

FEDERAL REGISTER

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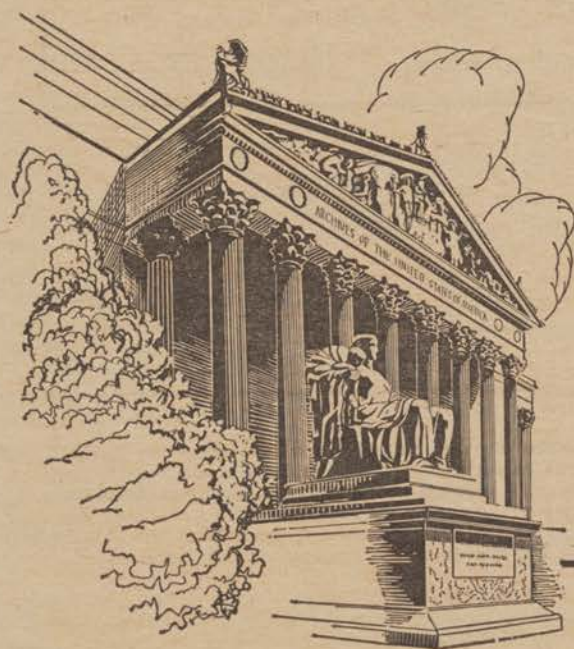
Wednesday, February 11, 1970 • Washington, D.C.

Pages 2811-2850

Agencies in this issue—

The President
Agency for International Development
Agricultural Research Service
Agriculture Department
Atomic Energy Commission
Civil Aeronautics Board
Consumer and Marketing Service
Customs Bureau
Federal Aviation Administration
Federal Communications Commission
Federal Housing Administration
Federal Power Commission
Federal Reserve System
Fiscal Service
Fish and Wildlife Service
Food and Drug Administration
Interstate Commerce Commission
Labor Standards Bureau
Land Management Bureau
Patent Office
President's Committee on Equal
Opportunity in Housing
Securities and Exchange Commission
Small Business Administration
Soil Conservation Service
Veterans Administration
Wage and Hour Division

Detailed list of Contents appears inside.



Now Available

LIST OF CFR SECTIONS AFFECTED

1949-1963

This volume contains a compilation of the "List of Sections Affected" for all titles of the Code of Federal Regulations for the years 1949 through 1963. All sections of the CFR which have been expressly affected by documents published in the daily Federal Register are enumerated.

Reference to this list will enable the user to find the precise text of CFR provisions which were in force and effect on any given date during the period covered.

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Contents

THE PRESIDENT

PROCLAMATION

American Heart Month, 1970----- 2815

EXECUTIVE AGENCIES

AGENCY FOR INTERNATIONAL DEVELOPMENT

Notices

Housing guaranties; prescription of rate----- 2834

AGRICULTURAL RESEARCH SERVICE

Rules and Regulations

Hog cholera and other communicable swine diseases; areas quarantined (2 documents)----- 2817

AGRICULTURE DEPARTMENT

See also Agricultural Research Service; Consumer and Marketing Service; Soil Conservation Service.

Notices

Designation of areas for emergency loans:
Louisiana----- 2835
Missouri----- 2835
Oklahoma----- 2836

ATOMIC ENERGY COMMISSION

Notices

Mitsubishi International Corp.; issuance of facility export license----- 2836

CIVIL AERONAUTICS BOARD

Rules and Regulations

Uniform system of accounts and reports for certified air carriers; redefinition of "operations, domestic" and other revisions with respect to entity reporting----- 2819

Notices

Hearings, etc.:
Air West, Inc.----- 2836
Domestic Trunkline & Local Service Carriers----- 2837
Ross Aviation, Inc.----- 2837

COMMERCE DEPARTMENT

See Patent Office.

CONSUMER AND MARKETING SERVICE

Notices

Domestic dates produced or packed in designated area of California; findings and approval regarding grade and size----- 2835

CUSTOMS BUREAU

Rules and Regulations

Articles conditionally free, subject to reduced rate, etc.; international organizations----- 2822

FEDERAL AVIATION ADMINISTRATION

Rules and Regulations

Alterations:

Control zone and transition area----- 2819
Jet route segment----- 2819
Certification; pilots, air carriers, etc.; training programs----- 2818
Special flight authorizations for foreign civil aircraft, conditions and limitations----- 2818

FEDERAL COMMUNICATIONS COMMISSION

Rules and Regulations

Aviation services; miscellaneous amendments----- 2829
FM broadcast station, New Bern, N.C.; table of assignments----- 2828

Proposed Rule Making

FM broadcast stations, Riviars Beach, West Palm Beach, and Jupiter, Fla.; table of assignments----- 2831

FEDERAL HOUSING ADMINISTRATION

Rules and Regulations

Delegations of basic authority and functions; miscellaneous amendments----- 2823

FEDERAL POWER COMMISSION

Proposed Rule Making

Collection of steam-electric generating plant pollution control data----- 2832

FEDERAL RESERVE SYSTEM

Notices

First Financial Corp.; order approving application (2 documents)----- 2838

FISCAL SERVICE

Rules and Regulations

United States savings stamps; notice of termination of sale----- 2827

FISH AND WILDLIFE SERVICE

Notices

Loan applications:
Deems, Alan Mitchell----- 2834
Zeigler, Richard and Henry Nagel----- 2834

FOOD AND DRUG ADMINISTRATION

Rules and Regulations

Food additives:

Closures with sealing gaskets for food containers----- 2822
Mineral oil----- 2823

Notices

Aspirin etc.; drug efficacy study implementation----- 2836

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

See Food and Drug Administration.

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

See Federal Housing Administration.

INTERIOR DEPARTMENT

See Fish and Wildlife Service; Land Management Bureau.

INTERSTATE COMMERCE COMMISSION

Rules and Regulations

Surety bonds and policies of insurance; forms and procedure-- 2829

Notices

Car distribution:
Boston and Maine Corp., and Maine Central Railroad Co.-- 2844
Penn Central Co., et al----- 2844
Fourth section applications for relief----- 2844
Motor carrier:
Alternate route deviation notices (2 documents)----- 2844, 2845
Applications and certain other proceedings----- 2845
Temporary authority applications----- 2847
South Carolina intrastate freight rates, 1969----- 2843

LABOR DEPARTMENT

See Labor Standards Bureau; Wage and Hour Division.

LABOR STANDARDS BUREAU

Rules and Regulations

Hazardous occupations in agriculture; correction----- 2822

LAND MANAGEMENT BUREAU

Rules and Regulations

Idaho; public land order; correction----- 2828

Notices

Nevada; notice of public sale of lands----- 2834

(Continued on next page)

PATENT OFFICE**Rules and Regulations**Updating of rules and forms;
correction 2828**PRESIDENT'S COMMITTEE ON
EQUAL OPPORTUNITY IN
HOUSING****Rules and Regulations**Discontinuance of chapter; edi-
torial note 2827**SECURITIES AND EXCHANGE
COMMISSION****Notices***Hearings, etc.:*Continental Vending Machine
Corp 2839
Georgia Power Co. 2839
Pilgrim Fund, Inc., and Pilgrim
Fund Distributors, Inc. 2839**SMALL BUSINESS
ADMINISTRATION****Notices**Declaration of disaster loan areas:
California 2842
Oregon 2842
Vermont 2842
Regional Directors, Regions VI,
VII, & X, et al.; delegation of
authority 2840**SOIL CONSERVATION SERVICE****Rules and Regulations**Great Plains Conservation Pro-
gram; general provisions 2817**STATE DEPARTMENT**See Agency for International De-
velopment.**TRANSPORTATION DEPARTMENT**See Federal Aviation Administra-
tion.**TREASURY DEPARTMENT**See Customs Bureau; Fiscal Serv-
ice.**VETERANS ADMINISTRATION****Rules and Regulations**Miscellaneous amendments to
chapter 2827**WAGE AND HOUR DIVISION****Notices**Certificates authorizing employ-
ment of learners at special
minimum wages 2842

List of CFR Parts Affected

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

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

3 CFR**PROCLAMATION:**

3960 2815

7 CFR

601 2817

9 CFR

76 (2 documents) 2817

14 CFR21 2818
61 2818
71 2819
75 2819
91 2818
121 2818
241 2819**18 CFR****PROPOSED RULES:**

141 2832

19 CFR

10 2822

21 CFR

121 (2 documents) 2822, 2823

24 CFR200 2823
Ch. VI 2827**29 CFR**

1500 2822

31 CFR

316 2827

37 CFR1 2828
3 2828**38 CFR**

3 2827

43 CFR**PUBLIC LAND ORDERS:**

4755 2828

47 CFR73 2828
87 2829**PROPOSED RULES:**

73 2831

49 CFR1043 2829
1084 2829

Presidential Documents

Title 3—THE PRESIDENT

Proclamation 3960

AMERICAN HEART MONTH, 1970

By the President of the United States of America

A Proclamation

Cardiovascular disease imposes a heavy burden on the nation. More than half of all deaths in the United States result from heart disease. It is also a major cause of disability, taking a tremendous toll in both suffering and economic loss. The number of Americans who have some form of heart and blood vessel disease is estimated at more than 27 million. In 1968 the economic cost of such disease was estimated at more than 31 billion dollars.

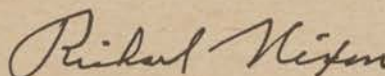
Despite the vastness of the problem, notable progress is being made in the struggle against this disease—largely through research and its application. This progress is attributable to the combined efforts of public and private interests. For continued gains, we look further to the National Heart and Lung Institute, as the chief Federal partner, and the American Heart Association, as the principal voluntary ally. Given the support of all our citizens to reinforce and sustain this effort, we can have cause for optimism in this effort.

For such reasons the Congress, by a joint resolution approved December 30, 1963 (77 Stat. 843), requested the President to issue annually a proclamation designating February as American Heart Month.

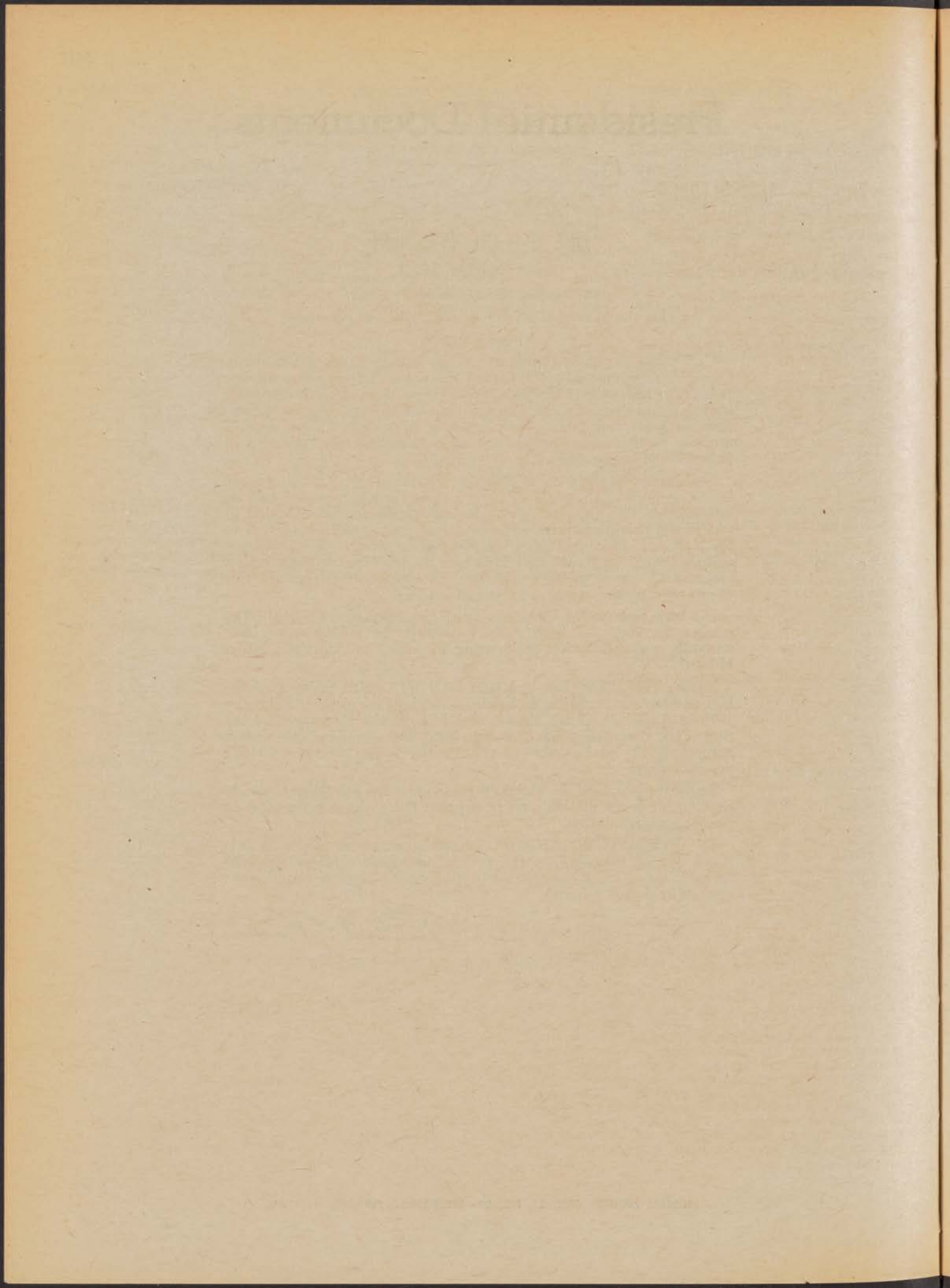
NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby proclaim the month of February 1970 as American Heart Month, and I invite the Governors of the States, the Commonwealth of Puerto Rico, and officials of other areas subject to the jurisdiction of the United States to issue similar proclamations.

I urge the people of the United States to give heed to the nationwide problem of heart disease, and to support the programs essential to bring about its solution.

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



[F.R. Doc. 70-1770; Filed, Feb. 9, 1970; 2:57 p.m.]



Rules and Regulations

Title 7—AGRICULTURE

Chapter VI—Soil Conservation Service, Department of Agriculture

PART 601—GREAT PLAINS CONSERVATION PROGRAM

General Program Provisions

The regulations governing the Great Plains Conservation Program, 22 F.R. 6851, as amended, are further amended as provided herein.

Paragraph (i) of § 601.1 *Definitions*, is amended as follows:

(i) "Designated County" means any county within a Great Plains State in the Great Plains Area which has been designated by the Administrator, SCS, where the program is applicable specifically.

Section 601.5 *Program Applicability*, is amended as follows:

The program will be applicable only in counties within the Great Plains Area of the Great Plains States designated by the Administrator, SCS. These designations will be based upon State Program Committee recommendations.

Paragraph (c) of § 601.23 *Appeals*, is amended as follows:

(c) Any producer adversely affected may appeal to the Administrator, SCS, from a decision of the State Conservationist. A producer who wishes to take such action must file his appeal and any briefs or statements in the office of the Administrator, SCS, within 30 days from receiving notice of the decision of the State Conservationist. The State Conservationist may file a brief or statement in the office of the Administrator, SCS, within 15 days after the producer's brief or statement is received there. Such an appeal shall be limited to the issues or disputes and records before the State Conservationist. The State Conservationist shall submit the record before him, which will include his decision, to the Administrator, SCS. The Administrator, SCS, upon receipt of the record, will make a decision from which there shall be no further appeal in the Department. The producer shall be notified of this decision in writing.

Paragraph (d) of § 601.23 *Appeals*, is amended by deleting the paragraph in its entirety.

Paragraph (1) of § 601.25 *Contract Violations Procedure*, is amended as follows:

Any producer adversely affected by a determination of the State Conservationist shall have the right of appeal to the Administrator, SCS. A producer who wishes to appeal to the Administrator, SCS, must file in the office of the Administrator, SCS, his appeal. This appeal and any briefs or statements must be received in such office within 30 days

after the producer has received notice of the determination of the State Conservationist. The State Conservationist may file a brief or statement in the office of the Administrator, SCS, within 15 days after the producer's brief or statement is received there. Such an appeal shall be limited to the records and the issues made before the State Conservationist which records shall be submitted to the Administrator, SCS, by the State Conservationist. The Administrator, SCS, will make his decision from which there shall be no further appeal in the Department. The decision will be based upon the record before him and the issues presented by the appeal and the producer shall be notified in writing.

Paragraph (m) of § 601.25 *Contract Violations Procedure*, is amended by deleting the paragraph in its entirety.

Paragraphs (a) and (b) of § 601.34 *Effect on Acreage Allotment and Marketing Quota Programs*, are amended by deleting the paragraphs in their entirety.

(Sec. 4, 49 Stat. 164, as amended, 16 U.S.C., 590d)

Done at Washington, D.C., this 5th day of February 1970.

[SEAL]

T. K. COWDEN,
Assistant Secretary.

[F.R. Doc. 70-1678; Filed, Feb. 10, 1970;
8:45 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Areas Quarantined

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

1. In § 76.2, the introductory portion in paragraph (e) is amended by adding thereto the name of the State of Maryland and subparagraph (e)(5) is added to read:

(5) *Maryland*. The adjacent portions of Wicomico and Worcester Counties bounded by a line beginning at the junction of U.S. Highway 50 and State Highway 12 (at the city of Salisbury); thence, following U.S. Highway 50 in an easterly direction to U.S. Highway 113; thence, following U.S. Highway 113 in a southwesterly direction to State Highway 12 (at the city of Snow Hill); thence, following State Highway 12 in a northwesterly direction to its junction with U.S. Highway 50.

2. In § 76.2, paragraph (f) is amended by deleting the reference to "Maryland."

(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 portions of Wicomico and Worcester Counties, Md., because of the existence of hog cholera. This action is deemed necessary to prevent further spread of the disease. The restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will apply to such counties.

The foregoing amendments also delete the State or Maryland from the list of hog cholera eradication States as set forth in § 76.2(f).

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

Done at Washington, D.C., this 5th day of February 1970.

GEORGE W. IRVING, JR.,
Administrator,

Agricultural Research Service.

[F.R. Doc. 70-1675; Filed, Feb. 10, 1970;
8:45 a.m.]

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:

In § 76.2, paragraph (e)(14) relating to the State of Virginia, a new subparagraph (vi) is added to read:

(14) Virginia. * * *

(vi) That portion of Goochland County bounded by a line beginning at the junction of Interstate Highway 64 and the Goochland-Henrico County line; thence, following the Goochland-Henrico County line in a southerly direction to Primary Highway 6; thence, following Primary Highway 6 in a northwesterly direction to Secondary Highway 644; thence, following Secondary Highway 644 in a northerly direction to Secondary Highway 641; thence, following Secondary Highway 641 in a northwesterly direction to Secondary Highway 654; thence, following Secondary Highway 654 in a northeasterly direction to Interstate Highway 64; thence, following Interstate Highway 64 in a southeasterly direction to its junction with the Goochland-Henrico County line.

(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. 431, secs. 3 and 11, 76 Stat. 481, 130; 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 amendment shall become effective upon issuance.

The amendment quarantines portions of Goochland County, Va., 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 areas designated herein.

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

Done at Washington, D.C., this 5th day of February 1970.

GEORGE W. IRVING, JR.,

Administrator,

Agricultural Research Service.

[F.R. Doc. 70-1676; Filed, Feb. 10, 1970; 8:45 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 9749; Amdt. Nos. 21-28; 91-73]

PART 21—CERTIFICATION PROCEDURES FOR PRODUCTS AND PARTS

PART 91—GENERAL OPERATING AND FLIGHT RULES

Special Flight Authorizations for Foreign Civil Aircraft, Conditions and Limitations

The purpose of these amendments is to establish conditions and limitations under which special authorizations may be issued for foreign civil aircraft operated in the United States for market sales or surveys, and to delete the requirement that U.S. aircraft engine manufacturers use only type certificated engines in type certificated aircraft when operated solely for market surveys, sales demonstrations, or customer crew training.

These amendments are based on a notice of proposed rule making (Notice 69-35) which was published in the FEDERAL REGISTER on August 16, 1969 (34 F.R. 13329).

All of the comments received in response to Notice 69-35, with the exception of one, concurred without reservation in the adoption of these amendments. It should be pointed out that under these amendments, § 91.28(b)(5) (i) does not prevent U.S. manufacturers from marketing foreign civil aircraft. These amendments allow foreign civil aircraft to be flown for market sales or surveys without regard to whether or not the operator is the same person as the applicant. Therefore, a U.S. manufacturer may operate the aircraft under the authorization without being the applicant.

As amended, § 21.195(b) permits U.S. aircraft engine manufacturers to conduct market surveys and the other operations specified in the regulation with a type certificated aircraft, whether or not the engines are type certificated. In addition, minor editorial word changes have been made in paragraph (b) for purposes of clarification.

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

In consideration of the foregoing, Parts 21 and 91 of the Federal Aviation Regulations are amended, effective March 13, 1970, as follows:

1. By amending § 21.195(b) of Part 21 to read as follows:

§ 21.195 Experimental certificates: aircraft to be used for market surveys, sales demonstrations, and customer crew training.

(b) A manufacturer of aircraft engines who has altered a type certificated aircraft by installing different engines, manufactured by him within the United States, may apply for an experimental certificate for that aircraft to be used for market surveys, sales demonstrations, or customer crew training, if the basic aircraft, before alteration, was type certificated in the normal, acrobatic, or transport category.

2. In § 91.28(b)(5) of Part 91, by adding a sentence to read as follows:

§ 91.28 Special flight authorizations for foreign civil aircraft.

(b) * * *
(5) * * * However, for market sales or surveys, the applicant must show at least that:

(i) The applicant is the manufacturer of the aircraft;

(ii) The applicant has applied for a U.S. type certificate or U.S. supplemental type certificate;

(iii) The aircraft has flown for 50 hours, or for at least 5 hours if it is a U.S. type certificated aircraft which has been modified;

(iv) The applicant has established operating limitations in an appropriate document and certifies that the aircraft will be operated within such limitations; and

(v) The applicant has established an inspection and maintenance program for the continued airworthiness of the aircraft.

(Secs. 313(a), 601, 603, and 610(b), Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423, and 1430(b), sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on February 5, 1970.

D. D. THOMAS,
Acting Administrator.

[F.R. Doc. 70-1699; Filed, Feb. 10, 1970; 8:46 a.m.]

[Docket No. 9509; Amdt. Nos. 61-45 and 121-55]

PART 61—CERTIFICATION: PILOTS AND FLIGHT INSTRUCTORS

PART 121—CERTIFICATION AND OPERATIONS: DOMESTIC, FLAG, AND SUPPLEMENTAL AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT

Miscellaneous Amendments

Paragraph III(e) of Appendix A to Part 61, entitled "Instrument Procedures: Missed approaches"; subparagraph 121.400(c)(6); and, the amendatory language to § 121.463, appearing in the FEDERAL REGISTER issue for Saturday, January 3, 1970, pages 89, 91, and 96 respectively (35 F.R. 84) are not correct as they now stand and are corrected as follows:

1. By changing the word "conduction" appearing in the third sentence of paragraph III (e) of Appendix A to Part 61 to read: "conjunction."

2. By changing the word "checks" appearing in § 121.400(c)(6) to read: "functions."

3. By changing the language in the amendatory introduction of Item 14 to read: "By amending paragraph (a) of § 121.463 to read as follows:"

Issued in Washington, D.C., on February 5, 1970.

D. D. THOMAS,
Acting Administrator.

[F.R. Doc. 70-1700; Filed, Feb. 10, 1970; 8:46 a.m.]

[Airspace Docket No. 69-SO-96]

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

Alteration of Control Zone and Transition Area

On December 9, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 19470) stating that the Federal Aviation Administration was considering amendments to Part 71 of the Federal Aviation Regulations that would alter the Christiansted, St. Croix, V.I., control zone and transition area.

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

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., April 2, 1970, as hereinafter set forth.

1. In § 71.171 (35 F.R. 2054) the Christiansted, St. Croix, V.I., control zone is amended to read as follows:

CHRISTIANSTED, ST. CROIX, V.I.

Within a 5-mile radius of Alexander Hamilton Airport (lat. 17°42'15" N., long. 64°47'55" W.); within 3 miles each side of the St. Croix VOR 068° and 248° radials, extending from the 5-mile radius zone to 8.5 miles east of the VOR; within 3 miles each side of the 207° bearing from the St. Croix RBN, extending from the 5-mile radius zone to 8.5 miles southwest of the RBN. This control zone is effective during specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the FAA publication, International NOTAMS.

