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SUBCHAPTER E—AIRSPACE

[Airspace Docket No. 70-AL-3]

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

Alteration of Federal Airway

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to redescribe Green Federal airway No. 9.

The segment of G-9 east of the Sparrevohn, Alaska, RBN is based on the intersection of the Sparrevohn RBN 093° and Anchorage, Alaska, RR 266° bearings. A recent FAA flight inspection disclosed that the Sparrevohn RBN has a maximum usable distance of 55 miles east of Sparrevohn. The USAF, owner of the radio beacon, is unable to increase its usable distance. The limited maximum usable distance of the RBN could lead to pilot disorientation with the existing airway alignment. This condition can be alleviated by realigning G-9 direct from the Sparrevohn RBN to the Anchorage RR to provide overlapping radio frequency coverage by the Anchorage radio range. Action is taken herein to realign G-9.

Since a situation exists where safety requires immediate adoption of this amendment, it is found that notice and public procedure thereon are impracticable and good cause exists for making this amendment effective on less than 30-days notice.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective upon publication in the FEDERAL REGISTER, as hereinafter set forth.

In § 71.103 (35 F.R. 2006) Green Federal airway No. 9 is amended as follows: All after the phrase "Sparrevohn, Alaska, RBN;" is deleted and the phrase "24 miles, 29 miles, 53 MSL, 14 miles, 10,500 MSL, 42 miles, 12,500 MSL, Anchorage, Alaska, RR." is substituted 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 May 6, 1970.

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

[F.R. Doc. 70-5744; Filed, May 7, 1970; 8:50 a.m.]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 10275; Amdt. 700]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

The amendments to the standard instrument approach procedures contained herein are adopted to become effective when indicated in order to promote safety. The amended procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the complete procedure is republished in this amendment indicating the changes to the existing procedures.

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

In view of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 97 (14 CFR Part 97) is amended as follows:

1. By amending § 97.11 of Subpart B to amend low or medium frequency range (L/MF), automatic direction finding (ADF) and very high frequency omnirange (VOR) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
Flat Rock VORTAC	Biltmore Int	Direct	2000	T-dn	300-1	300-1	200-½
				C-dn	700-1	700-1	700-1¼
				S-dn-15	700-1	700-1	700-1
				A-dn	800-2	800-2	800-2
				If Biltmore Int or 5-mile DME or Radar Fix received, the following minimums apply:			
				C-dn	500-1	500-1	500-1½
				S-dn-15#	400-1	400-1	400-1

Radar available.
Procedure turn N side of crs, 347° Outbnd, 167° Inbnd, 1700' within 10 miles.
Minimum altitude over Biltmore Int/5-mile DME/or Radar Fix on final approach crs, 867'.
Crs and distance, breakoff point to approach end of runway, 154°—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of RIC VORTAC, climb to 2000' on R 167° RIC VORTAC within 10 miles, return to RIC VORTAC, Hold SW, 220° Outbnd, 040° Inbnd, 1-minute right turns.
#400-¾ authorized with operative high-intensity runway lights except for 4-engine turbojets.
MSA within 25 miles of facility: 000°-090°—1600'; 090°-360°—2100'.

City, Richmond; State, Va.; Airport name, Richard E. Byrd Flying Field; Elev., 167'; Fac. Class., H-BVORTAC; Ident., RIC; Procedure No. VOR Runway 15, Amdt. 18; Eff. date, 28 May 70; Sup. Amdt. No. 17; Dated 15 Apr. 67

2. By amending § 97.11 of Subpart B to delete low or medium frequency range (L/MF), automatic direction finding (ADF) and very high frequency omnirange (VOR) procedures as follows:

Pendleton, Oreg.—Pendleton Municipal, ADF 1, Amdt. 6, 16 Apr. 1966 (established under Subpart C).
Crescent City, Calif.—Jack McNamara Field, VOR Runway 11, Orig., 14 Sept. 1967 (established under Subpart C).

3. By amending § 97.15 of Subpart B to delete very high frequency omnirange-distance measuring equipment (VOR/DME) procedures as follows:

Pendleton, Oreg.—Pendleton Municipal, VOR/DME Runway 7L, Amdt. 9, 3 Apr. 1969 (established under Subpart C).
Crescent City, Calif.—Jack McNamara Field, VOR/DME Runway 11, Amdt. 1, 14 Sept. 1967 (established under Subpart C).
Crescent City, Calif.—Jack McNamara Field, VOR/DME Runway 35, Amdt. 1, 14 Sept. 1967 (established under Subpart C).

