FEDERAL REGISTER

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Agencies in this issue—

The President
Agricultural Research Service
Air Force Department
Civil Aeronautics Board
Consumer and Marketing Service
Customs Bureau
Domestic Commerce Bureau
Federal Aviation Administration
Federal Communications Commission
Federal Power Commission
Federal Reserve System
Fish and Wildlife Service
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Wage and Hour Division

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Announcing First 10-Year Cumulation

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in Volumes 70–79 of the

UNITED STATES STATUTES AT LARGE

Lists all prior laws and other Federal instruments which were amended, repealed, or otherwise affected by the provisions of public laws enacted during the years 1956–1965.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

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Title 3—THE PRESIDENT

Reorganization Plan No. 3 of 1970

Prepared by the President and transmitted to the Senate and the House of Representatives in Congress assembled, July 9, 1970, pursuant to the provisions of chapter 9 of title 5 of the United States Code.[1]

ENVIRONMENTAL PROTECTION AGENCY

SECTION 1. *Establishment of Agency.* (a) There is hereby established the Environmental Protection Agency, hereinafter referred to as the "Agency."

(b) There shall be at the head of the Agency the Administrator of the Environmental Protection Agency, hereinafter referred to as the "Administrator." The Administrator shall be appointed by the President, by and with the advice and consent of the Senate, and shall be compensated at the rate now or hereafter provided for Level II of the Executive Schedule Pay Rates (5 U.S.C. 5313).

(c) There shall be in the Agency a Deputy Administrator of the Environmental Protection Agency who shall be appointed by the President, by and with the advice and consent of the Senate, and shall be compensated at the rate now or hereafter provided for Level III of the Executive Schedule Pay Rates (5 U.S.C. 5314). The Deputy Administrator shall perform such functions as the Administrator shall from time to time assign or delegate, and shall act as Administrator during the absence or disability of the Administrator or in the event of a vacancy in the office of Administrator.

(d) There shall be in the Agency not to exceed five Assistant Administrators of the Environmental Protection Agency who shall be appointed by the President, by and with the advice and consent of the Senate, and shall be compensated at the rate now or hereafter provided for Level IV of the Executive Schedule Pay Rates (5 U.S.C. 5315). Each Assistant Administrator shall perform such functions as the Administrator shall from time to time assign or delegate.

SEC. 2. *Transfers to Environmental Protection Agency.* (a) There are hereby transferred to the Administrator:

(1) All functions vested by law in the Secretary of the Interior and the Department of the Interior which are administered through the Federal Water Quality Administration, all functions which were transferred to the Secretary of the Interior by Reorganization Plan No. 2 of 1966 (80 Stat. 1608), and all functions vested in the Secretary of the Interior or the Department of the Interior by the Federal Water Pollution Control Act or by provisions of law amendatory or supplementary thereof.

(2) (i) The functions vested in the Secretary of the Interior by the Act of August 1, 1958, 72 Stat. 479, 16 U.S.C. 742d-1 (being an Act relating to studies on the effects of insecticides, herbicides, fungicides, and pesticides upon the fish and wildlife resources of the United States), and (ii) the functions vested by law in the Secretary of the Interior and the Department of the Interior which are administered by the Gulf Breeze Biological Laboratory of the Bureau of Commercial Fisheries at Gulf Breeze, Florida.

[1] Effective December 2, 1970, under the provisions of section 7 of the plan.

(3) The functions vested by law in the Secretary of Health, Education, and Welfare or in the Department of Health, Education, and Welfare which are administered through the Environmental Health Service, including the functions exercised by the following components thereof:

(i) The National Air Pollution Control Administration,

(ii) The Environmental Control Administration:

(A) Bureau of Solid Waste Management,

(B) Bureau of Water Hygiene,

(C) Bureau of Radiological Health,

except that functions carried out by the following components of the Environmental Control Administration of the Environmental Health Service are not transferred: (i) Bureau of Community Environmental Management, (ii) Bureau of Occupational Safety and Health, and (iii) Bureau of Radiological Health, insofar as the functions carried out by the latter Bureau pertain to (A) regulation of radiation from consumer products, including electronic product radiation, (B) radiation as used in the healing arts, (C) occupational exposures to radiation, and (D) research, technical assistance, and training related to clauses (A), (B), and (C).

(4) The functions vested in the Secretary of Health, Education, and Welfare of establishing tolerances for pesticide chemicals under the Federal Food, Drug, and Cosmetic Act, as amended, 21 U.S.C. 346, 346a, and 348, together with authority, in connection with the functions transferred, (i) to monitor compliance with the tolerances and the effectiveness of surveillance and enforcement, and (ii) to provide technical assistance to the States and conduct research under the Federal Food, Drug, and Cosmetic Act, as amended, and the Public Health Service Act, as amended.

(5) So much of the functions of the Council on Environmental Quality under section 204(5) of the National Environmental Policy Act of 1969 (Public Law 91-190, approved January 1, 1970, 83 Stat. 855), as pertains to ecological systems.

(6) The functions of the Atomic Energy Commission under the Atomic Energy Act of 1954, as amended, administered through its Division of Radiation Protection Standards, to the extent that such functions of the Commission consist of establishing generally applicable environmental standards for the protection of the general environment from radioactive material. As used herein, standards mean limits on radiation exposures or levels, or concentrations or quantities of radioactive material, in the general environment outside the boundaries of locations under the control of persons possessing or using radioactive material.

(7) All functions of the Federal Radiation Council (42 U.S.C. 2021(h)).

(8)(i) The functions of the Secretary of Agriculture and the Department of Agriculture under the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (7 U.S.C. 135-135k), (ii) the functions of the Secretary of Agriculture and the Department of Agriculture under section 408(l) of the Federal Food, Drug, and Cosmetic Act, as amended (21 U.S.C. 346a(l)), and (iii) the functions vested by law in the Secretary of Agriculture and the Department of Agriculture which are administered through the Environmental Quality Branch of the Plant Protection Division of the Agricultural Research Service.

(9) So much of the functions of the transferor officers and agencies referred to in or affected by the foregoing provisions of this section as is incidental to or necessary for the performance by or under the Administrator of the functions transferred by those provisions or relates

primarily to those functions. The transfers to the Administrator made by this section shall be deemed to include the transfer of (1) authority, provided by law, to prescribe regulations relating primarily to the transferred functions, and (2) the functions vested in the Secretary of the Interior and the Secretary of Health, Education, and Welfare by section 169(d)(1)(B) and (3) of the Internal Revenue Code of 1954 (as enacted by section 704 of the Tax Reform Act of 1969, 83 Stat. 668); but shall be deemed to exclude the transfer of the functions of the Bureau of Reclamation under section 3(b)(1) of the Water Pollution Control Act (33 U.S.C. 466a(b)(1)).

(b) There are hereby transferred to the Agency:

(1) From the Department of the Interior, (i) the Water Pollution Control Advisory Board (33 U.S.C. 466f), together with its functions, and (ii) the hearing boards provided for in sections 10(c)(4) and 10(f) of the Federal Water Pollution Control Act, as amended (33 U.S.C. 466g(c)(4); 466g(f)). The functions of the Secretary of the Interior with respect to being or designating the Chairman of the Water Pollution Control Advisory Board are hereby transferred to the Administrator.

(2) From the Department of Health, Education, and Welfare, the Air Quality Advisory Board (42 U.S.C. 1857e), together with its functions. The functions of the Secretary of Health, Education, and Welfare with respect to being a member and the Chairman of that Board are hereby transferred to the Administrator.

SEC. 3. *Performance of transferred functions.* The Administrator may from time to time make such provisions as he shall deem appropriate authorizing the performance of any of the functions transferred to him by the provisions of this reorganization plan by any other officer, or by any organizational entity or employee, of the Agency.

SEC. 4. *Incidental transfers.* (a) So much of the personnel, property, records, and unexpended balances of appropriations, allocations, and other funds employed, used, held, available, or to be made available in connection with the functions transferred to the Administrator or the Agency by this reorganization plan as the Director of the Office of Management and Budget shall determine shall be transferred to the Agency at such time or times as the Director shall direct.

(b) Such further measures and dispositions as the Director of Office of Management and Budget shall deem to be necessary in order to effectuate the transfers referred to in subsection (a) of this section shall be carried out in such manner as he shall direct and by such agencies as he shall designate.

SEC. 5. *Interim officers.* (a) The President may authorize any person who immediately prior to the effective date of this reorganization plan held a position in the executive branch of the Government to act as Administrator until the office of Administrator is for the first time filled pursuant to the provisions of this reorganization plan or by recess appointment, as the case may be.

(b) The President may similarly authorize any such person to act as Deputy Administrator, authorize any such person to act as Assistant Administrator, and authorize any such person to act as the head of any principal constituent organizational entity of the Administration.

(c) The President may authorize any person who serves in an acting capacity under the foregoing provisions of this section to receive the compensation attached to the office in respect of which he so serves. Such compensation, if authorized, shall be in lieu of, but not in addition to, other compensation from the United States to which such person may be entitled.

SEC. 6. *Abolitions.* (a) Subject to the provisions of this reorganization plan, the following, exclusive of any functions, are hereby abolished:

(1) The Federal Water Quality Administration in the Department of the Interior (33 U.S.C. 466-1).

(2) The Federal Radiation Council (73 Stat. 690; 42 U.S.C. 2021(h)).

(b) Such provisions as may be necessary with respect to terminating any outstanding affairs shall be made by the Secretary of the Interior in the case of the Federal Water Quality Administration and by the Administrator of General Services in the case of the Federal Radiation Council.

SEC. 7. *Effective date.* The provisions of this reorganization plan shall take effect sixty days after the date they would take effect under 5 U.S.C. 906(a) in the absence of this section.

[F.R. Doc. 70-13374; Filed, Oct. 5, 1970; 8:45 a.m.]

Reorganization Plan No. 4 of 1970

Prepared by the President and transmitted to the Senate and the House of Representatives in Congress assembled, July 9, 1970, pursuant to the provisions of chapter 9 of title 5 of the United States Code.[1]

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

SECTION 1. *Transfers to Secretary of Commerce.* The following are hereby transferred to the Secretary of Commerce:

(a) All functions vested by law in the Bureau of Commercial Fisheries of the Department of the Interior or in its head, together with all functions vested by law in the Secretary of the Interior or the Department of the Interior which are administered through that Bureau or are primarily related to the Bureau, exclusive of functions with respect to (1) Great Lakes fishery research and activities related to the Great Lakes Fisheries Commission, (2) Missouri River Reservoir research, (3) the Gulf Breeze Biological Laboratory of the said Bureau at Gulf Breeze, Florida, and (4) Trans-Alaska pipeline investigations.

(b) The functions vested in the Secretary of the Interior by the Act of September 22, 1959 (Public Law 86-359, 73 Stat. 642, 16 U.S.C. 760e-760g; relating to migratory marine species of game fish).

(c) The functions vested by law in the Secretary of the Interior, or in the Department of the Interior or in any officer or instrumentality of that Department, which are administered through the Marine Minerals Technology Center of the Bureau of Mines.

(d) All functions vested in the National Science Foundation by the National Sea Grant College and Program Act of 1966 (80 Stat. 998), as amended (33 U.S.C. 1121 et seq.).

(e) Those functions vested in the Secretary of Defense or in any officer, employee, or organizational entity of the Department of Defense by the provision of Public Law 91-144, 83 Stat. 326, under the heading "Operation and maintenance, general" with respect to "surveys and charting of northern and northwestern lakes and connecting waters," or by other law, which come under the mission assigned as of July 1, 1969, to the United States Army Engineer District, Lake Survey, Corps of Engineers, Department of the Army and relate to (1) the conduct of hydrographic surveys of the Great Lakes and their outflow rivers, Lake Champlain, New York State Barge Canals, and the Minnesota-Ontario border lakes, and the compilation and publication of navigation charts, including recreational aspects, and the Great Lakes Pilot for the benefit and use of the public, (2) the conception, planning, and conduct of basic research and development in the fields of water motion, water characteristics, water quantity, and ice and snow, and (3) the publication of data and the results of research projects in forms useful to the Corps of Engineers and the public, and the operation of a Regional Data Center for the collection, coordination, analysis, and the furnishing to interested agencies of data relating to water resources of the Great Lakes.

(f) So much of the functions of the transferor officers and agencies referred to in or affected by the foregoing provisions of this section as is incidental to or necessary for the performance by or under the Secretary of Commerce of the functions transferred by those provisions or relates primarily to those functions. The transfers to the Secretary of Commerce made by this section shall be deemed to include the transfer of authority, provided by law, to prescribe regulations relating primarily to the transferred functions.

SEC. 2. *Establishment of Administration.* (a) There is hereby established in the Department of Commerce an agency which shall be known as the National Oceanic and Atmospheric Administration, hereinafter referred to as the "Administration."

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[1] Effective October 3, 1970, under the provisions of 5 U.S.C. 906.

(b) There shall be at the head of the Administration the Administrator of the National Oceanic and Atmospheric Administration, hereinafter referred to as the "Administrator." The Administrator shall be appointed by the President, by and with the advice and consent of the Senate, and shall be compensated at the rate now or hereafter provided for Level III of the Executive Schedule Pay Rates (5 U.S.C. 5314).

(c) There shall be in the Administration a Deputy Administrator of the National Oceanic and Atmospheric Administration who shall be appointed by the President, by and with the advice and consent of the Senate, and shall be compensated at the rate now or hereafter provided for Level IV of the Executive Schedule Pay Rates (5 U.S.C. 5315). The Deputy Administrator shall perform such functions as the Administrator shall from time to time assign or delegate, and shall act as Administrator during the absence or disability of the Administrator or in the event of a vacancy in the office of Administrator.

(d) There shall be in the Administration an Associate Administrator of the National Oceanic and Atmospheric Administration who shall be appointed by the President, by and with the advice and consent of the Senate, and shall be compensated at the rate now or hereafter provided for Level V of the Executive Schedule Pay Rates (5 U.S.C. 5316). The Associate Administrator shall perform such functions as the Administrator shall from time to time assign or delegate, and shall act as Administrator during the absence or disability of the Administrator and Deputy Administrator. The office of Associate Administrator may be filled at the discretion of the President by appointment (by and with the advice and consent of the Senate) from the active list of commissioned officers of the Administration in which case the appointment shall create a vacancy on the active list and while holding the office of Associate Administrator the officer shall have rank, pay, and allowances not exceeding those of a vice admiral.

(e) There shall be in the Administration three additional officers who shall perform such functions as the Administrator shall from time to time assign or delegate. Each such officer shall be appointed by the Secretary, subject to the approval of the President, under the classified civil service, shall have such title as the Secretary shall from time to time determine, and shall receive compensation at the rate now or hereafter provided for Level V of the Executive Schedule Pay Rates (5 U.S.C. 5316).

(f) The President may appoint in the Administration, by and with the advice and consent of the Senate, two commissioned officers to serve at any one time as the designated heads of two principal constituent organizational entities of the Administration, or the President may designate one such officer as the head of such an organizational entity and the other as the head of the commissioned corps of the Administration. Any such designation shall create a vacancy on the active list and the officer while serving under this subsection shall have the rank, pay, and allowances of a rear admiral (upper half).

(g) Any commissioned officer of the Administration who has served under (d) or (f) and is retired while so serving or is retired after the completion of such service while serving in a lower rank or grade, shall be retired with the rank, pay, and allowances authorized by law for the highest grade and rank held by him; but any such officer, upon termination of his appointment in a rank above that of captain, shall, unless appointed or assigned to some other position for which a higher rank or grade is provided, revert to the grade and number he would have occupied had he not served in a rank above that of captain and such officer shall be an extra number in that grade.

SEC. 3. *Performance of transferred functions.* The provisions of sections 2 and 4 of Reorganization Plan No. 5 of 1950 (64 Stat. 1263) shall be applicable to the functions transferred hereunder to the Secretary of Commerce.

SEC. 4. *Incidental transfers.* (a) So much of the personnel, property, records, and unexpended balances of appropriations, allocations, and other funds employed, used, held, available, or to be made available in connection with the functions transferred to the Secretary of Commerce by this reorganization plan as the Director of the Office of Management and Budget shall determine shall be transferred to the Department of Commerce at such time or times as the Director shall direct.

(b) Such further measures and dispositions as the Director of the Office of Management and Budget shall deem to be necessary in order to effectuate the transfers referred to in subsection (a) of this section shall be carried out in such manner as he shall direct and by such agencies as he shall designate.

(c) The personnel, property, records, and unexpended balances of appropriations, allocations, and other funds of the Environmental Science Services Administration shall become personnel, property, records, and unexpended balances of the National Oceanic and Atmospheric Administration or of such other organizational entity or entities of the Department of Commerce as the Secretary of Commerce shall determine.

(d) The Commissioned Officer Corps of the Environmental Science Services Administration shall become the Commissioned Officer Corps of the National Oceanic and Atmospheric Administration. Members of the Corps, including those appointed hereafter, shall be entitled to all rights, privileges, and benefits heretofore available under any law to commissioned officers of the Environmental Science Services Administration, including those rights, privileges, and benefits heretofore accorded by law to commissioned officers of the former Coast and Geodetic Survey.

(e) Any personnel, property, records, and unexpended balances of appropriations, allocations, and other funds of the Bureau of Commercial Fisheries not otherwise transferred shall become personnel, property, records, and unexpended balances of such organizational entity or entities of the Department of the Interior as the Secretary of the Interior shall determine.

SEC. 5. *Interim officers.* (a) The President may authorize any person who immediately prior to the effective date of this reorganization plan held a position in the executive branch of the Government to act as Administrator until the office of Administrator is for the first time filled pursuant to provisions of this reorganization plan or by recess appointment, as the case may be.

(b) The President may similarly authorize any such person to act as Deputy Administrator and authorize any such person to act as Associate Administrator.

(c) The President may similarly authorize a member of the former Commissioned Officer Corps of the Environmental Science Services Administration to act as the head of one principal constituent organizational entity of the Administration.

(d) The President may authorize any person who serves in an acting capacity under the foregoing provisions of this section to receive the compensation attached to the office in respect of which he so serves. Such compensation, if authorized, shall be in lieu of, but not in addition to, other compensation from the United States to which such person may be entitled.

SEC. 6. *Abolitions.* (a) Subject to the provisions of this reorganization plan, the following, exclusive of any functions, are hereby abolished:

(1) The Environmental Science Services Administration in the Department of Commerce (established by Reorganization Plan No. 2 of 1965, 79 Stat. 1318), including the offices of Administrator of the Environmental Science Services Administration and Deputy Administrator of the Environmental Science Services Administration.

(2) The Bureau of Commercial Fisheries in the Department of the Interior (16 U.S.C. 742b), including the office of Director of the Bureau of Commercial Fisheries.

(b) Such provisions as may be necessary with respect to terminating any outstanding affairs shall be made by the Secretary of Commerce in the case of the Environmental Science Services Administration and by the Secretary of the Interior in the case of the Bureau of Commercial Fisheries.

[F.R. Doc. 70-13375; Filed, Oct. 5, 1970; 8:45 a.m.]

Rules and Regulations

Title 7—AGRICULTURE

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

PART 932—OLIVES GROWN IN CALIFORNIA

Expenses, Rate of Assessment, and Carryover of Unexpended Funds

On September 10, 1970, notice of rule making was published in the FEDERAL REGISTER (35 F.R. 14266) regarding proposed expenses and the related rate of assessment for the fiscal year ending August 31, 1971, and carryover of unexpended funds, pursuant to the marketing agreement, as amended, and Order No. 932, as amended (7 CFR Part 932), regulating the handling of olives grown in California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). After consideration of all relevant matters presented, including the proposals set forth in such notice which were submitted by the Olive Administrative Committee (established pursuant to said marketing agreement and order), it is hereby found and determined that:

§ 932.207 Expenses, rate of assessment, and carryover of unexpended funds.

(a) *Expenses.* Expenses that are reasonable and likely to be incurred by the Olive Administrative Committee during the period September 1, 1970, through August 31, 1971, will amount to $315,000.

(b) *Rate of assessment.* The rate of assessment for said period, payable by each first handler in accordance with § 932.39, is fixed at $9 per ton of olives.

(c) *Reserve.* Unexpended assessment funds, in excess of expenses incurred during the fiscal year ended August 31, 1970, shall be carried over as a reserve in accordance with the applicable provisions of §§ 932.40 and 932.203.

Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order.

It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) the relevant provisions of said marketing agreement and this part require that the rate of assessment fixed for a particular fiscal year shall be applicable to all assessable olives from the beginning of such year; and (2) such year began on September 1, 1970, and the rate of assessment herein fixed will automatically apply to all assessable olives beginning with such date.

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

Dated: October 1, 1970.

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

[F.R. Doc. 70-13322; Filed, Oct. 5, 1970; 8:49 a.m.]

[947.329, Amdt. 1]

PART 947—IRISH POTATOES GROWN IN MODOC AND SISKIYOU COUNTIES IN CALIFORNIA AND IN ALL COUNTIES IN OREGON EXCEPT MALHEUR COUNTY

Limitation of Shipments; Correction

In § 947.329, Amendment No. 1, published in the September 30, 1970, issue of the FEDERAL REGISTER (35 F.R. 15205) paragraph (f) is hereby corrected by adding the words "in District No. 4" so as to read as follows:

§ 947.329 Limitation of shipments.

* * * * *

(f) *Inspection.* For the purpose of operation under this part, unless exempted from inspection by the provisions of this section, each required inspection certificate is hereby determined, pursuant to § 947.60(c), to be valid for a period of not to exceed 14 days following completion of inspection as shown on the certificate. The validity period of an inspection certificate covering inspected and certified potatoes that are stored in refrigerated storage within 14 days of the inspection shall be the entire period such potatoes remain in such storage. *Provided:* That in District No. 4 potatoes grown over 40 airline miles from the post office, Tulelake, California, shall be exempt from the requirements of § 947.60.

* * * * *

Dated: October 1, 1970.

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

[F.R. Doc. 70-13376; Filed, Oct. 5, 1970; 8:51 a.m.]

PART 989—RAISINS PRODUCED FROM GRAPES GROWN IN CALIFORNIA

Desirable Free Tonnage for Natural Thompson Seedless Raisins—1970–71 Crop Year

Notice was published in the September 17, 1970, issue of the FEDERAL REGISTER (35 F.R. 14556) regarding a proposal to change the desirable free tonnage for natural Thompson Seedless raisins from 140,000 tons to 122,750 tons. Interested persons were afforded an opportunity to submit written data, views, or arguments with respect to the proposal. Written comments were received from 14 producers, 14 handlers including two cooperative marketing associations of producers, the Raisin Administrative Committee, and the Raisin Bargaining Association.

The proposal was based on a recommendation of the Raisin Administrative Committee and other available information. The Committee is established under, and its recommendations are made in accordance with, the provisions of the marketing agreement, as amended, and Order No. 989, as amended (7 CFR Part 989), regulating the handling of raisins produced from grapes grown in California, referred to herein collectively as the "order". This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the "act".

Shipments of free tonnage natural Thompson Seedless raisins for the 1969–70 crop year are reported by the Committee to be 130,677 tons, or 4,451 tons less than the 135,128 tons shipped during the 1968–69 crop year. The carryover of free tonnage on September 1, 1970, is reported to be 28,830 tons. The proposed desirable free tonnage of 122,750 tons of 1970–71 crop natural Thompson Seedless raisins when added to the carryover could provide about 131,600 tons for shipment as free tonnage during the 1970–71 crop year (about 900 tons more than 1969–70 shipments), and a carry-out of about 20,000 tons at the end of the crop year for free tonnage shipments early in the 1971–72 crop year until 1971 crop raisins become available.

All written comments received pursuant to the notice of rule making, except those from three persons, favored the designation of 122,750 tons, contained in the notice, as the desirable free tonnage of natural Thompson Seedless raisins for the 1970–71 crop year. One of these persons urged adopton of 125,000 tons, commenting that an ample supply of raisins is needed in the long run for an effective selling program. The second

person urged a desirable free tonnage of 125,250 tons. This person contended that additional raisins could be moved into free tonnage outlets this crop year, and that depreciation in movement prompted by short supply cannot enhance the future of the raisin industry. The third person supported 125,250 tons, stating that 1970-71 free tonnage shipments should exceed those of 1969-70; that adequate supplies of raisins must be available to permit aggressive and imaginative activities directed to expansion of free tonnage markets; and that free tonnage disposition needs to be increased if the economic position of the producer is to be improved.

Among the comments submitted by persons supporting 122,750 tons as the 1970-71 desirable free tonnage, were the following: (1) Such tonnage plus the carryin on September 1, 1970, less a 20,000-ton carryout on August 31, 1971, would permit at least a small increase in the 1970-71 free tonnage shipments above those of 1969-70; (2) even a small increase would be an accomplishment for the raisin industry as such an increase would mean a reversal of the downward drift of recent years in free tonnage shipments; (3) a free tonnage carryout of 20,000 tons on August 31, 1971, is not a minimum requirement, it could be somewhat less without impeding sales of raisins and, to this extent, additional room would be provided for expansion of free tonnage shipments in 1970-71; (4) excessive handler inventories of free tonnage raisins, such as would occur if the desirable free tonnage were too large, would cause weakness in handlers' selling prices, which in turn would result in reduced sales and shipments; (5) excessive handler inventories in the 1969-70 crop year were a major cause of depressed handler prices to the trade and reduced free tonnage shipments; and (6) the supply of free tonnage raisins recommended by the Committee for 1970-71 is tailored to the demand for such raisins, would avoid excessive handler inventories, and would encourage price stability, trade confidence, and increased sales and shipments.

No person submitting comments argued against the need to increase free tonnage shipments or against the need for greater industry sales effort to accomplish this objective. The key issue argued was the degree of supply adjustment needed to provide the best conditions and opportunity for the industry to expand its free tonnage markets. The widest difference between the two opposing views (i.e., whether the desirable free tonnage should be 122,750 tons or a larger quantity), as measured by tonnage of raisins, was not large (only 2,500 tons).

After consideration of all relevant matter presented, including that in the notice, comments submitted pursuant to the notice, the information and recommendations of the Committee, and other available information, it is found that changing the desirable free tonnage for natural Thompson Seedless raisins, as hereinafter set forth, will tend to effectuate the declared policy of the act.