2. In § 71.181 (35 F.R. 2134) the Christiansted, St. Croix, V.I., transition area is amended to read as follows:

CHRISTIANSTED, ST. CROIX, V.I.

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Alexander Hamilton Airport (lat. 17°42'15" N., long. 64°47'55" W.); within 3 miles each side of the 207° bearing from the St. Croix RBN, extending from the 8.5-mile radius area to 8.5 miles southwest of the RBN; and that airspace extending upward from 1,200 feet above the surface within a 15-mile radius of the Alexander Hamilton Airport; within 9.5 miles north and 4.5 miles south of the St. Croix VOR 068° radial, extending from the 15-mile radius area to 18.5

miles east of the VOR; within 9.5 miles southeast and 4.5 miles northwest of the 207° bearing from the St. Croix RBN, extending from the 15-mile radius area to 18.5 miles southwest of the RBN.

(Sec. 307(a) and 1110, Federal Aviation Act of 1958, 49 U.S.C. 1348 and 1510; Executive Order 10854 (24 F.R. 9565), sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on February 4, 1970.

H. B. HELSTROM,
Chief, Airspace and Air
Traffic Rules Division.

[F.R. Doc. 70-1702; Filed, Feb. 10, 1970; 8:46 a.m.]

[Airspace Docket No. 70-WA-5]

PART 75—ESTABLISHMENT OF JET ROUTES

Alteration of Jet Route Segment

The purpose of this amendment to Part 75 of the Federal Aviation Regulations is to redesignate the segment of Jet Route No. 16 between Milwaukee, Wis., and Peck, Mich.

The realignment of J-16 segment from Milwaukee direct to Peck is necessary in order for J-16 to overlie the centerline of a portion of Jet Route No. 36 segment designated between Milwaukee and Flint, Mich.

Since the maximum deviation of the new alignment from the present designation is approximately 2° to the south and the entire new designation is within airspace that is presently controlled, this alteration is minor in nature and no substantive change in the regulation is effected; notice and public procedure thereon are unnecessary.

In consideration of the foregoing, Part 75 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., April 30, 1970, as hereinafter set forth.

In § 75.100 (35 F.R. 2359) Jet Route No. 16 text is amended by deleting "INT of the Milwaukee 088° and the Peck, Mich., 269° radials; Peck;" and substituting "Peck, Mich.;" therefor.

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

Issued in Washington, D.C., on February 4, 1970.

H. B. HELSTROM,
Chief, Airspace and Air
Traffic Rules Division.

[F.R. Doc. 70-1701; Filed, Feb. 10, 1970; 8:46 a.m.]

Chapter II—Civil Aeronautics Board

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER-604, Amdt. 27]

PART 241—UNIFORM SYSTEM OF ACCOUNTS AND REPORTS FOR CERTIFICATED AIR CARRIERS

Redefinition of "Operations, Domestic" and Other Revisions With Respect to Entity Reporting

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 22d day of January 1970.

In a notice of proposed rule making issued September 11, 1969, EDR-169, Docket 21420, and published at 34 F.R. 14479, the Board proposed an amendment to Part 241 which would redefine the term "Operations, domestic" to include all of the 50 States rather than the 48 contiguous States, as presently defined. In addition, it was proposed that the presently required three general reporting entities¹ be simplified as follows: Domestic; Atlantic; Pacific; and Latin America. Finally, the proposed rule called for the submission of supplemental revenue, traffic and capacity data for certain markets to be reported on a quarterly basis on a newly established Schedule P-2(a) of CAB Form 41. (The markets listed herein in the final rule are the same as those which were proposed in EDR-169.)²

Interested persons have been afforded an opportunity to participate in the proposal and due consideration has been given to all relevant matter presented. Comments were received from the State of Alaska, Division of Aviation, Department of Public Work; Northwest Airlines, Inc.; Pan American World Airways, Inc.; American Airlines, Inc.; and United Air Lines, Inc.

The State of Alaska agrees with the principal features of the proposed amendment in regard to the classification of Alaskan air carriers and a discussion of its comments are unnecessary. However, comments of the other four respondents warrant discussion as set forth below.

Northwest objects to the proposed rule and advocates retention of the present concept of reporting entities. The carrier asserts that for more than 20 years it has followed a consistent reporting procedure in which services to Alaska and Hawaii have been included in its International Form 41 and to classify all "flight stages" or "operations" to Alaska and Hawaii in its domestic entity would create a severe dislodging of present reporting content and no useful purpose would be served by this break in consistency and continuity of entity reporting. Northwest also alleges, in support of its position, that operations to Hawaii and Alaska are far more closely aligned to transpacific services than to domestic services since they have (1) unique fare structures that represent the character of such long-haul services; (2) a vacation type of traffic, particularly to Hawaii; (3) pronounced traffic seasonality; and (4) prevalence of "group" traffic. In light of the foregoing, Northwest requests a permanent waiver to

¹ (1) Domestic or combined domestic and Canadian transborder operations;

(2) Territorial or combined territorial and domestic operations; and

(3) International and territorial operations. With respect to the latter two general classifications, separate reporting entities were established for operations via the Atlantic or Pacific Oceans and within the Alaskan or Latin American areas.

² For a list of the markets, see section 24, instructions for Schedule P-2(a), and section 25, instructions for Schedule T-7, pp. 13-14, infra.

permit it to continue to report Hawaii/Alaska operations in the "Pacific" entity.

Pan American states that, for most carriers, the proposal would reduce confusion and in some instances eliminate entity reports presently required. In its own case, however, it believes that the opposite would be true in that reporting would be further complicated and confused and an additional reporting entity would be established for it. As Pan American sees it, its new domestic entity would be limited to West Coast/Hawaii flights and Portland/Seattle/Fairbanks flights. A domestic entity consisting of the foregoing sectors, it claims, would generate the following problems: For years Pan American has been reporting operations under three entities and has built up historical records whereby the Board and management can evaluate the results of operations by entity over an extended period; the establishment of a domestic sector covering a relatively small portion of the carrier's operations would tend to destroy this continuity and make comparability of reports with prior periods less meaningful. In addition, Pan American asserts that its traffic is preponderantly international in character, i.e., on many flights which traverse the Mainland/Hawaii domestic sector the carrier has substantial volumes of traffic which are truly international, and thus the domestic character of this sector loses a great deal of significance when viewed in this light. Finally, Pan American claims that the establishment of a fourth entity would require a considerable number of cost and revenue allocations which would be time consuming and costly, without providing any meaningful results or management tools for controlling operations. For the reasons outlined above, Pan American requests a waiver similar to Northwest in the event the proposal is adopted, which will exempt it from reporting that part of EDR-169 calling for domestic reporting.

Upon consideration, the Board has decided to adopt the proposal with modification. As modified the tentative findings made in EDR-169 are incorporated by reference and made final.

The principal benefit to the Board and the public from this change in reporting is related to the rate making functions of the Board. Under the present rules, the Mainland-Hawaii and Mainland-Alaska operations of Pan American and Northwest are included in their reports for international operations. The trans-Pacific reports of these two carriers contain such a large element of Mainland-Hawaii data that it is difficult to evaluate their purely international operations. Because the Board regulates international rates and fares largely through its approval or disapproval of IATA agreements, and since these agreements do not cover interstate air transportation, it is important that the carriers' financial reports segregate international operations from interstate to the maximum practicable extent. The attached rule will thus significantly improve the usefulness of the carriers' international

entity reports by screening out domestic results.

It is the Board's view that the contentions of Northwest and Pan American are not persuasive and the reasons submitted by the carriers do not justify differential treatment for them. To grant a waiver to permit continued reporting of Hawaii/Alaska operations in a Pacific entity report would largely defeat the very purpose of the rule. Moreover, Northwest presently files a domestic entity report and its situation would be like those of American and TWA who also file domestic entity reports and will include therein their new Mainland-Hawaii operations.

While Pan American does not presently file a domestic entity report, its West Coast/Hawaii and Portland/Seattle/Fairbanks operations are purely domestic in character. Therefore, the Board finds that Pan American should establish a domestic entity for such operations so that they can be consistently classified with the operations of all other carriers. The Board does, however, recognize classification problems related to Pan American's operations between domestic points where only international service may be provided.³ These are matters not lending themselves to incorporation in the rule, but rather should be resolved under the Board's procedure of a showing of peculiarities or unusual circumstances wherein each can be treated on its merits in detail.

United generally favors the proposed rule but points out that the data already reported to the Board under the old definitions will not be suitable for forecasting purposes under the definitions. It asserts that the carrier domestic market shares, as determined under the new definitions, will be significantly different, and it will take several years to accumulate a significant data base for accurate forecasting. Accordingly, in order to ease the transition to the new reporting requirements United recommends that the Board require the carriers to provide monthly traffic data under the new definitions for the calendar years 1967, 1968, and 1969 in order to provide a suitable overlap for linking the old and new base statistics. Such report, the carrier feels, should include schedule RPM's, ASM's, cargo RPM's by category, total RPM's and ATM's.⁴

This suggestion by United will not be adopted since the Board can produce adjusted data mentioned by the carrier for prior periods through the use of existing entity reports for Alaska Airlines, United

³ In this connection, the definition of technical stops (which do not change the classification of the flight) has been clarified to specifically embrace those points on international routes where carriers may offer stop-over privileges to passengers. E.g., with respect to a New York/Los Angeles segment of a PAA international flight beyond Honolulu, a passenger thereon who avails himself of a stop-over privilege at Los Angeles would not be considered a domestic passenger.

⁴ Revenue plane miles (RPM); available seat miles (ASM); available ton miles (ATM).

and Western plus Schedule T-1(a) data (supplemented by special requests to carriers where necessary) for Northwest and Pan American.

United also recommends that Schedule P-2(a) be revised to require the reporting of "revenue passenger enplanements" in lieu of "revenue passenger enplanements." The carrier suggests this change since passengers boarded at up line domestic points would not be included as "passengers explained" for the particular market for which the report is prepared and, therefore, the data would not reflect true market conditions.⁵ American suggests that the traffic and capacity data on Schedule P-2(a) be reported monthly (rather than quarterly) similar to Schedule T-1 reporting. It is believed that monthly reporting would assist the carriers and the Board in obtaining industry data comparable with past periods for forecasting and traffic analysis. These two modifications have been made in the final rule.⁶

The above two modifications from the proposed rule are within the scope of the rule making proceeding and we believe that they will not impose a substantial burden on any carrier. However, since they were not set forth in the rule as proposed, we shall provide for the filing of petitions for reconsideration with respect to them. Twelve (12) copies of such petitions shall be filed with the Docket Section, Civil Aeronautics Board, Room 712 Universal Building, Washington, D.C. 20428, on or before March 3, 1970. Copies of any petition filed will be available for examination by interested persons in the Docket Section. The filing of petitions shall not operate to stay the effective date of the rule.

Unless the rule is made effective as of January 1, 1970, substantial problems may be encountered with respect to the reporting practices of the carriers newly certificated to serve Hawaii. At the present time separate reporting entities

⁵ Under the existing definitions, the 48 States and Mainland-Hawaii are two reporting entities. Accordingly, a passenger leaving Baltimore, Md., for Hawaii through the Los Angeles gateway would be counted twice, once as a domestic enplanement at Baltimore and once as a Mainland-Hawaii enplanement at Los Angeles. However, under the redefinition finalized herein, the 48 States and Hawaii are one entity. Thus, this same passenger who boarded at Baltimore destined for Hawaii via Los Angeles would be counted once as a domestic enplanement at Baltimore and accordingly lost as a Mainland-Hawaii passenger provided he had no stopover, did not change planes or did not change carriers at Los Angeles, if the term "revenue passenger enplanement" in the proposed rule is used. The use of "revenue passengers transported" which is a count of passengers on-board for each flight segment would overcome this problem.

⁶ In addition, for administrative convenience we have separated the revenue and traffic reporting sections of proposed Schedule P-2(a) so as to provide for two separate schedules—Schedule P-2(a) entitled Revenue Market Report and Schedule T-7, Statistical Market Report. The former will be filed quarterly and the latter, monthly, as suggested by American.

are established for operations via the Pacific Ocean. For example, United now serves between the Mainland and Hawaii and such operations are reported under a present reporting entity for operations via the Pacific Ocean under the broad reporting category "territorial or combined territorial and domestic operations." Under the new rule, however, United would report its Mainland-Hawaii service under the broad reporting category, "domestic operations." Unless the rule becomes effective on January 1, 1970, there will be confusion and uncertainty among many carriers as to the proper entity for reporting purposes after such date. In addition, the commencement of the calendar year is a logical time for implementation of the new reporting provisions. For these reasons, the Board finds that good cause exists for making the rule effective on less than 30 days' notice.

In consideration of the foregoing, the Board hereby amends Part 241 of the Economic Regulations (14 CFR Part 241), effective January 1, 1970, as follows:

1. By amending the definitions of "domestic" and "territorial" operations, "flight stage" and "stops, technical" in § 03 to read:

Section 03—Definitions for Purposes of This System of Accounts and Reports

Flight stage. The operation of an aircraft from take-off to landing. For purposes of classifying flight stages as between "domestic", "territorial", and "international", technical stops are disregarded. (See tops, technical.)

Operations. (For purposes of reporting on Schedule T-1(a));

Domestic. Flight stages with both terminals within the 50 States of the United States and the District of Columbia.

Territorial. Flight stages with both terminals within territory under U.S. jurisdiction where at least one of the terminals is not within a State or the District of Columbia.

International. Flight stages with one or both terminals outside of territory under U.S. jurisdiction.

Stops, technical. Aircraft landings made for purposes other than enplaning or deplaning traffic. For purposes of identifying reporting entities, landings made for stopover passengers are regarded as technical stops.

2. By deleting § 05 in its entirety.
3. By amending § 21(i) to read:

Section 21—Introduction to System of Reports

(i) Four separate entities shall be established for the purpose of submitting the reports hereinafter prescribed. They are as follows: (1) Domestic operations; (2) operations via the Atlantic

Ocean; (3) operations via the Pacific Ocean; and (4) operations within the Latin American areas. With respect to the first classification, the domestic entity shall embrace all operations within the 50 States of the United States and the District of Columbia, and shall also include Canadian transborder operations. The reports to be submitted by each entity shall be comparable to those required of a distinct legal entity whether the reporting entity constitutes such an entity, a semiautonomous physically separated operating division of the air carrier, or an entity established for reporting purposes only.

The entities for which separate reports shall be made by the different air carriers are set forth below in the list entitled Route Air Carrier Reporting Entities.

ROUTE AIR CARRIER REPORTING ENTITIES

Air carriers	Entities
Airlift International, Inc.	Domestic, Latin America.
Air West, Inc.	Domestic.
Alaska Airlines, Inc.	Domestic.
Allegheny Airlines, Inc.	Domestic.
Aloha Airlines, Inc.	Domestic.
American Airlines, Inc.	Domestic, Pacific, Latin America.
Aspen Airways, Inc.	Domestic.
Braniff Airways, Inc.	Domestic, Latin America.
Caribbean-Atlantic Airlines, Inc.	Latin America.
Chicago Helicopter Airways, Inc.	Domestic.
Continental Air Lines, Inc.	Domestic.
Delta Air Lines, Inc.	Domestic, Latin America.
Eastern Air Lines, Inc.	Domestic, Latin America.
The Flying Tiger Line, Inc.	Domestic, Pacific.

ROUTE AIR CARRIER REPORTING ENTITIES

Air carriers	Entities
Frontier Airlines, Inc.	Domestic.
Hawaiian Airlines, Inc.	Domestic.
Kodiak Airways, Inc.	Domestic.
Los Angeles Airways, Inc.	Domestic.
Mohawk Airlines, Inc.	Domestic.
National Airlines, Inc.	Domestic, Atlantic, Latin America.
New York Airways, Inc.	Domestic.
North Central Airlines, Inc.	Domestic.
Northeast Airlines, Inc.	Domestic.
Northwest Airlines, Inc.	Domestic, Pacific.
Ozark Air Lines, Inc.	Domestic.
Pan American World Airways, Inc.	Domestic, Atlantic, Latin America, Pacific.
Piedmont Aviation, Inc.	Domestic.
Reeve Aleutian Airways, Inc.	Domestic.
San Francisco & Oakland Helicopter Airlines, Inc.	Domestic.
Seaboard World Airlines, Inc.	Atlantic.
Southern Airways, Inc.	Domestic.
TAG Airlines, Inc.	Domestic.
Texas International Airlines, Inc.	Domestic.
Trans Caribbean Airways, Inc.	Latin America.
Trans World Airlines, Inc.	Domestic, Atlantic, Pacific.
United Air Lines, Inc.	Domestic.
Western Air Lines, Inc.	Domestic, Latin America.
Western Alaska Airlines, Inc.	Domestic.
Wien Consolidated Airlines, Inc.	Domestic.

4. By amending the list of schedules in paragraph (a) of Section 22—General Reporting Instructions by adding new Schedule P-2(a) and new Schedule T-7 so that the list in pertinent part reads:

Section 22—General Reporting Instructions

Schedule No.		Filing	
		Frequency	Postmark interval (days)
P-2	Notes to Income Statement	Quarterly	40
P-2(a)	Revenue Market Report	Quarterly	40
P-3	Transport revenues; depreciation and amortization; nonoperating income and expense (net).	Quarterly	40
T-6	Summary of Civil Aircraft Charters	Quarterly	40
T-7	Statistical Market Report	Monthly	30

5. By amending Section 24—Profit and Loss Elements by adding instructions for new Schedule P-2(a)—Revenue Market Report to read:

Section 24—Profit and Loss Elements

Schedule P-2(a)—Revenue Market Report

(a) This schedule shall be filed by all route air carriers conducting operations set forth in paragraph (c) below.

(b) Data reflected on this schedule shall be supplements to the related entity report in which the data are included.

(c) Markets to be reported are:

Mainland-Hawaii.
Mainland-Alaska.
Mainland-Puerto Rico.
Mainland-Bermuda.
Mainland-Bahamas.
Mainland-Mexico.
Hawaii-Alaska.

and such other markets as may be designated by the Board.

6. By amending Section 25—Traffic and Capacity Elements by adding instructions for new Schedule T-7—Statistical Market Report to read:

Section 25—Traffic and Capacity Elements

Schedule T-7—Statistical Market Report

(a) This schedule shall be filed by all route air carriers conducting operations set forth in paragraph (c) below.

(b) Data reflected on this schedule shall be supplements to the related entity report in which the data are included.

(c) Markets to be reported are:

Mainland-Hawaii.
Mainland-Alaska.
Mainland-Puerto Rico.
Mainland-Bermuda.
Mainland-Bahamas.
Mainland-Mexico.
Hawaii-Alaska.

and such other markets as may be designated by the Board.

7. By amending CAB Form 41 by adding new Schedule P-2(a)—Revenue Market Report and new Schedule T-7—Statistical Market Report as shown in Exhibit A attached hereto¹ and incorporated herein by reference.

(Secs. 204(a) and 407 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 766; 49 U.S.C. 1324, 1377)

NOTE: The reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[F.R. Doc. 70-1707; Filed, Feb. 10, 1970; 8:47 a.m.]

Title 19—CUSTOMS DUTIES**Chapter I—Bureau of Customs**

[T.D. 70.47]

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.**Customs Exemptions Accorded Public International Organizations and Certain Aliens Connected Therewith**

FEBRUARY 4, 1970.

By Executive Order 11484 the President has designated the United International Bureaux for the Protection of Intellectual Property (BIRPI) as a public international organization entitled to the free entry privileges, exemptions, and immunities conferred by the International Organizations Immunities Act of December 29, 1945 (22 U.S.C. 288).

The list of public international organizations currently entitled to free entry privileges in § 10.30a(a) of the Customs Regulations is amended by inserting, in proper alphabetical order, the following:

Organization	Executive order	Date
United International Bureaux for the Protection of Intellectual Property.....	11484	Sept. 29, 1969

¹ Filed as part of the original document.

(Secs. 498, 624, 46 Stat. 728, as amended, 759, sec. 3, 59 Stat. 669; 19 U.S.C. 1498, 1624, 22 U.S.C. 288b)

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

Approved: January 28, 1970.

EUGENE T. ROSSIDES,
Assistant Secretary
of the Treasury.

[F.R. Doc. 70-1704; Filed, Feb. 10, 1970; 8:46 a.m.]

Title 29—LABOR**Chapter XIII—Bureau of Labor Standards, Department of Labor****PART 1500—CHILD LABOR REGULATIONS, ORDERS, AND STATEMENTS OF INTERPRETATION****Hazardous Occupations in Agriculture**

In F.R. Doc. 70-189 appearing at page 221, in the issue for Wednesday, January 7, 1970, in the fourth to last line of § 1500.70(a) following the word "parent" should be inserted the phrase "or by a person standing in the place of his parent." As changed, § 1500.70(a) reads as follows:

§ 1500.70 Purpose and scope.

(a) Purpose. Section 13(c)(2) of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 213(c)(2)) states that the "provisions of section 12 [of the Act] relating to child labor shall apply to an employee below the age of 16 employed in agriculture in an occupation that the Secretary of Labor finds and declares to be particularly hazardous for the employment of children below the age of 16, except where such employee is employed by his parent or by a person standing in the place of his parent on a farm owned or operated by such parent or person." The purpose of this subpart is to apply this statutory provision.

(29 U.S.C. 212, 213, 218)

Signed at Washington, D.C., this 5th day of February 1970.

GEORGE P. SHULTZ,
Secretary of Labor.

[F.R. Doc. 70-1690; Filed, Feb. 10, 1970; 8:45 a.m.]

Title 21—FOOD AND DRUGS**Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare****SUBCHAPTER B—FOOD AND FOOD PRODUCTS****PART 121—FOOD ADDITIVES****Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food****CLOSURES WITH SEALING GASKETS FOR FOOD CONTAINERS**

The Commissioner of Food and Drugs, having evaluated data in a petition (FAP 9B2384) filed by Consolidated Cork Corp., Post Office Box 7, Piscataway, N.J. 08854, and other relevant material, concludes that the food additive regulations should be amended to provide for the safe use of resorcinol as an optional adjuvant substance in the formulation of closure-sealing gaskets for food containers. Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.2550(b)(5) is amended by alphabetically inserting in the list of substances in table 1 a new item, as follows:

§ 121.2550 Closures with sealing gaskets for food containers.

(b) * * *

(5) * * *

TABLE 1

List of substances

Limitations (expressed as percent by weight of closure-sealing gasket composition)

Resorcinol.....	0.24 percent; for use only as a reactive adjuvant substance employed in the production of gelatin-bonded cork compositions for use in lining crown closures. The gelatin so used shall be technical grade or better.
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Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by

the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

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

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: February 3, 1970.

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

[F.R. Doc. 70-1685; Filed, Feb. 10, 1970;
8:45 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

MINERAL OIL

The Commissioner of Food and Drugs, having evaluated data in a petition (FAP 9B2415) filed by Indian Jute Industries' Research Association, c/o Esso Research & Engineering Co., Post Office Box 121 Linden, N.J. 07036, and other relevant material, concludes that the food additive regulations should be amended to add shelled nuts (including peanuts) to the list of foods that may be used in contact with textile bags prepared from jute fiber processed with mineral oil. Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.2589(d)(2) is revised to read as follows:

§ 121.2589 Mineral oil.

(d) * * *

(2) The mineral oil may be used only in the processing of jute fiber employed in the production of textile bags intended for use in contact with the following types of food: Dry grains and dry seeds (for example, beans, peas, rice, and lentils); whole root crop vegetables of the types identified in § 120.34(f) of this chapter; unshelled and shelled nuts (including peanuts); and dry animal feed. The finished processed jute fiber shall contain no more than 6 percent by weight of residual mineral oil.

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

tions may be accompanied by a memorandum or brief in support thereof.

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

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: February 3, 1970.

