining basis to the fullest extent possible. Since the Commission anticipates the receipt of many thousands of applications under section 11(p)(1) of the Water Quality Improvement Act of 1970 and its General Order 27, the Commission is contemplating the assessment of application fees to offset in some part the cost to the Government for processing the applications.

Therefore, pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 552) and in accordance with the Act of August 31, 1951 (31 U.S.C. 483(a)), as implemented by Bureau of the Budget Circular No. A-25, dated September 23, 1959, notice is hereby given that the Federal Maritime Commission is considering the addition of a new § 542.9 to General Order 27 (46 CFR Part 542). The purpose of this amendment is to provide for the assessment of application and certification fees. Accordingly, the proposed new § 542.9 would read as follows:

§ 542.9 Fees.

(a) This section establishes fees and charges which shall be imposed by the

Federal Maritime Commission for processing the application and issuance of Certificates of Financial Responsilibity (Oil Pollution).

(b) On or after the effective date of this section, every application filed pursuant to this part must be accompanied by application and certification fees calculated in accordance with the schedule contained in paragraph (d) of this section. Fees for applications filed prior to the effective date of this section shall be paid before the requisite Certificates are issued.

(c) Fees are payable in terms of U.S. dollars and may be paid by check, draft, or postal money order made payable to the Federal Maritime Commission. Cash will not be accepted.

(d) Every application for a Certificate of Financial Responsibility (Oil Pollution) shall be accompanied by a basic application fee of $100 which shall not be refundable. In addition, a certification fee for each vessel listed on the application shall be payable with the submission of the application in accordance with the following gross tonnage schedule:

For each vessel over—	
300 to 1,500 gross tons	$5.00
1,500 to 5,000 gross tons	10.00
5,000 to 10,000 gross tons	15.00
over 10,000 gross tons	20.00

(e) In any case necessitating the issuance of a new Certificate, such as, but not limited to, the addition of a vessel, change in name, or replacement of a lost Certificate, the individual vessel fee, based on the particular vessel's gross tonnage, shall apply.

Interested persons may participate in this rule making proceeding by filing with the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 21 days of the publication of this notice in the FEDERAL REGISTER, an original and 15 copies of their views or arguments pertaining to the proposed rules. All suggestions for changes in the text should be accompanied by drafts of the language thought necessary to accomplish the desired change.

By order of the Federal Maritime Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

[F.R. Doc. 70-14062; Filed, Oct. 19, 1970; 8:45 a.m.]

DEPARTMENT OF THE INTERIOR

National Park Service

[36 CFR Part 2]

PICTURED SYMBOL SIGNS

Notice of Proposed Rule Making

Notice is hereby given that, pursuant to the authority vested in the Secretary of the Interior, by section 3 of the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 3), it is proposed to amend Part 2 of Title 36 of the Code of Federal Regulations, by the addition of § 2.35, as set forth below.

The purpose of this amendment is to adopt a system of pictured symbol signs to give notice and information to visitors in areas of the National Park System.

It is the policy of the Department of the Interior, whenever practicable to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions, or objections to the Director, National Park Service, Department of the Interior, Washington, D.C., within 30 days of the publication of this notice in the FEDERAL REGISTER.

Dated: October 9, 1970.

HARTHON L. BILL,
Acting Director,
National Park Service.

Section 2.35 is added to appear and read as follows:

§ 2.35 Symbolic signs.

(a) The below pictured signs provide general information about areas of the National Park System.

(b) Certain signs permit or authorize various activities in park areas.

(c) Activities symbolized by a sign bearing a red slash are prohibited.

(d) The use of other types of signs is not precluded.

GENERAL


AREA WHERE FIREARMS ARE PERMITTED.*


AREA WHERE SMOKING IS PERMITTED.*


ROADWAY OR OTHER FACILITY WHERE AUTOMOBILES PERMITTED.*


ROADWAY WHERE TRUCKS PERMITTED.*


TUNNEL.


AN OBSERVATION, LOOKOUT OR FIRE TOWER.


A LIGHT HOUSE.


AREA OF FALLING ROCKS.


LOCATION OF A DAM.


AREA WHERE BEARS ARE FREQUENT AND MIGHT BE VIEWED BY VISITORS.


DRINKING WATER.*


FISH HATCHERY.


AREA WHERE DEER ARE FREQUENT AND MIGHT BE VIEWED BY VISITORS.


VISITOR INFORMATION.


RANGER STATION OR ADMINISTRATIVE OFFICE.


ROAD CROSSING PERMITTED.*

AREA WHERE PETS UNDER PHYSICAL CONTROL PERMITTED.*

ENVIRONMENTAL STUDY AREA OR SPECIAL ENVIRONMENTAL PROGRAM AREA

ACCOMMODATIONS OR SERVICE

PUBLIC OVERNIGHT ACCOMMODATIONS (HOTEL, LODGE, MOTEL, ETC.)

PUBLIC TELEPHONE.

RESTAURANT, CAFETERIA, SNACK SHOP, LUNCHROOM.

U.S. POST OFFICE.

GROCERIES, FOOD OR CAMP STORE.

AUTOMOBILE OR BOAT REPAIRS.

MEN'S RESTROOM.

FACILITY FOR THE PHYSICALLY HANDICAPPED.

RESTROOMS FOR BOTH MEN AND WOMEN.

AIRPORT OR LANDING STRIP.

WOMEN'S RESTROOM.

LOCKED STORAGE.

FIRST AID STATION.

BUS OR TOUR VEHICLE STOP.


GAS STATION OR GAS DOCK.


PICNIC SHELTER.


VEHICLE FERRY.


AREA WHERE TRAILERS OR TRAILER CAMPING PERMITTED.*


AREA WHERE PARKING OF MOTOR VEHICLES PERMITTED.*


TRAILER SANITARY STATION FOR DUMPING WASTE FROM HOLDING TANKS.


SHOWER FACILITY.


AREA WHERE CAMPFIRES PERMITTED.*


OBSERVATION POINT FROM WHICH SCENIC AND HISTORIC AREAS CAN BE SEEN OR PHOTOGRAPHED


TRAIL SHELTER, PROVIDING SOME PROTECTION FROM THE WEATHER.


TRAIL SLEEPING SHELTERS.


AREA WHERE PICNICKING PERMITTED.*


AREA WHERE PUBLIC CAMPING PERMITTED.*


KENNEL FOR PETS

WINTER RECREATION


WINTER RECREATION AREA


CROSS COUNTRY SKI TRAIL.

AREA WHERE DOWNHILL SKIING PERMITTED.*

AREA WHERE ICE SKATING PERMITTED *

SKI JUMP FACILITY.

TRAIL WHERE SKI BOBBING PERMITTED.*

SLEDDING AND SNOW PLAY AREA.*

AREA OR TRAIL WHERE SNOWMOBILES PERMITTED.*

WATER RECRECATION

WATER RECREATION AREA, OR BOAT DOCK, HARBOR, BOAT SLIPS, OR BOAT MARINA.

AREA WHERE WATER SKIING PERMITTED.*

RAMP WHERE BOAT LAUNCHING PERMITTED.*

WATER OR BEACH WHERE SURFING ACTIVITIES ARE PERMITTED *

AREA WHERE MOTORBOATS AND MOTOR VESSELS PERMITTED.*

AREA WHERE SCUBA DIVING PERMITTED.*

AREA WHERE SAILBOATS ARE PERMITTED.*

AREA WHERE SWIMMING PERMITTED.*

AREA FOR HAND PROPELLED VESSELS (ROW BOATS, CANOES, KAYAKS.)