Therefore, § 989.222 is revised to read as follows:

§ 989.222 Desirable free tonnage.

The desirable free tonnage for natural Thompson Seedless raisins of 140,000 tons, as specified in § 989.54(a), is changed to 122,750 tons for the 1970-71 crop year.

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 desirable free tonnage for natural Thompson Seedless raisins is designated on a crop year basis and the current crop year began September 1, 1970; and (2) such desirable free tonnage in the changed amount of 122,750 tons for such raisins should be available for consideration by the Committee in making its required recommendation to the Secretary by October 5 of the current crop year as to volume regulation on the current crop of natural Thompson Seedless raisins and of a preliminary free tonnage percentage which will release, as provided by the order, not less than 65 percent of the desirable free tonnage.

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

Dated: September 30, 1970.

FLOYD F. HEDLUND,
Director,
Fruit and Vegetable Division.

[F.R. Doc. 70-13295; Filed, Oct. 5, 1970; 8:47 a.m.]

Chapter X—Consumer and Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture

[Milk Order 63]

PART 1063—MILK IN THE QUAD CITIES-DUBUQUE MARKETING AREA

Order Suspending Certain Provisions

This suspension order is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Quad Cities-Dubuque marketing area.

It is hereby found and determined that for the month of October 1970 the following provisions of the order no longer tend to effectuate the declared policy of the Act: In § 1063.52 subparagraph (2) of paragraph (a).

STATEMENT OF CONSIDERATION

The suspension would make inoperative the provisions that adjust the Class I and uniform prices at a plant located outside the marketing area and 70 miles or more from the nearer of Rock Island, Ill., or West Liberty, Iowa.

The suspension was requested by Mid-American Dairymen, Inc., to avoid the possibility of such provision reducing the prices at a pool plant located in the Des Moines, Iowa, Federal order marketing area. On September 1, 1970, Borden, Inc., discontinued bottling operations at its Rock Island, Ill., plant which had been regulated under the Quad Cities-Dubuque order. Its fluid milk accounts in this market are now being served from the Borden, Inc., plant located in Des Moines, Iowa. This is likely to result in the Des Moines plant being regulated under the Quad Cities-Dubuque order rather than the Des Moines order.

The Class I price under the Des Moines order is 15 cents higher than the Quad Cities-Dubuque Class I price.

The location adjustment provisions would reduce the Quad Cities-Dubuque Class I and uniform prices 19 cents at a plant located in Des Moines. In this circumstance, a Quad Cities-Dubuque order regulated plant located in Des Moines would have a Class I price 34 cents below the Class I price applicable at a plant so located and regulated under the Des Moines Federal order.

Such price disparity as between a Quad Cities order plant and a Des Moines order plant located in the Des Moines marketing area would disrupt competitive relationships among such handlers distributing milk in that market. Moreover, it also would threaten orderly marketing in several neighboring markets, such as Kansas City, where milk is distributed from the Borden, Inc., plant at Des Moines.

It will not be known definitely until after the end of September whether the Borden, Inc., plant at Des Moines is regulated under the Quad Cities order. A public hearing is scheduled for October 8, 1970, to consider appropriate amendments to the Quad Cities-Dubuque, Cedar Rapids-Iowa City, and Des Moines orders in light of this marketing development. There will not be time to complete the necessary procedures pursuant to such hearing prior to November 1, 1970. Should the Borden, Inc., plant be regulated under the Quad Cities order for September, the minimum Class I price payable to producers at such plant will be substantially below such price under the Des Moines order as well as under neighboring orders supplied by producers in the region. In such circumstance it is not reasonable to expect producers to continue to deliver milk to the Borden, Inc., plant while higher prices are available to them at most other regulated plants in the region, including those located in the Quad Cities-Dubuque marketing area.

This suspension action was requested for the months of September and October. It was opposed, however, by Borden, Inc. In light of the aforementioned considerations and such opposition the suspension should be made applicable only for the month of October.

It is hereby found and determined that 30 days' notice of the effective date hereof is impractical, unnecessary and contrary to the public interest in that:

(a) This suspension is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area in that prices

to producers for fluid milk distributed in the marketing area would otherwise be reduced substantially below the level necessary to assure an adequate supply of milk for the market.

(b) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date; and

(c) Interested parties were afforded opportunity to file written data, views or arguments concerning this suspension (35 F.R. 14406).

Therefore, good cause exists for making this order effective October 1, 1970.

It is therefore ordered, That the aforesaid provisions of the order are hereby suspended for the month of October 1970.

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

Effective date: October 1, 1970.

Signed at Washington, D.C., on October 1, 1970.

RICHARD E. LYNG,
Assistant Secretary.

[F.R. Doc. 70-13296; Filed, Oct. 5, 1970; 8:47 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. 70-273]

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)(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 Acushnet, Fairhaven, and New Bedford Townships, and Norton Town, Raynham Town, and Taunton Town.

2. In § 76.2, in paragraph (e)(13) relating to the State of Texas, subdivisions (v) relating to Ellis County; (viii) and (ix) relating to Hidalgo County; and (xiv) relating to Tarrant County 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 quarantine a portion of Bristol County, Mass., because of the existence of hog cholera. This action is deemed necessary to prevent further spread of the disease. The restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will apply to the quarantined portion of such county.

The amendments also exclude portions of Ellis, Hidalgo, and Tarrant Counties in Texas 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 areas 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 1st day of October 1970.

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

[F.R. Doc. 70-13321; Filed, Oct. 5, 1970; 8:49 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 10464, Amdt. 39-1087]

PART 39—AIRWORTHINESS DIRECTIVES

Hawker Siddeley De Havilland Model DH.104 "Dove" Airplanes

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring inspection of the wall thickness of the bearing housing recess of the flap datum hinge limits, replacement of defective links with serviceable links, and incorporation of Dove Modification 982 to introduce improved flap datum hinge assemblies on Hawker Siddeley De Havilland Model DH-104 "Dove" Airplanes was published in the FEDERAL REGISTER, 35 F.R. 12213.

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

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

HAWKER SIDDELEY AVIATION, LTD. Applies to De Havilland Model DH.104 "Dove" airplanes.

To prevent failure of the flap datum hinge assemblies, unless already accomplished, accomplish the following within the next 3,000 hours' time in service after the effective date of this AD, or by March 31, 1971, whichever occurs first:

(a) Inspect the wall thickness of the bearing housing recess of both the right wing and left wing flap datum hinge links in accordance with Hawker Siddeley Aviation, Ltd., Technical News Sheet CT(104) No. 216, Issue 1, June 8, 1970, or later ARB-approved issue or an FAA-approved equivalent. If the wall thickness is found to be less than 0.17 inches, replace the flap datum hinge link with a serviceable link of Modification 982 standard.

(b) Incorporate Modification 982 by replacing the flap datum hinge assemblies P/N 4WF.16A(R.H.) and P/N 4WF.15A(L.H.) with assemblies P/N 14WF.456A(R.H.) and P/N 14WF.455A(L.H.) in accordance with de Havilland Aircraft Co., Ltd., Modification No. Dove 982 dated August 20, 1956, or later ARB-approved issue or an FAA-approved equivalent.

This amendment becomes effective November 5, 1970.

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

Issued in Washington, D.C., on September 28, 1970.

J. A. FERRARESE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 70-13327; Filed, Oct. 5, 1970; 8:49 a.m.]

[Docket No. 10444, Amdt. 39-1088]

PART 39—AIRWORTHINESS DIRECTIVES

Entwicklungsgemeinschaft Model "Phoebus" A1, B1, and C Sailplanes

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring the replacement of the back-slipping chute coupling with a modified type coupling on the Entwicklungsgemeinschaft Model "PHOEBUS" A1, B1, and C Sailplanes was published in the FEDERAL REGISTER, 35 F.R. 11637.

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

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (14 CFR § 11.89), § 39–13 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

ENTWICKLUNGSGEMEINSCHAFT. Applies to Model "PHOEBUS" A1, B1, and C Sailplanes up to and including S.N 934 which have a brake chute installed.

To prevent the rudder from becoming blocked by the back-slipping chute coupling, within the next 100 hours' time in service after the effective date of this AD, unless already accomplished, replace the chute coupling with a modified coupling in accordance with Messerschmitt-Bolkow-Blohm Service Bulletin No. Phoebus-1/70 dated April 1970, or later LBA-approved issue or an FAA-approved equivalent.

This amendment becomes effective November 5, 1970.

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

Issued in Washington, D.C., on September 28, 1970.

J. A. FERRARESE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 70–13328; Filed, Oct. 5, 1970; 8:49 a.m.]

[Docket No. 10456, Amdt. 39–1089]

PART 39—AIRWORTHINESS DIRECTIVES

Hawker Siddeley "Heron" Model DH.114 Airplanes

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring periodic inspections of the fin fitting and replacement of fittings found to be cracked on Hawker Siddeley "Heron" Model DH. 114 airplanes was published in the FEDERAL REGISTER, 35 F.R. 12075.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received. However, it has come to the attention of the FAA that through an oversight in the NPRM, proposed paragraph (e) did not specifically provide for corrective action following discovery of a cracked fitting. The remainder of the AD provides for replacement of fittings found to be cracked before further flight. Since the same safety considerations obviously apply to the corrective action in paragraph (e), a provision has been added to that paragraph to make it clear that fittings found to be cracked must also be replaced before further flight. Additional rule-making action with respect to this clarifying change is unnecessary.

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

HAWKER SIDDELEY AVIATION. Applies to "Heron" Model DH.114 airplanes.

Compliance is required as indicated.

To prevent failure of the fin to fuselage front attachment brackets at Bulkhead 6, accomplish the following:

(a) For all airplanes, within the next 1200 hours' time in service from the effective date of the AD, and thereafter at intervals not to exceed 1,200 hours' time in service since the last inspection, visually inspect Bulkhead 6 for cracking or signs of distortion in accordance with Hawker Siddeley Technical News Sheet, Series: Heron (114), No. F.15, Issue 3, dated May 4, 1970, or later ARB-approved issue or an FAA-approved equivalent. If cracking or signs of distortion are found, accomplish standard repairs before further flight.

(b) For airplanes having right-hand and left-hand forward fin attachment fittings, P/Ns 14FS.1891 and 14FS.1892 (premodification No. Heron 609), or right-hand and left-hand forward fin attachment fittings P/Ns 14FS.5007 and 14FS.5008 (postmodification Heron 609) installed on Bulkhead 6, within the next 300 hours' time in service after the effective date of this AD, unless already accomplished within the last 300 hours' time in service, and thereafter at intervals not to exceed 300 hours' time in service since the last inspection, visually inspect the forward fin attachment fittings for cracks in accordance with Hawker Siddeley Technical News Sheet, Series: Heron (114), No. F.15, Issue 3, dated May 4, 1970, or later ARB-approved issue or an FAA-approved equivalent. If there is doubt as to the results of this inspection, confirm the results of the inspection by a dye penetrant method.

(c) For airplanes having right-hand and left-hand forward fin attachment fittings, P/Ns 14 FS.4669 and 14 FS.4670 (postmodification No. Heron 869) installed on Bulkhead 6, within the next 300 hours' time in service after the effective date of this AD, unless already accomplished within the last 900 hours' time in service, and thereafter at intervals not to exceed 1,200 hours' time in service since the last inspection, visually inspect the forward fin attachment fittings for cracks in accordance with Hawker Siddeley Technical News Sheet, Series: Heron (114), No. F.15, Issue 3, dated May 4, 1970, or later ARB-approved issue or an FAA-approved equivalent. If there is doubt as to the results of this inspection, confirm the results of the inspection by a dye penetrant method.

(d) If cracks are found in a forward fin attachment fitting during the inspections required by paragraphs (b) or (c), accomplish the following before further flight:

(1) Replace both the right-hand and left-hand forward attachment fittings in accordance with de Havilland Aircraft Service Modification No. Heron 869, Amendment No. 1, dated May 15, 1959, or later ARB-approved issue or an FAA-approved equivalent.

(2) Visually inspect the fin attachment fittings on Bulkhead 7 and the fin attachment fittings on the fin rear spar for cracks or any other signs of damage, and replace any fittings found to be cracked or damaged with new fittings of the same part number.

(e) For all airplanes, after accomplishing the replacements and inspection specified in paragraph (d), continue to visually inspect the forward fin attachment fittings for cracks in accordance with Hawker Siddeley Technical News Sheet, Series: Heron (114), No. F.15, Issue 3, dated May 4, 1970, or later ARB-approved issue or an FAA-approved equivalent, at intervals not to exceed 1,200 hours' time in service since the last replacements and inspections accomplished in accordance with paragraph (d). If cracks are found during any of these inspections, replace the cracked fittings before further flight in accordance with de Havilland aircraft Service Modification No. Heron 869, Amendment No. 1, dated May 15, 1959, or later ARB-approved issue or an FAA-approved equivalent.

This amendment becomes effective November 5, 1970.

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

Issued in Washington, D.C., on September 28, 1970.

J. A. FERRARESE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 70–13329; Filed, Oct. 5, 1970; 8:49 a.m.]

[Docket No. 10463, Amdt. 39–1090]

PART 39—AIRWORTHINESS DIRECTIVES

Hawker Siddeley De Havilland Model DH.114 "Heron" Airplanes

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring inspection of the wall thickness of the bearing housing recess of the flap datum hinge links, replacement of defective links with serviceable links, and incorporation of Heron Modification 837 to introduce improved flap datum hinge assemblies on Hawker Siddeley De Havilland Model DH.114 "Heron" Airplanes was published in the FEDERAL REGISTER, 35 F.R. 12213.

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

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

HAWKER SIDDELEY AVIATION, LTD. Applies to De Havilland Model DH.114 "Heron" airplanes.

To prevent failure of the flap datum hinge assemblies, unless already accomplished, accomplish the following within the next 3,000 hours' time in service after the effective date of this AD, or by March 31, 1971, whichever occurs first:

(a) Inspect the wall thickness of the bearing housing recess of both the right wing and left wing flap datum hinge links in accordance with Hawker Siddeley Aviation, Ltd., Technical News Sheet Heron (114) No. CF. 14 Issue 1, June 15, 1970, or later ARB-approved issue or an FAA-approved equivalent. If the wall thickness is found to be less than 0.17 inches, replace the flap datum hinge link with a serviceable link of Modification 837 standard.

(b) Incorporate Modification 837 by replacing the flap datum hinge assemblies P/N 14WF.16A(R.H.) and P/N 4WF.15A(L.H.) with assemblies P/N 14WF.456A(R.H.) and P/N 14WF.455A(L.H.) in accordance with Hawker Siddeley Aviation, Ltd., Modification News Sheet, Modification No. Heron 837, dated June 15, 1956, or later ARB-approved issue or an FAA-approved equivalent.

This amendment becomes effective November 5, 1970.

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

Issued in Washington, D.C., on September 28, 1970.

J. A. FERRARESE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 70-13330; Filed, Oct. 5, 1970; 8:50 a.m.]

[Docket No. 10443, Amdt. 39-1091]

PART 39—AIRWORTHINESS DIRECTIVES

Dornier Model DO-28D-1 Airplanes

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring the installation of additional attachment screws to improve door skin security on Dornier Model DO-28D-1 airplanes was published in the FEDERAL REGISTER, 35 F.R. 11637.

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

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

DORNIER, AG. Applies to Model DO-28D-1 airplanes.

To prevent separation of the skin from the cabin door structure, within the next 100 hours' time in service after the effective date of this AD, unless already accomplished, secure the door skin by installing additional screws in accordance with Dornier Service Bulletin No. 015-1206, dated October 1, 1969, or later LBA-approved issue or an FAA-approved equivalent.

This amendment becomes effective November 5, 1970.

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

Issued in Washington, D.C., on September 28, 1970.

J. A. FERRARESE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 70-13331; Filed, Oct. 5, 1970; 8:50 a.m.]

[Airspace Docket No. 70-CE-49]

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

Alteration of Control Zone and Transition Area

On pages 11519 and 11520 of the FEDERAL REGISTER dated July 17, 1970, the Federal Aviation Administration published a notice of proposed rule making which would amend §§ 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the control zone and transition area at Lafayette, Ind.

Interested persons were given 45 days to submit written comments, suggestions, or objections regarding the proposed amendments.

No objections have been received and the proposed amendments are hereby adopted without change and are set forth below.

These amendments shall be effective 0901 G.m.t., December 10, 1970.

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

Issued in Kansas City, Mo., on September 10, 1970.

DANIEL E. BARROW,
Acting Director, Central Region.

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

LAFAYETTE, IND.

Within a 5-mile radius of Purdue University Airport (latitude 40°24'45" N., longitude 86°56'15" W.).

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

LAFAYETTE, IND.

That airspace extending upward from 700 feet above the surface within a 7½-mile radius of Purdue University Airport (latitude 40°24'45" N., longitude 86°56'15" W.); within 2 miles each side of the 144° radial of the Lafayette, Ind. VORTAC, extending from the 7½-mile radius area to the Lafayette VORTAC; and within a 5½-mile radius of Halsmer Airport (latitude 40°23'40" N., longitude 86°48'25" W.); and that airspace extending upward from 1,200 feet above the surface bounded on the east by longitude 86°33'00" W., on the south by latitude 40°-07'00" N., on the west by longitude 87°23'00" W., and on the north by latitude 40°45'00" N.

[F.R. Doc. 70-13332; Filed, Oct. 5, 1970; 8:50 a.m.]

[Airspace Docket No. 70-SO-76]

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

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Mississippi transition area.

The Mississippi transition area is described in § 71.181 (35 F.R. 2134). In the description, reference is made to VOR Federal Airway V-198. Because of the realignment of this airway, it is necessary to alter the description by deleting the reference to V-198. Since this amendment is editorial in nature, notice and public procedure hereon are unnecessary and action is taken herein to alter the description accordingly.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective immediately, as hereinafter set forth.

In § 71.181 (35 F.R. 2134), the Mississippi transition area is amended as follows: "* * * to and southwest along the southeast boundary of V-198 * * *" is deleted from the present description.

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

Issued in East Point, Ga., on September 25, 1970.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 70-13333; Filed, Oct. 5, 1970; 8:50 a.m.]

[Airspace Docket No. 70-SW-47]

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

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Athens, Tex., transition area.

On August 14, 1970, a notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 12953) stating the Federal Aviation Administration proposed to alter this transition area.

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

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., December 10, 1970, as hereinafter set forth.

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

ATHENS, TEX.

That airspace extending upward from 700 feet above the surface bounded by a line beginning at lat. 32°12'30" N., long. 95°39'-30" W., to lat. 31°59'00" N., long. 95°35'00" W., to lat. 31°56'30" N., long. 95°41'00" W., to lat. 31°59'30" N., long. 95°53'00" W., to lat. 32°12'00" N., long. 95°56'00" W., to lat. 32°15'00" N., long. 95°50'30" W., to point of beginning.

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

Issued in Fort Worth, Tex., on September 25, 1970.

HENRY L. NEWMAN,
Director, Southwest Region.

[F.R. Doc. 70-13334; Filed, Oct. 5, 1970; 8:50 a.m.]

[Airspace Docket No. 70-SW-49]

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

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Roswell, N. Mex., transition area.

On August 18, 1970, a notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 13138) stating the Federal Aviation Administration proposed to alter the 700-foot portion of this transition area. Subsequent action revoked the 1,200-foot portion effective November 12, 1970 (Airspace Docket No. 70-SW-38).

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

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., December 10, 1970, as hereinafter set forth.

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

ROSWELL, N. MEX.

That airspace extending upward from 700 feet above the surface within a 23-mile radius of the Roswell VORTAC extending clockwise between the 092° and 036° radials of the VORTAC, and within a 29-mile radius of the Roswell VORTAC extending clockwise between the 036° and 092° radials of the VORTAC.

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

Issued in Fort Worth, Tex., on September 25, 1970.

HENRY L. NEWMAN,
Director, Southwest Region.

[F.R. Doc. 70-13335; Filed, Oct. 5, 1970; 8:50 a.m.]

Chapter II—Civil Aeronautics Board

SUBCHAPTER E—ORGANIZATION REGULATIONS

[Reg. OR-49, Amdt. 17]

PART 385—DELEGATIONS AND REVIEW OF ACTION UNDER DELEGATION; NONHEARING MATTERS

Organizational Name Change Within Office of the General Counsel; International, Governmental, and Carrier Relationships Division

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 1st day October 1970.

This amendment reflects on organizational change within the Office of the General Counsel whereby the former International and Legislation Division has been redesignated as the International, Governmental, and Carrier Relationships Division. This name change requires an amendment of the delegation of authority in § 385.21a.

Since this amendment pertains to a rule of agency organization and procedure, and not a substantive rule, notice, and public procedure hereon are not required and the rule may be made effective immediately.

Accordingly, the Board hereby amends Part 385 of the Organization Regulations (14 CFR Part 385), effective October 1, 1970, as follows:

1. Amend the Table of Contents for Subpart B of Part 385 by modifying the title of § 385.21a to read as follows:

Sec.
385.21a Delegation to Associate General Counsel, International, Governmental, and Carrier Relationships.

2. Amend the title and introductory paragraph of § 385.21a to read as follows:

§ 385.21a Delegation to Associate General Counsel, International, Governmental, and Carrier Relationships.

The Board hereby delegates to the Associate General Counsel, International, Governmental, and Carrier Relationships, the authority to:

* * * * *

(Sec. 204(a) of the Federal Aviation Act of 1958, as amended, 72 Stat. 743; 49 U.S.C. 1324. Reorganization Plan No. 3 of 1961, 75 Stat. 837; 26 F.R. 5989)

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[F.R. Doc. 70-13323; Filed, Oct. 5, 1970; 8:49 a.m.]

Title 18—CONSERVATION OF POWER AND WATER RESOURCES

Chapter I—Federal Power Commission

SUBCHAPTER A—GENERAL RULES

[Docket No. R-402; Order No. 409]

PART 3—ORGANIZATION; OPERATION; INFORMATION AND REQUESTS; ETHICAL STANDARDS

Subpart A—Organization; Delegations of Authority

COMMISSION SECRETARY AUTHORIZED TO RECORD CERTAIN CHANGES IN NAME OF PERSONS AND MUNICIPALITIES

SEPTEMBER 30, 1970.

It is current Commission practice to process changes in the names of persons and municipalities subject to or invoking Commission jurisdiction, where no substantive changes in ownership, corporate structure, corporate domicile, or jurisdictional operation is involved, in the same manner that changes in substantive matters are processed under the Federal Power Act and Natural Gas Act. Recognition of such changes is, in most cases, an administrative matter which does not require formal action by the Commission and which can be performed effectively by the Secretary of the Commission without diminishing the effectiveness of the Commission's administration of the Federal Power Act and the Natural Gas Act.

By this order the Commission amends § 3.5 of its general rules (18 CFR 3.5), by authorizing the Secretary to recognize changes in name which do not involve any substantive changes in ownership, corporate structure or domicile, or jurisdictional operation, without formal Commission action.

The Commission finds:

(1) The amendment to the Commission's rules herein adopted is necessary and appropriate in carrying out the provisions of the Federal Power Act and the Natural Gas Act.

(2) The amendment herein adopted will effect economies, conserve manpower, and expedite the processing of changes in name; and, therefore, good cause exists that it be made effective immediately.

(3) Since the amendment herein adopted involves matters of Commission organization and procedure and good cause exists that it be made effective immediately, compliance with the notice, hearing, and effective date provisions of 5 U.S.C. 553 is unnecessary.

The Commission, acting pursuant to authority granted by the Federal Power Act, as amended, particularly section 309 (49 Stat. 858, 16 U.S.C. 825h), and by the Natural Gas Act, as amended, particularly section 16 (52 Stat. 830, 15 U.S.C. 717o) and in accordance with 5 U.S.C. 552, orders:

(A) Effective upon the issuance of this order, paragraph (a) of § 3.5 in Part 3, Subchapter A, Chapter I of Title 18 of the Code of Federal Regulations is amended by adding a new subparagraph (26) which reads as follows:

§ 3.5 Delegations of final authority.

The Commission has authorized:

(a) The Secretary, or in his absence, the Acting Secretary, to:

* * * * *

(26) Redesignate proceedings, licenses, certificates, rate schedules, and other authorizations and filings to reflect changes in the names of persons and municipalities subject to or invoking Commission jurisdiction under the Federal Power Act and the Natural Gas Act where no substantive changes in ownership, corporate structure or domicile, or jurisdictional operation are involved.

* * * * *

(Sec. 309, Federal Power Act, 49 Stat. 858, 16 U.S.C. 825h; sec. 16, Natural Gas Act, 52 Stat. 830, 15 U.S.C. 717o; 5 U.S.C. 552)

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

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-13320; Filed, Oct. 5, 1970; 8.49 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 70-211]

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

Special Tonnage Tax and Light Money; Jamaica

The Department of State advised the Department of the Treasury on August 21, 1970, that the Department of State has obtained from the Government of Jamaica satisfactory evidence

that no discriminating duties of tonnage or imposts have been imposed or levied in ports of Jamaica upon vessels wholly belonging to citizens of the United States, or upon the produce, manufactures, or merchandise imported into Jamaica in such vessels from the United States or from any foreign country.

Therefore, by virtue of the authority vested in the President by section 4228 of the Revised Statutes, as amended (46 U.S.C. 141), which was delegated to the Secretary of the Treasury by the President by Executive Order No. 10289, September 17, 1951, as amended by Executive Order No. 10882, July 18, 1960 (3 CFR Ch. II), and pursuant to the authorization provided by Treasury Department Order No. 190, Rev. 7, September 4, 1969 (34 F.R. 15846), I declare that the foreign discriminating duties of tonnage and impost within the United States are suspended and discontinued, so far as respects vessels of the Goverment of Jamaica, and the produce, manufactures, or merchandise imported into the United States in such vessels from Jamaica or from any other foreign country. This suspension and discontinuance shall take effect from August 21, 1970, and shall continue for so long as the reciprocal exemption of vessels wholly belonging to citizens of the United States and their cargoes shall be continued and no longer.