4. By amending § 97.17 of Subpart B to amend instrument landing system (ILS) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE ILS

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
GDM VORTAC	Royal Int	Direct	3000	T-dn%#	600-1	600-1	600-1
Bald Int	Royal Int	Direct	3000	S-dn-2*#	600-1	600-1	600-1¼
Royal Int	EEN OM (NOPT)	LOC FC	2600	C-dn	1500-2¼	1500-2¼	1500-3
				A-dn	NA	NA	NA
				With glide slope inoperative:			
				S-DN-2*#	1500-2¼	1500-2¼	1500-3

Procedure turn: Left tear drop 3000' Outbnd on EEN VOR R 215° Inbnd on EEN ILS, 017° within 10 miles.
Crs and distance, facility to airport 017°—6.2 nautical miles.
Minimum altitude at glide slope interception Inbnd, 2600'.
Altitude of glide slope and distance to approach end of runway at OM, 2531'—6.2 nautical miles; at MM, 691'—0.55 nautical miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, make climbing left turn to 3000' direct to EEN VOR. Hold SW, 1 minute, left turns, 023° Inbnd.
NOTES: (1) Use Concord, N.H., altimeter setting. (2) Approach from holding pattern not authorized.
*SS not authorized.
%IFR departure procedures: Runways 14, 20, 32—make right turn; Runway 2—make left turn. Circle over airport to 1000' continue climbing to 3000' direct to EEN VOR before departing on crs. Night takeoff Runway 14 not authorized.
#Inoperative table does not apply to MALS Runway 2.

City, Keene; State, N.H.; Airport name, Dillant-Hopkins; Elev., 487'; Facility, I-EEN; Procedure No. ILS Runway 2, Amdt. 1; Eff. date, 28 May 70; Sup. Amdt. No. Orig.; Dated, 5 Mar. 70

5. By amending § 97.17 of Subpart B to delete instrument landing system (ILS) procedures as follows:

Pendleton, Oreg.—Pendleton Municipal, ILS-25R, Amdt. 10, 16 Apr. 1966 (established under Subpart C).

6. By amending § 97.23 of Subpart C to establish very high frequency omnirange (VOR) and very high frequency-distance measuring equipment (VOR/DME) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: CEC VOR.
				Climb to 3500' on CEC R 161° within 10 miles.
				Supplementary charting information:
				Final approach crs intercepts runway centerline 4700' from threshold.
				MIRL Runways 17/35 and 11/29.
				Runway 11, TDZ elevation, 57'.

Procedure turn W side of crs, 306° Outbnd, 126° Inbnd, 1600' within 10 miles of CEC VOR.
Final approach crs, 126°.
MSA: 010°-100°—8400'; 100°-190°—6800'; 190°-280°—1300'; 280°-010°—5700'.
%IFR departures: Climb on CEC R 215° within 10 miles to cross the CEC VOR at or above: 1500', northbound V27; 3000', northeastbound V122.
#Standard Runway 29, 300-1 all other runways.

DAY AND NIGHT MINIMUMS

Category	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-11	520	1	463	520	1	463	520	1	463	520	1	463
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
Circling	540	1	483	540	1	483	540	1¼	483	620	2	563

Takeoff%# Alternate—Standard.

City, Crescent City; State, Calif.; Airport name, Jack McNamara Field; Elev., 57' Fac. Ident., CEC; Procedure No. VOR Runway 11, Amdt. 1; Eff. date, 28 May 70; Sup. Amdt. No. Orig.; Dated, 14 Sept. 67

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 3.6 miles after passing PDT VOR TAC.
Echo Int	PDT VORTAC (NOPT)	Direct	2900	Climbing left turn to 3000' direct to PDT VORTAC and hold.*
R 210°, PDT VORTAC CW	Echo Int	12-mile Arc PDT, R 225° lead radial.	4000	Supplementary charting information:
R 328°, PDT VORTAC CCW	R 253°, PDT VORTAC	10-mile Arc PDT, R 265° lead radial.	3300	*Hold W, 1 minute, left turn, 073° Inbnd. Runway 7L, TDZ elevation, 1482'.
Cold Springs Int	PDT VORTAC	Direct	3300	
10-mile Arc	PDT VORTAC (NOPT)	R 253°	2700	

Procedure turn N side of crs, 253° Outbnd, 073° Inbnd, 3500' within 10 miles of PDT VORTAC.
FAF, PDT VORTAC. Final approach crs 073°. Distance FAF to MAP, 3.6 miles.
Minimum altitude over PDT VORTAC, 2700' (2900' from Echo Int).
MSA: 000°-090°—5000'; 090°-180°—6400'; 180°-270°—5600'; 270°-360°—3400'.
NOTE: 1. Sliding scale not authorized.
%IFR departure procedures: Climb direct to PDT VORTAC continue climb in holding pattern* to cross PDT VORTAC at or above; eastbound V298, 2500'; southeastbound V4, 2500'; southwestbound V536, 2500'.