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

[F.R. Doc. 70-1686; Filed, Feb. 10, 1970;
8:45 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Department of Housing and Urban Development

SUBCHAPTER A—GENERAL

PART 200—INTRODUCTION

Subpart D—Delegations of Basic Authority and Functions

MISCELLANEOUS AMENDMENTS

In Part 200, Subpart D, in the Table of Contents the following sections are revoked: §§ 200.57, 200.61b, 200.61e, 200.65a, 200.63, 200.83a, 200.88, 200.101, 200.102; new §§ 200.52b, 200.53, 200.54, 200.58c, 200.59c, 200.65b, 200.73 are added; and appropriate sections headings are amended as follows: § 200.56 is redesignated as § 200.56a and a new § 200.56 is added, §§ 200.58, 200.58d, 200.59, 200.59a, 200.59b, 200.61, 200.62, 200.63, 200.108:

Sec.	
200.52b	Director of the Mortgage Insurance Programs Support Division and Deputy.
200.53	Director of the Publicly Financed Programs Support Division and Deputy.
200.54	Director of the Administrative Support Division and Deputy.
200.56	Assistant Commissioner for Unsubsidized Insured Housing Programs and Deputy.
200.56a	Director of the Single Family Division and Deputy.
200.58	Director of the Multifamily Division and Deputy.
200.58c	Chief of the Nursing Homes and Related Facilities Branch.
200.58d	Chief of the Group Practices and Nonprofit Hospitals Branch.
200.59	Assistant Commissioner for Subsidized Housing Programs and Deputy.
200.59a	Director of the Publicly Financed Housing Division and Deputy.
200.59b	Chief of the Low Rent Housing Branch.
200.59c	Chief of the College Housing Assistance Branch.
200.61	Director of the Subsidized Mortgage Insurance Division and Deputy.
200.62	Assistant Commissioner for Technical and Credit Standards and Deputy.
200.63	Director of the Architecture and Engineering Division and Deputy.
200.65b	Director of the Economic and Market Analysis Division and Deputy.

Sec.

200.73 Assistant Commissioner for Rehabilitation and Deputy.
200.108 Director of the Management and Operations Assistance Division and Deputy.

In § 200.52a paragraph (b) is amended to read as follows:

§ 200.52a Assistant Commissioner for Field Operations and Deputy.

(b) To direct all field operations for Housing Production and Mortgage Credit—FHA, including insurance of mortgages and production of low-rent public housing. Expedites housing production by developing production quotas and goals for all stages of processing, maintaining a record of accomplishments related to goals, and arranging for technical assistance to the local offices as needed.

In Part 200, a new § 200.52b is added to read as follows:

§ 200.52b Director of the Mortgage Insurance Programs Support Division and Deputy.

To the position of Director of the Mortgage Insurance Programs Support Division and under his general supervision to the position of Deputy Director of the Mortgage Insurance Programs Support Division there is delegated the following basic authority and functions:

(a) To expedite housing production by developing production quotas and goals for the mortgage insurance programs through all stages of processing, by maintaining a continuing analysis of accomplishments related to goals, and by arranging for technical assistance to the local offices as needed.

In Part 200, a new § 200.53 is added to read as follows:

§ 200.53 Director of the Publicly Financed Programs Support Division and Deputy.

To the position of Director of the Publicly Financed Programs Support Division and under his general direction to the Deputy Director of the Publicly Financed Programs Support Division there is delegated the following basic authority and functions:

(a) To expedite the production of housing by developing quotas and goals for the publicly-financed programs, including low-rent public housing, college housing, and Alaska housing, by maintaining a continuing analysis of accomplishments related to goals, and by arranging for specialized assistance to the local offices as needed.

In Part 200, a new § 200.54 is added to read as follows:

§ 200.54 Director of the Administrative Support Division and Deputy.

To the position of Director of the Administrative Support Division and under his general supervision to the position of Deputy Director of the Administrative Support Division there is delegated the following basic authority and functions:

(a) To provide administrative support to all Housing Production and Mortgage

Credit-FHA field office activities including personnel, budget, and other services.

In Part 200, § 200.56 is redesignated as § 200.56a and heading and text thereof amended, and a new § 200.56 is added to read as follows:

§ 200.56 Assistant Commissioner for Unsubsidized Insured Housing Programs and Deputy.

To the position of Assistant Commissioner for Unsubsidized Insured Housing Programs and under his general supervision to the position of Deputy Assistant Commissioner for Unsubsidized Insured Housing Programs there is delegated the following basic authority and functions:

(a) To develop and recommend policies and establish operating plans and procedures for the insurance and servicing of home mortgages other than those insured under §§ 221(h), 235, and 237.

(b) To develop and recommend policies and establish operating plans and procedures for the insurance of multifamily housing mortgages under sections 207, 213, 231, 234, and 221(d)(4), nursing homes, intermediate care facilities, group practice facilities, and nonprofit hospitals.

(c) To approve or cancel the approval of financial institutions as approved mortgagees.

(d) To act with the Commissioner and under his direction in the determination of basic policy and be a member of the Executive Board.

§ 200.56a Director of the Single Family Division and Deputy.

To the position of Director of the Single Family Division and under his general supervision to the Deputy Director of the Single Family Division, there is delegated the following basic authority and functions:

(a) To develop and recommend policies and establish operating plans and procedures for the insurance of home mortgages, other than those insured under sections 221(h), 235, and 237.

(b) To approve or cancel the approval of financial institutions as approved mortgagees.

(c) To supervise activities in connection with the Certified Agency Program and to designate, qualify and certify approved mortgagees as agents of the Federal Housing Administration to process mortgage insurance applications and issue commitments for insurance.

(d) To review and evaluate home mortgage insurance default experience, and to provide technical advice and guidance to approved mortgagees and field offices on insured home mortgage servicing problems.

In Part 200, § 200.57 is revoked as follows:

§ 200.57 [Revoked]

In § 200.58 the heading thereof and text are amended to read as follows:

§ 200.58 Director of the Multifamily Division and Deputy.

To the position of Director of the Multifamily Division and under his gen-

eral supervision to the position of Deputy Director of the Multifamily Division there is delegated the following basic authority and functions:

(a) To develop and recommend policies and establish operating plans for the insurance of multifamily housing mortgages, exclusive of sections 221(d)(3), 221(h), 235(j), and 236; nursing home mortgages; intermediate care facilities; equity investments in multifamily housing; and mortgages for the construction and equipment of facilities for the group practice of medicine and nonprofit hospitals.

(b) To provide technical advice and guidance to consumer groups concerning the organization and financing of cooperative housing projects.

(c) To be responsible for the administration of FHA's responsibility with respect to the nonprofit hospital mortgage insurance program and for coordination with the Department of Health, Education, and Welfare on the program.

In § 200.58b, paragraphs (a) and (b) are amended to read as follows:

§ 200.58b Chief of the Cooperative and Condominium Housing Branch.

(a) To develop and recommend policies, procedures and requirements for the insurance of cooperative housing mortgages and condominium mortgages.

(b) To provide technical advice and guidance to consumer groups concerning the organization and financing of cooperative housing projects.

In Part 200, a new § 200.58c is added to read as follows:

§ 200.58c Chief of the Nursing Homes and Related Facilities Branch.

To the Chief of the Nursing Homes and Related Facilities Branch, there is delegated the following basic authority and functions:

(a) To develop and recommend policies, procedures, requirements, and methods of operation for the insurance of mortgages for nursing homes and intermediate care facilities.

(b) To be responsible for administration of the insurance programs for nursing homes and intermediate care facilities.

In § 200.58d the heading thereof and text are amended to read as follows:

§ 200.58d Chief of the Group Practices and Nonprofit Hospitals Branch.

To the position of Chief of the Group Practices and Nonprofit Hospitals Branch there is delegated the following basic authority and functions:

(a) To develop and recommend policies, procedures, requirements, and methods of operation for the insurance of mortgages for the construction and equipment of facilities for the group practice of medicine and for nonprofit hospitals.

(b) To be responsible for the administration of FHA's responsibility with respect to the nonprofit hospital mortgage insurance program and for coordination with the Department of Health, Education, and Welfare on the program.

In Part 200, § 200.59 the heading thereof and text are amended to read as follows:

§ 200.59 Assistant Commissioner for Subsidized Housing Programs and Deputy.

To the position of Assistant Commissioner for Subsidized Housing Programs and under his general supervision to the position of Deputy Assistant Commissioner for Subsidized Housing Programs there is delegated the following basic authority and functions:

(a) To act with the Commissioner and under his direction in the determination of basic policy and be a member of the Executive Board.

(b) To develop and recommend policies and establish operating plans and procedures for the administration of the low-rent public housing program from preapplication through the final acceptance of the completed construction, and for the closing of the construction contract; or, in the case of a project acquired or leased after completion, from preapplication through acceptance of the completed project and acquisition of title or leasehold interest.

(c) To develop and recommend policies and establish operating plans and procedures for the administration of the Alaska housing program, the college housing program, and the elderly housing program under section 202 from preapplication through construction completion, determination of the final loan and/or grant amount, and final closing and execution of the loan and/or grant documents.

(d) To control the utilization of funds and contract authority available for the production of housing under the low-rent public housing program, the College Housing Assistance Program and the Assistance Program for Alaska Housing; funds available for the direct loan program for housing for the elderly or handicapped; contract authority for the rent supplement, homeownership assistance, and rental housing assistance programs, and special assistance funds under the section 221 below market interest rate program to insure appropriate distribution and fund accountability and to make available on a continuing basis information on project and program status on all the abovementioned programs.

(e) To develop and recommend policies and establish operating plans and procedures for the insurance of multifamily housing mortgages under section 221(d)(3), exclusive of prescribing forms and procedures for cooperatives and condominiums; for insurance of mortgages under the rent supplement program, and the rental housing assistance program; for insurance and servicing of mortgages under sections 235 and 237, and for technical and loan assistance to nonprofit sponsors of low and moderate income housing.

(f) To act for the Commissioner in approving applications for financial assistance and in approving the waiver of repayment of loans made under section

106 of the Housing and Urban Development Act of 1968 and section 207 of the Appalachian Regional Development Act of 1965, as amended; in approving the waiver of interest on such loans made to nonprofit organizations under the Appalachian Regional Development Act of 1965; and in providing technical assistance to nonprofit sponsors authorized under the 1969 Amendments to the Appalachian Regional Development Act.

(g) To approve or direct the approval of loans for housing for the elderly or handicapped under section 202 of the Housing Act of 1959, including full authority to make contracts, sign and execute documents, and take any action incident thereto, and to be responsible for conversion of section 202 projects to insured private financing with interest assistance under section 236 of the National Housing Act.

In Part 200, § 200.59a the heading thereof and text are amended to read as follows:

§ 200.59a Director of the Publicly Financed Housing Division and Deputy.

To the position of Director of the Publicly Financed Housing Division and under his general supervision to the position of Deputy Director of the Publicly Financed Housing Division there is delegated the following basic authority and functions:

(a) To be responsible for administration of the low-rent public housing program from preapplication through the final acceptance of the completed construction contract; or, in the case of a project acquired or leased after completion, from preapplication through acceptance of the completed project and acquisition of title or leasehold interest.

(b) To develop and recommend policies and establish operating plans and procedures for the administration of the Alaska housing program, the college housing program, and the elderly housing program under section 202 from preapplication through construction completion, determination of the final loan and/or grant amount, and final closing and execution of the loan and/or grant documents.

(c) To control the utilization of funds and contract authority available for the production of housing under the low-rent public housing program, the College Housing Assistance Program, and the Assistance Program for Alaska Housing to insure appropriate distribution and fund accountability, and to make available on a continuing basis information on project and program status on the above-mentioned programs.

In Part 200, § 200.59b the heading thereof and text are amended to read as follows:

§ 200.59b Chief of the Low Rent Housing Branch.

To the position of Chief of the Low Rent Housing Branch, there is delegated the following basic authority and functions:

(a) To be responsible for administration of the low-rent public housing pro-

gram from preapplication through the final acceptance of the completed construction, and for the closing of the construction contract; or, in the case of a project acquired or leased after completion, from preapplication through acceptance of the completed project and acquisition of title or leasehold interest.

(b) To control the contract authority and funds available for the production of housing under the low-rent public housing program, and to make available on a continuing basis information on project and program status.

In Part 200, a new § 200.59c is added to read as follows:

§ 200.59c Chief of the College Housing Assistance Branch.

To the position of Chief of the College Housing Assistance Branch there is delegated the following basic authority and functions:

(a) To develop and recommend policies and establish operating plans and procedures for the administration of the College Housing Program from preapplication through construction completion, determination of the final loan and/or grant amount, and final closing and execution of the loan and/or grant documents.

(b) To maintain control of the funds available for the College Housing Program to insure appropriate distribution and fund accountability.

In Part 200, § 200.61 the heading thereof and text are amended to read as follows:

§ 200.61 Director of the Subsidized Mortgage Insurance Division and Deputy.

To the position of Director of the Subsidized Mortgage Insurance Division and under his general supervision to the position of Deputy Director of the Subsidized Mortgage Insurance Division there is delegated the following basic authority and functions:

(a) To develop and recommend policies and establish operating plans and procedures for the insurance of multifamily housing mortgages under section 221(d)(3), exclusive of prescribing forms and procedures for cooperatives and condominiums; for insurance of mortgages under the rent supplement program, the rental housing assistance program, and the credit assistance program; for insurance and servicing of mortgages under sections 235 and 237; for technical and loan assistance to nonprofit sponsors of low and moderate income housing; and for control and utilization of contract authority under the rent supplement program, the homeownership assistance program, and the rental housing assistance program and of allocations of special assistance funds under the section 221(d)(3) below-market interest rate program.

(b) To act for the Commissioner in approving applications for financial assistance and in approving the waiver of repayment of loans made under section 106 of the Housing and Urban Development Act of 1968 and section 207 of the

Appalachian Regional Development Act of 1965, as amended; in approving the waiver of interest on such loans made to nonprofit organizations under the Appalachian Regional Development Act of 1965; and in providing technical assistance to nonprofit sponsors authorized under the 1969 Amendments to the Appalachian Regional Development Act.

(c) To approve or direct the approval of loans for housing for the elderly or handicapped under section 202 of the Housing Act of 1959, including full authority to make contracts, sign and execute documents, and take any action incident thereto, and to be responsible for conversion of section 202 projects to insured private financing with interest assistance under section 236 of the National Housing Act.

In Part 200, § 200.61b is revoked as follows:

§ 200.61b [Revoked]

In Part 200, § 200.61d is amended to read as follows:

§ 200.61d Chief of the Homeownership Assistance Branch.

To the position of Chief of the Homeownership Assistance Branch there is delegated authority to develop and recommend policies and establish operating plans and procedures for the insurance and servicing of mortgages under sections 235(i) and 237, and for administration of the contract authority under the homeownership assistance program.

In Part 200, § 200.61e is revoked as follows:

§ 200.61e Chief of the Elderly Housing Assistance Branch.

§ 200.61e [Revoked]

In Part 200, § 200.61f is amended to read as follows:

§ 200.61f Chief of the Multifamily Housing Assistance Branch.

To the position of Chief of the Multifamily Housing Assistance Branch there is delegated the following basic authority and functions:

(a) To develop and recommend policies and establish operating procedures for the insurance of mortgages under section 221(d)(3), section 236, and the rent supplement program.

(b) To be responsible for the utilization and control of the contract authority for the rent supplement program, the homeownership assistance program, and the rental housing assistance program; for the approval of loans under the direct loan program for housing the elderly or handicapped under section 202 of the Housing Act of 1959, and for conversion of section 202 projects to insured private financing with interest assistance under section 236 of the National Housing Act.

(c) To approve applications for financial assistance and the waiver of repayment of loans made under section 106 of the Housing and Urban Development Act of 1968 and section 207 of the Appalachian Regional Development Act of 1965, as amended; to approve the waiver

of interest on such loans made to non-profit organizations under the Appalachian Regional Development Act of 1965, and to provide technical assistance to nonprofit sponsors under the Appalachian Development program.

In Part 200, § 200.63 the heading thereof; the introductory text, and paragraph (b) are amended; and a new paragraph (c) is added to read as follows:

§ 200.62 Assistant Commissioner for Technical and Credit Standards and Deputy.

To the position of Assistant Commissioner for Technical and Credit Standards and under his general supervision to the position of Deputy Assistant Commissioner for Technical and Credit Standards there is delegated the following basic authority and functions:

(b) To be responsible for coordination and general supervision of the Architecture and Engineering Division, the Appraisal and Mortgage Risk Division and the Land Development Division comprising the functions of establishing and maintaining standards, methods, procedures, and techniques in the areas of architecture and engineering, construction cost, land planning, mortgage credit, valuation, the selection and rating of mortgage risk, the provision of technical advice and guidance in these fields to all organizational elements of the Administration; the evaluation of the technical suitability of products and materials under section 521 of the National Housing Act, as amended; the formulation of policies, standards, and guidelines with respect to the technical aspects of the development of low-rent housing, and the direction of the land development program.

(c) To be responsible for the development of policies, standards, and procedures for land acquisition functions and for appraisal and real estate tax and title functions for land acquisition and disposition programs of the Department.

In Part 200, § 200.63 the heading thereof and the introductory text are amended, and a new paragraph (c) is added to read as follows:

§ 200.63 Director of the Architecture and Engineering Division and Deputy.

To the position of Director of the Architecture and Engineering Division and under his general supervision to the Deputy Director of the Architecture and Engineering Division, there is delegated the following basic authority and functions:

(c) To be responsible for the formulation of policies, standards, and guidelines relative to the technical aspects of the development of low-rent housing including site selection, site planning project design, and project planning and to develop policy and guidelines for Regional Office use in preparing appropriate cost standards for low-rent public housing.

In § 200.64 a new paragraph (c) is added as follows:

§ 200.64 Director of the Appraisal and Mortgage Risk Division and Deputy.

(c) To develop policies, standards, and procedures for land acquisition functions and for appraisal and real estate tax and title functions for land acquisition and disposition programs of the Department.

In § 200.65 paragraph (b) is amended to read as follows:

§ 200.65 Assistant Commissioner for Programs and Deputy.

(b) To be responsible to the Commissioner for the coordination and general supervision of the Program Division, the Research and Statistics Division, and the Economic and Market Analysis Division comprising the functions of coordination of the development and formulation for the approval of the Commissioner of basic programs and related policies and program planning, the appraisal of programs and program objectives, the maintenance of a program of housing market analyses to serve all elements of the Department, advice and counsel on economic problems, conduct of actuarial studies, the provision of a complete actuarial service for all insurance programs, and statistics on the property improvement loan program and housing produced or rehabilitated under the FHA mortgage insurance programs, the low rent public housing program, the college housing program, and the Alaska housing program.

In Part 200, § 200.65a is revoked as follows:

§ 200.65a [Revoked]

In Part 200, a new § 200.65b is added as follows:

§ 200.65b Director of the Economic and Market Analysis Division and Deputy.

To the position of Director of the Economic and Market Analysis Division and under his general supervision to the position of Deputy Director of the Economic and Market Analysis Division there is delegated the following basic authority and functions:

(a) To maintain a program of housing market analysis to serve all elements of the Department, including related economic, income limit, and rent schedule analyses.

In § 200.66, paragraph (b) is deleted and paragraph (c) is amended to read as follows:

§ 200.66 Director of the Research and Statistics Division and Deputy.

(b) [Deleted]

(c) To maintain a program of housing statistics and statistics on the property improvement loan program and housing produced or rehabilitated under the FHA mortgage insurance programs, the low-rent public housing program, the college

housing program, and the Alaska housing program.

In § 200.67, paragraph (c) is amended to read as follows:

§ 200.67 Director of the Program Division and Deputy.

(c) To assist and advise with respect to the development and evaluation of legislative proposals affecting the insurance programs of the Federal Housing Administration, the low-rent public housing program, the college housing program, and the Alaska housing program.

In § 200.68, paragraphs (a) and (d) are amended and new paragraphs (n) and (o) are added to read as follows:

§ 200.68 Assistant Commissioner for Administration and Deputy.

(a) To be responsible for administrative-management functions of the Federal Housing Administration; organizational structures and related matters; budget activities; administrative staff planning and coordination of agency operations analysis activities; contracting for credit reports; management surveys, forms and records management; coordination and maintenance of the FHA manual, directives, and other issuances and instructional material; planning and liaison with the Assistant Secretary for Administration on administrative-management matters in general, with the HUD Office of Personnel on personnel policies and procedures and on FHA personnel problems, and with the HUD Office of General Services on general services required for the operation of the Federal Housing Administration; review of departmental compliance cases, referral of such cases to the Office of Investigation, HUD, and liaison with the Office of Investigation on the disposition of the cases; and to be in charge of the Budget Division, the Management and Operations Assistance Division, the Office of Compliance Coordination, and the Operations Analysis Staff.

(d) To execute or cause to be executed under his direction contracts for credit reports.

(n) To act for the Assistant Secretary-Commissioner on any administrative matter not otherwise acted upon or assigned, and exercising any redelegable authority of the Commissioner on budget, organization, personnel and other administrative matters (including training, disciplinary actions, hours of duty, overtime, and awards) except as the Commissioner or his Deputy may personally act or otherwise specifically assign.

(o) To be responsible for the review and recommendation of approval, disapproval, or cancellation of approval of

financial institutions as approved mortgagees and of firms or individuals as authorized agents for approved mortgagees.

In § 200.72 the introductory text is amended, paragraph (h) is deleted, and paragraph (m) is amended to read as follows:

§ 200.72 Director of the Management and Operations Assistance Division and Deputy.

To the position of Director of the Management and Operations Assistance Division and under his general supervision to the Deputy Director of the Management and Operations Assistance Division there is delegated the following basic authority and functions:

(h) [Revoked]

(m) To be responsible for the review and recommendation of approval, disapproval, or cancellation of approval of financial institutions as approved mortgagees and of firms or individuals as authorized agents for approved mortgagees.

In Part 200, a new § 200.73 is added as follows:

§ 200.73 Assistant Commissioner for Rehabilitation and Deputy.

To the position of Assistant Commissioner for Rehabilitation and under his general supervision to the position of Deputy Assistant Commissioner for Rehabilitation, there is delegated the following basic authority and functions:

(a) To develop and recommend policies and procedures for housing rehabilitation under all FHA mortgage insurance programs, and to provide technical advice and assistance to the field offices on housing rehabilitation and training on rehabilitation techniques.

(b) To act with the Commissioner and under his direction in the determination of basic policy and be a member of the Executive Board.

In Part 200, § 200.83 is revoked as follows:

§ 200.83 [Revoked]

In Part 200, § 200.83a is revoked as follows:

§ 200.83a [Revoked]

In Part 200, § 200.85 is amended to read as follows:

§ 200.85 Executive Board.

(a) Members. The committee called the Executive Board is comprised of the following members: Assistant Secretary-Commissioner, Chairman; Deputy Assistant Secretary, Vice Chairman; Executive Assistant Commissioner; Assistant Commissioner for Field Operations; Assistant Commissioner for Subsidized Housing Programs; Assistant Commissioner for Unsubsidized Insured Housing Programs; Assistant Commissioner for Property Improvement; Assistant Commissioner for Technical and Credit Standards; Assistant Commissioner for Programs; Assistant Commissioner for

Administration; Assistant Commissioner for Rehabilitation; and Assistant Commissioner-Comptroller.

In § 200.87, paragraph (a) is amended to read as follows:

§ 200.87 Management Improvement Committee.

(a) Members. The Management Improvement Committee is comprised of the following members: Director of the Management and Operations Assistance Division, Chairman; and one designee of each of the following: Assistant Commissioner-Comptroller; Assistant Commissioner for Unsubsidized Insured Housing Programs; Assistant Commissioner for Property Improvement; Assistant Commissioner for Technical and Credit Standards; Assistant Commissioner for Subsidized Housing Programs; and Director of Budget Division.

In Part 200, § 200.88 is revoked as follows:

§ 200.88 [Revoked]

In Part 200, § 200.101 is revoked as follows:

§ 200.101 [Revoked]

In Part 200, § 200.102 is revoked as follows:

§ 200.102 [Revoked]

In Part 200, § 200.108 the heading thereof and introductory text are amended to read as follows, and paragraph (b) is revoked:

§ 200.108 Director of the Management and Operations Assistance Division and Deputy.

To the position of Director of the Management and Operations Assistance Division and under his general supervision to the position of Deputy Director of the Management and Operations Assistance Division, there is delegated the following basic authority and functions:

(b) [Revoked]

(Sec. 2, 48 Stat. 1246, as amended; sec. 211, 52 Stat. 23; as amended; sec. 607, 55 Stat. 61, as amended; sec. 712, 62 Stat. 1281, as amended; sec. 907, 65 Stat. 301, as amended; sec. 807, 69 Stat. 651, as amended; 12 U.S.C. 1703, 1715b, 1742, 1747k, 1748f, 1750f)

Issued at Washington, D.C., effective February 7, 1970.

[SEAL] EUGENE A. GULLEDGE,
Federal Housing Commissioner.

[F.R. Doc. 70-1705; Filed, Feb. 10, 1970; 8:47 a.m.]