In accordance with this declaration, § 4.22, Customs Regulations, is amended by the insertion of "Jamaica" in the appropriate alphabetical sequence in the list of nations whose vessels are exempted from the payment of any higher tonnage duties than are applicable to vessels of the United States and from the payment of light money.

(80 Stat. 379, R.S. 4219, as amended, 4225, as amended, 4228, as amended, sec. 3, 23 Stat. 119, as amended; 5 U.S.C. 301, 46 U.S.C. 3, 121, 128, 141)

[SEAL] EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[F.R. Doc. 70-13342; Filed, Oct. 5, 1970; 8:51 a.m.]

[T.D. 70-213]

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

Clearance; Illegal Discharge of Oil

Pursuant to the provisions of section 11(b)(5), Public Law 91-224 (33 U.S.C. 1161), relating to the pollution of the navigable waters of the United States, any owner or operator of any vessel from which oil is knowingly discharged into or upon the navigable waters of the United States, adjoining shorelines, or into or upon the waters of the contiguous zone in quantities determined to be harmful by appropriate authorities incurs a civil penalty of not more than $10,000 for each offense. At the request of an appropriate officer of the U.S. Coast Guard, clearance provided by section 4197 of the Revised Statutes of the United States, as amended (46 U.S.C. 91), shall be withheld for any vessel the owner or operator of which is subject to the foregoing penalty. To provide for such action, the Customs Regulations are amended as follows:

§ 4.61 [Amended]

Section 4.61(b) is amended by adding new subparagraph (22) to read:

(22) Illegal discharge of oil (§ 4.66a).

Part 4 is amended to add a new § 4.66a reading as follows:

§ 4.66a Illegal discharge of oil.

If a district director of customs receives a request from an officer of the U.S. Coast Guard to withhold clearance of a vessel whose owner or operator is subject to a civil penalty for knowingly discharging oil into or upon the navigable waters of the United States, adjoining shorelines, or into or upon the waters of the contiguous zone in quantities determined to be harmful by appropriate authorities, such clearance shall not be granted until the request is withdrawn or until the district director is informed that a bond or other surety satisfactory to the Coast Guard has been filed.

(Sec. 11(b)(5), 84 Stat. 92, R.S. 4197, as amended; 33 U.S.C. 1161, 46 U.S.C. 91)

(80 Stat. 379, R.S. 251; 5 U.S.C. 301; 19 U.S.C. 66)

[SEAL] MYLES J. AMBROSE,
Commissioner of Customs.

Approved: September 28, 1970.

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[F.R. Doc. 70-13292; Filed, Oct. 5, 1970; 8:46 a.m.]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER C—DRUGS

PART 141—TESTS AND METHODS OF ASSAY OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

PART 149w—PENICILLAMINE

Penicillamine and Penicillamine Capsules

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), Part 141 is amended and Part 149w is established as follows to provide for certification of the antibiotic drugs penicillamine and penicillamine capsules:

1. Section 141.3(b) is amended by adding a new subparagraph, as follows:

§ 141.3 Equipment and diluents for use in biological testing.

* * * * *

(b) * * *

(10) Diluent 10 (1 percent U.S.P. methylcellulose (4,000 centipoises) solution): Dissolve 1 gram of U.S.P. methylcellulose (4,000 centipoises) in 100 milliliters of distilled water. Allow to stand overnight at room temperature or until solution is complete. Store under refrigeration.

2. Section 141.5(b) is amended by alphabetically inserting a new item in the table, as follows:

§ 141.5 Safety test.

* * * * *

(b) * * *

Antibiotic drug	Diluent (diluent number as listed in § 141.3)	Test dose: Concentration in units of milligrams of activity per milliliter	Test dose: Volume in milliliters to be administered to each mouse	Route of administration as described in paragraph (c) of this section
* * *	* * *	* * *	* * *	* * *
Penicillamine	(10)	100 mg	1.0	Oral.
* * *	* * *	* * *	* * *	* * *

* * * * * * *

3. Part 141 is amended by adding the following new section:

§ 141.107 Penicillin activity.

Use penicillin-free equipment and glassware.

(a) *Preparation of inoculated plates.* Proceed as directed in § 141.110(a), using 10 milliliters of medium 1 for the base layer. For the seed layer, use 4 milliliters of medium 4, inoculated with the amount of test organism C which gave the clearest, sharpest zones of inhibition measuring 17 to 21 millimeters in diameter when standardized as described in § 141.104(b)(1)(ii). Disposable plastic covers may be used in lieu of porcelain covers. Use the plates the same day they are prepared.

(b) *Preparation of working standard stock solutions and standard response lines solutions.* Proceed as directed for penicillin G in § 141.110(b), except dilute the working standard stock solution to a final concentration of 100 units of penicillin G per milliliter and use the following final concentrations for the standard response line: 0.005, 0.0125, 0.025, 0.050, 0.100, and 0.200 unit of penicillin G per milliliter. The 0.050 unit of penicillin G-per-milliliter solution is the reference concentration of the assay.

(c) *Sample preparation.* Dissolve 1.0 gram of the sample in sufficient distilled water to make 18 milliliters. Filter if not clear. Transfer 9.0 milliliters to a separatory funnel, and add 20 milliliters of amyl acetate. Add 1 milliliter of 10 percent potassium phosphate buffer, pH 2.5 (solution 11 as described in § 141.102), shake, allow to separate, and draw off the aqueous layer into a second separatory funnel. Check the pH of the aqueous solution with pH paper, and readjust with concentrated hydrochloric acid if the pH is three or above. Extract again with 20 milliliters of amyl acetate, discard the aqueous phase, and combine the amyl acetate extracts. Wash the extracts with 10 milliliters of 1 percent potassium phosphate buffer, pH 2.5, and discard the buffer wash. Extract the penicillin from the amyl acetate with a 10-milliliter aliquot of 1 percent potassium phosphate buffer, pH 6.0 (solution 1 as described in § 141.102). This is the assay solution.

(d) *Procedure for assay.* For the standard response line, use a total of 15 plates (three plates for each response line solution, except the reference concentration solution, which is included on each plate). On each set of three plates, fill three alternate cylinders with the reference concentration solution and the other three cylinders with the concentration of the response line under test. Thus, there will be 45 reference concentration zones of inhibition and nine zones of inhibition for each of the other concentrations of the response line. Treat a portion of the sample solution (2 to 5 milliliters) with 0.1 milliliter of penicillinase solution and incubate at 37° C. for 1 hour. For each sample tested, use three plates. On each plate fill two cylinders with the 0.050 unit of penicillin G per milliliter standard, two cylinders with the untreated sample, and two cylinders with the penicillinase-treated sample. Incubate all plates, including those of the standard response line, overnight at 30° C. A zone of inhibition with the untreated sample and no zone with the penicillinase-treated sample are a positive test for penicillin. If a positive test is obtained, measure the diameters of the zones of inhibition using an appropriate measuring device such as a millimeter rule, calipers, or an optical projector.

(e) *Estimation of penicillin G activity.* To prepare the standard response line, average the diameters of the standard reference concentration and average the diameters of the standard response line concentration tested for each set of three plates. Average also all 45 diameters of the reference concentration. The average of the 45 diameters of the reference concentration is the correction point of the response line. Correct the average diameter obtained for each concentration to the figure it would be if the average reference concentration diameter for that set of three plates were the same as the correction point. Thus, if in correcting the 0.025 penicillin G concentration, the average of the 45 readings of the 0.050 unit of penicillin G-per-milliliter concentration is 18.5 millimeters and the average of the 0.050 unit of penicillin G-per-milliliter concentration of this set of three plates is 18.3 millimeters, the correction is +0.2 millimeters. If the average reading of the 0.025 unit of penicillin G-per-milliliter concentration of these same three plates is 15.5 millimeters, the corrected value is 15.7 millimeters. Plot these corrected values, including the average of the 0.050 unit of penicillin G-per-milliliter concentration, on semilogarithmic graph paper using the penicillin concentration in units per milliliter on the logarithmic scale and the diameter of the zone of inhibition on the arithmetic scale. Draw the line of best fit through these points. To estimate the sample potency, average the zone diameters of the standard and the zone diameters of the sample on the three plates used. If the average zone diameter of the sample is lower than that of the standard, subtract the difference between them from the reference concentration diameter of the standard response line. From the response line, read the concentrations corresponding to these corrected values of zone diameters. Multiply the concentration by the dilution factor to obtain the units of penicillin G per sample size tested.

4. The following new Part 149W is added to Title 21, Chapter I:

Sec.
149w.1 Penicillamine.
149w.2 Penicillamine capsules.

AUTHORITY: The provisions of this Part 149w issued under sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357.

§ 149w.1 Penicillamine.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Penicillamine is D-3-mercaptovaline. It is so purified and dried that:

(i) Its content of penicillamine is not less than 97.0 percent and not more than 100.5 percent, calculated on a dried basis.

(ii) It passes the safety test.

(iii) Its loss on drying is not more than 0.5 percent.

(iv) Its pH in a 1 percent aqueous solution is not less than 4.5 and not more than 5.5.

(v) It contains not more than 0.2 unit of penicillin activity per gram.

(vi) Its residue on ignition is not more than 0.1 percent.

(vii) Its heavy metals content is not more than 20 parts per million.

(viii) Its specific rotation in a 1.0 *N* sodium hydroxide solution at 25° C. is −63°±5°.

(ix) It gives a positive identity test for penicillamine.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 148.3(b) of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 146.2 of this chapter, each such request shall contain:

(i) Results of tests and assays on the batch for penicillamine content, safety, loss on drying, pH, penicillin activity, residue on ignition, heavy metals, specific rotation, and identity.

(ii) Samples required: 11 packages, each containing 1 gram.

(b) *Tests and methods of assay*—(1) *Penicillamine content*—(i) *Reagents*—(*a*) *0.05 M mercuric acetate.* Dissolve 16 grams of mercuric acetate in water, add 5 milliliters of glacial acetic acid, and dilute to 1,000.0 milliliters with water.

(*b*) *Diphenylcarbazone solution.* Dissolve 0.5 gram of diphenylcarbazone in 100 milliliters of 95 percent alcohol.

(ii) *Standardization of 0.05 mercuric acetate solution.* Dissolve approximately 300 milligrams of the penicillamine working standard, accurately weighed, in 200 milliliters of water. Add 10 grams of sodium acetate, acidify the solution to litmus paper with acetic acid, add 1.0 milliliter of a freshly prepared solution of diphenylcarbazone, and titrate with mercuric acetate until a rose-violet color persists for 2 to 3 minutes. Determine the penicillamine equivalence in milligrams for each milliliter of 0.05 *M* mercuric acetate by means of the following calculation:

$$A = \frac{W_1 \times P}{V_1 \times 100}$$

where:

A = Penicillamine equivalence in milligrams per milliliter of the mercuric acetate reagent.
V_1 = Total volume in milliliters of 0.05 *M* mercuric acetate used to titrate the penicillamine working standard.
W_1 = Weight of the penicillamine working standard in milligrams.
P = Purity of the penicillamine working standard in percent.

(iii) *Procedure.* Proceed as directed in subdivision (ii) of this paragraph, except use approximately 300 milligrams of the sample and calculate the penicillamine content by means of the following formula:

$$\text{Penicillamine content in percent} = \frac{V_2 \times A \times 100}{W_2}$$

where:

V_2 = Total volume in milliliters of mercuric acetate reagent used to titrate the sample;
W_2 = Weight of the sample in milligrams.

(2) *Safety.* Proceed as directed in § 141.5 of this chapter, preparing the test dose solution as follows: Grind the sample in a mortar to a fine powder. With continued grinding, suspend the powder in sufficient diluent 10 (as listed in § 141.3) to give the prescribed concentration, adding 1 drop of U.S.P. polysorbate 80 for each gram of penicillamine.

(3) *Loss on drying.* Proceed as directed in § 141.501(b) of this chapter.

(4) *pH.* Proceed as directed in § 141.503 of this chapter, using a 1 percent aqueous solution.

(5) *Penicillin activity.* Proceed as directed in § 141.107 of this chapter.

(6) *Residue on ignition.* Proceed as directed in § 141.510(a) of this chapter.

(7) *Heavy metals content.* Proceed as directed in § 141.511 of this chapter.

(8) *Specific rotation.* Proceed as directed in § 141.520 of this chapter, using

a 5.0 percent (weight per volume) solution of penicillamine in 1.0 *N* sodium hydroxide and a tube 2.0 decimeters in length. Calculate the specific rotation on an anhydrous basis.

(9) *Identity*. Proceed as directed in § 141.521 of this chapter, using the sample preparation method described in paragraph (b)(2) of that section, except use exactly 50 milligrams of sample and 300 milligrams of mineral oil.

§ 149w.2 Penicillamine capsules.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity*. Penicillamine capsules each contain 250 milligrams of pencillamine and one or more suitable and harmless diluents and lubricants. Its content of penicillamine is satisfactory if it is not less than 90 percent and not more than 110 percent of the number of milligrams of penicillamine that it is represented to contain. The moisture content is not more than 7.5 percent. Each capsule contains not more than 0.1 unit of penicillin activity. The penicillamine used conforms to the requirements of § 149w.1(a)(1).

(2) *Labeling*. It shall be labeled in accordance with the requirements of § 148.3 of this chapter.

(3) *Requests for certification; samples*. In addition to complying with the requirements of § 146.2 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The penicillamine used in making the batch for penicillamine content, safety, loss on drying, pH, penicillin activity, residue on ignition, heavy metals, specific rotation, and identity.

(*b*) The batch for penicillamine content, moisture, and penicillin activity.

(ii) Samples required:

(*a*) The penicillamine used in making the batch: 10 packages, each containing approximately 1 gram.

(*b*) The batch: A minimum of 40 capsules.

(b) *Tests and methods of assay*—(1) *Penicillamine content*. Proceed as directed in § 149w.1(b)(1), except prepare the sample for assay as follows: Empty the contents of not less than 10 capsules into a tared weighing bottle. Weigh and mix the powder. Calculate the average capsule weight content and dissolve an accurately weighed quantity of the mixed capsule powder equivalent to about 300 milligrams of penicillamine in 200 milliliters of water. Calculate the penicillamine content for the sample used and determine the penicillamine content for the average capsule weight.

(2) *Moisture*. Proceed as directed in § 141.502 of this chapter.

(3) *Penicillin activity*. Proceed as directed in § 141.107 of this chapter, except use the contents of 2 capsules in lieu of 1.0 gram of the sample.

Data supplied by the manufacturer concerning the subject antibiotic drugs have been evaluated. Since the conditions prerequisite to providing for certification of these drugs have been complied with and since it is in the public interest not to delay in so providing, notice and public procedure and delayed effective date are not prerequisites to this promulgation.

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

(Sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357)

Dated: September 23, 1970.

SAM D. FINE,
Associate Commissioner for Compliance.

[F.R. Doc. 70-13277; Filed, Oct. 5, 1970; 8:45 a.m.]

Title 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

SUBCHAPTER D—CLAIMS AND LITIGATION

PART 840—RELEASING INFORMATION FOR LITIGATION AND APPEARANCE OF WITNESSES BEFORE CIVILIAN COURTS AND OTHER TRIBUNALS

Chapter VII of Title 32 of the Code of Federal Regulations is amended by revising Part 840, as follows:

Sec.
840.1 Purpose.
840.2 Definitions.
840.3 Air Force policy.
840.4 Responsibility.
840.5 Limitations.
840.6 Fees and charges.
840.7 Requests for depositions or statements.
840.8 Authentication of documents.
840.9 Release to the Department of Justice.
840.10 Release to Government contractors.
840.11 Compliance with subpoena.
840.12 Witnesses in private litigation.
840.13 Witnesses in suits involving the United States.
840.14 Travel expenses in litigation involving the United States.

AUTHORITY: The provisions of this Part 840 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012, except as otherwise noted.

§ 840.1 Purpose.

This part covers release of official Air Force information for litigation purposes, and guides Air Force military and civilian personnel appearing as witnesses. It does not apply to release of official information to courts-martial or administrative boards convened by U.S. Military authorities. Air Force personnel who have custody of official information requested for use in litigation, or who are requested to appear as witnesses, must comply. Oversea major commands may supplement this part to meet local requirements.

§ 840.2 Definitions.

(a) *Official information*. All documents, records, or papers in the custody of the Air Force and its personnel, and factual matters within the knowledge of Air Force personnel, prepared or obtained in the performance of official duties.

(b) *Litigation*. Lawsuits, hearings, investigations, or similar proceedings in civilian courts, commissions, boards or other tribunals.

§ 840.3 Air Force policy.

Official factual information is made available for use in litigation, and Air Force personnel are permitted to testify concerning official factual information, unless the information is classified or privileged. Records exempted from public disclosure by 5 U.S.C. 552(e) are not required to be released, but Air Force policy is to release them if no significant purpose is served by withholding them (see Part 806 of this title).

§ 840.4 Responsibilities.

The staff judge advocate is responsible for the release of information for use in litigation, unless release is clearly proper and authorized. If he considers such action necessary, he may refer matters to The Judge Advocate General for decision. The Judge Advocate General may authorize the release of information or testimony of witnesses in civil litigation.

§ 840.5 Limitation.

(a) When the United States is a party to existing litigation, information will be released relevant to the litigation only when authorized by one of the following:

(1) The Judge Advocate General.

(2) The staff judge advocate of the major command concerned.

(3) The U.S. Attorney General.

(4) An appropriate U.S. Attorney.

(b) Custodians who receive requests for information that might aid in a claim or litigation against the United States should consult the staff judge advocate.

(c) When the United States is not a party to the litigation and the requested information does not appear to aid a claim or litigation against the United States, custodians may release information not classified or privileged.

(d) Information of a personal nature from personnel records is not released for litigation purposes without the consent of the person who is the subject of the records, except:

(1) In response to a subpoena or court order properly issued and served.

(2) As authorized by the major command staff judge advocate or The Judge Advocate General.

(e) Medical information is released only under the following conditions:

(1) As stated in AFM 168-4 (Administration of Medical Activities) and Part 842 of this subchapter.

(2) In response to a proper subpoena or court order.

(3) As authorized by the major command staff judge advocate or The Judge Advocate General.

(f) Classified defense information is not released to courts or unauthorized persons under any circumstances unless the classification is removed by proper authority. If classified information is subpoenaed and cannot be declassified at lower levels, The Judge Advocate General should be notified. Pending his decision, the person on whom the subpoena

is served answers the subpoena and informs the court of the restrictions of this section.

§ 840.6 Fees and charges.

Persons releasing copies of records to non-Government requestors collect fees and charges under Part 813 of this chapter.

§ 840.7 Requests for depositions or statements.

Requests by parties to prospective or actual litigation not involving the United States, for statements or depositions of Air Force personnel concerning matters connected with their official duties may be granted, provided this part is followed. Staff judge advocates will give legal advice as needed. Statements and depositions are voluntary with the individual concerned, unless required by valid legal process or the order of competent military authority.

§ 840.8 Authentication of documents.

Official Air Force documents used in civil litigation are authorized by certificate, rather than by the personal appearance and testimony of the custodian, wherever practicable. The authentication procedure in Part 847 of this subchapter meets the requirements of Federal courts and of most State courts and administrative bodies. Use the simple authentication procedure permissible.

§ 840.9 Release to the Department of Justice.

Department of Justice, through the U.S. Attorneys, represents the Government's interest in all litigation involving the Air Force. Unclassified information that is not privileged should be released to the Department of Justice or the U.S. Attorney on request. Requests for classified information that cannot be declassified at lower levels, or for privileged information are sent to The Judge Advocate General for decision.

§ 840.10 Release to Government contractors.

Contracting officers may grant requests from Government contractors for information for use in contractor litigation. Comply with this part and AFR 110-3 (Taxation, Legal and Administrative Actions, and Legal Process).

§ 840.11 Compliance with subpoena.

(a) Staff judge advocates give legal advice to Air Force personnel subpoenaed to appear and testify concerning official information. When release of the subpoenaed information is prohibited by this part, the person receiving the subpoena appears and explains the matter to the court. If the court is not satisfied and persists in requesting the information, the witness respectfully asks for time to send the question to The Judge Advocate General for decision. Staff judge advocates are authorized to accompany and advise the witness concerning a problem on release of official information.

(b) When a subpoena is served which calls for information which is classified or otherwise determined to be not releasable, staff judge advocates are authorized to communicate with counsel who requested the subpoena, explain the restrictions on release, tender releasable information, and suggest withdrawal of the subpoena.

(c) A subpoena which is defective for improper issue or service, or for lack of jurisdiction, is treated as a routine request for release of information.

§ 840.12 Witnesses in private litigation.

(a) Air Force personnel who are requested to appear and testify in private litigation in which the Government has no interest may be authorized to do so, if this part does not permit release of the requested information, and if there is no expense to the Government.

(b) Expenses are arranged between the witnesses and the party requesting his appearance. If absence exceeds normal pass privileges, the witness takes regular or annual leave. Commanders should be as liberal as practicable in granting leave for this purpose.

§ 840.13 Witnesses in suits involving the United States.

In these instances, the following rules should be followed:

(a) When U.S. Attorneys request the attendance of witnesses, and no temporary duty is required, honor the request if practicable.

(b) When U.S. Attorneys request the attendance of witnesses and temporary duty is required, ask the U.S. Attorney to request the witness through the Administrative Division, Department of Justice. Hq USAF (AF/JACL) directs travel.

(c) In hospital recovery litigation, honor requests by counsel assisting in the hospital recovery claim if practicable.

§ 840.14 Travel expenses in litigation involving the United States.

(a) The Air Force pays travel expenses of Air Force witnesses furnished on behalf of the United States in the following instances:

(1) To testify as to information obtained in the performance of official duties.

(2) In any case in which the Air Force is the agency concerned in the litigation.

(b) When Air Force witnesses are provided on behalf of the Government in other cases, travel expenses are reimbursed by the Government agency involved. Hq USAF gives instructions on funding the expense.

By order of the Secretary of the Air Force.

ALEXANDER J. PALENSCAR, Jr.,
Colonel, U.S. Air Force, Chief, Special Activities Group, Office of The Judge Advocate General.

[F.R. Doc. 70-13271; Filed, Oct. 5, 1970; 8:45 a.m.]

Title 32A—NATIONAL DEFENSE, APPENDIX

Chapter VI—Bureau of Domestic Commerce, Department of Commerce [1]

[BDC Notice 1; Sept. 30, 1970]

BDC NOTICE 1—RATIFICATION OF BUSINESS AND DEFENSE SERVICES ADMINISTRATION ACTIONS

This notice is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended and extended. In the formulation of this notice, consultation with industry representatives has been rendered impracticable because the notice affects many different industries.

Sec.
1 What this notice does.
2 Existing regulations, orders, and other actions of the Business and Defense Services Administration.
3 Rescission of BDSA Regulation 1.
4 Use of Business and Defense Services Administration forms.

AUTHORITY: Sections 1 to 4 issued under sec. 704, 64 Stat. 816, as amended, 50 U.S.C. App. 2154; sec. 1, Public Law 91-379; 50 U.S.C. App. 2166. Interpret or apply sec. 101-102, 64 Stat. 799, as amended, 50 U.S.C. App. 2071, 2072; sec. 705, 64 Stat. 816, as amended, 50 U.S.C. App. 2155; sec. 1, 80 Stat. 235, 50 U.S.C. App. 2166; E.O. 10480, as amended, 18 F.R. 4939, 6201, 19 F.R. 3807, 7249, 21 F.R. 1673, 23 F.R. 5061, 6971, 24 F.R. 3779, 27 F.R. 9683, 11447, DMO 8400.1, 28 F.R. 12164; Commerce Dept. Order No. 40-1A, 35 F.R. 15174.

Section 1 What this notice does.

The purpose of this notice is to furnish continuity in the defense mobilization activities of the Bureau of Domestic Commerce, which will exercise certain functions formerly handled by the Business and Defense Services Administration and the National Production Authority. To accomplish a smooth transition, it provides that outstanding actions of the Business and Defense Services Administration and the National Production Authority are ratified and deemed actions of the Bureau of Domestic Commerce. This notice supersedes BDSA Regulation 1 of October 1, 1953.

Sec. 2 Existing regulations, orders, and other actions of the Business and Defense Services Administration.

All regulations, orders, and delegations of authority to other Government agencies or officials thereof, shown in List A of this notice, and all other actions (including but not limited to directives), which were issued or taken by or under authority of the Administrator of the Business and Defense Services Administration or the Administrator of the National Production Authority and which were in existence at the close of business

[1] Formerly Chapter VI—Business and Defense Services Administration, Department of Commerce.

September 15, 1970, are hereby adopted, ratified, and confirmed by the Director of the Bureau of Domestic Commerce, and shall remain in full force and effect until they expire by their terms or are revoked or amended. Any references in such actions to the Administrator of the Business and Defense Services Administration or the Business and Defense Services Administration or to the Administrator of the National Production Authority or the National Production Authority shall be deemed references to the Director of the Bureau of Domestic Commerce or to the Bureau of Domestic Commerce, as the case may be.

Sec. 3 Rescission of BDSA Regulation 1.

This BDC Notice 1 supersedes BDSA Regulation 1 of October 1, 1953, which is hereby rescinded.

Sec. 4 Use of Business and Defense Services Administration forms.

Pending the preparation and adoption of revised forms, and until otherwise ordered or prescribed, forms of the Business and Defense Services Administration shall be deemed forms of the Bureau of Domestic Commerce.

This notice shall take effect September 15, 1970.

BUREAU OF DOMESTIC COMMERCE,
WILLIAM D. LEE,
Director.

LIST A OF BDC NOTICE 1

EXISTING BDSA ACTIONS

Regulations

Basic Rules of the Defense Materials System:
- DMS Regulation 1 (as amended Dec. 1, 1959) 24 F.R. 9595.
  - Amendment 2 (Mar. 15, 1966) 31 F.R. 4594.
  - Direction 1 (Dec. 1, 1959) 24 F.R. 9607.
  - Direction 2 (Dec. 1, 1959) 24 F.R. 9607.
  - Direction 3 (Dec. 1, 1959) 24 F.R. 9608.