AREA WHERE DIVING PERMITTED.*

FISHING PERMITTED.*

LAND RECREATION

TRAIL OR AREA WHERE HORSE RIDING PERMITTED.*

AMPHITHEATER, CAMPFIRE CIRCLE OR OTHER ASSEMBLY POINT WHERE PROGRAMS ARE PRESENTED.

TRAIL WHERE MOTORCYCLES PERMITTED.*

TRAMWAY, SKI LIFT, OR SIMILAR DEVICE.

TRAIL OR ROAD WHERE BICYCLES PERMITTED.*

AREA WHERE HUNTING PERMITTED.*

TRAIL WHERE OFF-ROAD RECREATION VEHICLES PERMITTED.*

HORSE OR MULE STABLE.

HIKING TRAIL.

INTERPRETIVE TRAIL.

PLAYGROUND FOR CHILDREN.

INTERPRETIVE AUTO TOUR ROUTE

*THE ABOVE SYMBOLS INDICATED BY ASTERISKS WHEN DISPLAYED WITH A RED SLASH SUPERIMPOSED OVER THE SYMBOL INDICATES THE ACTIVITY IS PROHIBITED. THE DESIGN AND FORM OF SUCH A SLASH IS HERE PICTURED.

[F.R. Doc. 70-14021; Filed, Oct. 19, 1970; 8:45 a.m.]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[50 CFR Part 240]

GROUNDFISH FISHERIES

Notice of Proposed Rule Making

At its 20th Annual Meeting held in St. Johns, Newfoundland, June 1–6, 1970, the International Commission for the Northwest Atlantic Fisheries recommended that member governments take appropriate action to regulate the catch of yellowtail flounder by persons under their jurisdiction fishing in Subarea 5 and that trawl regulations applicable to cod and haddock be extended to yellowtail flounder.

It is proposed in § 240.1 to include yellowtail flounder as a regulated species in Subarea 5. This proposed addition of a new regulated species is reflected in §§ 240.2 and 240.5 through 240.10.

It is proposed in § 240.2 to change "registration certificate" or "certificate" to "license" in this section heading and other places so that consistent language will be used throughout this part. This is an editorial change only and does not effect the requirement. This word change is also proposed in §§ 240.3, 240.4, and 240.5.

In § 240.5 it is proposed to add yellowtail flounder to the regulated species whose take is limited under a 12-month exemption in Subarea 5.

Section 240.6 provides for an annual total catch quota of yellowtail flounder taken by contracting governments conducting fishing operations in Subarea 5.

Section 240.7 sets forth the proposed fishing season for yellowtail flounder by date and time.

In § 240.8 proposed closed seasons and closed areas are defined. The closed seasons are based on catch limits set on the total accumulative catch (landings plus discards) of yellowtail flounder taken from Subarea 5.

It is proposed in § 240.9 that certain restrictions shall apply during the period when the yellowtail flounder season is closed after the quota has been met.

In § 240.10 it is proposed that requirements in this section shall apply to all firms or corporations purchasing yellowtail flounder and to the master or operator of any fishing vessel holding a license under the regulations of this part.

It is further proposed that wording of the regulations be changed where applicable to reflect the transfer of the Bureau of Commercial Fisheries from the U.S. Department of the Interior to the National Oceanic and Atmospheric Administration in the Department of Commerce with a new name of National Marine Fisheries Service.

The proposed amendments are to be issued under the authority contained in subsection (a) of section 7 of the Northwest Atlantic Fisheries Act of 1950 (64 Stat. 1069; U.S.C. 986) as modified by Reorganization Plan No. 4, effective October 3, 1970 (35 F.R. 15627).

Prior to the final adoption of the proposed amendments, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing to the Director, National Marine Fisheries Service, Washington, D.C. 20240 within the period of 60 days from the date of publication of this notice in the FEDERAL REGISTER.

Issued at Washington, D.C., and dated October 16, 1970.

WILLIAM M. TERRY,
Acting Director, National Marine Fisheries Service.

The proposed amendments are described below:

1. Add a new subdivision (iii) in § 240.1(c)(5) and amend paragraphs (l), (m), and (n), to read as follows:

§ 240.1 Meaning of terms.

* * * * *

(c) * * *

(5) * * *

(iii) Yellowtail flounder (Limanada ferruginea (Storer)).

* * * * *

(l) Service: The National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce.

(m) Service Director: The Director of the National Marine Fisheries Service.

(n) Regional Director: The Regional Director, Northeast Region, National Marine Fisheries Service, Federal Building, 14 Elm Street, Gloucester, Mass. 01930. Telephone number, Area Code (617) 281–0640.

* * * * *

2. Amend § 240.2 to read as follows:

§ 240.2 License.

(a) All commercial fishing vessels of any tonnage which shall fish for, catch and offer for sale haddock or yellowtail flounder taken in any manner must be licensed annually by the Department of Commerce, National Marine Fisheries Service.

(1) Each vessel licensed by the Department of Commerce, National Marine Fisheries Service, shall carry the license on board at all times while at sea, and this license shall at all times be subject to inspection by an authorized officer of the Government of the United States.

(2) The license and the logbook required under § 240.10(b) shall be issued without fee by authorized officers of the Government of the United States.

(b) Unless permitted to do so by § 240.5 no person shall engage in fishing for these species of fish mentioned in § 240.1(c) within the Convention area, nor shall any person possess, transport, or deliver by means of any fishing vessel such species taken within such area except under a license issued and in force in conformity with the provisions of this part.

(1) The owner or operator of a fishing vessel may obtain without charge a license by furnishing, on a form to be supplied by the National Marine Fisheries Service information specifying the names and addresses of the owner and operator of the vessel, the name, official number and home port of the vessel, and the period for which the license is desired. The form shall be submitted in duplicate to the Regional Director, National Marine Fisheries Service, Gloucester, Mass., who shall grant the license for the duration specified by the applicant in the form but in no event to extend beyond the end of the calendar year during which the license is issued. New licenses shall similarly be issued to replace expired, lost or mutilated licenses. An application for replacement of an expiring license shall be made in like manner as the original application not later than 10 days prior to the expiration date of the expiring license.

(2) The license issued by the National Marine Fisheries Service shall be carried at all times on board the vessel for which it is issued and such license, the vessel, its gear and equipment shall at all times be subject to inspection for the purposes of this part by officers authorized to enforce the provisions of this part.

(c) Licenses issued under this part may be revoked by the Regional Director for violations of this part.

§ 240.3 [Amended]

3. In subparagraphs (1) and (2) of § 240.3(a) change the words "registration certificate" wherever they appear to read "license," and in subparagraph (2) of § 240.3(b) and paragraph (e) change the words "Bureau of Commercial Fisheries" to read "National Marine Fisheries Service."

§ 240.4 [Amended]

4. In the heading of § 240.4 and in paragraphs (a) and (b) of said section change the words "registration certificate(s)" wherever they appear to read "license(s)" and in paragraph (b) change the words "Bureau of Commercial Fisheries" to read "National Marine Fisheries Service."

5. Amend § 240.5 including the introductory paragraph; paragraphs (a), (c), and (d); subparagraph (1) and its subdivisions (i) and (ii) of paragraph (d); subparagraphs (5), (6), and (7) of paragraph (d) to read as follows:

§ 240.5 Certain persons and vessels exempted.

Nothing contained in §§ 240.2(b) to 240.4 shall apply to the following, except that during any closed period under § 240.8(a), the exemptions provided for haddock and yellowtail flounder under paragraphs (c) and (d) of this section shall automatically be suspended:

(a) Any person or vessel authorized by the Secretary of Commerce to engage in fishing for scientific purposes for those species listed in § 240.1(c).