Chapter VI—President's Committee on Equal Opportunity in Housing

DISCONTINUANCE OF CHAPTER

EDITORIAL NOTE: Codification of Title 24, Chapter VI, of the Code of Federal Regulations is hereby discontinued. (For material relating to Fair Housing Procedures, see 24 CFR Part 71.)

Title 31—MONEY AND FINANCE: TREASURY

Chapter II—Fiscal Service, Department of the Treasury

SUBCHAPTER B—BUREAU OF THE PUBLIC DEBT

PART 316—OFFERING OF UNITED STATES SAVINGS BONDS, SERIES E

Notice of Termination of Sale of U.S. Savings Stamps

The sale of U.S. Savings Stamps, offered pursuant to section 316.6(c) of Treasury Department Circulars No. 653, Eighth Revision, dated December 12, 1969 (31 CFR 316.6(c)), and No. 1008, First Revision, dated August 12, 1960 (31 CFR Part 338), is hereby terminated effective at the close of business June 30, 1970. Sale of the stamps is terminated under authority of the Second Liberty Bond Act, as amended (40 Stat. 288, as amended; 31 U.S.C. 757c(c)), and 5 U.S.C. 301. Notice and public procedures thereon are unnecessary as public property and contracts are involved.

Dated: February 5, 1970.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary.

[F.R. Doc. 70-1703; Filed, Feb. 10, 1970; 8:46 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 3—ADJUDICATION

Subpart A—Pension, Compensation, and Dependency and Indemnity Compensation

MISCELLANEOUS AMENDMENTS

1. In § 3.5, paragraph (e) is amended to read as follows:

§ 3.5 Dependency and indemnity compensation.

(e) *Widow's rate.* (1) The monthly rate of dependency and indemnity compensation for a widow is based on the "pay grade" of the veteran. This rate is subject to increase as provided in subparagraph (3) of this paragraph. (38 U.S.C. 411(a); Public Law 91-96, 83 Stat. 144.)

(2) The Secretary of the concerned service department will certify the "pay grade" of the veteran and the certification will be binding on the Veterans Administration. (38 U.S.C. 421; Public Law 91-96, 83 Stat. 144.)

(3) If there is a widow with one or more children under the age of 18 (including a child not in the widow's actual or constructive custody and a child who is in active military, air, or naval service), the total amount payable shall be increased by \$20 for each child. (38

U.S.C. 411(b); Public Law 91-96; 83 Stat. 144.)

2. In § 3.351, the headnote and paragraph (a) are amended to read as follows:

§ 3.351 Special monthly dependency and indemnity compensation, death compensation and pension ratings.

(a) *Aid and attendance; general.* Additional pension for veterans in need of regular aid and attendance is provided for Indian War veterans (38 U.S.C. 511); Spanish-American War veterans (38 U.S.C. 512); and for veterans of World War I, World War II, the Korean conflict or the Vietnam era (38 U.S.C. 521). Additional pension for widows in need of regular aid and attendance is provided for widows of veterans of all periods of war, including those entitled to pension under the law in effect on June 30, 1960, based on service in World War I, World War II or the Korean conflict (38 U.S.C. 544 and 521 Note). Additional dependency and indemnity compensation and death compensation for widows in need of regular aid and attendance is provided for widows of veterans of all periods of service. (38 U.S.C. 322(b), 411(c); Public Law 91-96, 83 Stat. 144.)

3. In § 3.459, paragraph (b) is amended to read as follows:

§ 3.459 Death compensation.

(b) The widow may not be paid less than \$65 monthly in wartime cases or \$52 monthly in peacetime cases plus the amount of an aid and attendance allowance where applicable.

4. In § 3.461(b), subparagraphs (1), (2), and (3) are amended to read as follows:

§ 3.461 Dependency and indemnity compensation.

(b) *Rates payable.* (1) The share for each of the children under 18 years of age, including those in the widow's custody as well as those who are not in her custody, will be \$35 per month. The share for the widow will be the difference between the children's shares and the total amount payable. In the application of this rule, however, the widow's share will not be reduced to an amount less than 50 percent of that to which she would otherwise be entitled.

(2) The additional amount of aid and attendance, where applicable, will be added to the widow's share and not otherwise included in the computation.

(3) Where the death occurred prior to January 1, 1957, and the widow has elected to receive dependency and indemnity compensation, the share of dependency and indemnity compensation for a child or children under 18 years of age will be whichever is the greater:

(i) The apportioned share computed under subparagraph (1) of this paragraph; or

(ii) The share which would have been payable as death compensation but not in excess of the total dependency and indemnity compensation.

5. In § 3.501, paragraph (m) is amended to read as follows:

§ 3.501 Veterans.

The effective date of discontinuance of pension or compensation to or for a veteran will be the earliest of the dates stated in this section. Where an award is reduced, the reduced rate will be payable the day following the date of discontinuance of the greater benefit.

(m) *Temporary increase* (38 U.S.C. 3012(b)(8); § 4.29 of this chapter). Last day of month in which hospitalization or treatment terminated, whichever is earlier, where temporary increase in compensation was authorized because of hospitalization for treatment.

6. In § 3.502, paragraphs (a) and (b) are amended to read as follows:

§ 3.502 Widows.

The effective date of discontinuance of pension, compensation, or dependency and indemnity compensation to or for a widow will be the earliest of the dates stated in this section. Where an award is reduced, the reduced rate will be payable the day following the date of discontinuance of the greater benefit.

(a) *Additional allowance of dependency and indemnity compensation for children* (§ 3.5(e)(3)). Day preceding child's 18th birthday or last day of month in which child's marriage occurred (see § 3.500(n)(2) and (3)), whichever is earlier.

(b) *Pay grade; dependency and indemnity compensation* (38 U.S.C. 411(a), 3012(b)(10); Public Law 91-96, 83 Stat. 144). Date of last payment when rate is reduced because of new certification of pay grade.

(72 Stat. 1114; 38 U.S.C. 210)

These VA regulations are effective December 1, 1969.

Approved: February 4, 1970.

By direction of the Administrator.

[SEAL]

FRED B. RHODES,
Deputy Administrator.

[F.R. Doc. 70-1706; Filed, Feb. 10, 1970; 8:47 a.m.]

Title 37—PATENTS, TRADE-MARKS, AND COPYRIGHTS

Chapter I—Patent Office, Department of Commerce

PART 1—RULES OF PRACTICE IN PATENT CASES

PART 3—FORMS FOR PATENT CASES

Updating of Rules and Forms

Correction

Paragraph No. 1 in F.R. Doc. 69-14030, appearing in the first column of page 18857 of the FEDERAL REGISTER for Wednesday, November 26, 1969, should be corrected to read as follows:

1. Paragraph (a) of § 1.15 is amended by deleting the word "division" and inserting in lieu thereof "group art unit and name of the examiner".

Title 43—PUBLIC LANDS: INTERIOR

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

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 4755]

[Idaho 2958]

IDAHO

Partial Revocation of Reclamation Project Withdrawal

Correction

In F.R. Doc. 70-178 appearing at page 226 in the issue of Wednesday, January 7, 1970, the first entry under "T. 12 N., R. 7 E." should read "Sec. 29, NE¼, N½NW¼, N½SE¼, SE¼SE¼".

Title 47—TELECOMMUNICATIONS

Chapter I—Federal Communications Commission

[Docket No. 18765; FCC 70-133]

PART 73—RADIO BROADCAST SERVICES

FM Broadcast Stations, Table of Assignments, New Bern, N.C.

In the matter of amendment of § 73.202, Table of Assignments, FM Broadcast Stations (New Bern, N.C.), RM-1432.

Report and order. 1. The Commission has before it for consideration its notice of proposed rule making (FCC 69-1348, 34 F.R. 19771) released December 12, 1969, in which comments were invited on a proposal to substitute Channel 293 for Channel 257A at New Bern, N.C. The notice was in response to a petition filed by W.V.B., Inc., permittee of Station WVWB-FM, Bridgeton, N.C.

2. Petitioner presently holds a construction permit granted November 29, 1965, for Station WVWB-FM, Bridgeton, N.C., specifying Channel 249A. Channel 249A, then listed in the table for New Bern, was authorized for use at Bridgeton under the provisions of § 73.203(b) of the rules, since the communities are essentially adjacent to each other. By an order released October 30, 1967, in Docket No. 17627 (FCC 67-1179), the channel listed in the table for New Bern was changed from 249A to 257A. The order further provided that the WVWB-FM construction permit was modified to specify operation on Channel 257A, subject to the permittee advising the Commission of its consent to the modification by November 8, 1967. W.V.B. contends that it was not advised of the change order and that it consequently completed construction on Channel 249A as originally authorized. The Commission set

aside program test authority inadvertently granted for Station WVWB-FM on Channel 249A, but authorized the station to operate on the channel under a special temporary authority pending resolution of the conflict. Since Channel 249A is now assigned to Washington, N.C., some 30 miles from WVWB-FM's temporary operation on the same channel, it is necessary that the station change to another channel so as to retain what appears to be the only channel available to Washington.

3. V.W.B. states that it determined from a study of the matter that Channel 293 could be "dropped in" at New Bern without any other changes in the table and thereby permit WVWB-FM to be changed to a Class C station. It is submitted that such change would not be appreciably more costly than switching the present WVWB-FM operation over to Channel 257A. It is also urged that the permissible facilities on Channel 293, as compared to Channel 257A, would enable it to serve a substantial area with a first FM service, based on presently authorized services in the area, without any compromise to making future assignments in the area. A showing is made that the WVWB-FM transmitter site would just satisfy the minimum mileage requirements on the proposed channel.

4. We concur with petitioner's showings as to potential new service, the meeting of separation requirements, and lack of adverse preclusion impact that would result from the proposed assignment. There were no adverse comments filed in response to the notice. In view of these considerations, we are of the opinion that adoption of the proposal to substitute Channel 293 for Channel 257A at New Bern, N.C., would be in the public interest. We are therefore amending the table and modifying the WVWB-FM construction permit accordingly.

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

6. In accordance with the determinations above, *It is ordered*, That effective March 16, 1970, § 73.202 of the Commission's rules, the FM Table of Assignments, is amended to read, insofar as the community named is concerned, as follows:

City	Channel No.
New Bern, N.C.	293

7. *It is further ordered*, That, effective March 16, 1970, the outstanding construction permit of V.W.B., Inc., for the construction of Station WVWB-FM on Channel 249A at Bridgeton, N.C., is modified to specify operation on Channel 293 in lieu of Channel 249A, subject to the following condition:

(a) Permittee shall submit to the Commission by March 16, 1970, technical information conforming with the rules of the type normally required for the issuance of a construction permit on Channel 293.

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

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

Adopted: February 4, 1970.

Released: February 6, 1970.

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

[F.R. Doc. 70-1711; Filed, Feb. 10, 1970;
8:47 a.m.]

PART 87—AVIATION SERVICES

National Defense

Order. 1. The amendments of Part 87 of the rules and regulations set forth below are editorial in nature: Changes in Subpart Q—National Defense reflect revocation of Executive Order 10312 and its being superseded by Executive Order 11490.

2. Authority for the attached amendments is contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i) and 303(r), and § 0.261, Part 0 of the rules and regulations. Because the amendments relate to national defense and since they 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.

In view of the foregoing: *It is ordered*, Effective February 13, 1970, that Part 87 of the rules and regulations is amended as set forth below.

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

Adopted: February 4, 1970.

Released: February 5, 1970.

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

Part 87 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

1. Authority in Subpart Q—National Defense is revised to read as follows:

AUTHORITY: The provisions of this Subpart Q issued under sec. 606, 48 Stat. 1104, as amended, 47 U.S.C. 606; Executive Order 11490, 34 F.R. 17567.

2. In § 87.607, the introductory text is revised to read as follows:

§ 87.607 Security Control of Air Traffic and Air Navigation Aids (SCATANA).

A plan for the Security Control of Air Traffic and Air Navigation Aids has been promulgated in furtherance of the National Security Act of 1947, as amended, the Federal Aviation Act of 1958, the Communications Act of 1934, as amended, and Executive Order 11490. This plan defines the responsibilities of the Federal Communications Commission for the security control of accurate non-Federal air navigation aids.

SCATANA applies to radio navigation stations authorized by the Commission as follows:

* * * * *
[F.R. Doc. 70-1712; Filed, Feb. 10, 1970;
8:47 a.m.]

Title 49—TRANSPORTATION

Chapter X—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES & REGULATIONS

PART 1043—SURETY BONDS AND POLICIES OF INSURANCE

PART 1084—SURETY BONDS AND POLICIES OF INSURANCE

[Ex Parte No MC-5]

[Ex Parte No. 159]

Forms and Procedure

At a session of the Interstate Commerce Commission, the Insurance Board, held at its office in Washington, D.C., on the 29th day of January 1970.

In the matter of security for the protection of the public as provided in Part II of the Interstate Commerce Act, and of rules and regulations governing filing of surety bonds, certificates of insurance, qualifications as a self-insurer, or other securities and agreements by motor carriers and brokers subject to Part II of the Interstate Commerce Act.

In the matter of security for the protection of the public as provided in Part IV of the Interstate Commerce Act, and of rules and regulations governing filing and approval of surety bonds, policies of insurance, qualifications as a self-insurer, or other securities and agreements by freight forwarders subject to Part IV of the Act.

It appearing, That amendment of § 1043.7(e) of Part 1043 of Title 49 of the Code of Federal Regulations governing the filing of insurance or other security for the protection of the public, under the authority contained in Section 215 of the Interstate Commerce Act (49 Stat. 557, as amended; 49 U.S.C. 315) and that amendment of § 1084.8(f) of Part 1084 of Title 49 of the Code of Federal Regulations governing the filing of insurance or other security for the protection of the public, under the authority contained in section 403 (c) and (d) of the Interstate Commerce Act (56 Stat. 285; 49 U.S.C. 1003) is warranted, and good cause appearing therefor;

It further appearing, That pursuant to section 553 of the Administrative Procedure Act (5 U.S.C. 553) for good cause it is found that notice of proposed rule making is unnecessary;

It is ordered, That paragraph (e) of § 1043.7 of Title 49 of the Code of Federal Regulations be, and it is hereby, amended to read as follows:

§ 1043.7 Forms and procedure.

* * * * *

(e) *Termination by replacement.* Certificates of insurance or surety bonds which have been accepted by the Commission under these rules may be replaced by other certificates of insurance, surety bonds or other security, and the liability of the retiring insurer or surety under such certificates of insurance or surety bonds shall be considered as having terminated as of the effective date of the replacement certificate of insurance, surety bond or other security, provided the said replacement certificate, bond or other security is acceptable to the Commission under the rules and regulations in this part.

(Sec. 215, 49 Stat. 557, as amended; 49 U.S.C. 315)

It is further ordered, That paragraph (f) of § 1084.8 of Title 49 of the Code of

Federal Regulations be, and it is hereby, amended to read as follows:

§ 1084.8 Forms and procedure.

* * * * *

(f) *Termination by replacement.* Certificates of insurance or surety bonds which have been accepted by the Commission under these rules may be replaced by other certificates of insurance, surety bonds or other security, and the liability of the retiring insurer or surety under such certificates of insurance or surety bonds shall be considered as having terminated as of the effective date of the replacement certificate of insurance, surety bond or other security, provided the said replacement certificate, bond or other security is acceptable to the Commission under the rules and regulations in this part.

(Sec. 403(c), (d) 56 Stat. 285; 49 U.S.C. 1003)

It is further ordered, That the amendments herein prescribed are to become effective upon publication in the FEDERAL REGISTER.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Insurance Board.

[SEAL]

H. NEIL GARSON,
Secretary.

[F.R. Doc. 70-1715; Filed, Feb. 10, 1970;
8:48 a.m.]

Proposed Rule Making

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 18794; FCC 70-132]

WEST PALM BEACH, FLA., ET AL.

FM Broadcast Station Channel Assignments

In the matter of amendment of § 73.202, Table of Assignments, FM Broadcast Stations (Riviera Beach, West Palm Beach, and Jupiter, Fla., Docket No. 18794, RM-1449, RM-1488, RM-1518).

1. The Commission has before it for consideration three petitions for rule making seeking FM channel assignments in each of the Florida communities of West Palm Beach, Riviera Beach, and Jupiter, all located in the West Palm Beach Standard Metropolitan Statistical Area (SMSA). Since the three requests involve communities located within the same SMSA, the petitions are being included in the instant notice. The individual requests are described below.

2. RM-1488, *West Palm Beach, Fla.* Daytona Broadcasting, Inc. (Daytona), filed a petition on July 30, 1969, requesting assignment of Channel 221A as a third FM channel at West Palm Beach by substituting Channel 292A for the unoccupied Channel 221A at Clewiston, Fla., as follows:

City	Channel No.	
	Present	Proposed
Clewiston, Fla.	221A	292A
West Palm Beach, Fla.	283, 300	221A, 283, 300

West Palm Beach, the county seat of its county (Palm Beach) and principal city of its SMSA, has a population of 56,208 persons.¹ The West Palm Beach SMSA (Palm Beach County) contains a population of 228,106 and the urbanized area, 172,835 persons. There are presently five aural outlets licensed at West Palm Beach, consisting of three full-time AM stations and two Class C FM stations. Petitioner is licensee of one of the AM stations, WJNO, Class IV, at West Palm Beach. The licensees of the other two AM stations are also respective licensees of the two Class C FM stations. Additional aural outlets in Palm Beach County (SMSA) consist of five stations—a daytime-only AM at Jupiter, a fulltime AM at Riviera Beach, a daytime-only AM at Lake Worth, and a fulltime AM and a Class C FM at Palm Beach. Including the West Palm Beach stations, there is a total of 10 aural outlets in the West Palm

Beach SMSA: Two daytime only AM, five full-time AM, and three Class C FM.

3. Daytona's proposal is supported by an engineering analysis, which includes studies on the availability of FM channels with their related preclusion studies, existing broadcast services and various demographic data as they concern the West Palm Beach area.² It is submitted that, although no Class C channels appear to be available, at least three Class A channels were found to be assignable in the area: Channels 221A, 232A, and 244A. It appears that none of these channels could be used with transmitter sites within the corporate limits of West Palm Beach, because of the minimum separation requirements of the rules. However, it is indicated by Daytona that Channel 221A could be used within only 0.1 mile of the northern city limit, and therefore suggests that it would be the superior assignment of the three possibilities studied. Noting that adoption of the request would result in a mixture of Class A and C channels in the same community, cases are cited by Daytona where similar situations resulted because a Class C assignment was not available. The proponent further observes, with numerous statistical data, that West Palm Beach and its immediate areas are rapidly expanding in population, retail sales, industry and employment. According to information stated in the petition, the Chamber of Commerce, as of January 1969, estimated the population of West Palm Beach at 63,881 and expects the Urbanized Area population will exceed 200,000 by 1970.

4. As to the important matter of preclusion, Daytona shows that if Channel 221A is assigned to West Palm Beach, no new preclusion area for the channel would develop over that caused by its present assignment at Clewiston. As a matter of fact, an existing and extensive preclusion area lying in an area extending between 12 and 65 miles west of Clewiston would be entirely eliminated. There would be no preclusion involved on the upper-adjacent channels 222, 223, or 224A. A very important consideration whenever assignment of Channel 221A is proposed is the potential impact on the immediately lower-adjacent educational channels (218, 219, and 220). From its study of the latter aspect, petitioner contends, with supporting detailed exhibits, that any new preclusion areas resulting from the change are very limited in size (for example, a limited coastal area lying between Vero Beach and Fort Pierce on Channels 218C and

219C), and that such areas are more than compensated by the elimination of very substantial preclusion areas between Lake Okeechobee and the Florida West Coast on Channels 218, 219, and 220.

5. RM-1449, *Riviera Beach, Fla.* By a petition filed April 30, 1969, Francis C. Kegel requests that assignment of Channel 232A be made to Riviera Beach as that community's first FM assignment. Riviera Beach, with a population of 13,046 persons, adjoins West Palm Beach and is included with that city's Urbanized Area. There is one fulltime AM station licensed at Riviera Beach. In an accompanying engineering statement it is shown that the proposed channel would meet the required minimum spacing requirements at Riviera Beach and would only involve a preclusion of potential assignments on the requested channel in a narrow coastal area running from Riviera Beach northward to Fort Pierce. Riviera Beach is the largest community within the "open area" for Channel 232A that does not presently have one or more FM assignments.

6. In further support of his proposal, Mr. Kegel states that the population of Riviera Beach has tripled since 1960, and urges that the fact that it presently has but one local aural outlet and a weekly newspaper establishes a need for a first local FM outlet.

7. RM-1518, *Jupiter, Fla.* A petition was received on October 9, 1969, from Lighthouse Broadcasting Co., Inc. (Lighthouse), licensee of Station WJTS, AM daytime-only, Jupiter, who seeks assignment of Channel 221A as the first FM channel to the community as follows:

City	Channel No.	
	Present	Proposed
Clewiston, Fla.	221A	292A
Jupiter, Fla.		221A

Jupiter has a population of 1,058 persons and is located in the far northeast area of Palm Beach County (West Palm Beach SMSA) about 13 miles distant from West Palm Beach, but is not contained within the West Palm Beach Urbanized Area. The petitioner's daytime-only AM operation is the only local outlet in Jupiter. A showing provided by Lighthouse indicates that the proposed Jupiter assignment would meet the minimum spacing requirements there.³ Based on a preclusion study by Daytona (RM-1488), it appears that preclusion areas caused by assignment of Channel 221A to Jupiter would be greater than the

² Daytona's petition is accompanied by a comprehensive and detailed engineering study that has been of assistance in our consideration of its own request as well as those of the other two petitions included in this proceeding.

³ The Jupiter petitioner does not include a preclusion study as is required when channel assignments are proposed in communities close to large population centers having multiple assignments, as is the case here. See Public Notice released May 12, 1967, FCC 67-577, 32 F.R. 7349.

¹ Populations cited herein are from the 1960 U.S. Census, unless otherwise stated.

corresponding assignment at West Palm Beach, although there would be the same reduction in preclusion areas to the west of Clewiston. (See paragraph 4 above.) It is urged by the Jupiter proponent that adoption of the requested assignment would provide a first full-time outlet to Jupiter and its area and enable a greater utilization of the available FM facilities within the State. The petitioner includes several letters from various area civic, social, business and religious organizations indicating support of the proposed assignment.

8. The Lighthouse proposal for Jupiter is in direct conflict with the assignment of Channel 221A to West Palm Beach being sought by Daytona (RM-1488), since the two communities are only some 13 miles apart. Daytona filed a timely opposition directed toward the Lighthouse proposal, asserting that Jupiter, being located within the West Palm Beach SMSA, receives nighttime service from one AM and three FM stations located in the West Palm Beach Urbanized Area. The opposition also notes that the required preclusion analysis for the proposed assignment was not furnished by Lighthouse. By a further technical showing, Daytona demonstrates that an alternate channel, 244A, could be assigned to Jupiter in conformity with the rules and without requiring any other changes in the table. It is claimed that such assignment would resolve the conflict between the Daytona and Lighthouse proposals in the event it is determined that Jupiter should be considered for an FM assignment. We note that the preclusion study included with Daytona's original petition indicates that assignment of Channel 244A to Jupiter would not preclude any other community of 1,000 or more population from a first FM assignment. We agree with Daytona that if it is determined that Jupiter should receive a first FM assignment, Channel 244A should be selected over Channel 221A.

9. If all of the above requests for additional assignments were to be adopted, the number of total FM channels for Palm Beach County (population 228,106) would increase from three to six (3A and 3C), including an increase for West Palm Beach (population 56,208) from two to three (2C and 1A). Considering the overall populations of the Metropolitan and Urbanized Areas, as well as that of West Palm Beach proper, the assignments would conform favorably with the population criterion employed in setting up the original Table of Assignments. Based on showings made by two of the proponents, no community without an existing FM assignment that appears to warrant serious consideration would be deprived of a channel if the proposed assignments were made.⁴

⁴It should be noted in this connection that, assuming Channel 221A were to be assigned to West Palm Beach and Channel 232A to Riviera Beach, either channel would be available for applications specifying North Palm Beach (population 2,684) or Lake Park (population 3,589) under the 10-mile rule (§ 73.203(b)). Both of the latter communities are a part of the West Palm Beach Urbanized Area.

10. In view of the above considerations, we are of the opinion that sufficient justification exists for the issuance of a notice of proposed rule making on the above three petitions. We are therefore inviting comments with pertinent supporting data from all interested persons on the proposal to amend the FM Table of Assignments, as follows:

City	Channel No.	
	Present	Proposed
<i>All in Florida</i>		
Clewiston.....	221A	292A
Jupiter.....		244A
Riviera Beach.....		232A
West Palm Beach.....	283, 300	221A, 283, 300

The above plan includes a different channel for Jupiter in lieu of that requested by the Jupiter proponent.