Basic Rules of the Priorities System:
- BDSA Regulation 2 (as amended Mar. 23, 1953) 18 F.R. 1684.
  - Amendment 5 (May 9, 1958) 23 F.R. 3273.
  - Amendment 6 (Apr. 27, 1960) 25 F.R. 3820.
  - Amendment 7 (July 21, 1964) 29 F.R. 10461.
  - Amendment 9 (Oct. 28, 1966) 31 F.R. 13852.
  - Direction 4 (as amended Apr. 30, 1952) 17 F.R. 3852.
  - Direction 7 (June 29, 1956) 21 F.R. 4911.
  - Direction 7, Amendment 1 (May 9, 1958) 23 F.R. 3272.
  - Direction 8 (Jan. 18, 1957) 22 F.R. 474.
  - Direction 11 (Aug. 15, 1967) 32 F.R. 11734.

Operations of the Priorities and Allocations Systems Between Canada and the United States:
- BDSA Regulation 3 (as amended Feb. 1, 1956) 21 F.R. 787.

Appeals:
- NPA Regulation 5 (as amended Oct. 11, 1951) 16 F.R. 10386.

Transfer of Quotas and Ratings; Transfer of a Business as a Going Concern:
- NPA Regulation 6 (Nov. 5, 1951) 16 F.R. 11688.

Interpretations of BDSA (formerly NPA) Regulations and Orders.
- NPA Regulation 7 (Apr. 23, 1952) 17 F.R. 3648.

Compliance and Enforcement Procedures:
- BDSA Regulation 8 (May 15, 1956) 21 F.R. 3254.

Orders

Iron and Steel:
- BDSA M-1A (as amended Aug. 14, 1970) 35 F.R. 12897.

Nickel Alloys:
- M-1B (June 29, 1956) 21 F.R. 4914.
  - Amendment 1 (Aug. 17, 1956) 21 F.R. 6227.
  - Amendment 2 (Jan. 20, 1958) 23 F.R. 383.

Aluminum:
- M-5A (May 6, 1953) 18 F.R. 2639.
  - Amendment 1 (Dec. 31, 1956) 22 F.R. 32.
  - Amendment 2 (Jan. 20, 1958) 23 F.R. 383.

Copper and Copper-Base Alloys:
- BDSA M-11A (as amended Oct. 28, 1966) 31 F.R. 13852.
  - Schedule A (revised as of May 16, 1970) 35 F.R. 7648.
  - Direction 1 (as amended Dec. 2, 1966) 31 F.R. 15320.
  - Direction 1, Amendment 4 (May 16, 1970) 35 F.R. 7648.
  - Direction 2 (as amended Nov. 14, 1969) 34 F.R. 18300.
  - Direction 2, Amendment 1 (May 16, 1970) 35 F.R. 7648.
  - Direction 2, Amendment 2 (Aug. 28, 1970) 35 F.R. 13733.

Metalworking Machines:
- M-41 (as amended May 24, 1963) 28 F.R. 5295.

Delegations

Delegation of Authority to Secretary of Defense:
- BDSA Delegation 1 (as amended May 31, 1960) 25 F.R. 5788.

Delegation of Authority to Atomic Energy Commission:
- BDSA Delegation 2 (as amended May 31, 1960) 25 F.R. 5789.

Delegation of Authority to Administrator of General Services:
- BDSA Delegation 3 (May 8, 1963) 28 F.R. 4798.

Delegation of Authority with Respect to Certain Industrial Chemicals Used Principally in the Petroleum Industry:
- Delegation 9 (Feb. 26, 1951) 16 F.R. 1908.

Delegation of Authority to Administrator of Production and Marketing Administration, Department of Agriculture:
- Delegation 10 (Apr. 26, 1951) 16 F.R. 3669.

Emergency Delegation of Priorities and Allocation Powers:
- BDSA Emergency Delegation 1 (as amended Feb. 6, 1968) 33 F.R. 2861.

[F.R. Doc. 70-13302; Filed, Oct. 5, 1970; 8:47 a.m.]

[BDC Notice 2; Sept. 30, 1970]

BDC NOTICE 2—SIGNATURE OF OFFICIAL BDC ACTIONS

This notice is found necessary in order to bring procedural practices into conformity with the provisions of Commerce Department Order 40-1A, 35 F.R. 15174, which abolished the Business and Defense Services Administration and assigned its functions to the Bureau of Domestic Commerce which was established as a primary operating unit of the Department of Commerce. This notice supersedes BDSA Notice 2, as amended, March 1, 1954, 19 F.R. 1145.

Sec.
1 Purpose of this notice.
2 Definitions.
3 Signature of official actions.
4 Effect on official actions taken prior to effective date of this notice.

AUTHORITY: Sections 1 to 4 issued under sec. 704, 64 Stat. 816, as amended, 50 U.S.C. App. 2154; sec. 1, Public Law 91-379; 50 U.S.C. App. 2166; E.O. 10480, as amended, 18 F.R. 4939, 6201, 19 F.R. 3807, 7249, 21 F.R. 1673, 23 F.R. 5061, 6971, 24 F.R. 3779, 27 F.R. 9683, 11447; DMO 8400.1, 28 F.R. 12164; Commerce Department Order No. 40-1A, 35 F.R. 15174.

Section 1 Purpose of this notice.

This notice prescribes the exclusive methods of signature to be used on official actions taken by the Bureau of Domestic Commerce under the authority of the Defense Production Act of 1950, as amended and extended. This notice does not apply to official actions of any other agency, or of any officer or employee thereof, even when such action is based on a regulation, order, directive, direction, delegation, designation, notice, or rule of the Bureau of Domestic Commerce.

Sec. 2 Definition.

As used in this notice, "official action" means any action taken by the Bureau of Domestic Commerce under the authority of the Defense Production Act of 1950, as amended and extended, including but not limited to the issuance of any regulation, order, direction, or supplement thereto, including any amendment, extension, or revocation thereof; any action taken by letter, telegram, form, directive, or otherwise, which assigns or denies a preference rating or grants or denies an authorization, allocation, allotment, adjustment, or exception, to a named person or persons to take or not to take any action relating to production, delivery, receipt, use, sale, or distribution of any material or facility; and any action which changes or refuses to change the effect of any of the above actions. For the purpose of this notice, "official action" does not include any action taken in the course of an investigation or compliance proceeding; or the issuance of a suspension order or any action taken in the course of a proceeding looking toward the issuance of such a suspension order.

Sec. 3 Signature of official actions.

(a) The Director and the Deputy Director of the Bureau of Domestic Commerce may, in their respective names, perform the functions and exercise all the powers, authority, and discretion vested in the Director of the Bureau of Domestic Commerce.

(b) All official actions taken in performance of the functions or in the exercise of the powers, authority, and discretion vested in the Director of the Bureau of Domestic Commerce under the Defense Production Act of 1950, as amended and extended, which are not taken in the name of the Director, or in the name of the Deputy Director, shall

be taken in the name of the Bureau of Domestic Commerce, countersigned or attested by the Executive Secretary of the Bureau of Domestic Commerce. Unless otherwise ordered, all actions taken by countersignature or attestation of the Executive Secretary shall be in the following form:

BUREAU OF DOMESTIC COMMERCE

By ________________________
(Executive Secretary)

Sec. 4 Effect on official actions taken prior to effective date of this notice.

Nothing contained herein shall impair or affect the validity of an official action taken prior to the effective date of this notice.

This notice shall take effect September 15, 1970.

BUREAU OF DOMESTIC COMMERCE,
WILLIAM D. LEE,
Director.

[F.R. Doc. 70-13303; Filed, Oct. 5, 1970; 8:47 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 101—Federal Property Management Regulations

SUBCHAPTER A—GENERAL

PART 101-2—PAYMENTS TO GSA FOR SUPPLIES AND SERVICES FURNISHED GOVERNMENT AGENCIES

Subpart 101-2.1—Billings, Payments, and Adjustments

MINIMUM AMOUNT SUBJECT TO ADJUSTMENT

This amendment revises the instructions for the minimum amount subject to adjustment for GSA billings.

Section 101-2.104(c) is revised to read as follows:

§ 101-2.104 Adjustments.

* * * * *

(c) Adjustments of billings or payments are not required and should not be requested or made whenever the difference involved, resulting from over or under deliveries or over or under charges, represents an amount of $10 or less on any one line item on a bill. This is not to be construed to eliminate billings and payments for requisitioned items of $10 or less. In connection with GSA Federal Supply Service activities, § 101-26.307-1 is applicable to adjustments for carrier discrepancies in shipment. To minimize followup, research, and collection costs on intragovernmental transactions, agencies are urged to follow the most liberal policy possible in determining whether or not to request adjustments. To further expedite settlement of accounts between GSA and the billed agencies, such settlement may be made by mutual agreement, regardless of amount, without reference to the General Accounting Office.

* * * * *

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

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

Dated: September 29, 1970.

ROBERT L. KUNZIG,
Administrator of General Services.

[F.R. Doc. 70-13275; Filed, Oct. 5, 1970; 8:45 a.m.]

SUBCHAPTER E—SUPPLY AND PROCUREMENT

PART 101-29—FEDERAL SPECIFICATIONS AND STANDARDS

Subpart 101-29.2—Specifications

CLARIFICATION REGARDING SMALL PURCHASE EXCEPTIONS TO MANDATORY USE OF FEDERAL SPECIFICATIONS

This amendment clarifies the requirement to use procurement sources established by law or other competent authority regardless of the small purchase exception to mandatory use of Federal Specifications.

Section 101-29.204(a)(2) is revised to read as follows:

§ 101-29.204 Exceptions to manadatory use of Federal Specifications.

(a) * * *

(2) The total amount of the purchase does not exceed $2,500. Multiple small purchases of the same item shall not be made for the purpose of avoiding the intent of this exception. Further, this exception in no way affects the requirements for the procurement of items available from GSA supply distribution facilities, Federal Supply Schedule contracts, GSA procurement programs, and certain procurement sources, other than GSA, which have been assigned supply responsibility for Federal agencies, as provided in Subparts 101-26.3, 101-26.4, 101-26.5, and 101-26.6.

* * * * *

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

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

Dated: September 29, 1970.

ROBERT L. KUNZIG,
Administrator of General Services.

[F.R. Doc. 70-13276; Filed, Oct. 5, 1970; 8:45 a.m.]

Title 42—PUBLIC HEALTH

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

SUBCHAPTER F—QUARANTINE, INSPECTION, LICENSING

PART 78—REGULATIONS FOR THE ADMINISTRATION AND ENFORCEMENT OF THE RADIATION CONTROL FOR HEALTH AND SAFETY ACT OF 1968

Performance Standard for Microwave Ovens

On May 22, 1970, notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 7901) to amend Part 78 by prescribing a performance standard applicable to the emission of microwave radiation from microwave ovens manufactured for use in homes, restaurants, food vending, or service establishments, on interstate carriers, and in similar locations.

Interested persons were given the opportunity to participate in the rule making through the submission of comments. On June 11, 1970, the time for submitting comments was extended until July 21, 1970 (35 F.R. 9805).

Several of the comments received indicated some misunderstanding of the basis for the power density limits prescribed in § 78.212(c)(1). The limit of 1 mW/cm^2 established for microwave ovens prior to transfer to a purchaser is an emission limit for one source of microwave radiation. It should not be construed as an exposure limit for the using population. This emission limit embodies a factor of safety which is considered sufficient at this time to protect the public health. The limit of 5 mW/cm^2 after acquisition by a purchaser was established so that the possible increase of leakage radiation over the lifetime of the oven would not be permitted to exceed this value. It is not inconsistent with information presently available on biological effects of microwave radiation, however the Bureau intends to review periodically the 5 mW/cm^2 limit with the intention of achieving the desired emission level as soon as possible.

Several changes were made in the proposed rule for purposes of clarification of intent. A significant change in the technical provisions of the standard appears in § 78.212(c)(3), *Door and safety interlocks*. The requirement for two concealed interlocks was changed to two interlocks, only one of which must be concealed. It was not intended to restrict manufacturers from using other interlocks, such as the lock-latch type, which may be equally effective in minimizing hazards, but which are not necessarily concealed.

The Commissioner has found that the standard is necessary for the protection of the public health and safety. Accordingly, Subpart C of Part 78 of Title 42 of the Code of Federal Regulations is hereby amended by adding a new § 78.212, effective on publication in the FEDERAL REGISTER and applicable to microwave ovens manufactured after October 6, 1971.

§ 78.212 Performance standard for microwave ovens.

(a) *Applicability*. The provisions of this standard are applicable to microwave ovens manufactured after October 6, 1971.

(b) *Definitions*. (1) "Microwave oven" means a device designed to heat, cook, or dry food through the application of electromagnetic energy at frequencies assigned by the Federal Communications Commission in the normal ISM heating bands ranging from 890 megahertz to 6,000 megahertz. As defined in this standard, "microwave ovens" are limited to those manufactured for use in homes, restaurants, food vending, or service establishments, on interstate carriers, and in similar facilities.

(2) "Cavity" means that portion of the microwave oven in which food may be heated, cooked, or dried.

(3) "Door" means the movable barrier which prevents access to the cavity during operation and whose function is to prevent leakage of microwave energy from the passage or opening which provides access to the cavity.

(4) "Safety interlock" means a device or system of devices which is intended to prevent generation of microwave energy when access to the cavity is possible.

(5) "Service adjustments or service procedures" mean those servicing methods prescribed by the manufacturer for a specific product model.

(6) "Stirrer" means that feature of a microwave oven which is intended to provide uniform heating of the load by constantly changing the standing wave pattern within the cavity or moving the load.

(7) "External surface" means the outside surface of the cabinet or enclosure provided by the manufacturer as part of the microwave oven, including doors, door handles, latches, and control knobs.

(c) *Requirements*—(1) *Power density limit.* The power density of the microwave radiation emitted by a microwave oven shall not exceed one (1) milliwatt per square centimeter at any point 5 centimeters or more from the external surface of the oven, measured prior to acquisition by a purchaser, and thereafter, 5 milliwatts per square centimeter at any point 5 centimeters or more from the external surface of the oven.

(2) *Measurements and test conditions.* (i) Compliance with the power density limit in this paragraph shall be determined by measurements of microwave power density made with an instrument system which (*a*) reaches 90 percent of its steady-state reading within 3 seconds when the system is subjected to a stepped input signal and which (*b*) has a radiation detector with an effective aperture of 25 square centimeters or less as measured in a plane wave, said aperture having no dimension exceeding 10 centimeters. This aperture shall be determined at the fundamental frequency of the oven being tested for compliance. The instrument system shall be capable of measuring the power density limits of this section with an accuracy of plus 25 percent and minus 20 percent (plus or minus 1 decibel).

(ii) Microwave ovens shall be in compliance with the power density limit if the maximum reading obtained at the location of greatest microwave leakage does not exceed the limit specified in subparagraph (1) of this paragraph when the leakage is measured through at least one stirrer cycle. Pursuant to § 78.203, manufacturers may request alternative test procedures if, as a result of the stirrer characteristics of a microwave oven, such oven is not susceptible to testing by the procedures described in this subdivision.

(iii) Measurements shall be made with the microwave oven operating at its maximum output and containing a load of 275±15 milliliters of tap water initially at 20°±5° centigrade placed within the cavity at the center of the load-carrying surface provided by the manufacturer. The water container shall be a low form 600 milliliter beaker having an inside diameter of approximately 8.5 centimeters and made of an electrically nonconductive material such as glass or plastic.

(iv) Measurements shall be made with the door fully closed as well as with the door fixed in any other position which allows the oven to operate.

(3) *Door and safety interlocks.* (i) Microwave ovens shall have a minimum of two operative safety interlocks one of which must be concealed. A concealed safety interlock on a fully assembled microwave oven must not be operable by (*a*) any part of the body, or (*b*) a rod 3 millimeters or greater in diameter and with a useful length of 10 centimeters. A magnetically operated interlock is considered to be concealed only if a test magnet, held in place on the oven by gravity or its own attraction, cannot operate the safety interlock. The test magnet shall have a pull at zero air gap of at least 4.5 kilograms and a pull at 1 centimeter air gap of at least 450 grams when the face of the magnet which is toward the interlock switch when the magnet is in the test position is pulling against one of the large faces of a mild steel armature having dimensions of 80 millimeters by 50 millimeters by 8 millimeters.

(ii) Failure of any single mechanical or electrical component of the microwave oven shall not cause all safety interlocks to be inoperative.

(iii) Service adjustments or service procedures on the microwave oven shall not cause the safety interlocks to become inoperative or the microwave radiation leakage to exceed the power density limits of this section as a result of such service adjustments or procedures.

(iv) Insertion of an object into the oven cavity through any opening while the door is closed shall not cause microwave radiation leakage from the oven to exceed the applicable power density limits specified in this section.

(4) *Instructions.* Manufacturers of microwave ovens to which this section is applicable shall provide or cause to be provided:

(i) To servicing dealers and distributors and to others upon request, for each oven model, adequate instructions for service adjustments and service procedures including clear warnings of precautions to be taken to avoid possible exposure to microwave radiation;

(ii) With each oven, adequate instructions for its safe use including clear warnings of precautions to be taken to avoid possible exposure to microwave radiation.

(Sec. 358, 82 Stat. 1177; 42 U.S.C. 263f)

RAYMOND T. MOORE,
Acting Commissioner, Environmental Control Administration.

[F.R. Doc. 70-13381; Filed, Oct. 5, 1970; 8:51 a.m.]

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

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

Clark-Mohave Interstate Region

On July 2, 1970, notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 10774) to amend Part 81 by designating the Metropolitan Las Vegas Interstate Air Quality Control Region, hereafter referred to as the Clark-Mohave Interstate Air Quality Control Region.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments, and a consultation with appropriate State and local authorities pursuant to section 107(a) of the Clean Air Act (42 U.S.C. 1857c-2(a)) was held on July 14, 1970. Due consideration has been given to all relevant material presented.

In consideration of the foregoing and in accordance with the statement in the notice of proposed rule making, § 81.80, as set forth below, designating the Clark-Mohave Interstate Air Quality Control Region, is adopted effective on publication.

§ 81.80 Clark-Mohave Interstate Air Quality Control Region.

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

In the State of Nevada:
Clark County.
In the State of Arizona:
Mohave County.

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

Dated: September 21, 1970.

ELLIOT L. RICHARDSON,
Secretary.

[F.R. Doc. 70-13249; Filed, Oct. 5, 1970; 8:45 a.m.]

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

Merrimack Valley-Southern New Hampshire Interstate Region

On July 17, 1970, notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 11475) to amend Part 81 by designating the Merrimack Valley-Southern New Hampshire Interstate Air Quality Control Region.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments, and a consultation with appropriate State and local authorities pursuant to section 107(a) of the Clean Air

Act (42 U.S.C. 1857c-2(a)) was held on July 23, 1970. Due consideration has been given to all relevant material presented.

In consideration of the foregoing and in accordance with the statement in the notice of proposed rule making, § 81.81, as set forth below, designating the Merrimack Valley-Southern New Hampshire Interstate Air Quality Control Region, is adopted effective on publication.

§ 81.81 Merrimack Valley-Southern New Hampshire Interstate Air Quality Control Region.

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

In the State of Massachusetts:
In Essex County, the towns of:

Andover. | Methuen.
Amesbury. | Newbury.
Boxford. | Newburyport.
Georgetown. | North Andover.
Groveland. | Rowley.
Haverhill. | Salisbury.
Lawrence. | West Newbury.
Merrimac.

In Middlesex County, the towns of:

Ayer. | Littleton.
Billerica. | Lowell.
Carlisle. | Pepperell.
Chelmsford. | Tewksbury.
Dracut. | Tyngsborough.
Dunstable. | Westford.
Groton.

In the State of New Hampshire:
The counties of:

Belknap. | Rockingham.
Cheshire. | Strafford.
Hillsborough. | Sullivan.
Merrimack.

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

Dated: September 21, 1970.

ELLIOT L. RICHARDSON,
Secretary.

[F.R. Doc. 70-13250; Filed, Oct. 5, 1970; 8:45 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 4912]

[New Mexico 10954]

NEW MEXICO

Correction of Public Land Order No. 4852

The land description in Public Land Order No. 4852 of June 29, 1970, appearing in 35 F.R. 10955 of the issue of July 8, 1970, opening certain lands to all forms of appropriation under the public land laws, except the U.S. mining laws, in the Apache National Forest, so far as it refers to T. 5 S., R. 21 E., under U.S. Highway No. 180 (formerly 260) Roadside Zone, is corrected to read "T. 5 S., R. 21 W."

WALTER J. HICKEL,
Secretary of the Interior.

SEPTEMBER 30, 1970.

[F.R. Doc. 70-13278; Filed, Oct. 5, 1970; 8:45 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

Miscellaneous Amendments

Order. 1. The Commission has before it the desirability of making certain editorial changes in Part 2 of its rules and regulations.

2. Geneva footnote designator (217) appears in column 1 in the frequency band 13,360-14,000 kHz of the Table of Frequency Allocations, however this same designator was inadvertently omitted from column 7 of that band. Section 2.106 is being amended at this time to correct this oversight.

3. Concurrently, we are further amending the table by moving Geneva footnote designator (391) from column 3, where it was placed erroneously, to column 1 in the frequency band 5725-5925 MHz.

4. Authority for the amendments is contained in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.261(a) of the rules and regulations. Because these amendments are editorial in nature, the prior notice and effective date provisions of section 4 of the Administrative Procedure Act, 5 U.S.C. 553, do not apply.

5. *It is ordered,* Effective October 9, 1970, that Part 2 of the rules and regulations is amended as set forth below.

(Secs. 4, 5, 303, 48 Stat., as amended, 1066, 1068, 1082; 47 U.S.C. 154, 155, 303)

Adopted: September 28, 1970.

Released: October 1, 1970.

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

In § 2.106, the Table of Frequency Allocations is amended as follows:

1. Add Geneva footnote designator (217) to column 7 in the frequency band 13,360-14,000 kHz.

2. Delete Geneva footnote designator (391) from column 3 in the frequency band 5725-5925 MHz.

3. Add Geneva footnote designator (391) to column 1 in the frequency band 5725-5925 MHz.

[F.R. Doc. 70-13309; Filed, Oct. 5, 1970; 8:48 a.m.]

[FCC 70-1075]

PART 73—RADIO BROADCAST SERVICES

Noncommercial, Educational FM and Television Broadcast Service; Order Postponing Effective Date of Rules

1. On May 6, 1970, released May 11 and published in the FEDERAL REGISTER May 15, 1970,[1] the Commission amended certain of the rules relating to FM and Television noncommercial educational stations (§§ 73.503 and 73.261), particularly with respect to the number and character of permissible announcements as to the parties furnishing program material, funds for the production of programs, or funds for station operation generally. The effective date of these rules was specified as June 17, 1970.

2. On June 3, 1970, the National Association of Educational Broadcasters (NAEB) filed a "Petition for Declaratory Ruling and/or Modification of Order", asking that certain clarifications and modifications be made in the rules as amended. Some of these appear appropriate and quite simple, but others require more extensive consideration. In order to permit such consideration, the effective date of these rules was postponed until August 4, 1970, and later until September 30, 1970 (FCC 70-644 and 70-830, respectively).

3. Because of the pressure of other matters, and also because of the rather basic questions raised by some portions of the NAEB petition, the Commission and its staff have not yet completed their consideration of this matter. Accordingly, it appears that a further postponement of the effective date, for another month, is appropriate.

4. In view of the foregoing, and pursuant to authority contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended: *It is ordered,* That the changes in §§ 73.503 and 73.621, adopted May 6, 1970, and set forth in FCC 70-487 and published at 35 F.R. 7558, are effective October 31, 1970.

Adopted: September 30, 1970.

Released: October 1, 1970.

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

[F.R. Doc. 70-13310; Filed, Oct. 5, 1970; 8:48 a.m.]

Title 50—WILDLIFE AND FISHERIES

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

PART 32—HUNTING

Parker River National Wildlife Refuge, Mass.

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

[1] FCC 70-487; 35 F.R. 7558.

§ 32.12 Special regulation; migratory game birds; for individual wildlife refuge areas.

MASSACHUSETTS

PARKER RIVER NATIONAL WILDLIFE REFUGE

Public hunting of waterfowl and coots on the Parker River National Wildlife Refuge, Mass., is permitted only on the areas designated by signs as open to hunting. These open areas, comprising 1,900 acres, and known as the Pine Island Hunting Area, Parker River Hunting Area, Nelson's Island Hunting Area, and the Youth Hunting Area, are delineated on maps available at refuge headquarters, Newburyport, Mass., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, Mass. 02109. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of migratory game birds, subject to the following special conditions:

(1) The number of hunters on the Pine Island Area will be limited to 100 each day, Parker River Area to 50 each day, and the Nelson's Island Area to 50 each day. Participation will be on a first-come, first-serve basis from Monday through Friday, except holidays and opening day. Participation on opening day, Saturdays and holidays will be by advance permit secured via mail. Hunters on all three areas are limited to 25 shotshells per day.

(2) The Youth Hunting Area will be open during the regular State waterfowl season for Young Waterfowl trainees on selected Saturdays in October and November under the provisions and limitations of this special program. Literature describing this program is also available.

The provisions of this special regulation supplement the regulations governing hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 31, 1971.

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

SEPTEMBER 28, 1970.

[F.R. Doc. 70-13279; Filed, Oct. 5, 1970; 8:45 a.m.]

PART 32—HUNTING

Monte Vista National Wildlife Refuge, Colo.

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

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

COLORADO

MONTE VISTA NATIONAL WILDLIFE REFUGE

Archery hunting of pheasants, rabbits, skunk, badger, raccoon, coyote, bobcat, feral cat, magpie and crow on the Monte Vista National Wildlife Refuge, Colo., is permitted only on the area designated by signs or maps as open to hunting. This open area, comprising 2,865 acres, is delineated on maps available at refuge headquarters, Monte Vista, Colo., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103. Archery hunting shall be in accordance with all applicable State regulations governing the hunting of pheasants, rabbits, skunk, badger, raccoon, coyote, bobcat, feral cat, magpie and crow subject to the following special conditions:

(1) The archery hunting season on the refuge extends from November 21 through November 29, 1970, inclusive.

(2) Archery hunters must register at the refuge headquarters between 9 a.m. and noon on each day, prior to entering the hunting area.

(3) Hunting hours—12 m. until sunset.