* * * * *

(c) Any person who in the course of fishing in Subareas 3, 4, or 5 and taking fish other than the regulated species who does not take and possess a quantity in excess of 5,000 pounds or 10 percent by weight, whichever is the greater amount, for each of cod, haddock, yellowtail

flounder, and of the other regulated species in aggregate, of all fish aboard the vessel taken in each subarea. The exemption provided in this paragraph shall apply separately in Subareas 3, 4, and 5.

(d) Any person who, while engaged in fishing within Subareas 3, 4, or 5 of the regulatory area, does not take in any period of 12 months the regulated species in quantities in excess of 10 percent by weight for each of cod, haddock, yellowtail flounder, and the aggregate of the other listed species in § 240.1(c), of all the trawl-caught fish taken in each subarea. Any such person desiring to avail himself of the exemption provided in this paragraph shall obtain a 12-month exemption license and shall comply with the following conditions:

(1) The owner or operator of a fishing vessel proposed to be operated under the exemption authorized in this paragraph may obtain without charge a license for a 12-month exemption by furnishing on a form to be supplied by the National Marine Fisheries Service information specifying the name and address of the owner and operator of the vessel and the name, official number, and the home port of the vessel. The application form shall be submitted, in duplicate, to the Regional Director. The license shall authorize the taking of the regulated species within the regulatory area without regard to restrictions on fishing gear imposed, respectively, by §§ 240.2 and 240.3 provided:

(i) The vessel and its fishing gear are not used to take the regulated species within subareas 3, 4, or 5 in quantities in excess of 10 percent by weight for each of cod, haddock, yellowtail flounder, and the aggregate of the other regulated species, of all the trawl-caught fish taken by means of such vessel during the period covered by the 12-month exemption.

(ii) The 10 percent exemption for each of cod, haddock, yellowtail flounder, and the aggregate of the other regulated species shall be computed separately for each subarea by the weight of all fish caught within the same subarea.

* * * * *

(5) The license issued by the National Marine Fisheries Service shall be carried at all times on board the vessel for which it is issued.

(6) The owner or operator of a fishing vessel for which a license is in force shall furnish on a form supplied by the National Marine Fisheries Service, immediately following the delivery or sale of a catch of fish made by means of such vessel, a report, certified to be correct by the owner or operator, listing separately by species and weight the total quantities of all fish sold or delivered. Failure to submit a certified report pertaining to the catches of fish as required by this subparagraph shall be cause for the Regional Director to revoke the license issued under this paragraph by the Regional Director issued to the owner or operator of the fishing vessel.

(7) The owner or operator of a fishing vessel for which a 12-month exemption license is in force, who proposes to use such vessel in fishing primarily for the regulated species during any period of time within the period covered by the exemption may obtain a temporary suspension of such exemption in like manner as provided in § 240.4 and may make application to engage in fishing for the regulated species pursuant to a license issued under § 240.2. Any of the regulated species taken by means of a vessel for which a license is in force and by means of fishing for the regulated species conducted in conformity with the restrictions on fishing gear prescribed by § 240.3, shall be excluded from the total of all trawl-caught fish taken during such periods. For the purposes of computing the quantities of the regulated species so to be excluded, the owner or operator of a fishing vessel covered by a suspended 12-month exemption and taking the regulated species while operating under a license shall submit catch reports in like manner as provided in subparagraph (6) of this paragraph.

6. Amend § 240.6 by changing the introductory paragraph to paragraph (a) and paragraphs (a) and (b) to subparagraphs (1) and (2), and by adding a new paragraph (b) and subparagraphs (1) and (2) to read as follows:

§ 240.6 Catch limit.

* * * * *

(b) An annual limitation is placed on the quantity of yellowtail flounder permitted to be taken from Subarea 5 by fishing vessels of all contracting governments participating in the fishery in 1971.

(1) The annual catch (landings plus discards) of yellowtail flounder in Subarea 5 from the area east of 69°00′ west longitude shall not exceed 16,000 metric tons.

(2) The annual catch (landings plus discards) of yellowtail flounder in Subarea 5 from the area west of 69°00′ west longitude shall not exceed 13,000 metric tons.

7. Amend § 240.7 to read as follows:

§ 240.7 Open season.

(a) The open season for haddock fishing in Division 4X of Subarea 4, and Subarea 5 shall begin annually at 0001 hours of the 1st day of January and terminate at a time and date to be determined and announced as provided in § 240.8: *Provided*, That the areas described in § 240.8 shall be closed to the use of gear capable of catching demersal species, including any otter trawl gear or similar devices, hook and line, or gill net, from 0001 hours, March 1, to 2400 hours, April 30, during the years 1971 and 1972.

(b) The open season for yellowtail flounder fishing in Subarea 5 shall begin at 0001 hours of the 1st day of January and terminate at a time and date to be determined and announced as provided in § 240.8(a)(3).

8. Amend paragraph (a) of § 240.8 as follows:

§ 240.8 Closed seasons and areas.

(a) The Executive Secretary of the International Commission for the Northwest Atlantic Fisheries maintains records of the catches of regulated species made in Division 4X of Subarea 4 and Subarea 5 during the open season by the fishing vessels of all contracting governments participating in the fishery.

(1) He shall notify each contracting government of the date on which accumulative landings of haddock in Division 4X of Subarea 4 and Subarea 5 equal 80 percent of the catch limits described in § 240.6(a) (1) and (2).

(2) He shall notify each contracting government when the accumulative catch (landings, plus discards) of yellowtail flounder in Subarea 5 in either the area east of 69°00′ west longitude or west of 69°00′ west longitude equal 80 percent of the catch limits for each such area, described in § 240.6(b) (1) and (2).

(3) The Director of the National Marine Fisheries Service shall announce the season closure dates so that they fall within 10 days of the receipt of such notification from the Executive Secretary. Such announcement of the season closure dates shall be made by publication in the FEDERAL REGISTER. The closure date so announced shall be final except that if the Executive Secretary determines that the original notification has been affected by changed circumstances, he may substitute a further notification and the Service Director may in like manner announce a new season closure date.

* * * * *

9. Amend § 240.9 by adding new paragraphs (f), (g), (h), (i), and (j) as follows:

§ 240.9 Restrictions applicable to fishing vessels.

* * * * *

(f) Except as provided in paragraphs (g), (h), and (i) of this section after the dates announced in the manner provided in § 240.8(b) for the closing of the yellowtail flounder fishing season in Subarea 5 east of 69°00′ west longitude or west of 69°00′ west longitude it shall be unlawful for any master or other person in charge of a fishing vessel to possess yellowtail flounder on board such vessel in those areas or to land yellowtail flounder taken in those areas in any port or place until the yellowtail flounder season reopens on January 1 next following the close of the season.

(g) Any master or other person in charge of a fishing vessel which has departed port to engage in the yellowtail flounder fishery prior to the date of closure of yellowtail flounder fishing season in the area east of 69°00′ west longitude of Subarea 5 may continue to take and retain yellowtail flounder in the area east of 69°00′ west longitude of Subarea 5 without restriction as to quantity, but in no case may the trip extend more than 10 days after the closure date.

(h) Any master or other person in charge of a fishing vessel which has departed port to engage in the yellowtail flounder fishery prior to the date of closure of yellowtail fishing season in the area west of 69°00′ west longitude of Subarea 5 may continue to take and retain yellowtail flounder in the area west

of 69°00′ west longitude of Subarea 5 without restrictions as to quantity, but in no case may the trip extend more than 10 days after the closure date.

(i) Any master or other person in charge of a fishing vessel which has departed port after the date of closure of the yellowtail flounder season in the area east of 69°00′ west longitude or the area west of 69°00′ west longitude of Subarea 5 may possess on board such vessel and land in any port or place yellowtail flounder taken as incidental to fishing for other species, but in no event shall the yellowtail flounder permitted to be possessed or landed by such vessel exceed 5,000 pounds or 10 percent by weight of all other fish on board caught in the closed area.