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

12. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules, interested persons may file comments on or before March 16, 1970, and reply comments on or before March 26, 1970. All submissions by parties to this proceeding or persons acting in behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings.

13. In accordance with the provisions of § 1.419 of the rules, an original and 14 copies of all comments, replies, pleadings, briefs, and other documents shall be furnished the Commission.

Adopted: February 4, 1970.

Released: February 6, 1970.

FEDERAL COMMUNICATIONS
COMMISSION,⁵

[SEAL] BEN F. WAPLE,
Secretary,

[F.R. Doc. 70-1713; Filed, Feb. 10, 1970;
8:47 a.m.]

FEDERAL POWER COMMISSION

[18 CFR Part 141]

[Docket No. R-382]

COLLECTION OF STEAM-ELECTRIC GENERATING PLANT POLLUTION CONTROL DATA—FPC FORM NO. 67

Notice of Proposed Rule Making

JANUARY 29, 1970.

1. Notice is given pursuant to section 553 of title 5 of the United States Code, that the Commission proposes to add a new § 141.59 to Part 141—Statements and Reports of Subchapter D, Approved Forms, Federal Power Act, Chapter I, Title 18, Code of Federal Regulations, to require the submission of information designed to provide a basis for the development of effective environmental quality programs in coordination with

the National Air Pollution Control Administration of the Department of Health, Education, and Welfare (NAPCA) and the Federal Water Pollution Control Administration of the Department of the Interior (FWPCA). The proposed new section of the regulations would create a form designated as FPC Form 67, designed to obtain periodically information of the quality of fuel used in fossil fueled steam-electric generating plants of 25 megawatts or more and of the costs of facilities and other data concerning their operating and maintenance relating to the control of atmospheric particulate emissions of such plants and the regulation of heat and other matters discharged into streams and other bodies of water by the operations of both fossil- and nuclear-fueled steam-electric generating plants. The information obtained would be made available to NAPCA and FWPCA as well as FPC.

2. Form 67 was originally formulated in 1968 for distribution only to selected utilities; the new form, a copy of which is attached as Appendix A¹, would be used to obtain data applicable to all steam-electric plants included for reporting purposes and would provide a much broader range of information relating to pollutants resulting from their operation. The proposed revised form, which was adopted in cooperation with NAPCA and FWPCA and pursuant to suggestions made at a meeting sponsored by the Bureau of the Budget's Industry Advisory Committee in which representatives of the electric utilities industry and the aforesaid government agencies participated, would provide information regarding the input of the quality of fossil fuels and the emission of pollutants from plant operations, the efficiency of cleansing and cooling equipment used to remove particulate emissions and other pollutants and the methods used for their disposal or elimination.

The form provides that operational information be submitted annually but that after the first report has been made data regarding plant and equipment would be reported every five years or the year following any change in the use of plant or equipment previously reported. Instructions governing ADP reporting are included for informational purposes only since the data called for would not at this time be required to be submitted on ADP media.

3. The ever-increasing concern for preservation of the nation's air and water resources and the necessity for concerted action to alleviate the factors causing their deterioration make imperative for study and program design the collection of information relating to sources of pollution and the effectiveness of existing quality controls. The need for amelioratory action was emphasized by the President in his State of the Union Message to Congress on January 22, 1970.

4. The amendment to the Commission's regulations under the Power Act would be issued under the authority granted the Federal Power Commission

⁵ Commissioner Cox absent.

¹ Filed as part of the original document.

by the Federal Power Act, particularly sections 304, 309, and 311 (49 Stat. 855, 858, 859; 16 U.S.C. §§ 825c, 825h, 825j).

5. Accordingly, it is proposed that the Regulations Under the Federal Power Act be amended by adding a new § 141.59 to Part 141, Subchapter D, Chapter I, Title 18 of the Code of Federal Regulations to read as follows:

**PART 141—STATEMENTS AND
REPORTS (SCHEDULES)**

§ 141.59 Form No. 67, Steam-electric generating plant pollution control data.

This form is designed to obtain pollution control information related to fuel quality pollution control equipment installed, the operation of such equipment and the disposition of waste materials from steam-electric generating plants;

data relating to plant and equipment is required every fifth year unless changed or retired prior to the expiration of such periods and to the operations thereof annually.

(Secs. 304, 309, 311, Federal Power Act; 49 Stat. 855, 858, 859; 16 U.S.C. 825c, 825h, 825j)

6. Any interested person may submit to the Federal Power Commission, Washington, D.C. 20426, not later than March 2, 1970, data, views, comments, and suggestions, in writing, concerning the proposed revised report form. 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 revised report form under the provisions of the Federal Reports Act of 1942 may at the same time

submit a conformed copy of their comments to the Clearance Officer, Office of Statistical Standards, Bureau of the Budget, Washington, D.C. 20503. Submissions to the Commission should indicate the name and address 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 revised report form. The Commission will consider all such written submissions before acting on the matters herein proposed.

By direction of the Commission.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-1816; Filed, Feb. 10, 1970;
8:45 a.m.]

Notices

DEPARTMENT OF STATE

Agency for International Development HOUSING GUARANTIES

Prescription of Rate

Pursuant to section 223(f) of the Foreign Assistance Act of 1961 as amended, and effective immediately, contracts of guaranty for loan investments in housing under sections 221 and 222 of that Act will be subject to the following restriction:

The interest allowed to an eligible U.S. investor at the time the relevant project is authorized may not exceed a rate of nine per centum (9%) per annum. Prior to the execution of the contract of guaranty, the Administrator may amend such rate at his discretion, consistent with the provisions of section 223(f) of the Act.

Dated: February 2, 1970.

RUTHERFORD POATS,
Acting Administrator.

[F.R. Doc. 70-1698; Filed, Feb. 10, 1970;
8:46 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Serial No. N-668]

NEVADA

Notice of Public Sale

FEBRUARY 2, 1970.

Under the provisions of the Public Land Sale Act of September 19, 1964 (78 Stat. 988, 43 U.S.C. 1421-1427), 43 CFR Subpart 2243, seven parcels of land will be offered to the highest bidder at a sale to be held at 10 a.m., local time, on Tuesday, March 31, 1970, at the Elko District Office, Bureau of Land Management, 2002 Idaho Street, Elko, Nev. 89801. The lands are in T. 47 N., R. 64 E., Mount Diablo Base and Meridian. The parcels are described as follows:

Parcel No.	Description	Acres	Appraised value
1	Sec. 12, SE $\frac{1}{4}$ NW $\frac{1}{4}$	40.0	\$5,000
2	Sec. 11, N $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$	35.0	4,375
3	Sec. 12, NE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$	10.0	1,500
4	Sec. 12, E $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$	5.0	750
5	Sec. 12, S $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$	5.0	875
6	Sec. 12, E $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$	5.0	875
7	Sec. 12, NW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$	2.5	200

Each tract will be offered to the highest bidder, but no bid will be accepted if it is for less than the appraised value of the tract. Costs of publication, if any,

shall be borne equally by the successful bidders.

The lands will be sold subject to all valid existing rights. Reservations will be made to the United States for rights-of-way for ditches and canals in accordance with the Act of August 30, 1890 (26 Stat. 391; 43 U.S.C. 945). All minerals are to be reserved to the United States and withdrawn from appropriation under the public land laws, including the general mining laws.

Bids may be made by a principal or his agent, either at the sale, or by mail. An agent must be prepared to establish the eligibility of his principal. Eligible purchasers are: (1) any individual (other than an employee, or the spouse of an employee, of the Department of the Interior) who is a citizen or otherwise a national of the United States, or who has declared his intention to become a citizen, aged 21 years or more; (2) any partnership or association, each of the members of which is an eligible purchaser, or (3) any corporation organized under the laws of the United States, or any State thereof, authorized to hold title to real property in Nevada.

Bids must be for all the land in a parcel. Bids sent by mail will be considered only if received by the Elko District Office, Bureau of Land Management, 2002 Idaho Street, Elko, Nevada 89801, prior to 4 p.m., on Monday, March 30, 1970. Bids made prior to the public auction must be in sealed envelopes, and accompanied by certified checks, payable to the Bureau of Land Management, for the full amount of the bid and by a certification of eligibility, defined in the preceding paragraph. The envelope must show the sale number and date of sale in the lower left-hand corner: "Public Sale Bid, March 31, 1970, 10 a.m., Parcel No. -----".

The authorized officer shall publicly declare the highest qualifying sealed bid received. Oral bids shall then be invited in specified increments. After oral bids, if any, are received, the authorized officer shall declare the high bid. A successful oral bidder must submit a guaranteed remittance, in full payment for the parcel and cost of publication, before 4 p.m. of the day of the sale.

If no bids are received for a sale parcel on Tuesday, March 31, 1970, the parcel will be reoffered on the first Wednesday of subsequent months at 10 a.m., beginning May 6, 1970.

Any adverse claimants to the above-described lands should file their claims, or objections, with the undersigned before the time designated for sale.

The lands described in this notice have been segregated from all forms of appropriation, including locations under the general mining laws, except for sale under this Act, from the date of notation

of the proposed classification decision. Inquiries concerning this sale should be addressed to the Land Office Manager, Bureau of Land Management, Room 3008 Federal Building, 300 Booth Street, Reno, Nev. 89502, or to the District Manager, Bureau of Land Management, 2002 Idaho Street, Elko, Nev. 89801.

ROLLA E. CHANDLER,
Manager, Nevada Land Office.

[F.R. Doc. 70-1726; Filed, Feb. 10, 1970;
8:48 a.m.]

Fish and Wildlife Service

[Docket No. C-312]

ALAN MITCHELL DEEMS

Notice of Loan Application

FEBRUARY 2, 1970.

Alan Mitchell Deems, 360 North Harold Street, Fort Bragg, Calif., 95437, has applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a new 47-foot length overall steel vessel to engage in the fishery for salmon, albacore, and Dungeness crab.

Notice is hereby given pursuant to the provisions of Public Law 89-85 and Fisheries Loan Fund Procedures (50 CFR Part 250, as revised) that the above-entitled application is being considered by the Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, Bureau of Commercial Fisheries, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operations of the vessel will or will not cause such economic hardship or injury.

C. E. PETERSON,
Chief,

Division of Financial Assistance.

[F.R. Doc. 70-1689; Filed, Feb. 10, 1970;
8:45 a.m.]

[Docket No. S-493]

RICHARD ZEIGLER AND HENRY NAGEL

Notice of Loan Application

FEBRUARY 2, 1970.

Richard Zeigler and Henry Nagel, a partnership, 5806 Third Street, Tillamook, Oreg. 97141, have applied for a

loan from the Fisheries Loan Fund to aid in financing the purchase of a used 42.6-foot registered length wood vessel to engage in the fishery for salmon, albacore, crab, sablefish, and Pacific mackerel.

Notice is hereby given pursuant to the provisions of Public Law 89-85 and Fisheries Loan Fund Procedures (50 CFR Part 250, as revised) that the above-entitled application is being considered by the Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, Bureau of Commercial Fisheries, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operations of the vessel will or will not cause such economic hardship or injury.

C. E. PETERSON,
Chief,
Division of Financial Assistance.

[F.R. Doc. 70-1688; Filed, Feb. 10, 1970;
8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

DOMESTIC DATES PRODUCED OR PACKED IN DESIGNATED AREA OF CALIFORNIA

Exportation to France of Restricted and Other Marketable Dates Certified as Meeting Grade and Size Requirements for Free Dates for Further Processing

The finding and approval hereinafter set forth are pursuant to § 987.155(a) (2), Subpart—Administrative Rules and Regulations, established under the marketing agreement, as amended, and Order No. 987, as amended (7 CFR Part 987), regulating the handling of domestic dates produced or packed in a designated area of California. 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".

Presently, the program does not permit the exportation of restricted and other marketable dates for further processing (dry dates) to France. However, § 987.155(a) (2) provides, in part, that restricted and other marketable dates of a particular variety certified as meeting the applicable grade and size requirements for free dates for further processing may be exported to a particular country upon the Committee making a prescribed finding and the Secretary approving the finding. The Committee must find (with the approval of the Secre-

tary) that exportation of such dates to the particular country is consistent with the processing or consuming habits of the country and is essential to increase total exports of dates to such country.

The grade and size requirements applicable to free dates for further processing are the same, except for moisture content, as those applicable to free dates (of higher moisture content) which are packed for handling and sale in domestic and export markets. Dates for further processing have a moisture content below 16 percent and are known as dry dates. In processing, water is added by hydration to produce the desirable texture for eating.

France has date processing and packaging plants, and normally receives Deglet Noor dates for processing from Algeria and Tunisia, but none from California. Unfavorable weather severely reduced the 1969 production of dates in these North African countries, with a resulting shortage of exports. Because of the shortage, date processors in France are seeking supplies of Deglet Noor dates from California so they can continue supplying the consumers with the dates to which they are accustomed.

The current supply of Deglet Noor dates in California is adequate to meet domestic and export requirements, including those of France, and carryover needs. Making Deglet Noor dates available to France in a form requiring further processing will permit French importers and processors to use their normal processing, packaging, and marketing facilities, supply consumers with the dates to which they are accustomed, and encourage the exportation of California dates.

Accordingly, pursuant to § 987.155(a) (2) and based on the unanimous finding of the Date Administrative Committee and other information, it is hereby found that exportation to France, of restricted and other marketable dates of the Deglet Noor variety certified as meeting the applicable grade and size requirements for free dates for further processing is consistent with the processing and consuming habits of France; and such exportation of Deglet Noor dates will tend to effectuate the declared policy of the act. Accordingly, such exportation of Deglet Noor dates to France, in accordance with the applicable provisions of this part, is approved.

It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give public notice and engage in public rule making procedure, and 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) This action unanimously recommended by the Date Administrative Committee, must become effective February 11, 1970, to permit handlers to take advantage of a strong demand for dates in France and make arrangements for exports to France; (2) this action relieves restrictions on handlers by permitting the exportation to France of Deglet Noor dates with a lower moisture content than

otherwise permitted; (3) handlers are aware of France's interest in California dates for further processing and are preparing to export immediately; and (4) California handlers may lose the opportunity for export sales to France if this action is not taken promptly.

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

Dated February 6, 1970, to become effective February 11, 1970.

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

[F.R. Doc. 70-1728; Filed, Feb. 10, 1970;
8:48 a.m.]

Office of the Secretary

LOUISIANA

Designation of Areas for Emergency Loans

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

LOUISIANA

Avoyelles. St. Mary.
Iberia.

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

Done at Washington, D.C., this 5th day of February 1970.

CLIFFORD M. HARDIN,
Secretary of Agriculture.

[F.R. Doc. 70-1679; Filed, Feb. 10, 1970;
8:45 a.m.]

MISSOURI

Designation of Areas for Emergency Loans

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

MISSOURI

Mississippi. Scott.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June

30, 1970, except to applicants who previously received emergency or special livestock loan assistance and can qualify under established policies and procedures.

Done at Washington, D.C., this 5th day of February 1970.

CLIFFORD M. HARDIN,
Secretary of Agriculture.

[F.R. Doc. 70-1680; Filed, Feb. 10, 1970;
8:45 a.m.]

OKLAHOMA

Designation of Areas for Emergency Loans

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

OKLAHOMA

Bryan. Wagoner.
Johnston.

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

Done at Washington, D.C., this 5th day of February 1970.

CLIFFORD M. HARDIN,
Secretary of Agriculture.

[F.R. Doc. 70-1677; Filed, Feb. 10, 1970;
8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[DESI 6363]

ASPIRIN WITH MENADIONE AND ASCORBIC ACID; IOPHENDYLATE EMULSION; SULFANILAMIDE AND IODIZED OIL; METHANDRIOL; METHOCARBAMOL WITH PHENACETIN, ASPIRIN, HYOSCYAMINE SULFATE AND PHENOBARBITAL; AND METHOCARBAMOL AND ASPIRIN

Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following drugs:

1. Menacyl Tablets; aspirin 0.33 gram with menadione 0.33 milligram and ascorbic acid 33.3 milligrams; marketed by

Lakeside Laboratories, Inc., Division of Colgate-Palmolive Co., 1707 East North Avenue, Milwaukee, Wis. 53201 (NDA 6-363).

2. Mulsopaque Injection; 50 percent emulsion of iophendylate; marketed by Lafayette Pharmacal, Inc., 522-26 North Earl Avenue, Lafayette, Ind. 47902 (NDA 8-214).

3. Viscidol Suspension; sulfanilamide 0.32 gram per ml. and iodized oil; marketed by E. Fougera and Co., Inc., Post Office Box 73, Cantiague Road, Hicksville, Long Island, N.Y. 11802 (NDA 9-964).

4. Stenediol Sublingual Tablets; methandriol 25 milligrams; marketed by Organon, Inc., 375 Mount Pleasant Avenue, West Orange, N.J. 07052 (NDA 7-695).

5. Robaxial-PH Tablets; methocarbamol 400 milligrams, phenacetin 97 milligrams, aspirin 81 milligrams, hyoscyamine sulfate 0.016 milligram, and phenobarbital 8.1 milligrams; marketed by A. H. Robins Co., 1407 Cummings Drive, Richmond, Va. 23220 (NDA 12-399).

6. Robaxial Tablets; methocarbamol 400 milligrams and aspirin 325 milligrams; marketed by A. H. Robins (NDA 12-281).

The Food and Drug Administration concludes that there is a lack of substantial evidence that these drugs are effective or effective as fixed combinations for the uses recommended or suggested in their labeling and that each component of the combination drugs contributes to the total effects claimed for such drugs.

The Commissioner of Food and Drugs intends to initiate proceedings to withdraw approval of the new-drug applications for these drugs. Prior to initiating such action, however, the Commissioner invites the holders of new-drug applications for these drugs, and any interested person who may be adversely affected by removal of the drugs from the market, to submit any pertinent data bearing on the proposal not later than 30 days following the date of publication of this notice in the Federal Register. The only material which will be considered acceptable for review must be well-organized and consist of adequate and well-controlled studies bearing on the efficacy of the products, and not previously submitted.

This announcement of the proposed action and implementation of the NAS-NRC report for the above drugs is made to give notice to persons who might be adversely affected by withdrawal of these drugs from the market. Promulgation of an order withdrawing approval of the new-drug applications will cause any such drug on the market offered for these uses to be a new drug for which an approved new-drug application is not in effect, and will make it subject to regulatory action.

A copy of the NAS-NRC report has been furnished to each firm referred to above. Any other interested person may obtain a copy by request to the appropriate office named below.

Communications forwarded in response to this announcement should be

identified with the reference number DESI 6363 and should be directed to the attention of the following appropriate office and addressed to the Food and Drug Administration, 200 C Street SW., Washington, D.C. 20204:

Requests for NAS-NRC reports: Press Relations Office (CE-300).

All other communications regarding this announcement: Special Assistant for Drug Efficacy Study Implementation (MD-16), Bureau of Medicine.

This notice is issued pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050-53, as amended; 21 U.S.C. 352, 355) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: February 2, 1970.

SAM D. FINE,
Associate Commissioner for
Compliance.

[F.R. Doc. 70-1684; Filed, Feb. 10, 1970;
8:45 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-347]

MITSUBISHI INTERNATIONAL CORP.

Notice of Issuance of Facility Export License

Please take notice that no request for a formal hearing having been filed following publication of notice of proposed action in the Federal Register on October 25, 1969 (34 F.R. 17346), the Atomic Energy Commission has issued License No. XR-71 to Mitsubishi International Corp., authorizing the export of components of a 500 megawatt electric nuclear power reactor to the Kansai Electric Power Co., Inc., Osaka, Japan. The export of these components to Japan is within the purview of the present Agreement for Cooperation between the Governments of the United States and Japan.

Dated at Bethesda, Md., this fourth day of February 1970.

For the Atomic Energy Commission.

EBER R. PRICE,
Director, Division of
State and Licensee Relations.

[F.R. Doc. 70-1681; Filed, Feb. 10, 1970;
8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 21893; Order 70-2-17]

AIR WEST, INC.

Order of Investigation and Suspension Regarding Commodity Rate Revisions

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 5th day of February 1970.

By tariff revisions bearing the posting date of January 6, 1970, and marked to become effective February 20, 1970, Air West, Inc. (Air West) proposes extensive

revisions in its general commodity rates. These revisions would result in both increases and reductions of the present rates.

In support of its proposal Air West asserts that its rate structure has been substantially lower than that of other certificated carriers and especially competing carriers. Furthermore, Air West claims that it is in dire financial need and requires higher revenues.

The new rates are based upon a formula involving revised rate levels at various distances in the mileage rate scale as well as the application of revised mileages to be used in determining the rate to be charged in the various markets.

As a result of the foregoing proposed changes, the rates in individual markets are to be either increased or decreased, or in some cases left unchanged. The increases, however, would be more numerous and sharper than the decreases. Based upon a sample submitted by the carrier, it appears that most of the rates proposed will involve increases and that these increases will run as high as 56.5 percent over the current level. On the other hand, only a relatively few markets will enjoy reductions and the largest reduction shown is 6.7 percent.

No complaints have been filed against this proposal.

The Board will permit limited increases to become effective in consideration of the financial situation of the carrier and the fact that the mileage rate scale used in constructing the rates does not appear prima facie unreasonable upon a cost basis, nor out of line with rate scales used by other carriers.

Increases in excess of 20 percent, however, appear excessive and may have a significant impact upon shippers. A criterion of 20 percent is in line with other recent actions of the Board involving increased freight rates.¹

Consequently, upon consideration of all relevant matters, the Board finds that the proposed increased rates, to the extent that they involve increases exceeding 20 percent, may be unjust, unreasonable, unduly discriminatory, unduly preferential or unduly prejudicial, or otherwise unlawful, and should be suspended pending investigation. The remaining rate proposals involving increases of lesser magnitude and reductions will be permitted to become effective without investigation.

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

It is ordered, That:

1. An investigation is instituted to determine whether the rates and provisions described in appendix A² attached hereto, and rules, regulations, and practices affecting such rates and provisions, are or will be unjust or unreasonable, unduly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to

determine and prescribe the lawful rates and provisions, and rules, regulations, or practices affecting such rates and provisions;

2. Pending hearing and decision by the Board, the rates and provisions described in appendix A² attached hereto (except rates and provisions applying to or from Canadian points) are suspended and their use deferred to and including May 20, 1970, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. The proceeding herein be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated; and

4. A copy of this order shall be filed with the tariff and served upon Air West, Inc., which is hereby made a party to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[F.R. Doc. 70-1710; Filed, Feb. 10, 1970;
8:47 a.m.]

[Dockets Nos. 21867, 21870; Order 70-2-13]

DOMESTIC TRUNKLINE & LOCAL SERVICE CARRIERS

Order Amending Order

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 5th day of February 1970.

By Order 70-1-148, dated January 30, 1970, the Board approved Agreement CAB 21586 providing for the establishment of additional joint fares and the division of joint fares between carriers, suspended tariff proposals for effectiveness on and after February 1, 1970, of trunkline carriers not signatory to the agreement, and permitted carrier parties to the agreement to extend their then effective fares through April 30, 1970.

Subsequent to issuance of that order, the remaining trunkline carriers became signatories to the agreement approved by the Board. Accordingly, by Order 70-1-159 of January 31, 1970, the Board vacated its previous suspension so as to permit those carriers to extend their then effective fares through April 30, 1970.

Through inadvertence, this action had the effect of permitting Continental Air Lines, Inc. (Continental), to implement certain fare revisions proposed by it for February 1, 1970, effectiveness. Since it was the Board's intent that the status quo be maintained as to all carriers, we are herein taking appropriate action to correct Order 70-1-159, effective February 1, 1970.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 403, 404, and 1002 thereof:

² Filed as part of the original document.

It is ordered, That:

1. Paragraph 1 of Order 70-1-159 is hereby amended to the extent of providing that the investigation ordered in paragraph 1 of Order 70-1-148 is not dismissed with respect to the fares of Continental Air Lines, Inc., described in Appendix A² attached hereto.

2. Paragraph 2 of Order 70-1-159 is hereby amended to the extent of providing that the suspension ordered in paragraph 4 of Order 70-1-148 is not vacated with respect to the fares of Continental Air Lines, Inc., described in Appendix A² attached hereto.