(4) Weapons—Only nonmechanical bow as permitted by State regulations and flu-flu arrows may be used for hunting.

(5) Dogs—Not to exceed two dogs per hunter may be used in the hunting of pheasants, rabbits, skunk, badger, raccoon, coyote, bobcat, feral cat, magpie and crow.

(6) Admittance—Entrance to the open area and parking of vehicles will be restricted to designated parking areas.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 30, 1970.

CHARLES R. BRYANT,
Refuge Manager, Monte Vista National Wildlife Refuge, Monte Vista, Colo.

SEPTEMBER 28, 1970.

[F.R. Doc. 70-13298; Filed, Oct. 5, 1970; 8:47 a.m.]

PART 32—HUNTING

Monte Vista National Wildlife Refuge, Colo.

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

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

COLORADO

MONTE VISTA NATIONAL WILDLIFE REFUGE

The public hunting of pheasants on the Monte Vista National Wildlife Refuge, Colo., is permitted only on the area designated by signs as open to hunting. This open area, comprising 5,314 acres, is delineated on maps available at refuge headquarters, Monte Vista, Colo., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103.

Hunting shall be in accordance with all applicable State regulations governing the hunting of pheasants subject to the following special conditions:

(1) The pheasant hunting season on the refuge extends from November 21 through November 29, 1970, inclusive.

(2) Dogs—Not to exceed two dogs per hunter may be used in the hunting of pheasants.

(3) Admittance—Entrance to the open area and parking of vehicles will be restricted to designated parking areas.

(4) Hunting with rifles and hand guns is prohibited. The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 30, 1970.

CHARLES R. BRYANT,
Refuge Manager, Monte Vista National Wildlife Refuge, Monte Vista, Colo.

SEPTEMBER 28, 1970.

[F.R. Doc. 70-13299; Filed, Oct. 5, 1970; 8:47 a.m.]

PART 32—HUNTING

Muscatatuck National Wildlife Refuge, Ind.

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

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

INDIANA

MUSCATATUCK NATIONAL WILDLIFE REFUGE

Public hunting of upland game (rabbit and quail only) on the Muscatatuck National Wildlife Refuge, Ind., is permitted only on the area designated by signs as open to hunting on the southeast corner of the refuge. This area, comprising 1,000 acres, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111. Hunting shall be in accordance with all applicable State regulations concerning the hunting of rabbit and quail.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 31, 1971.

CHARLES E. SCHEFFE,
Refuge Manager, Muscatatuck National Wildlife Refuge, Seymour, Ind.

SEPTEMBER 15, 1970.

[F.R. Doc. 70-13300; Filed, Oct. 5, 1970; 8:47 a.m.]

PART 32—HUNTING

St. Vincent National Wildlife Refuge, Fla.

On page 13582 of the FEDERAL REGISTER of August 26, 1970, there was published a notice of a proposed amendment to

50 CFR 32.31. The purpose of this amendment is to provide public hunting of big game on certain areas of the National Wildlife Refuge System, as legislatively permitted.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections with respect to the proposed amendment. No comments, suggestions, or objections have been received. The proposed amendment is hereby adopted without change.

Since this amendment benefits the public by relieving existing restrictions on hunting of big game, it shall become effective upon publication in the FEDERAL REGISTER.

1. Section 32.31 is amended by the following addition:

§ 32.31 List of open areas; big game.

* * * * *

FLORIDA

St. Vincent National Wildlife Refuge.

* * * * *

(Sec. 7, 80 Stat. 929, 16 U.S.C. 715i; sec. 4, 80 Stat. 927, 16 U.S.C. 668dd(c)(d))

JOHN S. GOTTSCHALK,
Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 29, 1970.

[F.R. Doc. 70-13289; Filed, Oct. 5, 1970; 8:46 a.m.]

PART 32—HUNTING

Wheeler National Wildlife Refuge, Ala.

On page 13736 of the FEDERAL REGISTER of August 28, 1970, there was published a notice of a proposed amendment to 50 CFR 32.31. The purpose of this amendment is to provide public hunting of big game on certain areas of the National Wildlife Refuge System, as legislatively permitted.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections with respect to the proposed amendment. No comments, suggestions, or objections have been received. The proposed amendment is hereby adopted without change.

Since this amendment benefits the public by relieving existing restrictions on hunting of big game, it shall become effective upon publication in the FEDERAL REGISTER.

Section 32.31 is amended by the following addition:

§ 32.31 List of open areas; big game.

* * * * *

ALABAMA

Wheeler National Wildlife Refuge.

* * * * *

(Sec. 7, 80 Stat. 929, 16 U.S.C. 715i; Sec. 4, 80 Stat. 927, 16 U.S.C. 668dd(c)(d))

JOHN S. GOTTSCHALK,
Director, Bureau of Sport Fisheries and Wildlife.

OCTOBER 2, 1970.

[F.R. Doc. 70-13369, Filed, Oct. 5, 1970; 8:51 a.m.]

PART 32—HUNTING

PART 33—SPORT FISHING

Muscatatuck National Wildlife Refuge, Ind.

On page 13582 of the FEDERAL REGISTER of August 26, 1970, there was published a notice of a proposed amendment to 50 CFR 32.21 and 33.4. The purpose of this amendment is to provide public hunting of upland game and sport fishing on certain areas of the National Wildlife Refuge System, as legislatively permitted.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections with respect to the proposed amendment. No comments, suggestions, or objections have been received. The proposed amendment is hereby adopted without change.

Since this amendment benefits the public by relieving existing restrictions on hunting and fishing, it shall become effective upon publication in the FEDERAL REGISTER.

1. Section 32.21 is amended by the following addition:

§ 32.21 List of open areas; upland game.

* * * * *

INDIANA

Muscatatuck National Wildlife Refuge.

* * * * *

2. Section 33.4 is amended by the following addition:

§ 33.4 List of open areas; sport fishing.

* * * * *

INDIANA

Muscatatuck National Wildlife Refuge.

* * * * *

(Sec. 7, 80 Stat. 929, 16 U.S.C. 715i; sec. 4, 80 Stat. 927, 16 U.S.C. 668dd(c)(d))

JOHN S. GOTTSCHALK,
Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 29, 1970.

[F.R. Doc. 70-13290; Filed, Oct. 5, 1970; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 70-SW-55]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to designate a 700-foot transition area at Bay City, Tex.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Southwest Region, Federal Aviation Administration, Post Office Box 1689, Fort Worth, Tex. 76101. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Division. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Tex. An informal docket will also be available for examination at the Office of the Chief, Air Traffic Division.

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

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

BAY CITY, TEX.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Bay City Municipal Airport (lat. 28°58'23" N., long. 95°51'48" W.), and within 2.5 miles each side of the Palacios VORTAC 061° radial extending from the 5-mile radius area to 25 miles northeast of the VORTAC.

The proposed transition area will provide airspace protection for aircraft executing a VOR/DME instrument approach procedure proposed to serve the Bay City Municipal Airport at Bay City, Tex.

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

Issued in Forth Worth, Tex., on September 25, 1970.

HENRY L. NEWMAN,
Director, Southwest Region.

[F.R. Doc. 70-13338; Filed, Oct. 5, 1970; 8:50 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 70-SW-57]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to alter the Johnson City, Tex., transition area.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Southwest Region, Federal Aviation Administration, Post Office Box 1689, Fort Worth, Tex. 76101. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Division. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Tex. An informal docket will also be available for examination at the Office of the Chief, Air Traffic Division.

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

In § 71.181 (35 F.R. 2134), the Johnson City, Tex., transition area is amended to read:

JOHNSON CITY, TEX.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Johnson City Airport (lat. 30°15'20" N., long. 98°37'15" W.), and within 4.5 miles west and 9.5 miles east of the 175° and 355° bearings from the Johnson City RBN extending from 18.5 miles south to 18.5 miles north of the RBN.

The proposed alteration is required to provide controlled airspace for aircraft executing a proposed revised NDB (ADF) RWY 35 instrument approach procedure to the Johnson City Airport.

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

Issued in Fort Worth, Tex., on September 25, 1970.

HENRY L. NEWMAN,
Director, Southwest Region.

[F.R. Doc. 70-13339; Filed, Oct. 5, 1970; 8:50 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 70-SO-69]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Tallahassee, Fla., control zone and transition area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Area Manager, Miami Area Office, Air Traffic Branch, Post Office Box 2014, AMF Branch, Miami, Fla. 33159. 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 Tallahassee control zone described in § 71.171 (35 F.R. 2054) would be redesignated as:

Within a 5-mile radius of Tallahassee Municipal Airport (lat. 30°23'59" N., long. 84°21'22" W.); within 1.5 miles each side of the Tallahassee VORTAC 175° radial, extending from the 5-mile radius zone to 1.5 miles south of the VORTAC; within 1 mile each side of the ILS localizer north course, extending from the 5-mile radius zone to 1.5 miles south of Joseph Intersection.

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

That airspace extending upward from 700 feet above the surface within a 10-mile radius of the Tallahassee Municipal Airport (lat. 30°23'59" N., long. 84°21'22" W.); within a 6.5-mile radius of the Tallahassee Commercial Airport (lat. 30°33'02" N., long. 84°22'31" W.); within 3 miles each side of the ILS localizer south course, extending from the 10-mile radius area to 9 miles south of the OM.

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

Control zone. 1. Reduce the extension predicated on the Tallahassee VORTAC 175° radial 1 mile in width and 0.5 mile in length.

2. Reduce the extension predicated on the Tallahassee ILS localizer north course 1 mile in width and 1.5 miles in length.

Transition area. 1. Increase the basic radius circle predicated on the Tallahassee Commercial Airport from 5 to 6.5 miles.

2. Reduce the extension predicated on the Tallahassee ILS localizer south course 7 miles in width and 3 miles in length.

3. Revoke the extension predicated on the Tallahassee VORTAC 355° radial.

The proposed alterations are required to provide adequate controlled airspace protection for IFR operations in the Tallahassee terminal complex.

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

Issued in East Point, Ga., on September 29, 1970.

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

[F.R. Doc. 70-13340; Filed, Oct. 5, 1970; 8:50 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 70-SO-74]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Jacksonville, N.C., transition area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Southern Region, Air Traffic Division, Post Office Box 20636, Atlanta, Ga. 30320. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace Branch. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

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

The Jacksonville transition area described in § 71.181 (35 F.R. 2134 and 6274) would be redesignated as:

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of New River MCAS (lat. 34°42'25" N., long. 77°26'35" W.); within a 6.5-mile radius of Jacksonville-Onslow County Airport; excluding the portion within R-5306B and C.

The proposed alteration is required to provide controlled airspace protection for IFR operations at Jacksonville-Onslow County Airport 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 to Jacksonville-Onslow County Airport, utilizing the New River, N.C., RBN and MCAS TACAN, is proposed in conjunction with the alteration of this transition area.

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

Issued in East Point, Ga., on September 28, 1970.

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

[F.R. Doc. 70-13341; Filed, Oct. 5, 1970; 8:50 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 67]

[Docket No. 18866; FCC 70-1050]

INTRASTATE AND INTERSTATE OPERATIONS OF TELEPHONE COMPANIES

Separating and Allocating Plant Investment, Operating Expenses, Taxes, and Reserves; Order Providing for Reply Comments

In the matter of prescription of procedures for separating and allocating plant investment, operating expenses, taxes, and reserves between the intrastate and interstate operations of telephone companies; Docket No. 18866.

1. The Commission has under consideration the comments filed herein and a recommendation by the Joint Board considering these matters that provision be made for the filing of reply comments;

2. It appearing, that, because of the nature of the comments filed, reply comments may be useful in resolving the issues presented herein;

3. *It is ordered*, That reply comments shall be filed on or before October 14, 1970, and that an original and 14 copies of such reply comments be filed in accordance with the applicable provisions of the Commission's rules.

Adopted: September 30, 1970.

Released: September 30, 1970.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 70-13308; Filed, Oct. 5, 1970; 8:48 a.m.]

FEDERAL POWER COMMISSION

[18 CFR Parts 101, 104, 141, 201, 204, 260]

[Docket No. R-401]

UNIFORM SYSTEM OF ACCOUNTS FOR CLASSES A, B AND C PUBLIC UTILITIES AND LICENSEES AND NATURAL GAS COMPANIES AND ANNUAL REPORT FORMS

Accumulating Deferred Income Taxes Relating to Pollution Control Facilities

SEPTEMBER 30, 1970.

Pursuant to 5 U.S.C. 553, the Commission gives notice it proposes to amend, effective for the reporting year 1970:

A. Certain accounts in the Uniform System of Accounts for Class A and Class B Public Utilities and Licensees, prescribed by Part 101, Chapter 1, Title 18, CFR.

B. Certain schedules of FPC Form No. 1, Annual Report for Class A and Class B Public Utilities and Licensees, prescribed by § 141.1, Chapter 1, Title 18, CFR.

C. Certain accounts in the Uniform System of Accounts for Class A and Class B Natural Gas Companies, prescribed by Part 201, Chapter 1, Title 18, CFR.

D. Certain schedules of FPC Form No. 2, Annual Report for Class A and Class B Natural Gas Companies, prescribed by § 260.1, Chapter 1, Title 18, CFR.

E. Certain accounts in the Uniform System of Accounts for Class C Public Utilities and Licensees, prescribed by Part 104, chapter 1, title 18, CFR.

F. Certain accounts in the Uniform System of Accounts for Class C Natural Gas Companies, prescribed by Part 204, chapter 1, title 18, CFR.

These amendments are proposed to provide accounting and reporting in connection with implementing the provisions of sections 169 of the Internal Revenue Code of 1954 and 704(a) of the Tax Reform Act of 1969 which provide that air and water pollution control facilities may receive 5-year accelerated amortization treatment, with certain State and Federal certification.

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[1] Commissioner Johnson dissenting; Commissioner Wells absent.

The proposed changes to the Uniform Systems of Accounts are:

A. The establishment of a new account 284 entitled Accumulated Deferred Income Taxes—Pollution Control Facilities to provide accounting treatment for deferred income taxes relating to air and water pollution control facilities.

B. Corresponding revision to accounts "410, Provision for Deferred Income Taxes" and "411, Income Taxes Deferred in Prior Years-Credit."

The proposed changes to Annual Report Forms No. 1 and No. 2 as set forth below, include:

A. In Statement A—Comparative Balance Sheet schedule (page 111), immediately following line item 51 insert a new line item entitled Pollution Control Facilities (284).

B. In the Accumulated Deferred Income Tax schedule (Accounts 281, 282, 283) (page 227) provide in instruction (b), added instruction (e), and following line item 12; provisions to allow reporting of information on Deferred Income Taxes relating to Pollution Control Facilities.

The proposed amendments to the Commission's Uniform System of Accounts under the Federal Power Act and to FPC Form No. 1 would be issued under authority granted the Federal Power Commission by the Federal Power Act, particularly sections 301, 304, and 309 (49 Stat. 854, 855, 858; 16 U.S.C. 825, 825c, 825h).

The proposed amendments to the Commission's Uniform System of Accounts under the Natural Gas Act and to FPC Form No. 2 would be issued under the authority granted the Federal Power Commission by the Natural Gas Act, particularly sections 8, 10, and 16 (52 Stat. 825, 826, 830 (1938); 15 U.S.C. 717g, 717l, 717o).

Any interested person may submit to the Federal Power Commission, Washington, D.C. 20426, not later than November 16, 1970, data, views, comments, or suggestions, in writing, concerning the proposed revised report forms and regulations. An original and 14 conformed copies should be filed with the Commission. In addition, interested persons wishing to have their comments considered in the clearance of the proposed revisions in the report forms under the provisions of the Federal Reports Act of 1942 may, at the same time, submit a conformed copy of their comments directly to the Clearance Officer, Office of Statistical Policy, Office of Management and Budget, Washington, D.C. 20503. Submissions to the Commission should indicate the name, address and telephone number of the person to whom correspondence in regard to the proposal should be addressed, and whether the person filing them requests a conference at the Federal Power Commission to discuss the proposed revisions in the report forms and regulations. The Commission will consider all such written submissions before acting on the matters herein proposed.

A. The following are proposed amendments to the Uniform System of Accounts for Class A and Class B, Public Utilities and Licensees, in Part 101, Title 18 of the Code of Federal Regulations:

1. In the chart of Balance Sheet Accounts, immediately following account "283, Accumulated Deferred Income Taxes—Other," add a new account "284, Accumulated Deferred Income Taxes—Pollution Control Facilities." As so amended, the chart of accounts will read:

Balance Sheet Accounts

* * * * *

LIABILITIES AND OTHER CREDITS

* * * * *

11. ACCUMULATED DEFERRED INCOME TAXES

* * * * *

284 Accumulated deferred income taxes—Pollution control facilities.

2. In the text of Balance Sheet Accounts, immediately following account "283, Accumulated Deferred Income Taxes—Other," add a new account "284, Accumulated Deferred Income Taxes—Pollution Control Facilities." New Account 284 will read:

Balance Sheet Accounts

* * * * *

LIABILITIES AND OTHER CREDITS

* * * * *

11. ACCUMULATED DEFERRED INCOME TAXES

* * * * *

284 Accumulated deferred income taxes—Pollution control facilities.

A. This account shall be credited and account 410, Provision for Deferred Income Taxes, shall be debited with an amount equal to that by which taxes on income payable for the year are lower because of the use of accelerated (5-year) amortization of certified pollution control facilities in computing such taxes as permitted by section 169, Amortization of Pollution Control Facilities, of the Internal Revenue Code of 1954, as amended by section 704(a) of the Tax Reform Act of 1969, as compared to the depreciation deduction otherwise appropriate and allowable for tax purposes according to the straight line depreciation method and appropriate estimated useful life for such property.

B. This account shall be debited and account 411, Income Taxes Deferred in Prior Years—Credit, shall be credited with an amount equal to that by which taxes on income payable for the year are greater because of the use in prior years of accelerated (5-year) amortization of certified pollution control facilities instead of the use of the straight line tax depreciation method, and deferral of taxes in such prior years as described in paragraph A above. Such debit to this account and credit to account 411 shall, in general, represent the effect on taxes payable for the current year of the unavailability of a depreciation deduction for tax purposes, or a reduced amount, with respect to any depreciable pollution property for which accelerated amortization was used in prior years, as compared to the straight line tax depreciation deduction otherwise available, for such property, considering its estimated useful life.

C. Records with respect to entries to this account, as described above, and the account balance, shall be so maintained as to show the factors of calculation and the separate amounts applicable to the facilities of each certification or authorization of accelerated amortization for tax purposes.

D. The use of this account and the accounting described above is mandatory for any utility, which in accordance with a consistent policy elects to follow accelerated amortization for pollution control facilities in computing taxes on income. The above accounting shall not be suspended or discontinued on the property covered by that certificate, without approval of the Commission.

E. The utility is restricted in its use of this account to the purposes as set forth above. It shall not transfer the balance in the account or any portions thereof to retained earnings or make any use thereof except as provided in the text of this account without prior approval of the Commission.

NOTE: Upon the sale or exchange or taxable transfer of plant on which there is a related balance herein, this account shall be charged and account 411, Income Taxes Deferred in Prior Years—Credit, shall be credited with the amount of such balance: *Provided, however*, That if the related income tax attributable to such sale or exchange is significantly less than such related balance, the Commission may otherwise direct or authorize how the residuals shall be handled. Upon transfers of plant to a wholly owned subsidiary the related balance in this account shall also be transferred. If transfers of plant are made to other than a wholly owned subsidiary and such transfer does not involve a tax transaction, the accounting shall be as authorized or directed by the Commission.

3. In the text of Income Accounts, amend the first sentence of accounts "410, Provision for Deferred Income Taxes" and "411, Income Taxes Deferred in Prior Years—Credit," by adding 284 to the end of the sentence. The amended portions of accounts 410 and 411 will read:

Income Accounts

1. UTILITY OPERATING INCOME

* * * * *

410 Provision for deferred income taxes.

A. This account shall be debited, and Accumulated Deferred Income Taxes, shall be credited with an amount equal to any deferral of taxes on income as provided by the texts of accounts 281, 282, 283 and 284. * * *

* * * * *

411 Income taxes deferred in prior years—Credit.

A. This account shall be credited and Accumulated Deferred Income Taxes debited with an amount equal to the portion of taxes on income payable for the year that is attributable to a deferral of taxes on income in a prior year, in accordance with the plan of deferred tax

accounting provided by the texts of accounts 281, 282, 283 and 284. * * *

* * * * *

B. The following are proposed amendments to the Uniform System of Accounts for Class C Public Utilities and Licensees, in Part 104, Title 18 of the Code of Federal Regulations:

1. In the chart of Balance Sheet Accounts, change the primary classification head "LIABILITIES AND OTHER ASSETS" to read "Liabilities and Other Credits,"[1] and immediately following account "283, Accumulated Deferred Income Taxes—Other," add a new account "284, Accumulated Deferred Income Taxes—Pollution Control Facilities." As so amended, the chart of accounts will read:

Balance Sheet Accounts

* * * * *

LIABILITIES AND OTHER CREDITS

* * * * *

11. ACCUMULATED DEFERRED INCOME TAXES

* * * * *

284 Accumulated deferred income taxes—Pollution control facilities.

2. In the text of Balance Sheet Accounts, immediately following account "283, Accumulated Deferred Income Taxes—Other," add a new account "284, Accumulated Deferred Income Taxes—Pollution Control Facilities." New account 284 will read:

Balance Sheet Accounts

* * * * *

LIABILITIES AND OTHER CREDITS

* * * * *

11. ACCUMULATED DEFERRED INCOME TAXES

* * * * *

284 Accumulated deferred income taxes—Pollution control facilities.

A. This account shall be credited and account 410, Provision for Deferred Income Taxes, shall be debited with an amount equal to that by which taxes on income payable for the year are lower because of the use of accelerated (5-year) amortization of certified pollution control facilities in computing such taxes as permitted by section 169, Amortization of Pollution Control Facilities, of the Internal Revenue Code of 1954, as amended by section 704(a) of the Tax Reform Act of 1969, as compared to the depreciation deduction otherwise appropriate and allowable for tax purposes according to the straight line depreciation method and appropriate estimated useful life for such property.

B. This account shall be debited and account 411, Income Taxes Deferred in Prior Years—Credit, shall be credited with an amount equal to that by which taxes on income payable for the year are greater because of the use in prior years of accelerated (5-year) amortization of certified pollution control facilities instead of the use of the straight line tax depreciation method, and deferral of taxes in such prior years as, described in paragraph A above. Such debit to this account and credit to account 411 shall, in general, represent the effect on taxes payable for the current year of the unavailability of a depreciation deduction for tax purposes, or a reduced amount, with respect to any depreciable pollution property for which accelerated amortization was used in prior years, as compared to the straight line tax depreciation deduction otherwise available, for such property, considering its estimated useful life.

C. Records with respect to entries to this account, as described above, and the account balance, shall be so maintained as to show the factors of calculation and the separate amounts applicable to the facilities of each certification or authorization of accelerated amortization for tax purposes.

D. The use of this account and the accounting described above is mandatory for any utility, which in accordance with a consistent policy elects to follow accelerated amortization for pollution control facilities in computing taxes on income. The above accounting shall not be suspended or discontinued on the property covered by that certificate, without approval of the Commission.

E. The utility is restricted in its use of this account to the purposes as set forth above. It shall not transfer the balance in the account or any portions thereof to retained earnings or make any use thereof except as provided in the text of this account without prior approval of the Commission.

NOTE: Upon the sale or exchange or taxable transfer of plant on which there is a related balance herein, this account shall be charged and account 411, Income Taxes Deferred in Prior Years—Credit, shall be credited with the amount of such balance: *Provided, however*, That if the related income tax attributable to such sale or exchange is significantly less than such related balance, the Commission may otherwise direct or authorize how the residuals shall be handled. Upon transfers of plant to a wholly owned subsidiary the related balance in this account shall also be transferred. If transfers of plant are made to other than a wholly owned subsidiary and such transfer does not involve a tax transaction, the accounting shall be as authorized or directed by the Commission.

3. In the text of Income Accounts, amend the first sentence of accounts "410, Provision for Deferred Income Taxes" and "411, Income Taxes Deferred in Prior Years—Credit," by adding 284 to the end of the sentence. The amended portions of accounts 410 and 411 will read:

Income Accounts

1. UTILITY OPERATING INCOME

* * * * *

410 Provision for deferred income taxes.

A. This account shall be debited, and Accumulated Deferred Income Taxes shall be credited with an amount equal to any deferral of taxes on income as provided by the texts of accounts 281, 282, 283, and 284. * * *

* * * * *

411 Income taxes deferred in prior years—Credit.

A. This account shall be credited and Accumulated Deferred Income Taxes debited with an amount equal to the portion of taxes on income payable for the year that is attributable to a deferral of taxes on income in a prior year, in accordance with the plan of deferred tax accounting provided by the texts of accounts 281, 282, 283, and 284. * * *

* * * * *

C. Effective for the reporting year 1970, it is proposed to revise certain schedule pages of FPC Form No. 1, Annual Report for Public Utilities and Licensees (Class A and Class B), prescribed by § 141.1, Chapter 1, Title 18 of the Code of Federal Regulations, all as set forth in Attachment A hereto.[2]

D. The following are proposed amendments to the Uniform System of Accounts for Class A and Class B, Natural Gas Companies in Part 201, Title 18 of the Code of Federal Regulations:

1. In the chart Balance Sheet Accounts, immediately following account "283, Accumulated Deferred Income Taxes—Other," add a new account "284, Accumulated Deferred Income Taxes—Pollution Control Facilities." As so amended, the chart of accounts will read:

Balance Sheet Accounts

* * * * *

LIABILITIES AND OTHER CREDITS

* * * * *

11. ACCUMULATED DEFERRED INCOME TAXES

* * * * *

284. Accumulated deferred income taxes—Pollution control facilities.

2. In the text of Balance Sheet Accounts immediately following account "283, Accumulated Deferred Income Taxes—Other," add a new account "284, Accumulated Deferred Income Taxes—Pollution Control Facilities." New account 284 will read:

Balance Sheet Accounts

* * * * *

LIABILITIES AND OTHER CREDITS

* * * * *

11. ACCUMULATED DEFERRED INCOME TAXES

* * * * *

284 Accumulated deferred income taxes—Pollution control facilities.

A. This account shall be credited and account 410, Provision for Deferred Income Taxes, shall be debited with an amount equal to that by which taxes on income payable for the year are lower because of the use of accelerated (5-year) amortization of certified pollution control facilities in computing such taxes as permitted by section 169, Amortization of Pollution Control Facilities, of the Internal Revenue's Code of 1954, as amended by section 704(a) of the Tax Reform Act of 1969, as compared to the

[1] This change relates only to the Uniform System of Accounts for Class C, Public Utilities and Licensees as published in part 104, title 18 of the Code of Federal Regulations. It does not apply to the Commission's Uniform System of Accounts.