DAY AND NIGHT MINIMUMS

Category	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-7L	1920	¾	438	1920	¾	438	1920	¾	438	1920	1	438
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1920	1	427	1960	1	467	1960	1¼	467	2060	2	567

Takeoff Standard.% Alternate—Standard.

City, Pendleton; State, Oreg.; Airport name, Pendleton Municipal; Elev., 1493'; Fac. Ident., PDT; Procedure No. VOR Runway 7L, Amdt. 10; Eff. date, 28 May 70; Sup. Amdt. No. VOR/DME Runway 7L, Amdt. 9; Dated, 3 Apr. 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VORTAC

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: BOI R 095°, 1.5 miles.
BOI, R 085°, CW (IAF)	BOI, R 095°	25-mile Arc BOI, R 096° lead radial.	10,000	Climb to 4500' on radial 276° within 10 miles.
BOI, R 111°, CCW (IAF)	BOI, R 095°	18-mile Arc BOI, R 102° lead radial.	8000	Supplementary charting information:
BOI, R 095°, 25-mile	BOI, R 095°, 18-mile	Direct	8000	Final approach crs 500' left of centerline 3000' from threshold. Runway 28L, TDZ elevation, 2852'.

Procedure turn not authorized.
Approach crs (profile) starts at R 095°/18-mile DME Fix Boise VORTAC.
Final approach crs, 275°.
Minimum altitude over R 095°, 18 miles, 8000'; over R 095°, 15 miles, 7100'; over R 095°, 12 miles, 6400'; over R 095°, 9 miles, 5500'; over R 095°, 6 miles, 4600'; over R 095°, 3 miles, 3400'.
MSA: 000°-090°—9400'; 090°-180°—7700'; 180°-270°—7200'; 270°-360°—8600'.
NOTE: Sliding scale not authorized.
%IFR departure procedures: Takeoff Runways 28L/28R left turn; Runways 10L/10R right turn. Climb on Radial 212° BOI VORTAC within 20 miles so as to cross BOI VORTAC at or above: V253 northbound, 6000'; V4N/500 eastbound, 6000'.
$Circling N Runways 10L and 28R not authorized. Category E minimums: S-28L, MDA 3220'; VIS 1, HAT 368. Circling, MDA 3600'; VIS 2; HAA 742.

DAY AND NIGHT MINIMUMS

Category	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-28L	3220	¾	368	3220	¾	368	3220	¾	368	3220	1	368
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C$	3240	1	382	3320	1	462	3320	1¼	462	3420	2	562

Takeoff Runway 10L, RVR 24; Standard all other runways.% Alternate—Standard.

City, Boise; State, Idaho; Airport name, Boise Air Terminal; Elev., 2858'; Fac. Ident., BOI; Procedure No. VORTAC Runway 28L, Amdt. Orig.; Eff. date, 28 May 70

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR/DME

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: CEC R 306°/1-mile DME Fix.
R 343°/16-mile DME Fix (IAF)	R 343°/10-mile DME Fix	Direct	4500	Climb to 3500′ on CEC R 161° within 10 miles.
CEC R 343°, CCW	CEC, R 306°	10-mile DME Arc	2300	Supplementary charting information: Final approach crs intercepts runway centerline 4700′ from threshold. MIRL Runways 17/35 and 11/29. Runway 11, TDZ elevation, 57′.

Procedure turn not authorized.
Approach crs (profile) starts at R 306°/10-mile DME Fix.
Final approach crs 120°.
Minimum altitude over R 306°/10-mile DME Fix—2300′; over 5-mile DME Fix—1200′; over 1-mile DME Fix—360′.
MSA: 010°–100°—8400′; 100°–190°—6800′; 190°–280°—1300′; 280°–010°—5700′.
%IFR departure procedures: Climb on CEC R 215° within 10 miles to cross the CEC VOR at or above: 1500′, northbound V27; 3000′, northeastbound V122.
#Standard Runway 29; 300-1 all other runways.