3. A copy of this order will be served upon all parties served with order 70-1-148.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[F.R. Doc. 70-1709; Filed, Feb. 10, 1970;
8:47 a.m.]

[Dockets Nos. 20274-20276; Order 70-2-24]

ROSS AVIATION, INC.

Order To Show Cause Regarding Establishment of Service Mail Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 6th day of February 1970.

On September 24, 1968, the Postmaster General filed notices of intent pursuant to 14 CFR Part 298, petitioning the Board to establish for Ross Aviation, Inc. (Ross), final service mail rates per great circle aircraft mile for the transportation of mail by aircraft as follows:

Docket	Between	Cents
20274	Reno and Winnemucca, Nev., via Lovelock, Nev.	48.72
20275	Reno and Las Vegas, Nev.	26.19
20276	Ely and Reno, Nev., via Elko, Nev.	26.19

Ross is currently engaged in business as an air taxi operator under Part 298 of the Board's economic regulations and was selected by the Post Office Department to serve these routes following competitive bids by interested parties.

Since no final mail rates are presently in effect for Ross in these markets, it is the purpose of this order and necessary in the public interest to fix, determine, and establish the fair and reasonable rates of compensation to be paid to Ross by the Postmaster General for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between the aforesaid points. The Postmaster General and Ross have agreed that the proposed rates are satisfactory to them.

Upon consideration of the notices of intent and other matters officially noticed, it is proposed to issue an order to include the following findings and conclusions:

On and after January 31, 1969, the fair and reasonable final service mail rates

¹ Filed as part of the original document.

¹ Order 69-5-105, May 22, 1969. See also Order 69-3-94, Mar. 26, 1969, Order 69-2-111, Feb. 20, 1969, and Order 69-5-65, May 15, 1969.

per great circle aircraft mile to be paid to Ross Aviation, Inc., entirely by the Postmaster General pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, shall be as follows:

Docket	Between	Cents
20274	Reno and Winnemucca, Nev., via Lovelock, Nev.	48.72
20275	Reno and Las Vegas, Nev.	26.19
20276	Ely and Reno, Nev., via Elko, Nev.	26.19

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

It is ordered, That:

1. Ross Aviation, Inc., the Postmaster General, Air West, Inc., United Air Lines, Inc., Western Air Lines, Inc., and all other interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rates specified above for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above as the fair and reasonable rates of compensation to be paid to Ross Aviation, Inc.;

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

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

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

5. This order shall be served upon Ross Aviation, Inc., the Postmaster General, Air West, Inc., United Air Lines, Inc., Western Air Lines, Inc., and Sonora Aviation, Inc.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[F.R. Doc. 70-1708; Filed, Feb. 10, 1970; 8:47 a.m.]

FEDERAL RESERVE SYSTEM

FIRST FINANCIAL CORP.

Order Approving Application Under Bank Holding Company Act

In the matter of the application of First Financial Corp., Tampa, Fla., for approval of acquisition of at least 51 percent of the voting shares of The First National Bank in Plant City, Plant City, Fla.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)), and § 222.3 (a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by First Financial Corp., Tampa, Fla., a registered bank holding company, for the Board's prior approval of the acquisition of at least 51 percent of the voting shares of The First National Bank in Plant City, Plant City, Fla.

As required by section 3(b) of the Act, the Board notified the Comptroller of the Currency of receipt of the application and requested his views and recommendation. The Comptroller offered no objection to approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on November 13, 1969 (34 F.R. 18203) providing an opportunity for interested persons to submit comments and views with respect to the proposed acquisition. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered by the Board.

It is hereby ordered, For the reasons set forth in the Board's statement¹ of this date, that said application be and hereby is approved: *Provided*, That the acquisition 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 Atlanta pursuant to delegated authority.

Dated at Washington, D.C., this 5th day of February, 1970.

By order of the Board of Governors.²

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[F.R. Doc. 70-1682; Filed, Feb. 10, 1970; 8:45 a.m.]

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 Atlanta.

² Voting for this action: Vice Chairman Robertson and Governors Mitchell, Daane, Maisel, and Brimmer. Absent and not voting: Chairman Martin and Governor Sherrill. Chairman Burns was not a member of the Board on the date of the Board's decision.

FIRST FINANCIAL CORP.

Order Approving Application Under Bank Holding Company Act

In the matter of the application of First Financial Corp., Tampa, Fla., for approval of acquisition of not less than 80 percent of the voting shares of The First National Bank in Punta Gorda, Punta Gorda, Fla.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)), and § 222.3 (a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by First Financial Corp., Tampa, Fla., a registered bank holding company, for the Board's prior approval of the acquisition of not less than 80 percent of the voting shares of The First National Bank in Punta Gorda, Punta Gorda, Fla.

As required by section 3(b) of the Act, the Board notified the Comptroller of the Currency of receipt of the application and requested his views and recommendation. The Comptroller recommended that the application be given favorable consideration.

Notice of receipt of the application was published in the FEDERAL REGISTER on September 30, 1969 (34 F.R. 15278), 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 statement¹ of this date, that said application be and hereby is approved: *Provided*, That the acquisition 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 Atlanta pursuant to delegated authority.

Dated at Washington, D.C., this 5th day of February, 1970.

By order of the Board of Governors.²

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[F.R. Doc. 70-1683; Filed, Feb. 10, 1970; 8:45 a.m.]

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 Atlanta.

² Voting for this action: Vice Chairman Robertson and Governors Mitchell, Daane, Maisel, and Brimmer. Absent and not voting: Chairman Martin and Governor Sherrill. Chairman Burns was not a member of the Board on the date of the Board's decision.

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3421]

CONTINENTAL VENDING MACHINE CORP.

Order Suspending Trading

FEBRUARY 5, 1970.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, 10 cents par value of Continental Vending Machine Corp., and the 6 percent convertible subordinated debentures due September 1, 1976, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period February 6, 1970, through February 15, 1970, both dates inclusive.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.[F.R. Doc. 70-1691; Filed, Feb. 10, 1970;
8:45 a.m.]

[70-4832]

GEORGIA POWER CO.

Notice of Proposed Issue of First Mortgage Bonds for Sinking Fund Purposes

FEBRUARY 5, 1970.

Notice is hereby given that Georgia Power Co. ("Georgia"), 270 Peachtree Street NW., Atlanta, Ga. 30303, a public-utility subsidiary company of The Southern Co., a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a) and 7 thereof as applicable to the proposed transaction. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transaction.

Georgia proposes, on or prior to June 1, 1970, to issue \$6,390,000 principal amount of its First Mortgage Bonds, 4 7/8 percent Series due 1995, under the provisions of its Indenture dated as of March 1, 1941, between Georgia and Chemical Bank, as Trustee, as amended and supplemented, and to surrender such bonds to the Trustee in accordance with the sinking fund provisions. The bonds are to be identical with those authorized by the Commission on August 18, 1965 (Holding Company Act Release No. 15294) and are to be issued on the basis of unfunded net property additions, thus making available for construction and other purposes cash which would otherwise be required to satisfy the sinking

fund requirement or to purchase bonds for such purpose.

The fees and expenses to be paid by Georgia in connection with the issuance of the bonds are estimated at \$2,500, including \$1,500 for charges of the Trustee and counsel fee of \$500. It is stated that the issuance of the sinking fund bonds has been authorized by the Georgia Public Service Commission and that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than February 26, 1970, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL]

ORVAL L. DuBOIS,
Secretary.[F.R. Doc. 70-1692; Filed, Feb. 10, 1970;
8:45 a.m.]

[812-2648]

PILGRIM FUND, INC., AND PILGRIM FUND DISTRIBUTORS, INC.

Notice of Filing of Application for an Order of Exemption

FEBRUARY 5, 1970.

Notice is hereby given that the Pilgrim Fund, Inc. (the "Fund"), 185 Cross Street, Fort Lee, N.J. 07024, a Maryland corporation registered as an open-end management investment company under the Investment Company Act of 1940 (the "Act"), and Pilgrim Fund Distributors, Inc. ("Distributors"), a New Jersey corporation, have filed an application pursuant to section 6(c) of the Act requesting an order of the Commission exempting the transactions described below from the provisions of sec-

tion 22(d) of the Act to the extent that said section requires investment company securities to be sold at the public offering price to all persons unless specifically exempted by said Act or Rule 22d-1 promulgated thereunder. All interested persons are referred to the application on file with the Commission for a statement of the representations therein which are summarized below.

The Fund's shares are currently offered to the public on a continuous basis at net asset value plus varying sales charges depending upon the amount purchased. Shares of the Fund are sold both in the United States and in foreign countries. The Fund's shares are also the underlying security for Pilgrim Investment Plans for the Accumulation of Shares of Pilgrim Fund, Inc. ("PIP"), a unit investment trust registered under the Act. Distributors is the sponsor-depositor of PIP whose securities are currently registered with the Commission. PIP's securities are sold by authorized securities dealers in the United States and foreign countries.

Shares of the Fund are made available to the Custodian-Trustee of PIP at their current net asset value. These shares are purchased by the Custodian-Trust with the net proceeds received from investors after deducting the applicable sales charges and any other authorized deductions. Since the initial offering of PIP in 1966, the maximum amount deducted as sales charges from the first year's payments has been fifty percent (50%) of such payments.

Recently, the Government of West Germany enacted a "Law Concerning the Distribution of Foreign Investment Shares," which, among other things, limits the amount of sales charges that can be deducted from the first year's payments under periodic payment plans to no more than one-third of each payment (paragraph 2, subparagraph 4(c) of said Law). In order to continue the sale of the Fund's shares in Germany by means of periodic payment plans that would comply with German law, Distributors intends to create a separate trust vehicle for offering in Germany such periodic payment plans solely to non-U.S. citizens and residents. Distributors also intends to enter into an agreement with First Pennsylvania Overseas Development Corp., Ltd., a Bahamian banking institution (hereinafter referred to as "First Penn"), whereby First Penn will act as an independent trustee for such a trust (hereinafter referred to as "Foreign Trust"). Under this arrangement, First Penn would act as the trustee for the funds collected from sales of securities issued by the Foreign Trust under a periodic payment plan. Upon receipt of these funds, after deducting applicable sales charges, First Penn would purchase shares of the Fund from Distributors at their then current net asset value. The deductions for sales charges taken from the first year's payments on sales through the Foreign Trust in Germany to non-U.S. citizens or residents will be the maximum permissible under the new

German law. Applicant's counsel is of the opinion that this proposed arrangement is valid under German law and meets the requirements of the appropriate German regulatory authorities.

Section 22(d) of the Act provides in pertinent part that no registered investment company shall sell any redeemable security issued by it to any person except either to or through a principal underwriter for distribution or at a current public offering price described in the Prospectus and if such class of security is being currently offered to the public by or through an underwriter, no principal underwriter of such security and no dealer shall sell any such security to any person except a dealer, a principal underwriter or the issuer, except at a current public offering price described in the Prospectus.

Rule 22d-1(f) only permits no-load sales to registered unit investment trusts for the accumulation of fund shares. Foreign Trust will not be registered. Applicants, therefore, request an exemption from section 22(d) to the extent necessary to permit the sale of shares of the Fund to the Foreign Trust at current net asset value, and to permit the Foreign Trust to sell periodic payment plans for the acquisition of Fund shares in Germany to non-U.S. citizens and residents with a front-end load that complies with German law while at the same time such plans are being sold in the United States by PIP with the higher front-end load permissible under American law.

In support of its application Applicants assert that the sales charges through PIP and the Foreign Trust will be identical except that the maximum amount which may be deducted as a sales charge from the first year's payments will be one-third under the Foreign Trust and one-half under PIP. Applicants contend that if PIP were to reduce its first year's sales charge in the United States to coincide with Germany's new maximum it would be at a disadvantage in competing for dealers with those periodic investment plans in the United States which allow the maximum front-end load permissible under American law.

Applicants represent that prospective shareholders of the Fund through the Foreign Trust will be provided with a prospectus of the Fund meeting the requirements of the new German law. In conformance with this law such prospectus will include a German translation of the material portions of the Prospectus of the Fund which is used in the United States as well as detailed information on all charges and deductions applicable to the investor's purchases.

Applicants also assert that the granting of the requested application will stimulate foreign interest in the Fund and thereby generate additional sales of Fund shares. These increased sales, applicants represent, will (1) benefit the United States by bringing in a flow of foreign dollars into the U.S. economy; and (2) enable Fund shareholders to obtain per share savings on fixed and administrative costs of the Fund since the Investment Management Agreement between the Fund and Pilgrim Manage-

ment Co. provides for a reduction of the advisory fee paid by the Fund on larger increments of assets managed by the Pilgrim Management Co.

Section (6)(c) of the Act provides that the Commission by order upon application, may exempt any person, security, or transaction, or any class or classes of persons, securities or transactions, from any provision or provisions of the Act or any rule or regulation under the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person, may not later than February 25, 1970 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issue of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication would be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application therein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

By the Commission.

[SEAL]

ORVAL L. DuBois,
Secretary.

[F.R. Doc. 70-1693; Filed, Feb. 10, 1970;
8:45 a.m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority No. 30-C]

REGIONAL DIRECTORS, REGIONS VI, VII, AND X, ET AL.

Delegation of Authority To Conduct Program Activities in Field Offices

Pursuant to the authority vested in the Administrator by the Small Business Act, 72 Stat. 384, as amended; the Small Business Investment Act of 1958, 72 Stat. 689, as amended; title IV of the Economic

Opportunity Act of 1964, 78 Stat. 526, as amended; and the Disaster Relief Act of 1969, 83 Stat. 125, the following authority is hereby delegated:

1. *Regional Directors, Regions VI, VII, and X—A. Financing program.* 1. To approve or decline business loans not exceeding \$350,000 (SBA share) and economic opportunity loans not exceeding \$25,000 (SBA share).

2. a. To approve or decline disaster direct and immediate participation loans up to the total SBA share of (1) \$50,000 per household for repairs or replacement of the home and/or not to exceed an additional \$10,000 allowable for household goods and personal items, but in no event may the money loaned for physical loss or damage exceed \$55,000 for a single disaster on home loans, except for funds to refinance prior liens or mortgages, which may be approved in addition to the foregoing limits for amounts up to \$50,000; and (2) \$500,000 on disaster business loans (excluding displaced business loans), except to the extent of refinancing of a previous SBA disaster loan; and to approve disaster guaranteed loans up to \$1 million, and to decline them in any amount.

b. To approve displaced business loans not exceeding \$1 million (SBA share) and to decline them in any amount.

3. To enter into business, economic opportunity and disaster loan participation agreements with banks.

4. To execute loan authorizations for Central Office approved loans and for loans approved under delegated authority, said execution to read as follows:

(Name), Administrator
By _____
(Name)
Regional Director.

5. To cancel, reinstate, modify, and amend authorizations for business, economic opportunity, and disaster loans.

6. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

7. To approve service charges by participating banks not to exceed 2 percent per annum on the outstanding principal balance of construction loans and loans involving accounts receivable and inventory financing.

8. To establish disaster field offices upon receipt of advice of the designation of a disaster area; to advise on the making of disaster loans; to appoint as a processing representative any bank in the disaster area; and to close disaster field offices when no longer advisable to maintain such offices.

9. To approve or reject the request of an applicant to file for a disaster loan after the period for acceptance under the original disaster declaration, or extension thereof, has expired.

10. No authority is hereby delegated to declare the nonapplicability of eligibility limitations to a community emergency as set forth in § 120.2(e) of SBA Loan Policy Regulations.

B. *Community economic development program.* 1. To approve or decline section 501 State development company loans without dollar limitation and section 502 local development company loans up to \$350,000 (SBA share).

2. To extend the disbursement period on sections 501 and 502 loan authorizations or undisbursed portions of sections 501 and 502 loans.

3. To execute sections 501 and 502 loan authorizations for Central Office approved loans and for loans approved under delegated authority, said execution to read, as follows:

(Name), Administrator
By _____
(Name)
Regional Director.

4. To cancel, reinstate, modify, and amend authorizations for sections 501 and 502 loans.

5. To enter into section 502 loan participation agreements with banks.

6. To approve or decline applications for the direct guarantee of payment of rent not to exceed \$1 million.

7. To issue and modify commitment letters, said issuance to read as follows:

(Name), Administrator
By _____
(Name)
Regional Director.

8. To disburse approved EDA Loans, as authorized.

C. *Loan administration program.* 1. To take all necessary actions in connection with the administration, servicing, collection, and liquidation of all loans, with the exception of those loans classified as in litigation; and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing.

a. The assignment, endorsement, transfer, and delivery (but in all cases without representation, recourse, or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator, except as to loans classified as in litigation.

b. The execution and delivery of contracts of sale or of lease or sublease, quitclaim, bargain and sale of special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing, except as to loans classified as in litigation.

c. The approval of bank applications for use of liquidity privilege under the loan guaranty plan.

d. To advertise regarding the public sale of (a) collateral in connection with the nonjudicial liquidation of loans, and (b) acquired property.

e. Except: (a) To sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; and (b) to deny liability of the Small Business

Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement.

2. To take all necessary action in liquidating Economic Development Administration (EDA) loans which are not classified as in litigation and acquired collateral, when and as authorized by EDA.

3. To service claims arising under all lease insurance policies issued in the region, approving the payment, or recommending denial of such claims.

4. To take all actions necessary to mitigate losses from lease guarantees.

D. *Procurement and management assistance program.* ** 1. To approve applications for Certificates of Competency up to but not exceeding \$250,000 bid value received from small business concerns which are located within the geographical jurisdiction of his regional office, with the exception of re-referred cases.

** 2. To deny an application for a Certificate of Competency when the regional director agrees with an adverse survey report as to production or credit, unless application for an SBA loan is being filed, which, if approved, might change the credit aspects of the case.

E. *Administrative.* 1. To purchase reproductions of loan documents, chargeable to the revolving fund, requested by U.S. attorneys in foreclosure cases.

2. To (a) purchase office supplies and equipment, including office machines and rent regular office equipment and furnishings; (b) contract for repair and maintenance of equipment and furnishings; (c) contract for services required in setting up and dismantling and moving SBA exhibits and; (d) issue Government bills of lading.

3. In connection with the establishment of disaster loan offices, to obligate Small Business Administration to reimburse General Services Administration for the rental of office space.

4. To rent motor vehicles from the General Services Administration and to rent garage space for the storage of such vehicles when not furnished by this Administration.

F. *Eligibility determinations.* To determine eligibility of applicants for assistance under any program of the Agency, except the SBIC program, in accordance with Small Business Administration standards and policies.

G. *Size determinations.* To make initial size determinations in all cases within the meaning of the Small Business Size Standards Regulations, as amended, and further, to make product classification decisions for financial assistance purposes only. Product classification decisions for procurement purposes are made by contracting officers.

H. *Legal services.* 1. To close and disburse approved SBA loans and rehabilitation loans for Department of Housing and Urban Development.

2. To close approved EDA loans, as authorized.

3. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents; and certify to the participating bank that such documents are in compliance with the participation authorization.

4. To conduct all litigation activities, including SBIC matters, as assigned, and to take all action necessary in connection with the liquidation of all loans classified as in litigation; and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing.

a. The assignment, endorsement, transfer and delivery (but in all cases without representation, recourse, or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator, as to loans classified as in litigation.

b. The execution and delivery of contracts of sale or of lease or sublease, quitclaim, bargain and sale of special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates, and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing, as to loans classified as in litigation.

c. Except: (a) To sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; and (b) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement.

5. To take all necessary action in liquidating Economic Development Administration (EDA) loans which are classified as in litigation, when and as authorized by EDA.

II. The specific authority in the subsections (except subsections I.D.1 and I.D.2) may be redelegated.

III. All authority delegated herein may be exercised by any Small Business Administration employee designated as acting regional director, Region VI, acting regional director, Region VII, or as acting regional director, Region X.

Effective date: (a) January 26, 1970, for Regional Director of Region VII; (b) February 9, 1970, for Regional Director of Region X; (c) March 2, 1970, for Regional Director of Region VI.

HILARY SANDOVAL, Jr.,
Administrator.

[F.R. Doc. 70-1694; Filed, Feb. 10, 1970; 8:46 a.m.]

[Declaration of Disaster Loan Area 751]

CALIFORNIA**Declaration of Disaster Loan Area**

Whereas, it has been reported that during the month of January 1970, because of the effects of certain disasters, damage resulted to residences and business property located in northern California;

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 those counties of northern California, suffered damage or destruction resulting from floods occurring on January 21, 1970, and continuing thereafter.

OFFICE

Small Business Administration Pacific Coastal, Regional Office, Region IX, 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 August 31, 1970.

Dated: February 3, 1970.

HILARY SANDOVAL, Jr.,
Administrator.

[F.R. Doc. 70-1697; Filed, Feb. 10, 1970;
8:46 a.m.]

[Declaration of Disaster Loan Area 752]

OREGON**Declaration of Disaster Loan Area**

Whereas, it has been reported that during the month of January 1970, because of the effects of certain disasters, damage resulted to residences and business property located in Multnomah County, Ore.

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property, situated in the

aforesaid county, and areas adjacent thereto, suffered damage or destruction resulting from floods occurring on January 22, 1970.

OFFICE

Small Business Administration District Office, 921 Southwest Washington Street, Portland, Ore. 97205.

2. Applications for disaster loans under the authority of this declaration will not be accepted subsequent to August 31, 1970.

Dated: February 3, 1970.

HILARY SANDOVAL, Jr.,
Administrator.

[F.R. Doc. 70-1695; Filed, Feb. 10, 1970;
8:46 a.m.]

[Declaration of Disaster Loan Area 750]

VERMONT**Declaration of Disaster Loan Area**

Whereas, it has been reported that during the month of January 1970, because of the effects of certain disasters, damage resulted to residences and business property located in the town of Swanton, Vt.;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the area 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 town, suffered damage or destruction resulting from fire occurring on January 28 and 29, 1970.

OFFICE

Small Business Administration Regional Office, 87 State Street, Montpelier, Vt. 05601.

2. Applications for disaster loans under the authority of this declaration will not be accepted subsequent to July 31, 1970.

Dated: January 30, 1970.

HILARY SANDOVAL, Jr.,
Administrator.

[F.R. Doc. 70-1696; Filed, Feb. 10, 1970;
8:46 a.m.]

DEPARTMENT OF LABOR**Wage and Hour Division****CERTIFICATES AUTHORIZING THE EMPLOYMENT OF LEARNERS AT SPECIAL MINIMUM WAGES**

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards

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

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

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

Acme Garment Co., Wentzville, Mo.; 1-17-70 to 1-16-71; 10 learners (women's, misses' and junior's surfers, capris, bermudas, slim pants, and shifts).

Blain Products, Inc., Blain, Pa.; 1-22-70 to 1-21-71; 5 learners (girls' and ladies' dresses).

Blount Manufacturing Co., Blountsville, Ala.; 1-14-70 to 1-13-71 (children's outerwear).

Boystone Shirt Co., Inc., Decatur, Miss.; 1-11-70 to 1-10-71 (boys' shirts).

Byrds Manufacturing Corp., Albany, Ky.; 1-23-70 to 1-22-71 (men's and boys' shirts and women's blouses).

C. & J. Manufacturing Co., Eastman, Ga.; 1-22-70 to 1-21-71 (boys' shirts).

Corbin, Ltd., Huntington, W. Va.; 1-17-70 to 1-16-71 (men's pants).

Edison Textiles, Inc., Edison, Ga.; 1-12-70 to 1-11-71 (women's sportswear).

Emporia Garment Co., Inc., Emporia, Va.; 1-24-70 to 1-23-71 (children's dresses).

L. & H. Shirt Co., Cochran, Ga.; 1-22-70 to 1-21-71 (boys' shirts).

Macon Garment Co., Red Bolling Springs, Tenn.; 1-9-70 to 1-8-71 (men's and boys' dress slacks).

Marcus Manufacturing Co., Nowata, Okla.; 1-12-70 to 1-11-71; 10 learners (men's pants).

Mode O'Day Co., Plant No. 6, Ottawa, Kans.; 1-11-70 to 1-10-71 (women's and children's dresses).

Princess Kent, Inc., Fort Kent, Maine; 1-15-70 to 1-14-71; 10 learners (children's nightwear).

Salant & Salant, Inc., Lawrenceburg, Tenn.; Loretto, Tenn.; 1-20-70 to 1-19-71 (men's work shirts and men's and boys' zipper jackets and western jeans).

Salant & Salant, Inc., Parsons, Tenn.; 1-16-70 to 1-15-71 (men's and boys' work pants).