(j) The limitation on the quantity of incidentally caught yellowtail flounder specified in paragraph (i) of this section shall be applied to any fishing vessel irrespective of its arrival in port prior or subsequent to December 31 in every case where the catch of yellowtail flounder has been made during a fishing voyage begun in the closed season.

10. Amend paragraphs (a), (b), and (d) of § 240.10 to read as follows:

§ 240.10 Reports and recordkeeping.

(a) All persons, firms, or corporations that shall buy from fishing vessels or from vessels which are either registered or enrolled with the U.S. Coast Guard or from a carrier licensed as a common carrier engaged in either interstate or intrastate commerce, haddock or yellowtail flounder or any other species of finfish taken within the Convention area by a fishing vessel of the United States, shall keep and shall furnish to an authorized officer of the National Marine Fisheries Service, within 72 hours of sale, records of each purchase.

(1) The statistical return must be full and correct in all respects.

(2) The possession by any person, firm or corporation of haddock or yellowtail flounder which such person, firm, or corporation knows to have been taken by a vessel of the United States without a valid license is prohibited.

(b) The master or operator of any fishing vessel holding a license under the regulations of this part shall keep on forms furnished by the Service an accurate log of fishing operations showing date, type, and size of mesh of otter trawl or gill net, locality fished, duration of fishing time or tow, and the estimated poundage of each specie taken at each retrieval of the fishing gear to be recorded once during each watch. Such logs shall be available for inspection by authorized officers of the Government of the United States. At the conclusion of each fishing trip, the duplicate log sheet shall be delivered to an authorized officer of the Government of the United States.

* * * * *

(d) For the purpose of inspection representatives of the Service, shall have at all times free and unobstructed access to any area on board a fishing vessel, transport vessel, or shore facility where fish are landed, handled, stored, or processed and to areas where fishing gear or parts of fishing gear are used, assembled, or stored.

[F.R. Doc. 70-14130; Filed, Oct. 19, 1970; 8:49 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Serial No. I-3606]

IDAHO

Notice of Classification of Public Lands for Multiple-Use Management; McFarland Campground

OCTOBER 12, 1970.

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411–18) and to the regulations in 43 CFR Part 2460, the public lands described below are hereby classified for multiple use management. These public lands are located southeast from Salmon, Idaho, and are known as the McFarland Campgrounds. Their principal public resource is for outdoor recreation. Publication of this notice has the effect of segregating the described lands from all forms of appropriation and entry under the public land laws, including the mining, but not the mineral leasing laws. As used herein, "public lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269) as amended, or acquired through exchange under section 8 of the Act of June 28, 1934, which are not otherwise withdrawn or reserved for a Federal use or purpose.

2. No adverse comments were received following publication of a notice of proposed classification (35 F.R. 140). The public lands affected by this classification are shown on maps on file and available for inspection in the Salmon District Office, Bureau of Land Management, Salmon, Idaho, and the Land Office, Bureau of Land Management, Federal Building, 550 West Fort Street, Boise, Idaho.

3. The lands included in this classification are located in Lemhi County and are described as follows:

BOISE MERIDIAN, IDAHO

T. 17 N., R. 24 E.,
Sec. 14, a part of the NW¼SE¼ more particularly described as: Beginning at a point 1,843 feet west and 77.5 feet south of the east quarter corner of said section 14, thence by metes and bounds, S. 37° 48' E., 120.9 feet; S. 05°15' W., 106 feet; S. 25°36' E., 138.6 feet; S. 15°13' E., 132.1 feet; S. 44°23' W., 364 feet, more or less, to a point on the northeasterly right-of-way line of the Idaho State Highway No. 28; N. 47°21'30'' W., 561.1 feet along said right-of-way line; N. 56°41' E., 610 feet to the point of beginning.

The area described aggregates approximately 5.9 acres.

4. For a period of 30 days from the date of publication of this notice in the FEDERAL REGISTER, this classification shall be subject to the exercise of administrative review and modification by the Secretary of the Interior as provided for in 43 CFR 2461.3. For a period of 30 days, interested parties may submit comments to the Secretary of the Interior, LLM 320, Washington, D.C. 20240.

WM. L. MATHEWS,
State Director.

[F.R. Doc. 70-14064; Filed, Oct. 19, 1970; 8:45 a.m.]

[Serial Nos. N-2650, N-3263, N-3357, N-3499, N-3503]

NEVADA

Notice of Public Sale

Correction

In F.R. Doc. 70-13039 appearing at page 15248 in the issue for Wednesday, September 30, 1970, the reference to *"Sale N-3400"* in the 27th line of the last column on page 15248 should read *"Sale N-3499"*.

[New Mexico 12480]

NEW MEXICO

Notice of Proposed Withdrawal and Reservation of Lands

OCTOBER 13, 1970.

The Forest Service, U.S. Department of Agriculture, has filed application New Mexico 12480 for the withdrawal of the lands described below, from location and entry under the general mining laws only. The applicant desires the lands for use in connection with the Taos Ski Valley Winter Sports Site and the Red River Winter Sports Site, which sites are located within the Carson National Forest.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objection in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Land Office Manager, Post Office Box 1449, Santa Fe, N. Mex. 87501.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate land needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

NEW MEXICO PRINCIPAL MERIDIAN

TAOS SKI VALLEY WINTER SPORTS SITE

T. 27 N., R. 14 E. (Unsurveyed),
Sec. 8, S½NE¼NE¼, SE¼NW¼NE¼, NW¼NW¼NE¼ (less approximately 5 acres in HES 82), S½NE¼, and SE¼;
Sec. 9, NE¼ (approximately 15 acres not in conflict with PLO 1120 and Tracts A and B of Randall-Lewis Exception), NE¼NW¼ (approximately 12 acres not in conflict with PLO 1120 and Tract B of Randall-Lewis Exception), S½N½NW¼NW¼, S½NW¼NW¼, SW¼NW¼, SE¼NW¼ (less approximately 3 acres in Tract B of Randall-Lewis Exception) and S½;
Sec. 10, W½SW¼ (less approximately 14 acres in Tract A of Randall-Lewis Exception);
Sec. 15, W½ (less approximately 25 acres in Tract A of Randall-Lewis Exception);
Sec. 16, E½, E½NW¼, E½W½NW¼ and NE¼SW¼;
Sec. 21, NE¼.

RED RIVER WINTER SPORTS SITE

T. 28 N., R. 14 E. (Unsurveyed),
Sec. 1, NW¼NW¼ and NW¼SW¼NW¼;
Sec. 2, NE¼NE¼, E½NW¼NE¼, NE¼SW¼NE¼, N½SE¼NE¼.
T. 29 N., R. 14 E.,
Sec. 35, lot 9 and SE¼;
Sec. 36, W½W½SW¼ (less 7.35 acres in conflict with MS 1108 and approximately 6 acres in MS 954).

The areas described aggregate approximately 2,086.50 acres in Taos County.

MICHAEL T. SOLAN,
Land Office Manager.

[F.R. Doc. 70-14089; Filed, Oct. 19, 1970; 8:47 a.m.]

[OR 6983]

OREGON

Notice of Proposed Withdrawal and Reservation of Land

OCTOBER 8, 1970.

The Department of Agriculture, on behalf of the Forest Service, has filed application, OR 6983, for the withdrawal of the national forest land described below, from all forms of appropriation under the mining laws (30 U.S.C., Ch. 2), but

not from leasing under the mineral leasing laws, subject to valid existing rights.