DAY AND NIGHT MINIMUMS

Category	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S–11	360	1	303	360	1	303	360	1	303	360	1	303
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	540	1	483	540	1	483	540	1½	483	620	2	563

Takeoff%# Alternate—Standard.

City, Crescent City; State, Calif.; Airport name, Jack McNamara Field; Elev., 57′; Fac. Ident., CEC; Procedure No. VOR/DME Runway 11, Amdt. 2; Eff. date, 28 May 70; Sup. Amdt. No. 1; Dated, 14 Sept. 67

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: CEC R 161°/1 DME Fix.
R 161°/15 DME Fix (IAF)	R 161°/10 DME Fix	Direct	2200	Climb to 3500′ on CEC R 306° within 10 miles.
R 161°/10 DME Fix	R 161°/5 DME Fix	Direct	1200	Supplementary charting information: Final approach crs intercepts runway centerline 600′ from threshold. Chart shoreline in plan view. MIRL Runways 17/35 and 11/29. Runway 35, TDZ elevation, 56′.

Procedure turn not authorized.
Approach crs (profile) starts at R 161°/15 DME Fix.
Final approach crs, 341°.
Minimum altitude R 161°/15 DME Fix, 3500′; 10 DME Fix, 2200′; 5 DME Fix, 1200′; 1 DME Fix, 500′.
MSA: 010°–100°—8400′; 100°–190°—6800′; 190°–280°—1300′; 280°–010°—5700′.
%IFR departures: Climb on CEC R 215° within 10 miles to cross the CEC VOR at or above: 1500′, northbound V27; 3000′, northeastbound V122.
#Standard Runway 29, 300-1 all other runways.

DAY AND NIGHT MINIMUMS

Category	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S–35	500	1	444	500	1	444	500	1	444	500	1	444
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
Circling	540	1	483	540	1	483	540	1½	483	620	2	563

Takeoff%# Alternate—Standard.

City, Crescen tCity; State, Calif.; Airport name, Jack McNamara Field; Elev., 57′; Fac. Ident., CEC; Procedure No. VOR/DME Runway 35, Amdt. 2; Eff. date, 28 May 70; Sup. Amdt. No. 1; Dated, 14 Sept. 67

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR/DME—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: R 117°, 4.5-mile DME.
FEQ VOR	FST VORTAC	Direct	5000	Climb to 5000' direct to FST VORTAC and R 283° within 20 miles.
INK VORTAC	FST VORTAC	Direct	5000	
MAF VORTAC	FST VORTAC	Direct	5000	Supplementary charting information:
R 086°, FST VORTACCCW	R 117°, FST VORTAC	18-mile Arc FST, R 111° lead radial.	5000	LRCO 122.1.
18-mile Arc	8-mile DME, R 117° (NOPT)	R 117°	4200	

Procedure turn N side of crs, 117° Outbnd, 297° Inbnd, 5000' within 10 miles of 8-mile DME Fix.
Final approach crs, 297°.
Minimum altitude over 8-mile DME, 4200'; over 5.5-mile DME, 3760'.
MSA: 000°–090°—5400'; 090°–180°—6600'; 180°–270°—6500'; 270°–360°—5100'.
NOTE: Use Wink FSS altimeter setting.

DAY AND NIGHT MINIMUMS

Category	A			B			C			D	
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS
C	3660	1	650	3660	1	650	3660	1½	650		NA

Takeoff Standard. Alternate—Not authorized.

City, Fort Stockton; State, Tex.; Airport name, Pecos County; Elev., 3010'; Fac. Ident., FST; Procedure No. VOR/DME Runway 29L, Amdt. Orig.; Eff. date, 28 May 70

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 5.3 miles after Watts Int/23-mile DME Fix.
Harcum VOR	Craddock Int/15-mile DME Fix	HCM, R 082°	2700	Climbing, right turn to 2000' direct to SWL VORTAC and hold.
Cape Charles VORTAC	Craddock Int/15-mile DME Fix	CCW, R 007°	2000	
Craddock Int/15-mile DME Fix	Watts Int/23-mile DME Fix (NOPT)	CCV, R 007°	1500	Alternate miss: Right-climbing turn to 1500' direct to Melfa NDB and hold.
Exmore DME Fix (CCW)	Craddock Int/15-mile DME Fix	DDV 15-mile DME Arc (CCW).	2000	Supplementary charting information: Hold S, 1 minute, left turns, 039° Inbnd. Chart R-6609. Runway 1, TDZ elevation, 7'.