Samaria Garment Co., Inc., Nashville, N.C.; 1-23-70 to 1-22-71; 10 learners (children's dresses).

W. E. Stephens Manufacturing Co., Inc., Watertown, Tenn.; 1-14-70 to 1-13-71; 10 learners (men's and boys' shirts).

Stitchcraft, Inc., Athens, Ga.; 1-10-70 to 1-9-71 (ladies' dresses).

Swirl, Inc., Easley, S.C.; 1-15-70 to 1-14-71 (women's dresses).

Wilker Brothers Co., Inc., McKenzie, Tenn.; 1-17-70 to 1-16-71 (men's, boys', and ladies' pajamas).

The following plant expansion certificates were issued authorizing the number of learners indicated.

Denise Lingerie Corp., Johnson City, Tenn.; 1-19-70 to 7-18-70; 80 learners (women's pajamas, gowns, and slips).

Durell Garment Co., Sanford, Fla.; 1-8-70 to 7-7-70; 10 learners (children's dresses, blouses, and skirts).

F. Jacobson & Sons, Inc., Middlesboro, Ky.; 1-16-70 to 7-15-70; 25 learners (men's dress shirts).

Lewisburg Sportswear, Inc., Lewisburg, Tenn.; 1-16-70 to 7-15-70; 10 learners (boys' sport shirts).

Rockwell Manufacturing Corp., St. Paul, Va.; 1-12-70 to 7-11-70; 15 learners (ladies' brassieres and girdles).

Royal Manufacturing Co., Inc., New Hope, Ala.; 1-6-70 to 7-5-70; 30 learners (ladies' slacks).

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

Indianapolis Glove Co., Inc., Mount Ida, Ark.; 1-22-70 to 1-21-71; 10 percent of the total number of machine stitchers for normal labor turnover purposes (work gloves).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended and 29 CFR 522.40 to 522.43, as amended).

Charles H. Bacon Co., Inc., Loudon, Tenn.; 1-15-70 to 1-14-71; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless hosiery).

Round-The-Clock Hosiery, Grenada, Miss.; 1-25-70 to 1-24-71; 5 percent of the total number of factory production workers for normal labor turnover purposes (women's panty hose and seamless hosiery).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended and 29 CFR 522.30 to 522.35, as amended).

The H. W. Gossard Co., Bristow, Okla.; 1-20-70 to 1-19-71; 5 percent of the total number of factory production workers for normal labor turnover purposes (women's underwear and nightwear).

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

Signed at Washington, D.C., this 4th day of February 1970.

ROBERT G. GRONEWALD,
Authorized Representative
of the Administrator.

[F.R. Doc. 70-1727; Filed, Feb. 10, 1970;
8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

[No. 35193]

SOUTH CAROLINA INTRASTATE FREIGHT RATES, 1969

In the matter of the assignment for hearing and directing special procedure.

Present: Laurence K. Walrath, Commissioner, to whom the matter which is the subject of this order has been referred for action thereon.

It appearing that by order dated December 9, 1969, the Commission, Division 2, instituted an investigation, pursuant to section 13 of the Interstate Commerce Act into the matters and things presented in the petition filed November 14, 1969, by the common carriers by railroad operating within the State of South Carolina wherein it is alleged that the Public Service Commission of South Carolina has refused to authorize or to permit increases in rates and charges on sand, stone, gravel, related articles, and road building materials moving in intrastate commerce corresponding to those authorized by this Commission in Ex Parte No. 259, Increased Freight Rates, 1968, 590 and 714;

And it further appearing, that upon consideration of the record in the above-entitled proceeding, this matter is one which should be referred to a hearing examiner for hearing and requires the adoption of special procedure for the purpose of expediting the hearing; and for good cause showing:

It is ordered, That the above-entitled proceeding be, and it is hereby, referred to Hearing Examiner George P. Morin for hearing and for the recommendation of an appropriate order thereon, accompanied by the reasons therefor.

It is further ordered, That on or before March 16, 1970, the respondents and any persons in support thereof shall file with the Commission three copies of the verified statements of their witnesses, in writing, together with any studies to be offered at the hearing with a statement where the underlying work papers to such studies will be available for inspection by parties to the proceeding and at the same time, serve a copy of such prepared material upon all persons listed in Appendix A attached hereto and any additional persons who make known their desire to actively participate in the proceeding on or before March 6, 1970.

It is further ordered, That on or before April 13, 1970, protestants shall file with the Commission three copies of rebuttal verified statements of their witnesses, in writing, and at the same time, serve a copy of such prepared material upon all persons listed in Appendix A hereto and any additional persons who make known their desire to actively participate on or before March 6, 1970. Attached hereto as Appendix A is a list of all known persons who have indicated their desire to

actively participate in the proceeding. Any additional persons who desire to actively participate and receive copies of the prepared material to be served shall notify the Commission, in writing, on or before March 6, 1970, as well as all persons listed in Appendix A attached hereto. Otherwise, any interested person desiring to participate in this proceeding may make his appearance at the hearing.

It is further ordered, That on or before April 23, 1970, the respondents and any persons in support thereof shall file with the Commission three copies of reply verified statements of their witnesses, in writing, and at the same time, serve a copy of said statements upon all persons listed in Appendix A attached hereto and any additional persons who make known their desire to actively participate in the proceeding on or before March 6, 1970.

It is further ordered, That parties desiring to cross-examine witnesses who have submitted verified statements shall give notice to that effect, in writing, to the affiant and his counsel, if any, on or before April 29, 1970, a copy of such notice to be filed simultaneously with the Commission together with a request for any underlying data that the witnesses will be expected to have available for immediate reference at the hearing. All verified statements and attachments as to which no cross-examination is requested will be considered as part of the record. Any witness who has been requested to appear for cross-examination but fails to do so, subjects his verified statement to a motion to strike.

It is further ordered, That a hearing will be held commencing on May 11, 1970, 9:30 a.m. d.s.t. (or 9:30 a.m. U.S. standard time, if that time is observed), at The Spigner House, University of South Carolina Campus, 915 Gregg Street, Columbia, S.C., for the purpose of hearing cross-examination of witnesses so requested; to afford opportunity to present evidence in opposition to the cross-examination; and such other pertinent evidence which the examiner deems necessary to complete the record.

And it is further ordered, That a copy of this order be served upon the respondents and protestants; that the State of South Carolina be notified by sending a copy of this order by certified mail to the Governor of South Carolina, Columbia, S.C., and a copy to the Public Service Commission of South Carolina, Columbia, S.C.; and that further notice be given to the public by depositing a copy of this order in the Office of the Secretary of the Commission, Washington, D.C., and by filing a copy with the Director, Office of the Federal Register, Washington, D.C., for publication in the FEDERAL REGISTER.

Dated at Washington, D.C., this 3d day of February 1970.

By the Commission, Commissioner Walrath.

[SEAL]

H. NEIL GARSON,
Secretary.

APPENDIX A

RESPONDENTS

E. W. Burroughs, Jr., Director of Research, Association of Southeastern Railroads, 1920 L Street NW., Suite 600, Washington, D.C. 20036.

J. R. Davis, General Attorney, Seaboard Coast Line Railroad Co., Post Office Box 1620, Richmond, Va. 23213.

George M. Gallamore, Jr., Assistant General Freight Agent, Seaboard Coast Line Railroad, Co., Post Office Box 1620, Richmond, Va. 23213.

James L. Howe III, Commerce Counsel, Southern Railway System, Washington, D.C. 20013.

PROTESTANTS

W. H. Kreckman, Albemarle Paper Co., Roanoke Rapids, N.C. 27870.

R. W. Remmert, Assistant Director Transportation, Vulcan Materials Co., Post Office Box 7497, Birmingham, Ala. 35223.

Robert M. Scott, The Greenville Concrete Co., et al., 1250 Connecticut Avenue, Washington, D.C. 20036.

[F.R. Doc. 70-1714; Filed, Feb. 10, 1970; 8:47 a.m.]

[S.O. 1002; Car Distribution Direction No. 75-A]

BOSTON AND MAINE CORP., AND MAINE CENTRAL RAILROAD CO.

Car Distribution

Upon further consideration for Car Distribution Direction No. 75, and good cause appearing therefor:

It is ordered, That:

Car Distribution Direction No. 75 be, and it is hereby, vacated.

It is further ordered, That this order shall become effective at 11:59 p.m., February 6, 1970, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., February 5, 1970.

INTERSTATE COMMERCE
COMMISSION,
R. D. PFAHLER,
Agent.

[SEAL]

[F.R. Doc. 70-1724; Filed, Feb. 10, 1970; 8:48 a.m.]

[S.O. 1002; Car Distribution Direction No. 76-A]

PENN CENTRAL CO., BOSTON AND MAINE CORP. AND MAINE CENTRAL RAILROAD CO.

Car Distribution

Upon further consideration for Car Distribution Direction No. 76, and good cause appearing therefor:

It is ordered, That:

Car Distribution Direction No. 76 be, and it is hereby, vacated.

It is further ordered, That this order shall become effective at 11:59 p.m., February 6, 1970, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of

all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., February 5, 1970.

INTERSTATE COMMERCE
COMMISSION,
R. D. PFAHLER,
Agent.

[SEAL]

[F.R. Doc. 70-1725; Filed, Feb. 10, 1970; 8:48 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

FEBRUARY 6, 1970.

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

LONG-AND-SHORT HAUL

FSA No. 41878—*Phosphatic fertilizer solution to points in western trunkline territory.* Filed by Western Trunk Line Committee, agent (No. A-2614), for interested rail carriers. Rates on phosphatic fertilizer solution, in tank carloads, as described in the application, from Don and Epco, Idaho, also Garfield and Geneva, Utah, to points in western trunkline territory.

Grounds for relief—Market competition, modified short-line distance formula and grouping.

Tariffs—Supplement 313 to Western Trunk Line Committee, agent, tariff ICC A-4411, supplement 106 to Colorado-Utah-Wyoming Committee, agent, tariff ICC 27, and supplement 67 to Union Pacific Railroad Co. tariff ICC 5606.

FSA No. 41879—*Tin or terne plate to Norrell Junction, Ala.* Filed by Traffic Executive Association—Eastern Railroads, agent (E.R. No. 2968), for interested rail carriers. Rates on tin or terne plate and tin mill black plate, in carloads, as described in the application, from specified points in Maryland, Ohio, Pennsylvania, and West Virginia, to Norrell Junction, Ala.

Grounds for relief—Market competition.

Tariff—Supplement 121 to Traffic Executive Association—Eastern Railroads, Agent, tariff ICC C-428.

By the Commission.

[SEAL]

H. NEIL GARSON,
Secretary.

[F.R. Doc. 70-1720; Filed, Feb. 10, 1970; 8:48 a.m.]

[Notice 1]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

FEBRUARY 6, 1970.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised

Deviation Rules—Motor Carriers of Passengers, 1969 (49 CFR 1042.2(c)(9)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.2(c)(9)).

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

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

MOTOR CARRIERS OF PASSENGERS

No. MC 2661 (Deviation No. 3) INDIAN TRAILS, INC., 109 East Comstock Street, Owosso, Mich. 48867, filed January 26, 1970. Carrier proposes to operate as a common carrier, by motor vehicle, of passengers and their baggage, and express and newspapers in the same vehicle with passengers, over deviation routes as follows: (1) From junction Indiana Toll Road, Interstate Highway 80-90 (Burns Harbor, Ind.), and access highway, over access highway to junction Tri-State Highway, Interstate Highway 80-94, thence over Interstate Highway 80-94 to junction Calumet Expressway, Interstate Highway 94, thence over Interstate Highway 94 to Chicago, Ill., and (2) from Westpoint Terminal on the Indiana Toll Road, Interstate Highway 90 and access road, over access road to city streets in Hammond, Ind., thence over city streets in Hammond, Ind., to city streets in Calumet City, Ill., thence over city streets in Calumet City, Ill., to junction Dolton Road and the Calumet Expressway, Interstate Highway 94, thence over Interstate Highway 94 to Chicago, Ill., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over pertinent service routes as follows: From Port Austin, Mich., over Michigan Highway 25 via Caseville and Unionville, Mich., to Bay City, Mich., thence over U.S. Highway 23 to Flint, Mich., thence over Michigan Highway 78 via Perry and Charlotte, Mich., to Battle Creek, Mich., thence over U.S. Highway 12 via Kalamazoo, Mich., and Michigan City, Ind., to Chicago, Ill. (also from Charlotte, Mich., over U.S. Highway 27 to Marshall, Mich., thence over U.S. Highway 12 to Battle Creek), and (2) from Chicago, Ill., over U.S. Highway 20 via Rolling Prairie, Ind., to South Bend, Ind., thence over U.S. Highway 31 to Niles, Mich., thence over Michigan Highway 40 to junction U.S. Highway 12, and return over the same routes.

By the Commission.

[SEAL]

H. NEIL GARSON,
Secretary.

[F.R. Doc. 70-1721; Filed, Feb. 10, 1970; 8:48 a.m.]

[Notice 5]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

FEBRUARY 6, 1970.

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

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

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

MOTOR CARRIERS OF PROPERTY

No. MC 26739 (Deviation No. 33), CROUCH BROS., INC., Post Office Box 1059, St. Joseph, Mo. 64502, filed January 14, 1970. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction U.S. Highway 34 and 66 at Berwyn, Ill., over U.S. Highway 34 to junction Illinois Highway 65, thence over Illinois Highway 65 to Aurora, Ill., thence over U.S. Highway Business Route 30 to junction U.S. Highway 30, thence over U.S. Highway 30 to junction Illinois Highway 2, thence over Illinois Highway 2 to junction Illinois Highway 92, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Chicago, Ill., over U.S. Highway 66 to junction U.S. Highway 52, thence over U.S. Highway 52 to junction U.S. Highway 51, thence over U.S. Highway 51 to Mendota, Ill., thence over Illinois Highway 92 to Moline-Rock Island, Ill., thence over the Mississippi River to U.S. Highway 61, thence over U.S. Highway 61 to junction Iowa Highway 92, thence over Iowa Highway 92 to Washington, Iowa, thence over Iowa Highway 1 to Fairfield, Iowa, thence over U.S. Highway 34 to Ottumwa, Iowa, thence over U.S. Highway 63 to Bloomfield, Iowa, thence over Iowa Highway 2 to Bedford, Iowa, thence over Iowa Highway 148 to the Iowa-Missouri State line, thence over U.S. Highway 27 to junction U.S. Highway 71, thence over U.S. Highway 71 to Maryville, Mo., and (2) from Maryville, Mo., over U.S. Highway 71 to Clarinda, Iowa, thence over Iowa Highway 2 to Shenandoah, Iowa, thence over U.S. Highway 59 to Emerson, Iowa,

thence over U.S. Highway 34 to Glenwood, Iowa, thence over U.S. Highway 275 to Omaha, Nebr., and return over the same routes.

No. MC 48958 (Deviation No. 21), ILLINOIS-CALIFORNIA EXPRESS, INC., 510 East 51st Avenue, Denver, Colo. 80216, filed January 20, 1970. Carrier's representative: Morris G. Cobb, Post Office Box 9050, Amarillo, Tex. 79105. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between Denver, Colo., and Amarillo, Tex., over U.S. Highway 287, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Los Angeles, Calif., over U.S. Highway 66 via San Bernardino, Calif., to Albuquerque, N. Mex., thence over U.S. Highway 85 to Denver, Colo., (2) from Springer, N. Mex., over New Mexico Highway 58 to junction New Mexico Highway 39, thence over New Mexico Highway 39 to junction New Mexico Highway 18 (at or near Grady, N. Mex.), thence over New Mexico Highway 18 to Clovis, N. Mex., and (3) from Amarillo, Tex., over U.S. Highway 66 to San Jon, N. Mex., and return over the same routes.

No. MC 89723 (Deviation No. 14), MISSOURI PACIFIC TRUCK LINES, INC., 210 North 13th Street, St. Louis, Mo. 63103, filed January 19, 1970. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between Tyler, Tex., and Palestine, Tex., over Texas Highway 155, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Longview, Tex., over U.S. Highway 259 to Henderson, Tex., thence over U.S. Highway 79 to Round Rock, Tex., thence over U.S. Highway 81 to Laredo, Tex., and (2) from Mineola, Tex., over U.S. Highway 69 to Tyler, Tex., thence over Texas Highway 110 to New Summerfield, Tex., and return over the same routes, with service over the routes limited to that which is auxiliary to, or supplemental of, the rail service of the Missouri Pacific Railroad Co.

No. MC 89723 (Deviation No. 15), MISSOURI PACIFIC TRUCK LINES, INC., 210 North 13th Street, St. Louis, Mo. 63103, filed January 20, 1970. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction U.S. Highway Bypass 71 and U.S. Highway 50 at Lee's Summit, Mo., over U.S. Highway 50 to junction Missouri Highway 58, 6 miles west of Warrensburg, Mo., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From junction U.S. Highway Bypass 71

and U.S. Highway 50 at Lee's Summit, Mo., over U.S. Highway Bypass 71 to junction Missouri Highway 150 (formerly Missouri Highway 155), thence over Missouri Highway 150 to junction Missouri Highway 7, thence over Missouri Highway 7 to junction Missouri Highway 58, thence over Missouri Highway 58 to junction U.S. Highway 50, and return over the same route, with service over the route limited to that which is auxiliary to, or supplemental of, the rail service of the Missouri Pacific Railroad Co.

By the Commission.

[SEAL]

H. NEIL GARSON,
Secretary.[F.R. Doc. 70-1718; Filed, Feb. 10, 1970;
8:48 a.m.]

[Notice 13]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

FEBRUARY 6, 1970.

The following publications are governed by the new Special Rule 247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

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

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

No. MC 103993 (Sub-No. 435) (Republication), filed July 2, 1969, published in the FEDERAL REGISTER issue of August 7, 1969, and republished this issue. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representative: Paul D. Borghesani (same address as applicant). By application filed July 2, 1969, as amended, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, of trailers designed to be drawn by passenger automobiles, in initial movements, from points in Nash County, N.C., to points in the United States east of the western boundaries of Wisconsin, Illinois, Kentucky, Tennessee, and Mississippi. An order of the Commission, Review Board No. 2, decided January 28, 1970, and served February 3, 1970, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, of trailers designed to be drawn by passenger automobiles, in initial movements,

from the plantsite of Outdoor Living Sales, Inc., in Nash County, N.C., to points in the United States east of the western boundaries of Wisconsin, Illinois, Kentucky, Tennessee, and Mississippi; that applicant is fit, willing, and able properly to perform the service authorized, and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other persons who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 240 TO THE EXTENT APPLICABLE

No. MC 43421 (Sub-No. 42), filed January 15, 1970. Applicant: DOHRN TRANSFER COMPANY, a corporation, 4016 Ninth Street, Rock Island, Ill. 61201. Applicant's representative: David Axelrod, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), between points in Massachusetts, restricted to traffic moving to and from points west of Pennsylvania. NOTE: Applicant states that it intends to tack at Boston, Mass., and points in Massachusetts within 10 miles of Boston. This application is a matter directly related to Docket No. MC-F-10722, published FEDERAL REGISTER issue of January 28, 1970. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 61440 (Sub-No. 124) filed December 29, 1969. Applicant: LEE WAY MOTOR FREIGHT, INC., 3000 West Reno, Oklahoma City, Okla. 73108. Applicant's representative: Richard H. Champlin, Post Office Box 82488, Oklahoma City, Okla. 73108. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Oklahoma City and Prague, Okla.: From Oklahoma City over U.S. Highway 62 to Prague, Okla., and return over the same route, serving no intermediate points and serv-

ing Prague, Okla., for purposes of joinder only. NOTE: Applicant states authority to operate over this route is currently contained in MC 61440 (Sub-No. 74). No duplicating authority is sought. This is a matter directly related to MC-F-10696 published in the FEDERAL REGISTER issue of January 7, 1970. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

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

MOTOR CARRIERS OF PROPERTY

No. MC-F-10739. Authority sought for merger into LEONARD BROS. TRUCKING CO., INC., 2595 Northwest 20th Street, Miami, Fla. 33152, of the operating rights and property of SOUTHWESTERN TRANSFER COMPANY, INC., 2595 Northwest 20th Street, Miami, Fla. 33152, and for acquisition by ARM-LON LEONARD, also of Miami, Fla., of control of such rights and property through the transaction. Applicants' attorney and representative: Wm. O. Turney, 2001 Massachusetts Avenue NW., Washington, D.C. 20036, and Fred Dewhurst, 2595 Northwest 20th Street, Miami, Fla. 33152. Operating rights sought to be merged: *Mine machinery, ranch and farm equipment, and contractors' equipment, machinery, materials, and supplies*, as a *common carrier*, over irregular routes, between El Paso, Tex., and points within 50 miles thereof, on the one hand, and, on the other, points in New Mexico; *commodities*, the transportation of which because of size or weight requires the use of special equipment, and *related machinery parts and related contractors' materials and supplies* when their transportation is incidental to the transportation by carrier of commodities which by reason of size or weight require special equipment, and *road construction machinery and equipment*, between points in Arizona and New Mexico, and those in Texas west of the eastern boundary lines of Lipscomb, Hemphill, Wheeler, Collingsworth, Hall, Motley, Dickens, Kent, Scurry, Howard, Glasscock, Reagan, Crockett, and Val Verde Counties, Tex.; *self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies* moving in connection therewith, between points in Arizona, New Mexico, and Texas, with restriction; *machinery, equipment, materials, and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and byproducts, and *machinery, equipment, materials, and supplies* used in, or in connection with, the construction, operation, repair, serv-

icing, maintenance, and dismantling of pipelines including the stringing and picking up thereof, and *such other commodities* as require specialized handling or rigging because of size or weight, between points in Texas; and *iron and steel articles*, from Corpus Christi, Galveston, and Houston, Tex., to points in New Mexico and Texas. LEONARD BROS. TRUCKING CO., INC. is authorized to operate as a *common carrier* in all States in the United States (except Alaska and Hawaii), and the District of Columbia. Application has not been filed for temporary authority under section 210a(b). NOTE: LEONARD BROS. TRUCKING CO., INC., controls SOUTHWESTERN TRANSFER COMPANY, INC., through ownership of capital stock pursuant to authority granted in No. MC-F-9801 and MC-F-9867, by Review Board No. 5, dated February 27, 1968, and consummated March 21, 1968.