The applicant desires the land for use as the Ochoco Divide Research Natural Area.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 729 Northeast Oregon Street, Post Office Box 2965, Portland, Oreg. 97208.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the land and its resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the land for purposes other than the applicant's, to eliminate land needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the land and its resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the land will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place which will be announced.

The land involved in the application is:

OCHOCO NATIONAL FOREST

WILLAMETTE MERIDIAN

Ochoco Divide Research Natural Area

T. 12 S., R. 20 E.,
Sec. 28, S½;
Sec. 29, S½;
Sec. 30, SE¼;
Sec. 31, E½;
Sec. 32;
Sec. 33, W½W½.

The area described contains approximately 1,920 acres.

VIRGIL O. SEISER,
Chief, Branch of Lands.

[F.R. Doc. 70-14090; Filed, Oct. 19, 1970; 8:47 a.m.]

ACTING AREA MANAGERS ET AL., WYOMING

Delegation of Authority

OCTOBER 13, 1970.

Pursuant to authority contained in Part III, sections 3.1 and 3.10, of Bureau of Land Management Order No. 701 of May 1, 1970, Wyoming District Managers may designate, by written order, any qualified employee of the various Areas or Divisions within the District to perform the functions of the Area Manager or Division Chief during the absence of those officials as "Acting" Manager, or Chief.

Each employee who acts in such capacity shall sign a record to be kept in the district office showing the date and hour of the commencement and termination of each period of such service.

This delegation is effective upon publication in the FEDERAL REGISTER.

ROBERT E. WILBER,
Acting State Director.

[F.R. Doc. 70-14063; Filed, Oct. 19, 1970; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

TEXAS

Designation of Areas for Emergency Loans

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

TEXAS

Baylor.	Jackson.
Calhoun.	King.
Cameron.	Kleberg.
Cottle.	Knox.
Dickens.	Starr.
Foard.	Throckmorton.
Hardeman.	Wilbarger.
Hidalgo.	Willacy.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1971, except to applicants who previously received emergency or special livestock loan assistance and can qualify under established policies and procedures.

Done at Washington, D.C., this 14th day of October 1970.

CLIFFORD M. HARDIN,
Secretary of Agriculture.

[F.R. Doc. 70-14070; Filed, Oct. 19, 1970; 8:46 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary

ADMINISTRATIVE ASSISTANT, REVIEWING AUTHORITY (CIVIL RIGHTS)

Delegation of Authority as Hearing Clerk and To Certify True Copies

Under the authority vested in me by the Secretary, 34 F.R. 17346 and section 2-500-30 of the Department's Organization Manual:

I hereby redelegate to the Administrative Assistant, Reviewing Authority (Civil Rights), Office of the Assistant Secretary for Administration, the authority as official custodian of the files (Hearing Clerk) in all matters pertaining to compliance proceedings under Executive Order 11246 and as such custodian the authority to certify true copies of any books, records, papers, or other documents of the Department pertaining to such compliance proceedings, to certify extracts from any such books, records, papers, or other documents as true extracts, to certify that true copies are of the entire file of the Department in any such compliance proceedings, to certify the nonexistence of books, records, papers, or other documents on file within the Department in any matter pertaining to such compliance proceedings, and to cause the Seal of the Department to be affixed to such certifications. This authority may not be redelegated.

Dated: October 12, 1970.

SOL ELSON,
Acting Assistant Secretary for Administration.

[F.R. Doc. 70-14073; Filed, Oct. 19, 1970; 8:46 a.m.]

ATOMIC ENERGY COMMISSION

[Dockets Nos. 50-338, 50-339]

VIRGINIA ELECTRIC AND POWER CO.

Notice of Hearing on Application for Construction Permits

In the matter of Virginia Electric and Power Co. (North Anna Power Station, Units 1 and 2).

Pursuant to the Atomic Energy Act of 1954, as amended (the Act), and the regulations in Title 10, Code of Federal Regulations, Part 50, "Licensing of Production and Utilization Facilities," and Part 2, "Rules of Practice," notice is hereby given that a hearing will be held at 10 a.m. local time, on November 23, 1970, in The Courtroom, Circuit Court of the City of Fredericksburg, Princess Anne Street, Fredericksburg, Va. 22401, to consider the application filed under section 104b. of the Act by the Virginia Electric and Power Co. (the applicant), for construction permits for two pressurized water nuclear reactors, each designed to operate initially at 2,652 megawatts (thermal), to be located at the applicant's site adjacent to the North Anna River near Mineral, Louisa County, Va.

The hearing will be conducted by the Atomic Safety and Licensing Board designated by the Atomic Energy Commission, consisting of Dr. Eugene Greuling, Durham, N.C.; Dr. Hugh C. Paxton, Los Alamos, N. Mex.; and J. D. Bond, Esq., Derwood, Md., Chairman. Mr. R. B. Briggs, Oak Ridge, Tenn., has been designated as a technically qualified alternate, and Walter T. Skallerup, Esq., Washington, D.C., has been designated as an alternate qualified in the conduct of administrative proceedings.

A prehearing conference will be held by the board in Room 2008 Federal Office Building No. 7, 726 Jackson Place (Entrance from 17th Street also possible), NW., Washington, D.C., on November 4, 1970, at 10 a.m. local time, to consider the matters provided for consideration by 10 CFR 2.752 and section II of Appendix A to 10 CFR Part 2.

The Director of Regulation proposes to make affirmative findings on Item Nos. 1–3 and a negative finding on Item 4 specified below as the basis for the issuance of construction permits to the applicant.

1. Whether in accordance with the provisions of 10 CFR 50.35(a):

(a) The applicant has described the proposed design of the facilities including, but not limited to, the principal architectural and engineering criteria for the design, and has identified the major features or components incorporated therein for the protection of the health and safety of the public;

(b) Such further technical or design information as may be required to complete the safety analysis and which can reasonably be left for later consideration, will be supplied in the final safety analysis report;

(c) Safety features or components, if any, which require research and development have been described by the applicant and the applicant has identified, and there will be conducted, a research and development program reasonably designed to resolve any safety questions associated with such features or components; and

(d) On the basis of the foregoing, there is reasonable assurance that (i) such safety questions will be satisfactorily resolved at or before the latest dates stated in the application for completion of construction of the proposed facilities, and (ii) taking into consideration the site criteria contained in 10 CFR Part 100, the proposed facilities can be constructed and operated at the proposed location without undue risk to the health and safety of the public.

2. Whether the applicant is technically qualified to design and construct the proposed facilities;

3. Whether the applicant is financially qualified to design and construct the proposed facilities; and

4. Whether the issuance of permits for the construction of the facilities will be inimical to the common defense and security or to the health and safety of the public.

In the event that this proceeding is not a contested proceeding, as defined by 10 CFR 2.4 of the Commission's rules of practice, the board will, without conducting a de novo evaluation of the application, consider the issues of whether the application and the record of the proceeding contain sufficient information, and the review by the Commission's regulatory staff has been adequate, to support the findings proposed to be made and the construction permits proposed to be issued by the Director of Regulation.

In the event that this proceeding becomes a contested proceeding, the board will consider and initially decide, as the issues in this proceeding, Item Nos. 1 through 4 above as the basis for determining whether a construction permit should be issued to the applicant.

As they become available, the application, the proposed construction permits, the applicant's summary of the application, the report of the Commission's Advisory Committee on Reactor Safeguards (ACRS) and the Safety Evaluation by the Commission's regulatory staff will be placed in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., where they will be available for inspection by members of the public. Copies of this notice of hearing, the proposed construction permits, the ACRS report, the applicant's summary of the application and the regulatory staff's Safety Evaluation will also be available at the office of the Clerk of Court, Orange County Court House, Orange, Va., for inspection by members of the public each weekday during regular business hours. Copies of the proposed construction permits, the ACRS report and the regulatory staff's Safety Evaluation may be obtained by request to the Director of the Division of Reactor Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545.