[2] Filed as part of the original document.

depreciation deduction otherwise appropriate and allowable for tax purposes according to the straight line depreciation method and appropriate estimated useful life for such property.

B. This account shall be debited and account 411, Income Taxes Deferred in Prior Years—Credit, shall be credited with an amount equal to that by which taxes on income payable for the year are greater because of the use in prior years of accelerated (5-year) amortization of certified pollution control facilities instead of the use of the straight line tax depreciation method, and deferral of taxes in such prior years as described in paragraph A above. Such debit to this account and credit to account 411 shall, in general, represent the effect on taxes payable for the current year of the unavailability of a depreciation deduction for tax purposes, or a reduced amount, with respect to any depreciable pollution property for which accelerated amortization was used in prior years, as compared to the straight line tax depreciation deduction otherwise available, for such property, considering its estimated useful life.

C. Records with respect to entries to this account, as described above, and the account balance, shall be so maintained as to show the factors of calculation and the separate amounts applicable to the facilities of each certification or authorization of accelerated amortization for tax purposes.

D. The use of this account and the accounting described above is mandatory for any utility, which in accordance with a consistent policy elects to follow accelerated amortization for pollution control facilities in computing taxes on income. The above accounting shall not be suspended or discontinued on the property covered by that certificate, without approval of the Commission.

E. The utility is restricted in its use of this account to the purposes as set forth above. It shall not transfer the balance in the account or any portions thereof to retained earnings or make any use thereof except as provided in the text of this account without prior approval of the Commission.

NOTE: Upon the sale or exchange or taxable transfer of plant on which there is a related balance herein, this account shall be charged and account 411, Income Taxes Deferred in Prior Years—Credit, shall be credited with the amount of such balance: *Provided, however*, That if the related income tax attributable to such sale or exchange is significantly less than such related balance, the Commission may otherwise direct or authorize how the residuals shall be handled. Upon transfers of plant to a wholly owned subsidiary the related balance in this account shall also be transferred. If transfers of plant are made to other than a wholly owned subsidiary and such transfer does not involve a tax transaction, the accounting shall be as authorized or directed by the Commission.

3. In the text of Income Accounts, amend the first sentence of accounts "410, Provision for Deferred Income Taxes" and "411, Income Taxes Deferred in Prior Years—Credit," by adding 284 to the end of the sentence. The amended portions of accounts 410 and 411 will read:

Income Accounts

1. UTILITY OPERATING INCOME

* * * * *

410 Provision for deferred income taxes.

A. This account shall be debited, and Accumulated Deferred Income Taxes, shall be credited with an amount equal to any deferral of taxes on income as provided by the texts of accounts 281, 282, 283, and 284. * * *

* * * * *

411 Income taxes deferred in prior years—Credit.

A. This account shall be credited and Accumulated Deferred Income Taxes debited with an amount equal to the portion of taxes on income payable for the year that is attributable to a deferral of taxes on income in a prior year, in accordance with the plan of deferred tax accounting provided by the texts of accounts 281, 282, 283, and 284. * * *

* * * * *

E. The following are proposed amendments to the Uniform System of Accounts for Class C Natural Gas Companies, in Part 204, Title 18 of the Code of Federal Regulations:

1. In the chart of Balance Sheet Accounts, immediately following account "283, Accumulated Deferred Income Taxes—Other," add a new account "284, Accumulated Deferred Income Taxes—Pollution Control Facilities." As so amended, the chart of accounts will read:

Balance Sheet Accounts

* * * * *

LIABILITIES AND OTHER CREDITS

* * * * *

11. ACCUMULATED DEFERRED INCOME TAXES

* * * * *

284 Accumulated deferred income taxes—Pollution control facilities.

2. In the text of Balance Sheet Accounts immediately following account "283, Accumulated Deferred Income Taxes—Other," add a new account "284, Accumulated Deferred Income Taxes—Pollution Control Facilities." New account 284 will read:

Balance Sheet Accounts

* * * * *

LIABILITIES AND OTHER CREDITS

* * * * *

11. ACCUMULATED DEFERRED INCOME TAXES

* * * * *

284 Accumulated deferred income taxes—Pollution control facilities.

A. This account shall be credited and account 410, Provision for Deferred Income Taxes, shall be debited with an amount equal to that by which taxes on income payable for the year are lower because of the use of accelerated (5-year) amortization of certified pollution control facilities in computing such taxes as permitted by section 169, Amortization of Pollution Control Facilities, of the Internal Revenue's Code of 1954, as amended by section 704(a) of the Tax Reform Act of 1969, as compared to the depreciation deduction otherwise appropriate and allowable for tax purposes according to the straight line depreciation method and appropriate estimated useful life for such property.

B. This account shall be debited and account 411, Income Taxes Deferred in Prior Years—Credit, shall be credited with an amount equal to that by which taxes on income payable for the year are greater because of the use in prior years of accelerated (5-year) amortization of certified pollution control facilities instead of the use of the straight line tax depreciation method, and deferral of taxes in such prior years, as described in paragraph A above. Such debit to this account and credit to account 411 shall, in general, represent the effect on taxes payable for the current year of the unavailability of a depreciation deduction for tax purposes, or a reduced amount, with respect to any depreciable pollution property for which accelerated amortization was used in prior years as compared to the straight line tax depreciation deduction otherwise available, for such property, considering its estimated useful life.

C. Records with respect to entries to this account, as described above, and the account balance, shall be so maintained as to show the factors of calculation and the separate amounts applicable to the facilities of each certification or authorization of accelerated amortization for tax purposes.

D. The use of this account and the accounting described above is mandatory for any utility, which in accordance with a consistent policy elects to follow accelerated amortization for pollution control facilities in computing taxes on income. The above accounting shall not be suspended or discontinued on the property covered by that certificate, without approval of the Commission.

E. The utility is restricted in its use of this account to the purposes as set forth above. It shall not transfer the balance in the account or any portions thereof to retained earnings or make any use thereof except as provided in the text of this account without prior approval of the Commission.

NOTE: Upon the sale or exchange or taxable transfer of plant on which there is a related balance herein, this account shall be charged and account 411, Income Taxes Deferred in Prior Years—Credit, shall be credited with the amount of such balance; provided, however, that if the related income tax attributable to such sale or exchange is significantly less than such related balance, the Commission may otherwise direct or authorize how the residuals shall be handled. Upon transfers of plant to a wholly owned subsidiary the related balance in this account shall also be transferred. If transfers of plant are made to other than a wholly owned subsidiary and such transfer does not involve a tax transaction, the accounting shall be as authorized or directed by the Commission.

3. In the text of Income Accounts, amend the first sentence of accounts "410, Provision for Deferred Income Taxes" and "411, Income Taxes Deferred

in Prior Years—Credit," by adding 284 to the end of the sentence. The amended portions of accounts 410 and 411 will read:

Income Accounts

1. Utility Operating Income

* * * * *

410 Provision for deferred income taxes.

A. This account shall be debited, and Accumulated Deferred Income Taxes, shall be credited with an amount equal to any deferral of taxes on income as provided by the texts of accounts 281, 282, 283, and 284. * * *

* * * * *

411 Income taxes deferred in prior years—Credit.

A. This account shall be credited and Accumulated Deferred Income Taxes debited with an amount equal to the portion of taxes on income payable for the year that is attributable to a deferral of taxes on income in a prior year, in accordance with the plan of deferred tax accounting provided by the texts of accounts 281, 282, 283, and 284. * * *

* * * * *

F. Effective for the reporting year 1970, it is proposed to revise certain pages of FPC Form No. 2, Annual Report for Natural Gas Companies (Class A and Class B) prescribed by § 260.1, Chapter 1, Title 18 of the Code of Federal Regulations, all as set out in Attachment A hereto.[3]

The Secretary shall cause prompt publication of this notice to be made in the Federal Register.

By direction of the Commission.

Gordon M. Grant,
Secretary.

[F.R. Doc. 70-13319; Filed, Oct. 5, 1970; 8:49 a.m.]

[3] Filed as part of the original document.

Notices

DEPARTMENT OF THE INTERIOR

National Park Service

NATIONAL REGISTER OF HISTORIC PLACES

Additions, Deletions, or Corrections

By notice in the FEDERAL REGISTER of February 3, 1970, Part II (pp. 2476–2496), there was published a list of the properties included in the National Register of Historic Places. This list has been amended by notices in the FEDERAL REGISTER on March 3 (pp. 4013–4014), April 7 (pp. 5635–5636), May 5 (pp. 7086–7087), June 3 (pp. 8600–8602), July 8 (pp. 10964–10966), August 4 (pp. 12416–12417), and September 1 (pp. 13851–13852). Further notice is hereby given that certain amendments or revisions, in the nature of additions, deletions, or corrections to the previously published list are adopted as set out below.

It is the responsibility of all Federal agencies to take cognizance of the properties included in the National Register as herein amended and revised in accordance with section 106 of the National Historic Preservation Act of 1966, 80 Stat. 915, 16 U.S.C. 470.

The following correction is to be made:

KENTUCKY

Fayette County

Lexington, *West High Street Historic District*, now consists only of the Rev. Adam Rankin House (215 West High Street), William Bowman House (125 West High Street), Dr. John C. and Samuel B. Richardson House (129 West High Street), and the John Leiby House (133 West High Street).

ALABAMA

Marengo County

Demopolis, *White Bluff*, Arch Street.

ARKANSAS

Sebastian County

Fort Smith, *Clayton, W. H. H., Home*, 514 North Sixth Street.

Washington County

Fayetteville, *Stone House*, 207 Center Street.

Prairie Grove, *Prairie Grove Battlefield Park*, within a triangle formed by North Road on the northwest and U.S. 62 on the south.

COLORADO

Archuleta County

Chimney Rock vicinity, *Chimney Rock Archeological Site*, San Juan National Forest, 2 miles east of the Piedra River and 1.5 miles north of Colorado 151.

Denver County

Denver, *Byers-Evans Home*, 1310 Bannock Street.

Denver, *Constitution Hall (First National Bank Building)*, 1507 Blake Street.

Lake County

Leadville, *Dexter Cabin*, 912 Harrison Avenue.

Leadville, *Healy House*, 912 Harrison Avenue.

CONNECTICUT

Middlesex County

Middletown, *Wetmore, Seth, House (Oak Hill)*, northwest corner of Route 66 and Camp Road.

GEORGIA

Thomas County

Thomasville, *Brandon, Dr. David, House (Hayes House)*, 329 North Broad Street.

Thomasville, *Mitchell House (Munro House)*, 737 Remington Avenue.

INDIANA

St. Joseph County

South Bend, *Old Courthouse (Second St. Joseph County Courthouse)*, 112 South Lafayette Road.

Vanderburgh County

Evansville, *Old Vanderburgh County Courthouse*, entire block bounded by Vine, Fourth, Court and Fifth Streets.

MAINE

Androscoggin County

Lewiston, *Hathorn Hall, Bates College*, Bates College campus.

Kennebec County

Augusta, *Kennebec Arsenal*, Arsenal Street.

Hallowell, *Elm Hill Farm (Merrick Cottage)*, Litchfield Road.

Lincoln County

Wiscasset, *U.S. Customhouse (Old Customhouse) and Post Office*, Water Street.

MISSISSIPPI

Adams County

Washington, *Jefferson College*, North Street.

MISSOURI

St. Charles County

St. Charles, *St. Charles Historic District*, bounded on the north by the south line of Madison Street; on the east by the Missouri River; on the south (east of Main Street) by the north line of Chauncey Street and (west of Main Street) by a line running along the west line of Main Street 100 feet south from the south line of the Boonslick Road and thence westward 50 feet to a point 50.5 feet south of the Boonslick Road; and on the west by an alley running north and south from Boonslick Road to Madison Street.

NEW MEXICO

Colfax County

Abbott vicinity, *Dorsey Mansion*, c. 12 miles northeast of Abbott via U.S. 56 and an unpaved country road.

Lincoln County

White Oaks, *White Oaks* Historic District bounded on the west by the line separating secs. 25 and 26 and 35 and 36 of T. 6 S., R. 11 E; on the south by a line running 8,977.86 feet west which intersects the southernmost boundary of Cedarvale Cemetery; thence north 8,844.28 feet; thence west 8,977.86 feet; thence south 8,844.28 feet to the beginning point.

Rio Arriba County

Blanco vicinity, *Francés Canyon Ruin*, SE¼SE¼ sec. 31, T. 30 N., R. 6 W.

Cañones vicinity, *Tsiping*, 1.3 miles south of Cañones on Pueblo Mesa.

San Juan County

Farmington vicinity, *Salmon Ruin*, 9 miles east of Farmington off New Mexico 17.

Santa Fe County

Santa Fe, *Reredos of Our Lady of Light*, Cristo Rey Church, Canyon Road, and Cristo Rey Street.

Socorro County

Magdalena vicinity, *Gallinas Springs Ruin*, SE¼ SE¼ sec. 27, T. 1 S, R. 6 W.

NEW JERSEY

Hudson County

Jersey City, *Hudson County Courthouse*, Newark Avenue.

NEW YORK

Schenectady County

Delanson vicinity, *Christman Bird and Wildlife Sanctuary*, southeast of Delanson on Schoharie Turnpike.

RHODE ISLAND

Providence County

Glocester, *Glocester Town Pound*, Pound Road and Chopmist Hill Road.

SOUTH CAROLINA

Anderson County

Pendleton, *Pendleton Historic District*, the district is enclosed by a rectangle, the coordinates of which are latitude 34°40′ N., longitude 82°45′54″ E.; latitude 34°38′15″ S., longitude 82°45′54″ E.; latitude 34°38′ 15″ S., longitude 82°50′34.5″ W.; latitude 34°40′ N., longitude 82°50′34.5″ W.

Charleston County

Charleston, *Blake Tenements*, 2–4 Courthouse Square.

Greenwood County

Cokesbury and vicinity, *Old Cokesbury Historic District and Masonic Female College Conference School*, bounded on the northeast by South Carolina 398; on the southeast by a straight line intersecting South Carolina 97 at the junction of South Carolina 254; on the south by South Carolina 97; bounded on the southwest by South Carolina 163 and a straight line running northwest to South Carolina 185; on the northwest by South Carolina 180; and on the north by a straight line running east from the intersection of South Carolina 180 and U.S. 178 to the intersection of South Carolina 95 and 398.

Union County

Union, *Herndon Terrace*, North Pinckney Street at the corner of Catherine Street.

TEXAS

Comal County

New Braunfels, *Klein, Stephen, House*, 131 South Seguin Street.

New Braunfels, *Lindheimer House*, 489 Comal Avenue.

Galveston County

Galveston, *Bishop's Palace (Gresham House)*, 1402 Avenue J (Broadway).
Galveston, *U.S. Customhouse (Old Galveston Customhouse)*, southeast corner of 20th and Post Office (Avenue E) Streets.

Guadalupe County

Seguin, *Erskine House No. 1 (Hollamon House)*, 902 North Austin Street.
Seguin, *Sebastopol (Zorn House)*, northeast corner of West Court and North Erkel Streets.

Lee County

Giddings, *Schubert House*, 183 Hempstead Street.

Marion County

Jefferson, *Beard House*, 212 North Vale Street.
Jefferson, *Perry, Captain William, House*, northwest corner of Walnut and Clarksville Streets.
Jefferson, *Sedberry House*, 211 North Market Street.
Jefferson, *Singleton, Captain William E., House*, 204 North Soda Street.

Travis County

Austin, *Barker History Center (Old Library)*, *University of Texas*, South Mall, University of Texas campus.
Austin, *Carrington-Covert House*, 1511 Colorado Street.
Austin, *Gethsemane Lutheran Church*, 1510 Congress Avenue.
Austin, *Littlefield House*, 24th Street and Whitis Avenue.
Austin, *Neill-Cochran House*, 2310 San Gabriel.
Austin, *Old Land Office Building*, 108 East 11th Street.
Austin, *Texas Governor's Mansion*, 1010 Colorado Street.
Austin, *U.S. Post Office (Old Post Office) and Federal Building*, 104 East Sixth Street.
Austin, *Woodlawn (Pease Mansion)*, 6 Niles Road.

Williamson County

Georgetown, *Tinnen House*, 1220 Austin Street.

VIRGINIA

Accomack County

Pungoteague, *St. George's Church*, northwest side of Route 178, 0.3 mile northeast of the intersection with Route 180.

Albemarle County

Charlottesville vicinity, *Farmington*, 0.9 mile west of the intersection of Routes 250 and 29-250 Bypass.

Amherst County

Sweet Briar, *Sweet Briar House*, 0.1 mile southwest of the intersection of Routes 29 and 624.

Bedford County

Bedford vicinity, *Three Otters*, 0.7 mile west of the intersection of Routes 838 and 43.

Essex County

Loretto vicinity, *Elmwood*, 0.2 mile southwest of the intersection of Routes 640 and 17.

Gloucester County

Gloucester vicinity, *Abingdon Glebe House*, 0.7 mile south of the intersection of Routes 17 and 615.
White Marsh vicinity, *Abingdon Church*, 0.6 mile south of the intersection of Routes 17 and 614.

Goochland County

Goochland, *Goochland County Court Square*, east side of Route 6 (Route 522).
Rock Castle vicinity, *Rock Castle*, east side of the southern end of Route 600.

Greene County

Stanardsville vicinity, *Octonia Stone*, 1.7 miles northwest of the intersection of Routes 637 and 1001.

Isle of Wight County

Smithfield, *Old Isle of Wight County Courthouse*, northeast corner of Main and Mason Streets.

James City County

Five Forks vicinity, *Powhatan*, 0.8 mile north of the intersection of Routes 615 and 5.

Lancaster County

Weems vicinity, *Corotoman*, south side of the intersection of Routes 222 and 631.

Loudoun County

Aldie, *Aldie Historic District*, extending 0.1 mile east of the intersection of Routes 612 and 50, 0.1 mile west of the intersection of Routes 50 and 732, and 0.2 mile north and 0.3 mile south of Route 50.

Northampton County

Bridgetown vicinity, *Vaucluse*, 1.8 miles south of the intersection of Routes 619 and 657.

Portsmouth (independent city)

Portsmouth Olde Towne Historic District, bounded on the north by Crawford Parkway, on the south by London Street, on the east by the Elizabeth River, and extending 0.1 mile west of Washington Street.

Richmond (independent city)

St. John's Church Historic District, bounded roughly by 22d Street on the west, Marshall Street on the north, East Franklin Street on the south, and 29th Street on the east.

Shenandoah County

New Market vicinity, *New Market Battlefield Park*, 1 mile north of the intersection of Routes 11 and 211.

Sussex County

Grizzard vicinity, *Fortsville*, 1.6 miles southeast of the intersection of Routes 612 and 611.

York County

Yorktown, *Grace Church*, intersection of Routes 1003 and Main Street.

WEST VIRGINIA

Brook County

Bethany, *Old Main, Bethany College*, Bethany College campus.

Ohio County

Wheeling, *Independence Hall*, 1524 Market Street.

Raleigh County

Beckley, *Wildwood (General Alfred Beckley Home)*, 117 Laurel Terrace.

ERNEST ALLEN CONNALLY,
Chief, Office of Archeology and Historic Preservation.

[F.R. Doc. 70-13344; Filed, Oct. 5, 1970; 8:51 a.m.]

MOUNT RUSHMORE NATIONAL MEMORIAL

Notice of Intention To Negotiate Concession Contract

Pursuant to the provisions of section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that thirty (30) days after the date of publication of this notice, the Department of the Interior, through the Director of the National Park Service, proposes to negotiate a concession contract with the Mountain Co., Inc., authorizing it to provide concession facilities and services for the public at Mount Rushmore National Memorial for a period of 20 years from January 1, 1971, through December 31, 1990.

The foregoing concessioner has performed its obligations under the expiring contract to the satisfaction of the National Park Service, and therefore, pursuant to the Act cited above, is entitled to be given preference in the renewal of the contract and in the negotiation of a new contract. However, under the Act cited above, the Secretary is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted within thirty (30) days after the publication date of this notice.

Interested parties should contact the Chief, Office of Concessions Management, National Park Service, Washington, D.C. 20240, for information as to the requirements of the proposed contract.

Dated: September 28, 1970.

THOMAS FLYNN,
Deputy Director,
National Park Service.

[F.R. Doc. 70-13281; Filed, Oct. 5, 1970; 8:46 a.m.]

Office of the Secretary

ROBERT V. HUGO

Statement of Changes in Financial Interests

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

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of September 3, 1970.

Dated: September 3, 1970.

ROBERT V. HUGO.

[F.R. Doc. 70-13282; Filed, Oct. 5, 1970; 8:46 a.m.]

JOHN H. KLINE

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken

place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of September 9, 1970.

Dated: September 9, 1970.

JOHN H. KLINE.

[F.R. Doc. 70-13283; Filed, Oct. 5, 1970; 8:46 a.m.]

JAMES W. McWHINNEY

Statement of Changes in Financial Interests

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

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of August 31, 1970.

Dated: September 8, 1970.

JAMES W. MCWHINNEY.

[F.R. Doc. 70-13284; Filed, Oct. 5, 1970; 8:46 a.m.]

STANLEY MILTON SWANSON

Statement of Changes in Financial Interests

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

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of September 8, 1970.

Dated: September 8, 1970.

STANLEY MILTON SWANSON.

[F.R. Doc. 70-13285; Filed, Oct. 5, 1970; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

HUMANELY SLAUGHTERED LIVESTOCK

Identification of Carcasses; Changes in Lists of Establishments

Pursuant to section 4 of the Act of August 27, 1958 (7 U.S.C. 1904), and the statement of policy thereunder in 9 CFR 381.1, the lists (35 F.R. 12862 and 14226) of establishments which are operated under Federal inspection pursuant to the Federal Meat Inspection Act (21 U.S.C. 601 et seq.) and which use humane methods of slaughter and incidental handling of livestock are hereby amended as follows:

The reference to cattle with respect to Beeville Packing Co., establishment 377, is deleted. The reference to Castle Brands, Inc., establishment 816, and the reference to swine with respect to such establishment are deleted. The reference to swine with respect to Sunray Meats, Inc., establishment 2274, is deleted. The reference to sheep with respect to Jack Agee and Co., establishment 2281, is deleted. The reference to cattle with respect to Wagner Provision Co., Inc., establishment 2770, is deleted. The reference to cattle with respect to Schwartzman Packing Co., establishment 7003, is deleted. The reference to swine with respect to H.A.S. Sweetmeat, Inc., establishment 7025, is deleted. The reference to Cribbs Sausage Co., establishment 7424, and the reference to swine with respect to such establishment are deleted. The reference to swine with respect to Schafers Butcher Shop, establishment 7649, is deleted.

The following table lists species at additional establishments and additional species at previously listed establishments that have been reported as being slaughtered and handled humanely.

Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses	Mules
Pioneer Packing Co	372					(*)		
American Beef Packers, Inc	807-A	(*)						
Northwest Packing Co	2283	(*)						
Webb Packing Co	7029					(*)		
Crow's Meat Co	7048	(*)		(*)		(*)		
Community Abattoir, Inc	7075	(*)				(*)		
E-Tex Packing Co	7122	(*)	(*)					
Duffy Boneless Beef Co	7305	(*)						
F. B. Purnell Sausage Co., Inc	7464	(*)				(*)		
Field Packing Co., Inc	7467	(*)						
Dealaman Enterprise, Inc	7562	(*)						
New establishments reported: 11.								
Brander Meat Co	25			(*)				
Kenton Packing Co	36			(*)		(*)		
Estes Packing Co	319		(*)					
Amarillo Packing Co	2273					(*)		
Jack Agee & Co	2281	(*)						
Double A Meat Packing, Inc	5102			(*)		(*)		
Mount Vernon Meat Co., Inc	6039			(*)				
Cedar Packing Co	6118					(*)		
Penn Haven Meats, Inc	6559		(*)					
Bergman Meat Packing Co., Inc	6788		(*)					
Chef Reddy Meats Co	7049		(*)					
Cessnun Abattoir	7082				(*)			
Park River Locker Plant	7618			(*)				
Niagara Lockers	7619			(*)				
Rocklake Locker Plant	7624			(*)				
Davidson's Processing Plant	7633			(*)				
Bud's Food Market	7637				(*)			
Die-Kota Meat Products, Inc	7645			(*)				
Species added: 20.								

Done at Washington, D.C., on September 30, 1970.

KENNETH M. MCENROE,
Deputy Administrator,
Consumer Protection.

[F.R. Doc. 70-13262; Filed, Oct. 5, 1970; 8:45 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

[Docket No. S-257]

PACIFIC FAR EAST LINE, INC.

Notice of Application

Notice is hereby given that Pacific Far East Line, Inc., has filed an application requesting written permission under section 805(a) of the Merchant Marine Act, 1936, as amended, to carry passengers in domestic trade on combination passenger-cargo ships (1) between California and Hawaii, (2) between any U.S. ports in connection with cruises authorized pursuant to section 613 of the Act, and (3) between ports in California on regularly scheduled voyages on Trade Route No. 27 (U.S. Pacific/Australia and New Zealand). PFEL has requested this permission in connection with its application for operating-differential subsidy on Trade Route No. 27 and its proposed purchase of four ships and the subsidized service of The Oceanic Steamship Co. The application was dated August 28, 1970 and amended by letters dated September 4 and September 10, 1970.

Interested parties may inspect this application in the Office of Subsidy Administration, Maritime Administration, Room 1617M, Department of Commerce Building, 14th and E Streets NW., Washington, D.C.