No. MC-F-10740. Authority sought for purchase by SUPERIOR TRUCKING COMPANY, INC., 2770 Peyton Road NW., Atlanta, Ga. 30321, of the operating rights of WAHOO TRANSFER, INC., Wahoo, Nebr. 68088, and for acquisition by SPECIALIZED SERVICE, INC., also of Atlanta, Ga. 30321, of control of such rights through the purchase. Applicants' attorneys: Acklie and Peterson, 521 South 14th Street, Post Office Box 806, Lincoln, Nebr. 68501, and K. Edward Wolcott, 2770 Peyton Road NW., Atlanta, Ga. 30321. Operating rights sought to be transferred: *General commodities*, excepting among others, classes A and B explosives, household goods and commodities in bulk, as a *common carrier* over regular routes, between Lincoln, Nebr., and Fremont, Nebr., serving all intermediate points; and the off-route points of Swedeburg and Ithaca, Nebr., between Wahoo, Nebr., and Omaha, Nebr., serving all intermediate points; and the off-route point of Yutan, Nebr.; *general commodities*, except those requiring special equipment, between Lincoln, Nebr., and Wahoo, Nebr., serving all intermediate points, and certain off-route points, between junction U.S. Highway 77 and Nebraska 92, and Omaha, Nebr., serving all intermediate points, and certain off-route points, with restriction; *general commodities*, except those requiring special equipment, over irregular routes, between points in Saunders County, Nebr., between points in Saunders County, Nebr., on the one hand, and, on the other, points in Nebraska (except Custer, Valley, Howard and Sherman Counties), with restriction; *coal*, from points within 25 miles of Denver, Colo., to Sidney, Nebr., and points in Nebraska within 50 miles of Sidney, Nebr.; *cement, feed, and petroleum products*, in containers, from Denver, Colo., to Sidney, Nebr., and points in Nebraska within 50 miles of Sidney, Nebr.; *empty petroleum product containers*, from Sidney, Nebr., and points in Nebraska within 50 miles of Sidney, Nebr., to Denver, Colo.; *farm machinery and parts*, from Sidney, Nebr., to certain specified points in Colorado; *lumber*, from Denver, Colo., and points

within 50 miles of Denver, Colo., to Sidney, Nebr., and points in Nebraska within 50 miles of Sidney, Nebr.; *livestock*, between Sidney, Nebr., on the one hand, and, on the other, certain specified points in Colorado; *hay and grain*, between Sidney, Nebr., and points in Nebraska within 50 miles of Sidney, Nebr., on the one hand, and, on the other, certain specified points in Colorado; and *household goods* as defined by the Commission, and *emigrant movables*, between Sidney, Nebr., and points in Nebraska within 50 miles of Sidney, Nebr., on the one hand, and, on the other, points in Colorado. Vendee is authorized to operate as a *common carrier* in South Carolina, Tennessee, Georgia, Alabama, Louisiana, Mississippi, North Carolina, Arkansas, Texas, Virginia, Maryland, Pennsylvania, New Jersey, New York, Massachusetts, Rhode Island, Missouri, California, West Virginia, Wisconsin, New Mexico, Delaware, Arizona, Kansas, Iowa, Illinois, Indiana, Connecticut, Maine, New Hampshire, Oklahoma, Vermont, Florida, Michigan, Nebraska, Minnesota, Ohio, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-10741. Authority sought for control and merger by BELFORD TRUCKING CO., INC., 3500 Northwest 79th Avenue, Post Office Box 154, Miami, Fla. 33148, of the operating rights and property of MILES TRUCKING CO., INC., Post Office Box 578, Plant City, Fla. 33566, and for acquisition by MIDWEST EMERY FREIGHT SYSTEM, INC., and in turn by RENTAR INDUSTRIES, INC., both of 7000 South Pulaski Road, Chicago, Ill. 60629, of control of such rights and property through the transaction. Applicants' attorneys: Axelrod, Goodman and Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Operating rights sought to be controlled and merged: *Fresh fruits, and fresh vegetables*, as a *common carrier*, over irregular routes, from Plant City, Fla., to points in Florida on and south of Florida Highway 60, to Philadelphia, Pa., New York, N.Y., St. Louis, Mo., Chicago, Ill., Cincinnati, Ohio, Baltimore, Md., and the District of Columbia, from Plant City and Tampa, Fla., to points in Georgia, North Carolina, South Carolina, Baltimore, Md., Jersey City and Newark, N.J., Philadelphia, Pa., New York, N.Y., and the District of Columbia, from certain specified points in Florida to points in Georgia, North Carolina, South Carolina, Baltimore, Md., Jersey City and Newark, N.J., Philadelphia, Pa., New York, N.Y., and the District of Columbia, from Hendersonville, N.C., and points in South Carolina to Plant City, Fla.; *frozen fruits*, from Lexington, N.C., to Milwaukee, Wis., Birmingham, Ala., Pittsburgh, Pa., Wheeling, W. Va., and certain specified points in Ohio; *frozen vegetables*, from Barker, N.Y., to Plant City, Fla.;

Frozen fruits, berries, and vegetables, from Plant City, Fla., to Omaha, Nebr., Milwaukee, Wis., Chicago, Ill., Cincinnati and Cleveland, Ohio, Pittsburgh and

Scranton, Pa., Wheeling, W. Va., Richmond and Norfolk, Va., and certain specified points in New York; *frozen fruits and frozen vegetables*, from Plant City and Tampa, Fla., to points in Georgia, North Carolina, South Carolina, Baltimore, Md., Jersey City and Newark, N.J., Philadelphia, Pa., New York, N.Y., and the District of Columbia, from Plant City, Fla., to points in Alabama, Connecticut, Delaware, Illinois (except Chicago), Indiana (except Lafayette and Indianapolis), Kansas, Kentucky (except Louisville, Lexington, Frankfort, and Middlesboro), Massachusetts, Michigan, Missouri, Ohio (except Cincinnati and Cleveland), Rhode Island, and Tennessee (except Knoxville); *candy*, from Naugatuck Conn., and Chicago, Ill., to Tampa, Fla.; *canned fruits and canned fruit products*, from points in Florida in and south of Levy, Marion, Lake, and Volusia Counties, Fla., to points in Alabama (except Mobile), Georgia (except Savannah and Atlanta, Ga., and its commercial zone as defined by the Commission), South Carolina, Tennessee, and Kentucky; *foodstuffs* (except frozen food and foodstuffs in bulk), from the plant-sites and storage facilities of Duffy-Mott Co. at Hamlin, Holly, and Williamson, N.Y., with restriction; and *foodstuffs*, except frozen foods, frozen berries, and frozen vegetables and commodities in bulk, from certain specified points in New York, to points in Arkansas and Oklahoma. BELFORD TRUCKING CO., INC. is authorized to operate as a *common carrier* in all States in the United States (except Alaska and Hawaii), and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC-F-10742. Authority sought for control by GEORGE H. JAMERSON AND THOMAS J. JAMERSON, doing business as JAMERSON BROTHERS TRUCKING COMPANY, Post Office Box 205, Appomattox, Va. 24522, of APPOMATTOX TRUCKING COMPANY, INCORPORATED, Appomattox, Va. 24522. Applicants' attorney: Bruce E. Mitchell, Suite 301, Tavern Square, 421 King Street, Alexandria, Va. 22314. Operating rights sought to be controlled: *Lumber and pallets*, as a *contract carrier*, over irregular routes, from Drakes Branch, Va., to points in West Virginia, Ohio, Maryland, Delaware, Pennsylvania, New Jersey, New York, and the District of Columbia; and *lumber* from Drakes Branch, Va., to Bangersville, Ind., and Louisville, Ky., with restriction. GEORGE H. JAMERSON AND THOMAS J. JAMERSON, doing business as JAMERSON BROTHERS TRUCKING COMPANY is authorized to operate as a *contract carrier* in Virginia, Connecticut, Delaware, Illinois, Indiana, Maryland, Massachusetts, Michigan, and New York. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-10743. Authority sought for (1) control by BAKER INDUSTRIES, INC., 8 Ridgedale Avenue, Cedar Knolls, N.J. 07927, of ARMORED CAR, INC., Box 50783, 2654 Poydras Street, New Or-

leans, La. 70150, and for acquisition by SOLOMON R. BAKER, 404 North Roxbury Drive, Beverly Hills, Calif. 90210, of control of ARMORED CAR, INC., through the acquisition by BAKER INDUSTRIES, INC.; and (2) merger into WELLS FARGO ARMORED SERVICE CORPORATION (Delaware corporation), 210 Baker Street NW., Atlanta, Ga. 30302, of the operating rights and property of ARMORED CAR, INC., Box 50783, 2654 Poydras Street, New Orleans, La. 70150. Applicants' attorney: Francis W. McNerny, Suite 502, Solar Building, 1000 16th Street NW., Washington, D.C. 20036. Operating rights sought to be (1) controlled and (2) merged: *Currency, bullion, and related money transfers*, as a *contract carrier*, over regular routes, from New Orleans, La., to Baton Rouge, La., and Moss Point, Miss., serving certain intermediate and off-route points, from New Orleans, La., to Pensacola, Fla., serving the intermediate point of Mobile, Ala., and certain off-route points; *United States currency, bullion, and associated money transfers*, between New Orleans, La., and Vicksburg, Miss., serving certain intermediate points; *coin*, over irregular routes, between Atlanta, Ga., Birmingham, Ala., Charlotte, N.C., certain specified points in Texas, Jacksonville, Fla., Little Rock, Ark., Memphis, Tenn., New Orleans, La., Oklahoma City, Okla., Philadelphia, Pa., St. Louis and Kansas City, Mo., and Washington, D.C., with restriction; between Atlanta, Ga., Birmingham, Ala., Charlotte, N.C., Denver, Colo., Jacksonville, Fla., Memphis and Nashville, Tenn., New Orleans, La., Richmond, Va., and Washington, D.C.; *bullion*, from Fort Knox, Ky., to Philadelphia, Pa., with restriction; from Philadelphia, Pa., to Fort Knox, Ky.; *currency, bonds, and securities*, between Atlanta, Ga., Birmingham, Ala., Jacksonville, Fla., Nashville, Tenn., and New Orleans, La.; and *coin, currency, and other items of unusual value*, between Meridian, Miss., and Butler, Ala., with restriction. WELLS FARGO ARMORED SERVICE CORPORATION (Delaware corporation) is authorized to operate as a *contract carrier* in New York, Pennsylvania, Delaware, Massachusetts, New Jersey, Connecticut, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 70-1717; Filed, Feb. 10, 1970;
8:48 a.m.]

[Notice 21]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

FEBRUARY 5, 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 7156 (Sub-No. 5 TA), filed February 2, 1970. Applicant: WILLIAMS TRANSFER CO., 135 North Cleveland Street, Eugene, Ore. 97402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *iron and steel articles and building materials*, between points in Lane County, Ore., on the one hand, and on the other, Portland, Ore., and Vancouver, Wash., for 180 days. Supporting shippers: Underwriters Fire Sprinkler Co., Springfield, Ore.; Western Wire Rope Co., Post Office Box 351, Eugene, Ore.; Peerless Pacific Co., Post Office Box 3421, Portland, Ore.; Trunnell Manufacturing * * * Sales, Inc., Post Office Box 2336, Eugene, Ore.; Kaiser Steel Building Co., Route 1, Box 248, Eugene, Ore.; Farwest Steel Service Center, Post Office Box 632, Eugene, Ore. Send protests to: A. E. Odoms, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 450 Multnomah Building, Portland, Ore. 97204.

No. MC 41255 (Sub-No. 76 TA), filed February 2, 1970. Applicant: GLOSSON MOTOR LINES, INC., Route 9, Box 11A, Hargrave Road, Lexington, N.C. 27292. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from Kernersville, N.C., to points in Florida, Georgia, Alabama, Virginia, Maryland, Delaware, Pennsylvania, New Jersey, New York, Rhode Island, Massachusetts, Connecticut, Maine, Vermont, New Hampshire, and District of Columbia, for 180 days. Supporting shipper: Lynwood Furniture, Inc., Kernersville, N.C. 27284. Send protests to: Jack K. Huff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 316 East Morehead, Suite 417 (BSR Building), Charlotte, N.C. 28202.

No. MC 111401 (Sub-No. 294 TA), filed February 2, 1970. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Boulevard, Post Office Box 632, Enid, Okla. 73701. Applicant's representative: Victor R. Comstock (same address

as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum naphtha*, in bulk, in tank vehicles, from Cleveland, Okla. to Hill Air Force Base, Utah, for 180 days. Supporting shipper: Kerr McGee Oil Corp., Ray F. Fischer, Transportation Manager, Kerr McGee Building, Oklahoma City, Okla. 73102. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 240 Old Post Office Building, 215 Northwest Third, Oklahoma City, Okla. 73102.

No. MC 113024 (Sub-No. 85 TA), filed February 2, 1970. Applicant: ARLINGTON J. WILLIAMS, INC., Rural Delivery No. 2, Smyrna, Del. 19777. Applicant's representative: Samuel W. Earnshaw, 833 Washington Building, Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Chemically hardened fiber*, from plant-site of NVF Co., Yorklyn, Del., to Memphis, Tenn., for account of NVF Co., for 180 days. Supporting shipper: NVF Co., Wilmington, Del. 19899; Douglas Harding, Traffic Manager. Send protests to: Paul J. Lowry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 206 Old Post Office Building, 129 East Main Street, Salisbury, Md. 21801.

No. MC 114273 (Sub-No. 61 TA), filed January 30, 1970. Applicant: CEDAR RAPIDS STEEL TRANSPORTATION, INC., 3930 16th Avenue SW., Post Office Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Robert E. Konchar, Suite 315 Commerce Exchange Building, Cedar Rapids, Iowa 52402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts and articles distributed by meat packinghouses* as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk and hides), from the plantsites and/or storage facilities utilized by Wilson-Sinclair Co. at Albert Lea, Minn., and Cedar Rapids, Iowa, to points in Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and West Virginia; restricted to traffic originating at the above specified plantsites and/or cold storage facilities and destined to the above specified destination, for 180 days. Supporting shipper: Wilson-Sinclair Co., Prudential Plaza, Chicago, Ill. 60601. Send protests to: Chas. C. Biggers, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 332 Federal Building, Davenport, Iowa 52801.

No. MC 114273 (Sub-No. 62 TA), filed February 2, 1970. Applicant: CEDAR RAPIDS STEEL TRANSPORTATION, INC., 3930 16th Avenue SW., Cedar Rapids, Iowa 52406. Applicant's representative: Robert E. Konchar, 315 Commerce Exchange Building, 2720 First Avenue NE., Cedar Rapids, Iowa 52402. Authority

sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses* as described in sections A and C of appendix I of the report in *Descriptions in Motor Carrier Certificate* 61 M.C.C. 209 and 766 (except hides and commodities in bulk in tank vehicles), from Postville, Iowa, to points in New York, Connecticut, New Jersey, Pennsylvania, and Massachusetts, for 180 days. Supporting shipper: Hygrade Food Products Corp., 11081 Mack Avenue, Detroit, Mich. 48214. Send protests to: Chas. C. Biggers, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 332 Federal Building, Davenport, Iowa 52801.

No. MC 123639 (Sub-No. 126 TA), filed February 2, 1970. Applicant: J. B. MONTGOMERY, INC., 5150 Brighton Boulevard, Denver, Colo. 80216. Applicant's representative: David A. Senseney, 3395 South Bannock Street, Englewood, Colo. 80110. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat byproducts, and articles distributed by meat packinghouses*, from Greeley, Colo., to points in New York, New Jersey, Massachusetts, Maryland, and Pennsylvania, for 180 days. Supporting shipper: Monfort Packing Co., Box G, Greeley, Colo. 80632. Send protests to: District Supervisor C. W. Buckner, 2022 Federal Building, Denver, Colo. 80202.

No. MC 124221 (Sub-No. 28 TA), filed January 28, 1970. Applicant: HOWARD BAER, 821 East Dunne Street, Morton, Ill. 61550. Applicant's representative: Robert W. Loser, 1001 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *lunch meats, sliced, or unsliced (in loaves), sausage, wieners, and such other related items* as may be manufactured or packaged at The Kroger Co. sausage plant, Cincinnati, from the plantsite of The Kroger Co. sausage plant, Cincinnati, Ohio, to Kroger distribution facilities at Oak Lawn, Ill.; Indianapolis, Ind.; Irwin, Pa.; Atlanta, Ga.; Irving, Tex.; Livonia, Mich.; Memphis, Tenn.; Salem, Va.; St. Louis, Mo.; and Louisville, Ky.; and *out-dated, refused, or rejected merchandise, and shipping devices*, on return; and (2) *cottage cheese, creamed or flavored; gelatin salads, parfaits, pimento spread, meat salads, vegetable salads, macaroni salad, cole slaw, and yogurt*, from The Kroger Co. dairy plant and warehouse facilities at Cincinnati, Ohio, to the destination points named in (1) above; and *out-dated, refused, or rejected merchandise, and shipping devices*, on return; and (3) *bacon and hams*, from the plantsite of the Sugar Creek Packing Co. at Washington Court House, Ohio, in mixed shipments with (1) and/or (2) above to the destination points named in (1) above; and *pallets and shipping devices*, on return; (4) *meats, fresh* (used in the manufacture of sausage, wieners, and lunch meats), from the plantsite or facilities of Peter Eckrich & Sons, Inc.,

Chicago, Ill., to The Kroger Co. sausage plant at Cincinnati, Ohio; and pallets and shipping devices, on return. Restriction: The operations proposed to be performed herein are limited to a transportation service to be performed under a continuing contract, or contracts, with The Kroger Co., for 180 days. Supporting shipper: The Kroger Co., 1014 Vine Street, Cincinnati, Ohio 45201. Send protests to: Raymond E. Mauk, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1086 U.S. Courthouse and Federal Office Building, 219 South Dearborn Street, Chicago, Ill. 60604.

No. MC 124221 (Sub-No. 30 TA), filed February 2, 1970. Applicant: HOWARD BAER, 821 East Dunne Street, Morton, Ill. 61550. Applicant's representative: Robert W. Loser, 1001 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Bananas, from New Orleans, La., and Gulfport, Miss., to Urbana, Ill.; restricted to services to be performed under a continuing contract or contracts with J. M. Jones Co., Urbana, Ill., for 150 days. Supporting shipper: J. M. Jones Co., 2611 North Lincoln Avenue, Urbana, Ill. Send protests to: Raymond E. Mauk, District Supervisor, Interstate Commerce Commission, Bureau of Operations, U.S. Courthouse and Federal Office Building, Room 1086, 219 South Dearborn Street, Chicago, Ill. 60604.

No. MC 128685 (Sub-No. 5 TA), filed February 2, 1970. Applicant: DIXON BROS., Post Office Box 636, Newcastle, Wyo. 82701. Applicant's representative: Robert S. Stauffer, 3539 Boston Road, Cheyenne, Wyo. 82001. Authority sought

to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Lumber, from Hill City, S. Dak., to points in Iowa, Nebraska, and Colorado, for 180 days. Supporting shipper: Stauter Lumber Co., Inc., Post Office Box 168, Hill City, S. Dak. 57745. Send protests to: Paul A. Naughton, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 304, Lierd Building, 259 South Center Street, Casper, Wyo. 82601.

No. MC 134269 (Sub-No. 1 TA), filed February 2, 1970. Applicant: ORVILLE W. BLIHOVDE, 121 South St. Marie, Barron, Wis. 54812. Applicant's representative: Grant J. Merritt, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Tent trailers, from points in Barron County, Wis., to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Texas, Tennessee, and Wisconsin, and parts, materials and supplies used in the manufacture of tent trailers from Harmony, Minn., to Barron County, Wis., for 180 days. Supporting shipper: Conwed Corp., Cloquet, Minn. Send protests to: District Supervisor A. E. Rathert, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn. 55401.

No. MC 134305 TA, filed February 2, 1970. Applicant: HARRY E. HAMM, doing business as HAMM TRUCKING, Rural Route No. 1, Erie, Ill. 61250. Applicant's representative: Albert A. Andrin, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate

as a common carrier, by motor vehicle, over irregular routes, transporting: Dry milk solids, including casein, sodium caseinate, co-precipitate and whey; (1) from Erie, Ill., to Detroit, Mich.; Bowling Green, Rittman, and Wapakoneta, Ohio; Indianapolis, Ind.; Carthage, Kansas City, and Trenton, Mo.; Green Bay and Hager City, Wis.; Minneapolis, Minn., to Erie, Ill., for 180 days. Supporting shipper: The Erie Casein Co., Erie, Pa. Send protests to: Andrew J. Montgomery, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1086 U.S. Courthouse and Federal Office Building, 219 South Dearborn Street, Chicago, Ill. 60604.

No. MC 134306 TA, filed February 2, 1970. Applicant: CHEROKEE LINES, INC., 1135 North Little Street, Post Office Box 1049, Cushing, Okla. 74023. Applicant's representative: Robert J. Beaver (same address as above). Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Cotton knit goods, from the plantsite of Diener-Chandler Mills, Inc., Chandler, Okla., to Petaluma, Calif., for 180 days. Supporting shipper: Diener-Chandler Mills, Inc., Frank Putnam, Plant Manager, 600 Park Road, Chandler, Okla. 74834. Send protest to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, Okla. 73102.

By the Commission.

[SEAL]

H. NEIL GARSON,
Secretary.

[F.R. Doc. 70-1719; Filed, Feb. 10, 1970;
8:48 a.m.]

CUMULATIVE LIST OF PARTS AFFECTED—FEBRUARY

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during February.

3 CFR	Page	7 CFR—Continued	Page	7 CFR—Continued	Page
PROCLAMATIONS:		724-----	2504-2506	PROPOSED RULES—Continued	
1677 (see PLO 4762)-----	2402	811-----	2383	1032-----	2527
3958-----	2571	857-----	2507	1033-----	2527
3959-----	2641	907-----	2578	1034-----	2527, 2729
3960-----	2815	910-----	2383, 2721, 2765	1035-----	2527
EXECUTIVE ORDERS:		913-----	2722	1036-----	2527
11211 (amended by EO 11506)-----	2501	947-----	2766	1040-----	2527
11282 (superseded by EO 11507)-----	2576	1421-----	2766	1041-----	2527, 2730
11288 (superseded by EO 11507)-----	2576	PROPOSED RULES:		1043-----	2527
11368 (see EO 11506)-----	2501	52-----	2668, 2787	1044-----	2527
11506-----	2501	724-----	2526	1046-----	2527
11507-----	2573	907-----	2526	1049-----	2527
5 CFR		1001-----	2527	1050-----	2527
213-----	2383, 2643, 2644, 2765	1002-----	2527	1060-----	2527
7 CFR		1003-----	2527	1061-----	2527
301-----	2577	1004-----	2527	1062-----	2527
318-----	2503	1005-----	2527	1063-----	2527
319-----	2503	1006-----	2527	1064-----	2527
601-----	2817	1007-----	2527	1065-----	2527
722-----	2721	1011-----	2527	1068-----	2527
		1012-----	2527	1069-----	2527
		1013-----	2527	1070-----	2527
		1015-----	2527	1071-----	2527
		1016-----	2527	1073-----	2527
		1030-----	2527	1075-----	2527

7 CFR—Continued**PROPOSED RULES—Continued**

1076	2572
1078	2527
1079	2527
1090	2527
1094	2527
1096	2527
1097	2527
1098	2527, 2669
1099	2527
1101	2527
1102	2527
1103	2527
1104	2527
1106	2527
1108	2527
1120	2527
1121	2527
1124	2527
1125	2527
1126	2527
1127	2527
1128	2572
1129	2527
1130	2527
1131	2527
1132	2527
1133	2527
1134	2527
1136	2527
1137	2527
1138	2527

9 CFR

76..... 2507, 2508, 2644, 2722, 2767, 2817

PROPOSED RULES:

2	2729
318	2527

10 CFR

14..... 2723

12 CFR

204	2768
217	2768
265	2383
329	2768
510	2509
526	2723
542	2509
543	2509
545	2511
556	2514
562	2514
567	2515
571	2515
582	2515
591	2725

13 CFR

121..... 2385

PROPOSED RULES:

113	2596
121	2597

14 CFR

13	2578
21	2812
39	2517, 2726
47	2578
61	2818
71	2517, 2580-2583, 2645, 2646, 2726, 2769, 2819
73	2769
75	2583, 2584, 2726, 2819
91	2578, 2818
97	2390, 2647

Page

14 CFR—Continued

121	2818
241	2819
PROPOSED RULES:	
21	2412
25	2412
39	2594
71	2595, 2670, 2791-2793
73	2595
75	2596
171	2528
207	2730

16 CFR

13..... 2385-2387, 2517-2522, 2769-2773

15..... 2655, 2656

PROPOSED RULES:

118	2673
-----	------

17 CFR**PROPOSED RULES:**

230	2672
-----	------

18 CFR**PROPOSED RULES:**

101	2413
141	2832
201	2413
250	2730

19 CFR

10..... 2822

PROPOSED RULES:

9	2410
---	------

20 CFR**PROPOSED RULES:**

405	2593
-----	------

21 CFR

3	2656, 2657, 2774
5	2584
120	2585, 2727
121	2727, 2822, 2823
146b	2657
147	2657
164	2658
191	2659

PROPOSED RULES:

3	2411
141b	2670
146b	2670

24 CFR

200..... 2823

Ch. VI..... 2827

26 CFR

1..... 2774

29 CFR

8	2387
201	2556
202	2557
203	2561
205	2563
541	2389
727	2774
1500	2822

31 CFR

316..... 2827

32 CFR

115	2775
536	2659

Page

33 CFR

207..... 2660, 2727

36 CFR**PROPOSED RULES:**

7	2787
---	------

37 CFR

1	2828
3	2828

38 CFR

3	2827
17	2389

39 CFR**PROPOSED RULES:**

261	2410
262	2410

41 CFR

5A-2	2399
5A-72	2400
5A-73	2400
5B-3	2585
9-5	2586
14-1	2523
60-2	2586

42 CFR

73..... 2400

PROPOSED RULES:

73	2411
81	2411

43 CFR

4110..... 2591

PUBLIC LAND ORDERS:

4755	2828
4762	2402
4763	2776

45 CFR

1061..... 2402

PROPOSED RULES:

85	2791
----	------

46 CFR

502..... 2523

47 CFR

15	2405, 2660
63	2776
64	2776
73	2590, 2828
87	2829

PROPOSED RULES:

25	2671
73	2831
74	2672

49 CFR

71	2667
371	2409
1023	2524
1043	2829
1048	2727
1084	2829

PROPOSED RULES:

179	2794
236	2412

50 CFR

32	2592
33	2592
279	2407

PROPOSED RULES:

280	2526
-----	------