Any person who wishes to make an oral or written statement in this proceeding setting forth his position on the issues specified, but who does not wish to file a petition for leave to intervene, may request permission to make a limited appearance pursuant to the provisions of 10 CFR 2.715 of the Commission's rules of practice. Limited appearances will be permitted at the time of the hearing in the discretion of the board, within such limits and on such conditions as may be fixed by the board. Persons desiring to make a limited appearance are requested to inform the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, by October 30, 1970.

Any person whose interest may be affected by the proceeding who does not wish to make a limited appearance and who wishes to participate as a party in the proceeding must file a petition for leave to intervene.

Petitions for leave to intervene, pursuant to the provisions of 10 CFR 2.714 of the Commission's rules of practice, must be received in the Office of the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Branch, or the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., not later than October 30, 1970, or in the event of a postponement of the prehearing conference, at such time as the board may specify. The petition shall set forth the interest of the petitioner in the proceedings, how that interest may be affected by Commission action, and the contentions of the petitioner in reasonably specific detail. A petition which sets forth contentions relating only to matters outside the Commission's jurisdiction will be denied. A petition for leave to intervene which is not timely will be denied unless the petitioner shows good cause for failure to file it on time.

A person permitted to intervene becomes a party to the proceeding, and has all the rights of the applicant and the regulatory staff to participate fully in the conduct of the hearing. For example, he may examine and cross-examine witnesses. A person permitted to make a limited appearance does not become a party, but may state his position and raise questions which he would like to have answered to the extent that the questions are within the scope of the hearing as specified in the issues set out above. A member of the public does not have the right to participate unless he has been granted the right to intervene as a party or the right of limited appearance.

An answer to this notice, pursuant to the provisions of 10 CFR 2.705 of the Commission's rules of practice, must be filed by the applicant on or before October 30, 1970.

Papers required to be filed in this proceeding may be filed by mail or telegram addressed to the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Branch, or may be filed by delivery to the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Pending further order of the board, parties are required to file, pursuant to the provisions of 10 CFR 2.708 of the Commission's rules of practice, an original and 20 copies of each such paper with the Commission.

With respect to this proceeding, the Commission has delegated to the Atomic Safety and Licensing Appeal Board the authority and the review function which would otherwise be exercised and performed by the Commission. The Commission has established the Appeal Board pursuant to 10 CFR 2.785 of the Commission's rules of practice, and has made the delegation pursuant to paragraph (a)(1) of this section. The Appeal Board is composed of the Chairman and Vice-Chairman of the Atomic Safety and Licensing Board Panel and a third member who is technically qualified and designated by the Commission. The Commission has designated Dr. Lawrence Quarles, Dean of the School of Engineering and Applied Science, The University of Virginia, as this third member.

Dated at Washington, D.C., this 14th day of October 1970.

UNITED STATES ATOMIC ENERGY COMMISSION,
W. B. McCOOL,
Secretary of the Commission.

[F.R. Doc. 70-14126; Filed, Oct. 19, 1970; 8:49 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 22552]

BRITANNIA AIRWAYS, LTD.

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 October 26, 1970, is hereby postponed to November 9, 1970, at 10 a.m., e.s.t., in Room 805, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the undersigned examiner.

Dated at Washington, D.C., October 15, 1970.

[SEAL] WILLIAM H. DAPPER,
Hearing Examiner.

[F.R. Doc. 70-14093; Filed, Oct. 19, 1970; 8:47 a.m.]

[Docket No. 22329]

MARTIN'S AIR CHARTER

Notice of Further Postponement of Hearing

Martin's Luchtvervoer Maatschappij N.V. (Martin's Air Charter).

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 October 27, 1970, is hereby postponed to November 4, 1970, at 10 a.m., e.s.t., in Room 503, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the undersigned examiner.

Dated at Washington, D.C., October 14, 1970.

[SEAL] EDWARD T. STODOLA,
Hearing Examiner.

[F.R. Doc. 70-14094; Filed, Oct. 19, 1970; 8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 19050; FCC 70-1110]

CIGARETTE ADVERTISING AND ANTISMOKING PRESENTATIONS

Notice of Inquiry Regarding Formulation of Appropriate Regulatory Policies

1. The Commission herewith gives notice to interested persons that comments may be submitted on appropriate further regulatory policies to be adopted with respect to two issues: (1) The possible fairness doctrine obligations, if any, in the situation where a broadcast licensee, which does not present cigarette commercials, broadcasts announcements to the general effect that cigarette smoking is hazardous to health and persons should therefore not commence or continue smoking (see complaint of Mr. Michael Handley, dated Aug. 25, 1970) and (2) the public interest obligations of the broadcast licensee after January 1, 1971, when all cigarette advertising on broadcast media will cease (see petition for rulemaking filed Oct. 13, 1970, by Action on Smoking and Health (ASH)).

2. Since the first matter involves a complaint requesting speedy Commission action to supply guidance during the period up to January 1, 1971, we have specified a 15-day period for the filing of comments. The second matter is interrelated, and in any event should also be promptly resolved. Comments should therefore be submitted on or before October 30, 1970. Authority for this proceeding is contained in sections 303, 307, 309, 315, and 403 of the Communications Act of 1934, as amended.

Adopted: October 14, 1970.

Released: October 15, 1970.

By direction of the Commission.

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 70-14101; Filed, Oct. 19, 1970; 8:49 a.m.]

CIVIL SERVICE COMMISSION

MEDICAL TECHNOLOGIST, NEW YORK CITY, N.Y.

Notice of Establishment of Minimum Rates and Rate Ranges

Under authority of 5 U.S.C. 5303 and Executive Order 11073, the Civil Service Commission has established special minimum salary rates and rate ranges as follows:

GS-644 MEDICAL TECHNOLOGIST

Geographic coverage: New York City, N.Y. (includes Bronx, Kings, New York, Queens, and Richmond Counties).

Effective date: First day of the first pay period beginning on or after September 20, 1970.

PER ANNUM RATES

Grade	1	2	3	4	5	6	7	8	9	10
GS-5	$7,856	8,074	8,292	8,510	8,728	8,946	9,164	9,382	9,600	9,818
GS-7	8,368	8,638	8,908	9,178	9,448	9,718	9,988	10,258	10,528	10,798

All new employees in the specified occupational level will be hired at the new minimum rate.

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

Under the provisions of section 3-2b, Chapter 571, FPM, agencies may pay the travel and transportation expenses to first post of duty, under 5 U.S.C. 5723, of new appointees to position cited.

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 70-14134; Filed, Oct. 19, 1970; 8:49 a.m.]

FEDERAL MARITIME COMMISSION

UGLAND MANAGEMENT CO. A/S AND LEIF HOEGH & CO. A/S

Notice of Agreement Filed

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

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

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

Notice of agreement filed by:

Mr. Edward P. Cotter, 1776 K Street NW., Washington, D.C. 20006.

Agreement No. 9904 between Ugland Management Co. A/S and Leif Hoegh & Co. A/S provides for a joint service for the carriage of automobiles and general cargo under the name Hoegh-Ugland Auto Liners.

The joint service would operate in the following trades:

1. From European ports, including the British Isles and the Mediterranean, to U.S. ports on all coasts;

2. From U.S. Pacific Coast ports to Far East ports;

3. From Far East ports to ports on all coasts of the United States;

4. From U.S. ports to European ports, including the British Isles and the Mediterranean.

Dated October 13, 1970.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[F.R. Doc. 70-14061; Filed, Oct. 19, 1970; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[70-4924]

GENERAL PUBLIC UTILITIES CORP.