Any person, firm, or corporation having any interest (within the meaning of section 805(a)) in such application and desiring to be heard on issues pertinent to section 805(a) or desiring to submit comments or views concerning the application must, by close of business on October 16, 1970, file same with the Secretary, Maritime Subsidy Board/Maritime Administration, in writing, in triplicate, together with petition for leave to intervene which shall state clearly and concisely the grounds of interest, and the alleged facts relied on for relief.

Notwithstanding anything in § 201.78 of the rules of practice and procedure (46 CFR Part 201), petitions for leave to

intervene received after the close of business on October 16, 1970, will not be considered in this proceeding.

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

In the event petitions regarding the relevant section 805(a) issues are received from parties with standing to be heard, a hearing will be held to receive evidence under section 805(a) relative to whether the proposed operation (a) could result in unfair competition to any person, firm, or corporation operating exclusively in the coastwise or intercoastal service, or (b) would be prejudicial to the objects and policy of the Act relative to domestic trade operations.

Dated: October 1, 1970.

By order of the Maritime Subsidy Board/Maritime Administration.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 70-13373; Filed, Oct. 5, 1970; 8:51 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 22493; Order 70-10-6]

AIR WEST

Order Providing for Further Proceedings Regarding Certificates of Public Convenience and Necessity

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 1st day of October 1970.

On August 21, 1970, Hughes Air Corp. doing business as Air West (Air West) filed an application pursuant to Subpart M of Part 302 of the Board's procedural regulations requesting an amendment of its certificate of public convenience of necessity for route 76 to permit nonstop service between Los Angeles and Boise, Los Angeles and Spokane, and between Boise and Spokane. By Order 70-9-1, dated September 1, 1970, the Board stayed further procedural steps with respect to the subject application pending further order of the Board.

The State of Washington Utilities, and Transportation Commission, and the Spokane Airport Board filed answers in support of Air West's application.

Upon consideration of the foregoing, we do not find that Air West's application is not in compliance with, or is inappropriate for processing under, the provisions of Subpart M. Accordingly, we order further proceedings pursuant to the provisions of Subpart M, §§ 302.1306-302.1310, with respect to Air West's application.

Accordingly, it is ordered, That:

1. The application of Hughes Air Corp. doing business as Air West in Docket 22493 be and it hereby is set for further proceedings pursuant to Rules 1306-1310 of the Board's procedural regulations; and

2. This order shall be served upon all parties served by Air West in its application.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.[1]

[SEAL] HARRY J. ZINK,
Secretary.

[F.R. Doc. 70-13324; Filed, Oct. 5, 1970; 8:49 a.m.]

[1] Joint dissenting statement of Vice Chairman and Member Adams filed as part of the original document.

[Docket No. 22402; Order 70-10-7]

ALOHA AIRLINES, INC., AND HAWAIIAN AIRLINES, INC.

Order Denying Reconsideration

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 1st day of October 1970.

By Order 70-7-129, dated July 29, 1970, the Board suspended and ordered an investigation of tariffs filed by Aloha Airlines, Inc. (Aloha), and Hawaiian Airlines, Inc. (Hawaiian), proposing to establish reduced reserved-seat fares for groups of students traveling on school sponsored or approved trips. The tariffs were filed in response to an act of the legislature of the State of Hawaii which provided for a tax reduction from 4 percent to 3 percent of gross income for each airline that "adopts a rate schedule for students in grade twelve or below traveling in school groups providing such students at reasonable hours a rate less than one-half of the regular adult fare."

On August 10, 1970, Aloha and Hawaiian filed petitions for reconsideration of the Board's order. Aloha alleges that the Board did not accord proper weight to the declaration of policy of the State legislature favoring students, and that, since the State could have paid for the transportation directly, the possibility of unjust discrimination is eliminated. Aloha also states that the differences in conditions applicable to the proposed student fares compared with youth fares (such as group travel, purpose of travel, school sponsorship, advance arrangements) constitute such a burden on the traveler as to justify the discrimination. Aloha further alleges that the Board has failed to take into consideration the impact of the tax reduction on its need for subsidy. Hawaiian states that the proposed fares are distinguishable from those that the Board held to be unjustly discriminatory in Capital Group Student Fares, 25 C.A.B. 280 (1957), in that there is no practical alternative to air transportation between the islands of Hawaii, the primary purposes of the proposed fares are to secure a substantial tax saving and to assist the State in attaining important educational goals, and that the State of Hawaii has enunciated a policy of giving favored treatment to students. Hawaiian submits that the proposed discriminatory fares are justified in the public interest and in the interest of Hawaiian. Hawaiian further suggests that the student fare "is not really a discount fare," since by granting the tax reduction the State "in effect" will pay Hawaiian for carrying the students at special fares. Thus, Hawaiian states that "the situation is no different than if the State subsidized student transportation through the allocation of funds to schools for this purpose." The carriers request that the Board vacate the suspension and permit the proposed fares to become effective.

Upon consideration of the matters set forth in the petitions, the Board has determined to deny the carriers' request.

The Board has previously held, after notice and hearing in the Capital case, supra, that reduced group fares restricted to students are unjustly discriminatory. In a later case we also found group fares that are available to any group of passengers not unjustly discriminatory provided that they were sufficiently differentiated from individually ticketed service and economically justified.[1] In addition, we have found that reduced fares available to all youths are not unjustly discriminatory, subject to further review upon completion of the Discount Fares phase of the Domestic Passenger-Fare Investigation, Docket 21866-5.[2] In that decision, we noted that the youth fares were not restricted as to the purpose of the travel nor as to the status of the youth, other than his age.[3] Some of the conditions that Aloha contends justify the discriminatory fare proposal—i.e., the purpose of the travel and school sponsorship—merely make more restrictive the persons to whom the fare is available. The requirements of group travel and advance arrangements do not change the fact that the fare would be available only to certain students and not to other persons who would accept such conditions as the basis for a reduced fare. Group-fare proposals by Aloha and Hawaiian that would be available to all passengers or to all youth may or may not be unjustly discriminatory or unreasonable, depending upon the terms and conditions proposed, and we do not intend to consider that issue unless and until any such tariffs are filed and carrier justification submitted. However, it is clear that fares of the type proposed here have generally been considered by the Board to be unjustly discriminatory under section 404(b) and we are not persuaded that we should overturn our previous decisions in the absence of a full hearing on the proposal.

A State legislature cannot, of course, adopt policies which have the effect of overriding the requirements of section 404(b), and while we have no doubt that a State could in fact pay the air carrier

[1] Capital Group Student Fares, 26 C.A.B. 451 (1958).

[2] Standby Youth Fares—"Young Adult" Fares, Order 69-8-140, dated Aug. 25, 1969.

[3] Id., at page 18.

for a portion of the air fares payable by students, the State has not taken such action here. Rather, it has attached to a tax-relief statute a condition which the carriers have sought to meet in a manner which raises a serious question of consistency with the Federal Aviation Act.

Aloha contends that the Board has not considered the possible subsidy impact of the proposed fares in conjunction with the tax reduction. We need only note that gaining the State tax advantage may not be entirely dependent upon the establishment of unjustly discriminatory fares.

The student group fares proposed by Aloha and Hawaiian discriminate against the general public, against youth of the same age who are not students, and against students attending the same schools who are not traveling on school-sponsored trips. Hawaiian's proposed fares would also discriminate against students attending schools outside the State of Hawaii. In our opinion, the carriers have not submitted such justification that we should permit these fares to become effective pending investigation. The petitions will therefore be denied.

Accordingly, pursuant to the Federal Aviation Act of 1958,

It is ordered, That:

1. The petitions of Aloha Airlines, Inc., and Hawaiian Airlines, Inc., filed in Docket No. 22402 requesting reconsideration of Order 70-7-129, dated July 29, 1970, are hereby denied.

2. Copies of this order shall be served upon Aloha Airlines, Inc., and Hawaiian Airlines, Inc.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[F.R. Doc. 70-13325; Filed, Oct. 5, 1970; 8:49 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[FCC 70-1051]

INDUSTRY STUDIES

Decision on Petitions for Reconsideration Deferred Pending Evaluation

OCTOBER 1, 1970.

On May 20, 1970, the Commission adopted a first report and order in Docket 18261 (35 F.R. 8634) and a first report and order and second notice of inquiry in Docket 18262 (35 F.R. 8644) allocating additional UHF frequency spectrum to the land mobile radio service. A number of petitions were subsequently received asking reconsideration and/or stay of the May 20 decisions. In a memorandum opinion and order adopted September 15, 1970 (FCC 70-1001), the Commission denied the petitions for stay and resolved the issues raised in the petitions for reconsideration except those pertaining to the suballocation of land mobile frequencies in Docket 18262, i.e., the decision to provide 75 MHz to wireline common carriers and 40 MHz to private land mobile services in the range 806-947 MHz. The Commission said it would consider this final matter as soon as possible.

The May 20 notice of inquiry in Docket 18262 called for the submission of initial studies and proposals on or before November 17, 1970, looking toward the future development of land mobile operations in the 900 MHz region. Since these studies are due shortly and in view of their close tie-in with the land mobile suballocation issue before us, we have decided to postpone consideration of the remaining petitions for reconsideration in Docket 18262 pending receipt and analysis of the requested studies. This short delay will cause the petitioners no injury and will, in effect, give them an opportunity to further elaborate their arguments with the extensive studies understood now to be in preparation.

Action by the Commission September 30, 1970.[1]

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

[F.R. Doc. 70-13305; Filed, Oct. 5, 1970; 8:47 a.m.]

[1] Commissioners Burch (Chairman), Bartley, Robert E. Lee and H. Rex Lee, with Commissioner Johnson concurring in the result.

[Dockets Nos. 19013, 19014; FCC 70-1031]

WILLIAM H. BROWN AND CAPE CANAVERAL BROADCASTERS, INC.

Order Designating Applications for Consolidated Hearing on Stated Issues

In regard applications of William H Brown, Satellite Beach, Fla., Requests: 107.1 mc., No. 296; 3 kw.; 109 feet, Docket No. 19013, File No. BPH-6903; Cape Canaveral Broadcasters, Inc., Melbourne, Fla., Requests: 107.1 mc., No. 296; 3 kw.; 300 feet, Docket No. 19014, File No. BPH-7147; for construction permits.

1. The Commission has under consideration the above-captioned and described applications which are mutually exclusive in that operation by the applicants as proposed would result in mutually destructive interference.

2. Since no determination has yet been reached on whether the antenna proposed by Cape Canaveral Broadcasters would constitute a menace to air navigation, an issue regarding this matter is required.

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

4. Cape Canaveral Broadcasters proposes approximately two-thirds duplicated programing, while William H. Brown proposes independent programing. Therefore, evidence regarding program duplication will be admissible under the contingent comparative issue. When duplicated programing is proposed, the showing permitted under the contingent comparative issue will be limited to evidence concerning the benefits and detriments to be derived from the proposed duplication, and a full comparison of the applicants' program proposals will not be permitted in the absence of a specific programing inquiry—Jones T. Sudbury, 8 FCC 2d 360, FCC 67-614 (1967).

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

6. *It is ordered*, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

(1) To determine whether there is a reasonable possibility that the tower height and location proposed by Cape Canaveral Broadcasters would constitute a menace to air navigation.

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

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

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

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

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

8. *It is further ordered*, That to avail themselves of the opportunity to be heard, the applicants and party respondent herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within twenty (20) days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

9. *It is further ordered*, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: September 23, 1970.

Released: October 1, 1970.

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

[F.R. Doc. 70-13306; Filed, Oct. 5, 1970; 8:47 a.m.]

[Dockets Nos. 19017-19019; FCC 70-1033]

WHITE RIVER RADIO CORP. ET AL.

Order Designating Applications for Consolidated Hearing on Stated Issues

In regard to applications of White River Radio Corp., Anderson, Ind., Requests: 97.9 mcs, No. 250; 50 kw.(H); 50 kw.(V); 348 feet, Docket No. 19017, File No. BPH-4781; Eastern Broadcasting Corp., Anderson, Ind., Requests: 97.9 mcs, No. 250 kw.(H); 50 kw.(V); 500 feet, Docket No. 19018, File No. BPH-6616; Broadcasting Inc. of Anderson, Anderson, Ind., Requests: 97.9 mcs, No. 250; 50 kw.(H); 50 kw.(V); 500 feet, Docket No. 19019, File No. BPH-7083; For construction permits.

1. The Commission has under consideration the above-captioned and described applications which are mutually exclusive in that operation by the applicants as proposed would result in mutually destructive interference.

2. According to its application, White River Radio Corp. (White River) would require $91,450 to construct and operate its proposed station for 1 year without reliance on revenues. To meet this requirement, White River has submitted stock and bond subscription agreements in the amount of $90,375, and claims cash on hand in the amount of $18,594. However, the balance sheets of the various subscribers are not detailed enough to warrant a determination that they possess current and liquid assets in excess of current liabilities in sufficient amount to meet their commitments to White River. In addition, all of the financial data on file is over 4 years old and is therefore dated and unreliable. Accordingly, a financial issue will be specified against White River.

3. In our public notice on ascertainment of Community Needs by Broadcast Applicants, FCC 68-847, released August 22, 1968, in city of Camden et al., 18 FCC 2d 412 (1969), and in our proposed Primer on Ascertainment of Community Problems by Broadcast Applicants, 20 FCC 2d 880 (1969), we stated that applicants for broadcast stations are expected to provide full information as to their awareness of and responsiveness to local community problems. In this instance, White River and Broadcasting Inc., of Anderson have failed to show that they have contacted a representative cross-section of the community to be served. They have provided adequate comments from those individuals that were contacted however, and have also proposed programs which will deal with specific community problems. We are unable at this time to determine whether White River and Broadcasting Inc., of Anderson are aware of and responsive to the problems of their respective service areas and accordingly, a Suburban issue is required against both White River and Broadcasting Inc., of Anderson.

4. A full comparison of the programing proposals of competing applicants is warranted when one applicant proposes predominantly specialized programing and the others, general market programing, Ward L. Jones, FCC 67-82 397, n. 9 (1965). In this case, White River's format is primarily of a religious nature with a considerable amount of its schedule devoted to sacred music, while Eastern and Broadcasting both propose general market programing. Therefore, the programing proposals of the applicants may be fully compared under the standard comparative issue.

5. Data submitted by the applicants indicate that there would be a significant difference in the size of the areas and populations which would receive service from the proposals. Consequently, for the purposes of comparison, the areas and populations which would receive FM service of 1 mv/m or greater intensity, together with the availability of other primary aural services in such areas will be considered under the standard comparative issue, for the purpose of determining whether a comparative preference should accrue to any of the applicants.

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

7. *It is ordered*, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

(1) To determine whether White River Radio Corp. has available $91,450 required for construction and first-year operation of its proposed station without reliance on revenues to thus demonstrate its financial qualifications.

(2) To determine the efforts made by White River Radio Corp. to ascertain the community needs and interests of the area to be served and the means by which the applicant proposes to meet those needs and interests.

(3) To determine the efforts made by Broadcasting, Inc., of Anderson, to ascertain the community needs and interests of the area to be served and the means by which the applicant proposes to meet those needs and interests.

(4) To determine which of the proposals would, on a comparative basis, best serve the public interest.

(5) To determine in the light of the evidence adduced pursuant to the foregoing issues, which of the above-captioned applications for construction permits should be granted.

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

9. *It is further ordered*, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: September 23, 1970.

Released: October 1, 1970.

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

[F.R. Doc. 70-13307; Filed, Oct. 5, 1970; 8:47 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP70-58]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Notice of Petition To Amend

SEPTEMBER 28, 1970.

Take notice that on September 21, 1970, Transcontinental Gas Pipe Line Corp. (Petitioner), Post Office Box 1396, Houston, Tex. 77001, filed in Docket No. CP70-58 a petition to amend the order issuing a certificate of public convenience and necessity pursuant to section 7(c) of the Natural Gas Act in said docket by authorizing Petitioner to continue for another year, from November 1, 1970, through October 31, 1971, the temporary interruptible transportation service for Consolidated Gas Supply Corp. (Consolidated), all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Applicant states that the temporary transportation was undertaken by it in order to permit Consolidated to finalize its plans for utilizing on a permanent basis its supply of natural gas produced

in the Block 255 Field, offshore Vermilion Parish, La. Because of construction delays which were incurred by Consolidated in attaching this supply, the transportation by Petitioner did not commence until the spring of 1970. Petitioner states that to date Consolidated has not been able to finalize its plans for a permanent arrangement for utilizing the aforesaid supply and has requested Petitioner to extend the interruptible transportation for another year. Petitioner states that in order to assist Consolidated in getting these supplies to its markets, Petitioner has agreed to such an extension.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before October 19, 1970, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-13316; Filed, Oct. 5, 1970; 8:48 a.m.]

[Docket No. CP70-196]

DISTRIGAS CORP.

Notice of Further Postponement of Statements of Issues, Prehearing Conference and Hearing

OCTOBER 2, 1970.

On August 7, 1970, notice was given that the dates set forth in the Commission's order issued July 13, 1970, for filing of statements of issues, prehearing conference, and hearing were postponed to October 13, October 27, and November 17, 1970, respectively.

Distrigas Corp. filed an amended application on September 29, 1970, notice of which was issued on October 1, 1970. The due date for the filing of protests or petitions to intervene by parties not already having done so is October 19, 1970.

In order to afford new petitioners an opportunity to file statements of issues, notice is hereby given that the dates set forth in the notice of postponement issued August 7, 1970, are further postponed as follows:

1. Parties, including Commission Staff, shall submit in writing on or before October 27, 1970, a statement of the issues which they believe have been raised by the application herein, pursuant to paragraph (B) of the order issued July 13, 1970.

2. The prehearing conference presently scheduled to commence on October 27, 1970, in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., at 10 a.m. is postponed to November 5, 1970.

3. Formal hearing now scheduled to commence on November 17, 1970 in a hearing room of the Federal Power Commission is postponed to December 1, 1970.

Paragraphs (B) and (C) of the order issued July 13, 1970, are amended accordingly.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-13346; Filed, Oct. 5, 1970; 8:51 a.m.]

FEDERAL RESERVE SYSTEM

FIDELITY UNION BANCORPORATION

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made, pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(1)), by Fidelity Union Bancorporation, Newark, N.J., for prior approval by the Board of Governors of action whereby Applicant would become a bank holding company through the acquisition of 100 percent of the voting shares of both Fidelity Union Trust Co., Newark, N.J., and Bank of West Jersey, Delran, N.J., and 100 percent of the voting shares (less directors' qualifying shares) of the successor by merger to The National Bank of New Jersey, New Brunswick, N.J.

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

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

(2) Any other proposed acquisition or merger or consolidation under section 3 whose effect in any section of the country may be substantially to lessen competition, or tend to create a monopoly, or which in any other manner would be in restraint of trade, unless the Board finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

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

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

By order of the Board of Governors, September 30, 1970.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[F.R. Doc. 70-13272; Filed, Oct. 5, 1970; 8:45 a.m.]

M & S BANCORP

Order Approving Action To Become a Bank Holding Company

In the matter of the application of M & S Bancorp, Janesville, Wis., for approval of action to become a bank holding company through the acquisition of 80 percent or more of the voting shares of Merchants and Savings Bank and Bank of Janesville, both of Janesville, Wis.

There has come before the Board of Governors, pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(1)) and § 222.3 (a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by M & S Bancorp, Janesville, Wis., for the Board's prior approval of action whereby applicant would become a bank holding company through acquisition of 80 percent or more of the voting shares of Merchants and Savings Bank and Bank of Janesville, both of Janesville, Wis.

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Commissioner of Banking of the State of Wisconsin, and requested his views and recommendation. The Commissioner offered no objection to approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on August 4, 1970 (35 F.R. 12434), which provided an opportunity for interested persons to submit comments and views with respect to the proposed transaction. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. The time for filing comments and views has expired and all those received have been considered by the Board.

It is hereby ordered, For the reasons set forth in the Board's statement[1] of this date, that said application be and hereby is approved: *Provided*, That the action so approved shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Chicago pursuant to delegated authority.

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[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Chicago.

By order of the Board of Governors, September 29, 1970.[2]

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[F.R. Doc. 70-13273; Filed, Oct. 5, 1970; 8:45 a.m.]

NORTHWEST OHIO BANCSHARES, INC.

Order Approving Action To Become a Bank Holding Company

In the matter of the application of Northwest Ohio Bancshares, Inc., Toledo, Ohio, for approval of action to become a bank holding company through the acquisition of 80 percent or more of the voting shares of The Toledo Trust Co., Toledo, Ohio, and The First National Bank of Findlay, Findlay, Ohio.

There has come before the Board of Governors, pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(1)) and § 222.3 (a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by Northwest Ohio Bancshares, Inc., Toledo, Ohio, for the Board's prior approval of action whereby applicant would become a bank holding company through the acquisition of 80 percent or more of the voting shares of The Toledo Trust Co., Toledo, Ohio, and The First National Bank of Findlay, Findlay, Ohio.

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Comptroller of the Currency and to the Superintendent of Banks of the State of Ohio, and requested their views and recommendations. The Superintendent recommended approval of the application, and the Comptroller responded that the proposed acquisition would not have an adverse competitive effect.

Notice of receipt of the application was published in the FEDERAL REGISTER on July 23, 1970 (35 F.R. 11835), which provided an opportunity for interested persons to submit comments and views with respect to the proposed transaction. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. The time for filing comments and views has expired and all those received have been considered by the Board.

It is hereby ordered, For the reasons set forth in the Board's statement[1] of this date, that said application be and and hereby is approved: *Provided,* That the action so approved shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Cleveland pursuant to delegated authority.

By order of the Board of Governors, September 29, 1970.[2]

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[F.R. Doc. 70-13274; Filed, Oct. 5, 1970; 8:45 a.m.]

[2] Voting for this action: Chairman Burns and Governors Robertson, Mitchell, Daane, and Sherrill. Absent and not voting: Governors Maisel and Brimmer.

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Cleveland.

[2] Voting for this action: Chairman Burns and Governors Robertson, Brimmer, and Sherrill. Absent and not voting: Governors Mitchell, Daane, and Maisel.

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area 788]

CALIFORNIA

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of September 1970, because of the effects of certain disasters, damage resulted to residences and business property located in the county of Alameda, Calif.;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property situated in the aforesaid county, and areas adjacent thereto, suffered damage or destruction resulting from fire occurring on September 22, 1970.

OFFICE

Small Business Administration Regional Office, 450 Golden Gate Avenue, San Francisco, Calif. 94102.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to March 31, 1971.

Dated: September 24, 1970.

HILARY SANDOVAL, Jr.,
Administrator.

[F.R. Doc. 70-13286; Filed, Oct. 5, 1970; 8:46 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

FEDERAL WAGE GARNISHMENT LAW

Application by the State of Illinois for Exemption; Opportunity To Comment

1. Pursuant to section 305 of the Consumer Credit Protection Act (CCPA) (15 U.S.C. 1675) and Subpart C of 29 CFR Part 870 (35 F.R. 8226, May 26, 1970; 35 F.R. 14314, Sept. 11, 1970), the State of Illinois has filed an application with the Administrator of the Wage and Hour Division for exemption of State-regulated garnishments from the provisions of section 303(a) of the CCPA.

2. Interested persons are hereby afforded an opportunity to comment in writing concerning this application within 30 days following publication of this notice in the FEDERAL REGISTER. Comments should be addressed to the Administrator, Wage and Hour Division, U.S. Department of Labor, Washington, D.C. 20210.

3. Copies of the application of the State will be available for public inspection and copying during business hours at the national office of the Wage and Hour Division and in the regional office of the Wage and Hour Division in Chicago, Ill.

4. The rules published in 29 CFR Part 870 shall govern action upon this application.

Signed at Washington, D.C., this 30th day of September 1970.

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

[F.R. Doc. 70-13301; Filed, Oct. 5, 1970; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 597]

MOTOR CARRIER TRANSFER PROCEEDINGS

OCTOBER 1, 1970.

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

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

No. MC-FC-72294. By order of September 29, 1970, the Motor Carrier Board approved the transfer to St. Lawrence Freightways, Inc., Watertown, N.Y., of the operating rights in certificates Nos. MC-65812 and MC-65812 (Sub-No. 8) issued January 16, 1959, and April 11, 1966, respectively, to Buckley Motor Express, Inc., Carthage, N.Y., authorizing the transportation of paper boxes, from Castorland, N.Y., to New York, N.Y., Erie, Pa., and New Brunswick, Newark and Bound Brook, N.J., paper and paper

products, from Carthage, N.Y., to Baldwinsville, Fairmount, and Brookfield, Mass., and Ashuelot, N.H.; paper-mill rollers, between Carthage, N.Y., Passaic, N.J., and Downingtown, Pa., paper chipboard, from West Carthage, N.Y., to Boston, Cambridge, Somerville, Quincy, and Irving, Mass., Burlington, East Ryegate, Wells River, and Putney, Vt., and Hinsdale, East Jaffrey, and Bennington, N.H., and general commodities, with usual exceptions, between points in Erie County, N.Y., on the one hand, and, on the other, points in Jefferson and Lewis Counties, N.Y.; from points in St. Lawrence County, N.Y., to points in Erie County, N.Y., and from points in Erie County, N.Y., to points in Clinton, and Franklin Counties, N.Y. Raymond A. Richards, registered practitioner, 23 West Main Street, Webster, N.Y. 14580, representative for applicants.

No. MC-FC-72349. By order of September 29, 1970, the Motor Carrier Board approved the transfer to Harold C. Grumme, Glenmont, N.Y., of the operating rights in permit No. MC-119677 issued December 8, 1960, to Raymond A. Wilsey, Ravena, N.Y., authorizing the transportation of building materials, as defined in Appendix VI, Descriptions in Motor Carrier Certificates, 61 M.C.C. 209, in a retail delivery service, from the plantsite of Wickes Lumber Co., at Selkirk, N.Y., to points in Litchfield and Fairfield Counties, Conn., Berkshire County, Mass., and Bennington and Windham Counties, Vt. John J. Brady, Jr., 75 State Street, Albany, N.Y. 12207, attorney for applicants.