Notice of Proposed Issue and Sale by Holding Company of Common Stock at Competitive Bidding

OCTOBER 13, 1970.

Notice is hereby given that General Public Utilities Corp. (GPU), 80 Pine Street, New York, N.Y. 10005, a registered holding company, has filed a declaration with this Commission, pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6(a) and 7 of the Act and Rule 50 thereunder as applicable to the proposed transaction. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transaction.

GPU proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, 1 million shares of its authorized but unissued common stock, par value $2.50 per share. GPU proposes to use the proceeds of the sale of the common stock primarily to reduce the amount of its outstanding short-term promissory notes, the proceeds of which have been or will be used for investment in its subsidiary companies. At December 31, 1969, GPU had 27,402,729 shares of common stock outstanding. In another filing (File No. 70-4925), GPU also proposes to issue and sell up to $58 million principal amount of 10-year debentures to its existing stockholders on a rights offering and short-term promissory notes to banks which, together with the proposed debentures and notes to banks previously authorized (Holding Company Act Release No. 16790), shall not in the aggregate exceed $83 million.

The declaration states that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction. Fees and expenses incident to the proposed transaction are to be supplied by amendment.

Notice is further given that any interested person may, not later than October 30, 1970, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

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

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 70-14065; Filed, Oct. 19, 1970; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 173]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

OCTOBER 15, 1970.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 2392 (Sub-No. 79 TA) (Correction), filed September 30, 1970, published FEDERAL REGISTER, issue of October 10, 1970, and republished as corrected this issue. Applicant: WHEELER TRANSPORT SERVICE, INC., Post Office Box 14248 West Omaha Station, 7722 F Street, Omaha, Nebr. 68114. Applicant's representative: Keith D. Wheeler (same address as above). NOTE: The purpose of this republication is to show that applicant also proposes to transport *Fertilizer*, in addition to fertilizer material. The rest of the notice remains as previously published.

No. MC 3018 (Sub-No. 25 TA), filed October 12, 1970. Applicant: McKEOWN TRANSPORTATION COMPANY, 10448 South Western Avenue, Chicago, Ill. 60643. Applicant's representative: J. Holzhall (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Helium*, in tube trailers, from East Chicago, Ind., to Olean, N.Y., for 150 days. Supporting shipper: Union Carbide Corp., Linde Division, 120 South Riverside Plaza, Chicago, Ill. 60606. Send protests to: Robert G. Anderson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 1086, 219 South Dearborn Street, Chicago, Ill. 60604.

No. MC 25869 (Sub-No. 103 TA), filed October 12, 1970. Applicant: NOLTE BROS. TRUCK LINE, INC., Post Office Box 7184, 4734 South 27th Street, South Omaha, Nebr. 68107. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meat, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles, and hides), from Huron, S. Dak., to points in Wyoming and Colorado, and (2) *meats, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C of appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, and foodstuffs in mixed loads with meat and meat products as described herein (except commodities in bulk, and hides), from Fremont, Nebr., to points in Iowa, Illinois, Indiana, Kentucky, Michigan, Minnesota, and Ohio. Restriction: Restricted in (1) above to the transportation of traffic originating at the plantsite and storage facilities of Red Barns Packing Co. and destined to points in the named destination States, and in (2) above to the transportation of traffic originating at the plantsite and storage facilities of Geo. A. Hormel & Co., and destined to points in the named destination States, for 180 days. Supporting shipper: K. O. Petrick, Manager, Transportation Service, Geo. A. Hormel & Co., Post Office Box 800, Austin, Minn. 55912. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 705 Federal Office Building, Omaha, Nebr. 68102.

No. MC 59856 (Sub-No. 39 TA), filed October 12, 1970. Applicant: SALT CREEK FREIGHTWAYS, 3333 West

Yellowstone, Mills, Wyo. 82644, Post Office Box 1411, Casper, Wyo. 82601. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value and except livestock, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading); serving the Humble Oil and Refining Co., Highland Uranium Mine Site, and plant facilities located approximately 25 miles northwest of Douglas, Wyo., as an off-route point in connection with presently authorized regular route operations to and from Douglas, Wyo., for 180 days. NOTE: Authority intends to tack proposed route with other regular routes held in MC 59856 and subs thereto. It will interline at any authorized point. Supporting shipper: Humble Oil & Refining Co., Houston, Tex. 77001. Send protests to: District Supervisor Paul A. Naughton, Interstate Commerce Commission, Bureau of Operations, Room 304 Lierd Building, 259 South Center Street, Casper, Wyo. 83601.

No. MC 83217 (Sub-No. 49 TA), filed October 12, 1970. Applicant: DAKOTA EXPRESS, INC., 1217 West Cherokee Avenue, Post Office Box 1252, Sioux Falls, S. Dak. 57101. Applicant's representative: Henry A. Schuette (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Brookfield, Wis., to Winona, Rochester, Mankato, Pipestone, Worthington, Duluth, and Brainerd, Minn., and points in North Dakota and South Dakota, for 180 days. Supporting shipper: Poultry Products, Inc., Post Office Box 156, Brookfield, Wis. 53005. Carl G. Mueller, Secretary and General Manager. Send protests to: J. L. Hammond, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 369, Federal Building, Pierre, S. Dak. 57501.

No. MC 114019 (Sub-No. 209 TA) (Correction), filed August 18, 1970, published in the FEDERAL REGISTER, issue of September 1, 1970, and republished as corrected this issue. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Phillip Bratta (same address as above). NOTE: The purpose of this republication is to add the State of Michigan to the destination States proposed to be served, which was inadvertently omitted from previous publication. The rest of the notice remains as previously published.

No. MC 115331 (Sub-No. 289 TA) (Correction), filed September 17, 1970, published FEDERAL REGISTER, issue of September 29, 1970, and republished as corrected this issue. Applicant: TRUCK TRANSPORT, INCORPORATED, 1931 North Geyer Road, St. Louis, Mo. 63131. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hydrated lime*, in bulk, from Montevallo and Allgood, Ala., to points in Rutherford County, Tenn., and Lowndes County, Miss., for 180 days. NOTE: The purpose of this republication is to correctly set forth the destination territory proposed to be served. Supporting shipper: United States Gypsum Co., 101 South Wacker Drive, Chicago, Ill., 60606. Send protests to: District Supervisor J. P. Werthmann, Interstate Commerce Commission, Bureau of Operations, Room 3248, 1520 Market Street, St. Louis, Mo., 63101.

No. MC 124154 (Sub-No. 40 TA), filed October 12, 1970. Applicant: WINGATE TRUCKING COMPANY, INC., Post Office Box 645, 1004 21st Avenue, Albany, Ga. 31702. Applicant's representative: W. Guy McKenzie, Jr., Post Office Box 1200, Tallahassee, Fla. 32302. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailer axles, running gear assemblies, and wheels, and rims therefor*, on flatbed trailers (excluding commodities which because of size or weight require the use of special equipment) from points in Turner County, Ga., to points in Pennsylvania (except Pittsburgh, Pa., and 40 miles thereof and Philadelphia, Pa., and 25 miles thereof), for 180 days. Supporting shipper: Foreman Manufacturing Co., Hatfield Boulevard, Post Office Box 580, Ashburn, Ga. 31714. Send protests to: District Supervisor G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, Fla. 32202.

No. MC 124211 (Sub-No. 164 TA), filed October 12, 1970. Applicant: HILT TRUCK LINE, INC., Post Office Box 988 DTS, Omaha, Nebr. 68101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cellular and cellulose materials and products, pallets and related advertising matter* (except commodities in bulk), from plantsites and warehouses of Celadyn, a division of Lancaster Research & Development Corp., located in Lancaster County, Nebr., to points in the United States, except Hawaii; and (2) *Commodities*, used in the manufacture, production, distribution, and sale of commodities described in (1) above, except commodities in bulk, from points in the United States, except Hawaii, to the plantsites and warehouses of Celadyn, a division of Lancaster Research & Development Corp., located in Lancaster County, Nebr. Restriction: Authority sought in (2) above is restricted against the transportation of paper products from points in Michigan to the named destination, for 180 days. Supporting shipper: V. Ray Valasek, Manufacturing Manager, Celadyn, a division of Lancaster Research & Development Corp., 1800 Center Park Road, Box 2555, Lincoln, Nebr. Send protests to: Carroll Russell, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 705 Federal Office Building, Omaha, Nebr. 68102.

No. MC 129228 (Sub-No. 2 TA), filed October 12, 1970. Applicant: McCABE'S EXPRESS & TRUCKING CO., LTD., 134 Garfield Avenue, Jersey City, N.J. 07305. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lighting fixtures, lamps, equipment, materials and supplies*, used or useful in the manufacture and sale of lighting fixtures and lamps, between Jersey City and Kearny, N.J., on the one hand, and on the other, points in the United States on and east of the Mississippi River, including Texas. Under contract with Lightolier, Inc., of Jersey City, N.J., for 150 days. Supporting shipper: Lightolier, Inc., 346 Claremont Avenue, Jersey City, N.J. 07305. Send protests to: District Supervisor Joel Morrows, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, N.J. 07102.

No. MC 133922 (Sub-No. 5 TA), filed October 12, 1970. Applicant: WILLIAM H. NAGEL, doing business as JENKINS AND NAGEL TRUCKING CO., Post Office Box 98, Wolcott, Ind. 47995. Applicant's representative: Alki E. Scopelitis, 816 Merchants Bank Building, 11 South Meridian Street, Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Corn flour*, from Milwaukee, Wis., and Cedar Rapids, Iowa, to Momence, Ill., (2) *Soy flour*, from Minneapolis, Minn., and Cedar Rapids, Iowa, to Momence, Ill., (3) *Delactosed whey*, from Winsted, Minn., and Mayville, Wis., to Momence, Ill., (4) *Caseinate*, from Louisville, Ky., Philadelphia, Pa., and Pennsauken, N.J., to Momence, Ill., and Louisville, Ky., (5) *Dry milk products blended with soy flour, corn flour, delactosed whey, whey, casein, and caseinate*, from Momence, Ill., to Allentown, Pa., New York, N.Y., Jersey City, N.J., Fort Smith, Ark., Dayton, Ohio, Columbus, Ohio, Detroit, Mich., Philadelphia, Pa., Atlanta, Ga., Dallas, Tex., Birmingham, Ala., Jacksonville, Fla., Fayetteville, Ark., Bridgeport, Conn., Providence, R.I., Courtland and Norwich, N.Y., restricted to a contract or contracts with Dry Milks, Inc., and Dry Milk Products, Inc., for 180 days. Supporting shipper Dry Milks Inc., 303 East Caldwell, Louisville, Ky., 40203. Send protests to: District Supervisor J. H. Gray, Bureau of Operations, Interstate Commerce Commission, Room 204, 345 West Wayne Street, Fort Wayne, Ind. 46802.

No. MC 134114 (Sub-No. 3 TA), filed October 12, 1970. Applicant: ELMER WILSON, doing business as NEBRASKA BEEF EXPRESS, 8024 State Street, Ralston, Nebr. 68051. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products and meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Omaha, Nebr., to points in Will, Cook, Du Page and Kane Counties, Ill., Cedar Rapids and Waterloo, Iowa, Milwaukee, Kenosha, Madison, Sheboygan, and Green Bay, Wis., for 150 days. Supporting shipper:

Richard Saitta, Operations Manager, and Supervisor, J. F. O'neill Packing Co., 4322 South 34th Street, Omaha, Nebr. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 705 Federal Building, 106 South 15th Street, Omaha, Nebr. 68102.

No. MC 134831 (Sub-No. 2 TA) (Correction), filed September 10, 1970, published FEDERAL REGISTER, issue of September 22, 1970, and republished as corrected this issue. Applicant: JAMES ENTERPRISES, INC., Route 4, International Drive, Statesville, N.C. 28677. Applicant's representatives: Williams, Morris and Golding, Post Office Box 7316, Asheville, N.C. 28807. NOTE: The purpose of this republication is to add the commodity, *Fungicides* to the commodities proposed to be transported, which commodity was inadvertently omitted from the previous publication. The rest of the notice remains as previously published.

No. MC 134912 TA (Amendment), filed September 9, 1970, published FEDERAL REGISTER, issues of September 24 and October 8, 1970, and republished as amended this issue. Applicant: N. J. MATLOCK AND COY HILL, a partnership, doing business as M & H TRANSPORT, 1805 Cushman, Fairbanks, Alaska 99701. Applicant's representative: James T. Johnson, 1610 IBM Building, 1200 Fifth Avenue, Seattle, Wash. 98101. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Motor vehicles, consisting of automobiles and pickup trucks, between Seattle, Wash., and Fairbanks, Alaska, for 180 days. Supporting shippers: Jim Thompson Ford Sales, Inc., 1445 Cushman, Fairbanks, Alaska 99701; Auto Service Co., 1805 Cushman, Fairbanks, Alaska 99701, Tip Top Chevrolet, Inc., Post Office Box 257, Fairbanks, Alaska 99701, and Gene's Auto Service, Inc., 1804 Cushman, Fairbanks, Alaska 99701. Send protests to: Hugh H. Caffee, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Post Office Box 1532, Anchorage, Alaska 99501.

By the Commission.

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

[F.R. Doc. 70-14091; Filed, Oct. 19, 1970; 8:47 a.m.]

[Notice 604]

MOTOR CARRIER TRANSFER PROCEEDINGS

OCTOBER 15, 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 general rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 30 days from the date of service of the order. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-72037. By order of October 7, 1970, Division 3, acting as an Appellate Division, on reconsideration, approved the transfer to Pack Transport, Inc., Salt Lake City, Utah, of the operating rights in permits Nos. MC-101741 and MC-101741 (Sub-No. 8) issued May 17, 1960, and July 11, 1961, respectively, to Thompson Transportation, Inc., Post Office Box 132, Boise, Idaho 83701, authorizing the transportation of lumber and building materials, other than cement, from Portland, Oreg., to Idaho points, serving the intermediate and offroute points of La Grande, Hood River, and Pondosa, Oreg., those within 25 miles of Portland, restricted to pickup from Portland over U.S. Highway 30 to Oregon State line, thence over irregular routes to Weiser, Payette, Fruitland, Caldwell, Nampa, Houston, New Plymouth, Meridian, McCall, Mountain Home, Jerome, Gooding, Shoshone, Carey, Hailey, Ketchum, Burley, Rupert, Acequia, Parma, Wendell, Paul, Twin Falls, Buhl, and Boise, Idaho, and points within 3 miles each; cement, in bulk, during season, from Mountain Home, Idaho, and points within 5 miles thereof, to Mountain Home Air Force Base, and points within 10 miles thereof; and cement, in bulk, from Mountain Home, Idaho, and points within 5 miles thereof, to two missile sites in Idaho, near Bruneau, and Orchard, Idaho. Dual operations were authorized. Max D. Eliason, Post Office Box 2602, Salt Lake City, Utah 84110, attorney for transferee.

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

[F.R. Doc. 70-14092; Filed, Oct. 19, 1970; 8:47 a.m.]

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