No. MC-FC-72383. By order of September 29, 1970, the Motor Carrier Board approved the transfer to Callis Trucking, Inc., Centerton, Ind., of the operating rights in permit No. MC-113790 issued April 3, 1956, to Joseph O. Roe, doing business as Roe Brothers Trucking Co., Martinsville, Ind., authorizing the transportation of brick from points in Morgan County, Ind., to Rockford, Aurora, Joliet, Champaign, Paris, Urbana, and Lawrenceville, Ill., Owensboro, Louisville, Lexington, Covington, and Erlanger, Ky., Cincinnati, Hamilton, Dayton, Springfield, Lima, Toledo, and Columbus, Ohio, and Detroit, Flint, Muskegon, Grand Rapids, Jackson, Kalamazoo, and Niles, Mich. Warren C. Moberly, 777 Chamber of Commerce Building, Indianapolis, Ind. 46204, attorney for applicants.

[SEAL] ROBERT L. OSWALD,
Acting Secretary.

[F.R. Doc. 70-13313; Filed, Oct. 5, 1970; 8:48 a.m.]

[Notice 597A]

MOTOR CARRIER TRANSFER PROCEEDINGS

OCTOBER 1, 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-72009. By order of September 24, 1970, Division 3, acting as an Appellate Division, modified its order of July 13, 1970, and approved the transfer to Bill Meeker, Wichita, Kans., of a portion of the operating rights in Certificate No. MC-118217 (Sub-No. 1) and all of the operating rights in Permits Nos. MC-110064 and MC-110064 (Sub-No. 1) issued November 9, 1962, January 27, 1950, and June 9, 1950, to A. W. Sturgeon and Harry Meeker, a partnership, doing business as Sturgeon & Meeker, Wichita, Kans., authorizing the transportation of (a) wheat bran, in bags and in bulk, from points in Sedgwick, Sumner, Cowley, Harvey, McPherson, and Reno Counties, Kans., to points in Arizona, California, and New Mexico; (b) malt beverages and in connection therewith malt beverage advertising matter, from Kansas City, Mo., and Omaha, Nebr., to Hutchinson, Pratt, Wellington, Wichita, and Winfield, Kans., and empty malt beverage containers on return; and (c) malt beverages, from St. Louis, Mo., to Wichita, Kans., empty malt beverage containers, on return, and fruits and vegetables, from points in Colorado, Texas, and Oklahoma to Wichita, Kans. The order of September 24, 1970, has the effect of authorizing the transfer of all operating rights of transferor in lieu of authorizing the transfer of only those operating rights described in 35 F.R. 11667 conditioned upon cancellation of the operating rights described above. *Dual operations were approved.* Richard A. Peterson, 521 South 14th Street, Post Office Box 806, Lincoln, Nebr. 68501, attorney for applicants.

[SEAL] ROBERT L. OSWALD,
Acting Secretary.

[F.R. Doc. 70-13314; Filed, Oct. 5, 1970; 8:48 a.m.]

[Notice 162]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

SEPTEMBER 30, 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 30837 (Sub-No. 407 TA), filed September 24, 1970. Applicant: KENOSHA AUTO TRANSPORT CORPORATION, 4200 39th Avenue, Post Office Box 160, 53141, Kenosha, Wis. 53140. Applicant's representative: Albert P. Barber (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *All terrain vehicles*, from Sheboygan Falls, Wis., to points in the United States (except Hawaii), for 180 days. Supporting shipper: Feldmann Engineering & Manufacturing Co., 633-639 Monroe Street, Sheboygan Falls, Wis. 53085 (Mrs. M. H. Feldmann, Vice President). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 74321 (Sub-No. 43 TA), filed September 25, 1970. Applicant: B. F. WALKER, INC., 650 17th Street, Denver, Colo. 80202. Applicant's representative: Richard P. Kissinger (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Antipollution systems and antipollution system parts*, from points in Tulsa and Osage Counties, Okla., to points in the United States (except Alaska and Hawaii), for 180 days. Supporting shipper: John Zink Co., 4401 South Peoria, Tulsa, Okla. 74105. Send protests to: District Supervisor Roger L. Buchanan, Interstate Commerce Commission, Bureau of Operations, 2022 Federal Building, Denver, Colo. 80202.

No. MC 95876 (Sub-No. 102 TA), filed September 24, 1970. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Avenue North, Post Office Box 844, St. Cloud, Minn. 56301. Applicant's representative: Arthur A. Budde, 203 Cooper Avenue North, St. Cloud, Minn. 56301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Boards or sheets, made up of lumber particles, lumber fibers, or sawdust*, from Albany, Bend, and Millersburg, Oreg., to points in Illinois, Indiana, Iowa, Michigan, Minnesota, Nebraska, North Dakota, South Dakota, and Wisconsin, for 180

days. Supporting shipper: Willamette Industries, Inc., Albany, Oreg. 97321. Send protests to: A. N. Spath, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn. 55401.

No. MC 107295 (Sub-No. 446 TA), filed September 25, 1970. Applicant: PRE-FAB TRANSIT CO., 100 South Main Street, Farmer City, Ill. 61842. Authority sought to operate as a *common carrier*, by motor vehicle, over routes, transporting: *Pipe, tubing, fitting and accessories incidental to the erection and installation thereof*, from Ambridge, Pa., to points in Missouri, for 180 days. Supporting shipper: H. K. Porter Co., Inc., Porter Building, 601 Grant Street, Pittsburgh, Pa. 15200. Send protests to: Harold Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 476, 325 West Adams Street, Springfield, Ill. 62704.

No. MC 109435 (Sub-No. 64 TA), filed September 25, 1970. Applicant: ELLSWORTH BROTHERS TRUCK LINE, INC., 1200 Simons Building, Dallas, Tex. 75201. Applicant's representative: William D. White, Jr., 2505 Republic National Bank Tower, Dallas, Tex. 75201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid livestock feed*, in bulk, in tank vehicles, from Tulsa and Claremore, Okla., to points in Kansas, Missouri, and Arkansas, for 180 days. NOTE: Carrier does not intend to tack authority. Supporting shipper: Red Barn Chemicals, Inc., 1720 South Boulder, Tulsa, Okla. Send protests to: E. K. Willis, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 513 Thomas Building, 1314 Wood Street, Dallas, Tex. 75202.

No. MC 110393 (Sub-No. 29 TA), filed September 23, 1970. Applicant: GEM TRANSPORT, INC., 1559 East 10th Street, Post Office Box 397, Jeffersonville, Ind. 47103. Applicant's representative: R. Yessin, Sixth Floor, McClure Building, Frankfort, Ky. 40601. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts and dairy products* as described in sections A, B, and C of appendix 1 to the report and *Description in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from plantsite and/or storage facilities of the Klarer Co. at or near Louisville, Ky., to points in West Virginia, for 180 days. Supporting shipper: Fresh Meats Division, Armour & Co., 111 East Wacker Drive, Chicago, Ill. Send protests to: James W. Habermehl, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 802 Century Building, 36 South Pennsylvania Street, Indianapolis, Ind. 46204.

No. MC 113434 (Sub-No. 36 TA), filed September 23, 1970. Applicant: GRABELL TRUCK LINE, INC., 679 Lincoln Avenue, Holland, Mich. 49423. Applicant's representative: Wilhelmina Boersma, 1600 First Federal Building, 1001 Woodward Avenue, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vinegar*, in bulk, in tank vehicles, from Muscatine, Iowa to Holland, Mich., for 150 days. NOTE: Applicant does not intend to tack. Supporting shipper: Mr. J. W. Pinchot, Department Head—Transportation Heinz U.S.A., Division of H. J. Heinz Co., 1062 Progress Street, Pittsburgh, Pa. 15212. Send protests to: C. R. Flemming, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Federal Building, Room 225, Lansing, Mich. 48933.

No. MC 113678 (Sub-No. 400 TA), filed September 24, 1970. Applicant: CURTIS, INC., Post Office Box 16004, Stockyards Station, Denver, Colo. 80216. Applicant's representative: Frederick J. Coffman, 521 South 14th Street, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts and articles distributed by meat packinghouses*, from Dubuque, Iowa, to Denver, Colo., for 180 days. Supporting shipper: Litvak Meat Co., Inc., East 5900 York Street, Denver, Colo. Send protests to: Herbert C. Ruoff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 2022 Federal Building, Denver, Colo. 80202.

No. MC 113678 (Sub-No. 401 TA), filed September 25, 1970. Applicant: CURTIS, INC., Post Office Box 16004, Stockyards Station, Denver, Colo. 80216. Applicant's representative: Frederick J. Coffman, 521 South 14th, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts and articles distributed by meat packinghouses*, from Ellensburg, Wash., to Lincoln, Nebr., for 180 days. Supporting shipper: Superior Packing Co., Inc., Ellensburg, Wash. Send protests to: Herbert C. Ruoff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 2022 Federal Building, Denver, Colo. 80202.

No. MC 114123 (Sub-No. 37 TA) (Correction), filed September 8, 1970, published in the FEDERAL REGISTER issue of September 17, 1970 and September 24, 1970, corrected and republished in part as corrected, this issue. Applicant: HERMAN R. EWELL, INC., East Earl, Pa. 17519. Applicant's representative: Blanton P. Bergen, 137 East 36th Street, New York, N.Y. 10016. NOTE: The purpose of this partial republication is to show the correct sub number as (Sub-No. 37 TA) in lieu of (Sub-No. 23 TA). The rest of the application remains as previously published.

No. MC 115331 (Sub-No. 290 TA), filed September 25, 1970. 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: *Nonalcoholic beverages, syrups, and flavoring compounds*, in containers, from Warrenton, Mo., to Metropolis, Du Quoin, Centralia, Robinson, and Marion, Ill.; Keokuk, Iowa; Paducah, Ky.; and Vincennes and Terre Haute, Ind., for 180 days. Supporting shipper: Warrenton Products, Inc., Post Office Box 289, Warrenton, Mo. 63383. Send protests to: District Supervisor J. P. Werthmann, Interstate Commerce Commission, Bureau of Operations, Room 3248, 1520 Market Street, St. Louis, Mo. 63103.

No. MC 118959 (Sub-No. 91 TA), filed September 24, 1970. Applicant: JERRY LIPPS, INC., 130 South Frederick Street, Cape Girardeau, Mo. 63701. Applicant's representative: Frank D. Hall, Suite 713, 3384 Peachtree Road NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe, plastic tubing, plastic conduits, plastic moldings, asbestos cement pipe, plastic valves, plastic fittings, compounds, joint sealer bonding cement, plastic siding and accessories and material used in the installation of such products*, from Social Circle, Ga., to points in Ohio, for 180 days. Supporting shipper: Certain-Teed Products Corp., Social Circle, Ga., District Supervisor J. P. Werthmann, Interstate Commerce Commission, Bureau of Operations, Room 3248, 1520 Market Street, St. Louis, Mo. 63103.

No. MC 119641 (Sub-No. 91 TA) (Correction) filed September 15, 1970, published in the FEDERAL REGISTER issue of September 25, 1970 and republished as corrected, this issue. Applicant: RINGLE EXPRESS, INC., 450 East Ninth Street, Post Office Box 471, Fowler, Ind. 47944. Applicant's representative: Leo A. Maciolek (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors* (except tractors with vehicle beds, bed frames or fifth wheels), *agricultural machinery and implements, industrial and construction machinery and equipment, snowmobiles, equipment designed for use in connection with tractors, trailers designed for the transportation of the commodities described above* (except trailers designed to be drawn by passenger automobiles), *attachments* for the commodities described above, *internal combustion engines, and parts and accessories* of the commodities described hereinabove when moving in mixed loads with such commodities, from ports of entry on the international boundary between the United States and Canada at Detroit and Port Huron, Mich., and Buffalo and Niagara Falls, N.Y., to points in the United States except Alaska and Hawaii. Restricted to shipments originating at the plant and warehouse sites and experimental farms of Massey-Ferguson Industries Ltd., at Toronto, Brantford, and Milliken, Ontario, for 150 days. NOTE: The purpose of this republication is to correct reading of the commodity description, which was inadvertently omitted in previous publication. Supporting shipper: Massey-Ferguson, Inc., 1901 Bell Avenue, Des Moines, Iowa 50315. Send protests to: District Supervisor J. H. Gray, Interstate Commerce

Commission, Bureau of Operations, Room 204, 345 West Wayne Street, Fort Wayne, Ind. 46802.

No. MC 119778 (Sub-No. 124 TA), filed September 24, 1970. Applicant: REDWING CARRIERS, INC., Post Office Box 426, Tampa, Fla. 33601, Office: Southwest 31st Street, Birmingham, Ala. 35221. Applicant's representative: J. V. McCoy (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sodium hypochlorite solution*, in bulk, in tank vehicles, from Mobile, Ala., to Dulac, La., for 90 days. Supporting shipper: Jones Chemicals, Inc., Box 234, 1200 Jarvis Road, Chicksaw Branch, Mobile, Ala. 36611. Send protests to: District Supervisor Joseph B. Teichert, Interstate Commerce Commission, Bureau of Operations, 5720 Southwest 17th Street, Room 105, Miami, Fla. 33155.

No. MC 119789 (Sub-No. 38 TA), filed September 24, 1970. Applicant: CARAVAN REFRIGERATED CARGO, INC., Post Office Box 6188, Dallas, Tex. 75222. Applicant's representative: James T. Moore (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared dough and bakery products*, other than frozen, from Denison, Tex., to points in Mississippi and Louisiana, and Mobile, Ala., and Pensacola, Fla., for 180 days. NOTE: Carrier does not intend to tack authority. Supporting shipper: The Pillsbury Co., 608 Second Avenue South, Minneapolis, Minn. 55402. Send protests to: E. K. Willis, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 513 Thomas Building, 1314 Wood Street, Dallas, Tex. 55402.

No. MC 124221 (Sub-No. 31 TA), filed September 23, 1970. Applicant: HOWARD BAER, Post Office Box 27, Route 98 West, Morton, Ill. 61550. Applicant's representative: R. Loser, 1001 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transprting: (1) *Yogurt (plain and flavored), dip n' dressings, and dairy products* as described in section (B) of appendix 1 to the report in *Descriptions and Motor Carrier Certificates* 61 M.C.C. 209, from the plantsite and storage facilities of Sealtest Foods, Division of Kraftco Corp., Peoria, Ill., to the plant and storage facilities of Sealtest Foods, Division of Kraftco Corp., Rochester, N.Y., and New York City, N.Y.; (2) *ice cream, ice cream products, Sherbets, water ices, and water ice products*, in containers, and *dairy products* as described in section (B) of appendix 1 to the report in *Descriptions and Motor Carrier Certificates* 61 M.C.C. 209, and *fruit drinks and juices, fresh and frozen*, from the plantsite and storage facilities of Sealtest Foods, Division of Kraftco Corp. at Peoria, Ill., to the plantsite and storage facilities of Sealtest Foods, Division of Kraftco Corp., Pittsburgh, Pa. Restriction: The operations authorized herein are limited to a transportation service to be performed under a continuing contract or contracts with Sealtest Foods, Division of Kraftco Corp., for 180 days. Supporting shipper: Sealtest Foods, Division of Kraftco Corp., 736 Southwest Washington Street, Peoria, Ill. 61602. Send protests to: Raymond E. Mauk, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 Dearborn Street, Room 1086, Chicago, Ill. 60604.

No. MC 126719 (Sub-No. 4 TA), filed September 24, 1970. Applicant: CARON TRANSPORT LTD., Post Office Box 3464, Station D, Edmonton, Alberta, Canada. Applicant's representative: J. F. Meglen, Post Office Box 1581, Billings, Mont. 59103. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Muriatic acid*, from the international boundary between the United States and Canada at the port of entry at or near Sweetgrass, Mont., to Casper, Gillette, Powell, and Worland, Wyo., for 180 days. Supporting shipper: Dow Chemical of Canada, Ltd., Fort Saskatchewan, Alberta. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 251, U.S. Post Office Building, Billings, Mont. 59101.

No. MC 134912 TA (Correction), filed September 9, 1970, published in the FEDERAL REGISTER issue of September 24, 1970, and republished as corrected, 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*, in truckaway service, from Seattle, Wash., to Fairbanks, Alaska, and return, for 180 days. NOTE: The purpose of this republication is to complete the territorial description, which was inadvertently omitted. 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; Gene's Auto Service, Inc., 1804 Cushman, Fairbanks, Alaska 99701. Send protests to: Hugh H. Chaffee, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Post Office Box 1532, Anchorage, Alaska 99501.

No. MC 134940 (Sub-No. 1 TA), filed September 23, 1970. Applicant: VERNON KUFAHL, doing business as KUFAHL TRUCKING, Route 1, Box 240A, Wausau, Wis. 54401. Applicant's representative: John W. Stevens, 605 Scott Street, Post Office Box 1102, Wausau, Wis. 54401. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (A) *Component buildings*, knocked down or in sections, and in connection therewith *component parts, materials and equipment incidental to the erection and completion of such buildings* and the return of *materials, equipment, and supplies used in the manufacture and distribution of the above commodities;* (B) from Ottumwa, Iowa, to points in Iowa, Missouri, Illinois, Minnesota, Wisconsin, and Upper Michigan, from points in Iowa, Missouri, Illinois, Minnesota, Wisconsin, and Upper Michigan to Ottumwa, Iowa, and Wausau, Wis., from Ottumwa, Iowa, to Wausau, Wis., and from Wausau, Wis., to points in Iowa, Missouri, Illinois, Minnesota, and Upper Michigan, with return trips to Wausau, Wis., for 180 days. Supporting shipper: Wausau Homes, Inc., Marvin C. Schuette, Secretary-Treasurer, Wausau, Wis. 54401. Send protests to: Barney L. Hardin, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 139 West Wilson Street, Room 206, Madison, Wis. 53703.

No. MC 134943 TA, filed September 23, 1970. Applicant: ACME MOVERS & STORAGE CO., INC., Highway 70A West, Morehead City, N.C. 28557. Applicant's representative: Elbert G. Weeks (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household and personal effects*, from Morehead City, N.C., to points in the counties of Carteret, Craven, Pamlico, Beaufort, and Hyde, N.C., and return from counties of Hyde, Beaufort, Pamlico, Craven, and Carteret, N.C., to Morehead City, N.C., for 180 days. Supporting shipper: Department of Defense, MTMTS, Washington, D.C. Send protests to: Archie W. Andrews, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Post Office Box 27611, Raleigh, N.C. 27611.

MOTOR CARRIER OF PASSENGERS

No. MC 134942 (Sub-No. 1 TA), filed September 23, 1970. Applicant: INTERSTATE LIMOUSINES, LTD., 711 Munsey Building, 7 North Calvert Street, Baltimore, Md. 21202. Applicant's representative: William J. Little, 1513 Fidelity Building, Baltimore, Md. 21201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in limousines, not exceeding capacity of 11 adults plus chauffeur, in charter and special operations, between Baltimore, Md., and points in Anne Arundel, Baltimore, Howard, and Harford Counties, Md., on the one hand, and, on the other, points in Delaware, New Jersey, Pennsylvania, New York, Virginia, West Virginia, and the District of Columbia, for 180 days. Supporting shippers: The Birmingham Small Arms Co., Inc., Post Office Box 6790, Timonium, Baltimore, Md. 21204; Town & Country Travel, 19 West Pennsylvania Avenue, Towson, Md. 21204; Thomas Cook & Sons, Inc., 313 North Charles Street, Baltimore, Md. 21201; Equitable Trust Travel Service, International Banking Division, Post Office Box 1556, Baltimore, Md. 21202; Kentrikon, 428 South Oldham Street, Baltimore, Md. 21224; Diners Fugazy Travel, 409 West Cold Spring Lane, Baltimore, Md. 21210. Send protests to: William L. Hughes, District

Supervisor, Interstate Commerce Commission, Bureau of Operations, 1125 Federal Building, Baltimore, Md. 21201.

No. MC 134944 TA, filed September 23, 1970. Applicant: VERNON E. OLSON, doing business as WHITE PINE EXPRESS CO., Box 188, Hancock, Mich. 49930. Applicant's representative: William L. Slover, 1224 17th Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, between points in Baraga, Houghton, Keweenaw, and Ontonagon Counties, Mich., on the one hand, and, on the other, points in United States and the District of Columbia, in round trip charter operations, for 180 days. Supporting shippers: Mr. Gordon Gustafson, Principal, Jeffers High School, Painesdale, Mich. 49955; Mr. Alan J. Bovard, Athletic Director, Michigan Technological University, Houghton, Mich. 49931; Mr. Tom Renier, Director of Athletics, Suomi College, Hancock, Mich. 49930; Mr. Harold C. Stout, Superintendent Public Schools, Osceola Township, Dollar Bay, Mich. 49922. Send protests to: C. R. Flemming, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Federal Building, Room 225, Lansing Mich. 48933.

By the Commission.

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

[F.R. Doc. 70-13315; Filed, Oct. 5, 1970; 8:48 a.m.]

[Ex Parte No. MC-82]

PROPOSED NEW PROCEDURES IN MOTOR CARRIER REVENUE PROCEEDINGS

Extension of Time To File Comments and Replies Thereto

SEPTEMBER 29, 1970.

In the original notice herein, announced on August 31, 1970, and published in the FEDERAL REGISTER dated September 2, 1970, the Commission proposed new procedures governing the data and information to be submitted in motor common carrier revenue proceedings. Comments of any interested party were invited to be filed within 30 days from the date of publication of that notice in the FEDERAL REGISTER.

On September 23, 1970, and later, the Commission received requests by the major motor tariff bureaus for a 30-day extension of the time for filing comments, on the ground that efforts to develop constructive suggestions, in addition to comments on the proposals, require additional meetings and discussions. In addition, it is believed that affording the parties opportunity to file replies to comments of others will be of aid to the Commission in devising the procedures to be ultimately promulgated.

In consideration of the above, all parties who wish to participate actively in this proceeding and to file and receive copies of comments and replies thereto should notify the Office of Proceedings of this Commission thereof on or before October 10, 1970. As soon as practicable thereafter, the Office of Proceedings will serve a list of the names and addresses of all persons upon whom service of comments and replies shoul. be made.

The time for filing original comments is hereby extended to November 2, 1970, and replies thereto should be filed on or before November 12, 1970. No further extensions of time are contemplated. Copies thereof should be sent by first-class mail to the persons included in the list to be supplied by the Office of Proceedings on the day an original and 15 copies are filed with this Commission.

This supplemental notice will be published in the FEDERAL REGISTER.

By the Commission, Commissioner Walrath.

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

[F.R. Doc. 70-13311; Filed, Oct. 5, 1970; 8:48 a.m.]

[No. 33434]

MIDDLE ATLANTIC AND NEW ENGLAND TERRITORY

Detention of Motor Vehicles

SEPTEMBER 25, 1970.

The original notice in this proceeding which appeared in the FEDERAL REGISTER on August 18, 1970, volume 35 at page 13180, is hereby corrected as follows:

In the first paragraph, line 4 is changed to read: "on June 2, 1970, and amended on August 17, 1970, with the Commission to".

In the first paragraph, the citation on lines 7 and 8 is changed to read: "325 I.C.C. 336".

In the third paragraph, lines 2, 3, and 4 are changed to delete the following: "as a minimum charge level, or in the alternative,".

The said notice is also supplemented to include the following:

On August 20, 1970, Acme Markets, Inc., filed a petition with the Commission to reopen this proceeding and to reconsider the portion of the presently prescribed detention rule entitled "Section III—Free Time". By its petition, Acme seeks the following alternative modifications of section III:

(1) Adopt in place of the present rule—

SECTION III—FREE TIME

Free Time shall be as follows:

Pieces	Time (minutes)	Pieces	Time (minutes)
250	30	3,250	390
500	60	3,500	420
750	90	3,750	450
1,000	120	4,000	480
1,250	150	4,250	510
1,500	180	4,500	540
1,750	210	4,750	570
2,000	240	5,000	600
2,250	270	5,250	630
2,500	300	5,500	660
2,750	330	5,750	690
3,000	360	6,000	720

or, (2) extend the present rule as follows—

COLUMN A

Actual weight in pounds per vehicle:	Free time in minutes
Less than 24,000	240
24,000 and less than 36,000	300
36,000 and less than 40,000	360
40,000 and less than 46,000	420
46,000 or more	480

COLUMN B

Actual weight in pounds per vehicle:	Free time in minutes per vehicle stop
Less than 10,000	90
10,000 and less than 20,000	180
20,000 and less than 24,000	240
24,000 and less than 36,000	300
36,000 and less than 40,000	360
40,000 and less than 46,000	420
46,000 or more	480

(Footnotes unchanged)

The petitions (and the amendment) to reopen the proceeding and to modify the prescribed detention rules and charges are available for inspection in the public docket located in the Office of the Secretary at the Commission's office in Washington, D.C.

Notice of the filing of the petition by Acme Markets, Inc., and of the amendment to the petition filed by the Middle Atlantic Conference and its member carriers, will be given to the parties of record by serving them with a copy of this corrected and supplemental notice, and to the general public, by depositing a copy of this corrected and supplemental notice in the office of the Secretary of the Commission at Washington, D.C., and by filing with the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER.

Any interested person, desiring to participate in the preceeding, may file a written protest or reply to the proposals in writing within twenty (20) days from the date of publication of this notice in the FEDERAL REGISTER. Original and 15 copies of such protest must be filed with the Commission in Washington, D.C., and must show service of two copies upon: Mr. J. Alan Royal, Post Office Box 10213, Washington, D.C. 20018, attorney for Middle Atlantic Conference, and Mr. V. Baker Smith, 2107 The Fidelity Building, Philadelphia, Pa. 19109, attorney for Acme Markets, Inc. The protest of Food Fair Stores, Inc., filed in response to, and as provided in, the original notice appearing in the FEDERAL REGISTER on August 18, 1970, a copy of which is being furnished the attorney for Middle Atlantic Conference, Inc., and the reply of Middle Atlantic Conference filed September 8, 1970, to the petition of Acme Markets, Inc., will be considered, and duplication should be avoided. It is not contemplated that there will be any further general public notification published in the FEDERAL REGISTER of the succeeding procedural handling of these petitions.

By the Commission.

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

[F.R. Doc. 70-13312; Filed, Oct. 5, 1970; 8:48 a.m.]

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