Procedure turn not authorized.
One-minute or 2-mile holding pattern S of Craddock Int/15-mile DME Fix, 007° Inbnd, left turns, 2000'.
FAF, Watts/23-mile DME Fix. Final approach crs, 007°. Distance FAF to MAP, 5.3 miles.
Minimum altitude over Craddock Int/15-mile DME Fix, 2000'; over Watts Int/23-mile DME Fix, 1500'.
MSA: 000°–090°—1400'; 090°–180°—1300'; 180°–270°—1600'; 270°–360°—1400'.
NOTES: (1) Use Patrick Henry altimeter setting. (2) Radar vectoring. (3) Specific clearance required from Washington Center before proceeding northbound from Craddock Int. Approach is within R-6609 and underlies R-4006.

DAY AND NIGHT MINIMUMS

Category	A			B			C			D	
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS		MDA	VIS
S-1	520	1	513	520	1¼	513		NA			NA
	MDA	VIS	HAA	MDA	VIS	HAA					
C	600	1	593	600	1¼	593		NA			NA

Takeoff. Standard. Alternate—Not authorized.

City, Tangier; State, Va.; Airport name, Tangier Island; Elev., 7'; Fac. Ident., CCV; Procedure No. VOR/DME Runway 1, Amdt. Orig.; Eff. date, 28 May 70

7. By amending § 97.23 of Subpart C to amend very high frequency omnirange (VOR) and very high frequency-distance measuring equipment (VOR/DME) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 5 miles after passing STT VOR.
Culebra Int	Dutch Int	SJU, R 094°	3000	If unable to proceed visually to airport upon descent to 1000', turn left climb to 2000' on R 163° within 15 miles of STT VOR, reverse crs direct to STT VOR and hold.
Dutch Int	STT VOR (NOPT)	STT, R 000°	2000	Supplementary charting information: Hold N STT VOR, 1 minute, right turns, 186° Inbnd. High terrain N of Runways 9/27 extended. Depict following fixes on AL Chart: Whitefish, Van Dyke, Red Hook, Cruzan, Culebra, and Dutch Int.

Procedure turn W side of crs, 006° Outbnd, 186° Inbnd, 2600' within 10 miles of STT VOR.
Final approach crs (profile) starts at STT VOR reaching MAP at 5 miles, 1000'.
FAF, STT VOR. Final approach crs, 186°. Distance FAF to MAP, 5 miles.
Minimum altitude over STT VOR, 2000'.
MSA: 045°-135°—2800'; 135°-225°—2700'; 225°-045°—2600'.
NOTE: Visual flight required from MAP to airport.
*Circling Categories A, B, C, night 2000-3. All maneuvering for landing or turn after takeoff must be made S of airport.
#Night landing Runway 27 not authorized.
%Takeoff day 1000-2; night 2000-3.
@Day 1000-2; night 2000-3.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D	
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA		VIS
C#*	1000	2	989	1000	2	989	1000	2	989		NA
A	@		T 2-eng. or less—%				T over 2-eng.—%				

City, Charlotte Amalie; Island, St. Thomas; State, V.I.; Airport name, Harry S. Truman; Elev., 11'; Facility, STT; Procedure No. VOR-1, Amdt. 8; Eff. date, 28 May 70; Sup. Amdt. No. 7; Dated, 11 Sept. 69

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: CIC VOR.
MYV VOR	Biggs Int	Direct	3000	Climbing left turn to 3000' to Durham Int. via R 145°.
Biggs Int	Durham Int (NOPT)	Direct	2000	Supplementary charting information: Final approach crs intercepts runway centerline 5000' from threshold. Chart Red Bluff Radio LRCO. Runway 31, TDZ elevation, 223'.

Procedure turn not authorized.
Approach crs (profile) starts at Biggs Int.
Final approach crs, 325°.
Minimum altitude over Biggs, Int, 3000'; over Durham Int, 2000'; over *CIC VOR, 900'.
MSA: 000°-090°—8100'; 090°-180°—5000'; 180°-270°—2500'; 270°-360°—6500'.
#Circling not authorized E of Runways 13/31.
*When control zone not effective: (1) Straight-in and circling MDA increased 120'; (2) use Red Bluff altimeter setting.
##Alternate minimums not authorized when control zone not effective.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-31*	900	1	677	900	1	677	900	1¼	677	900	1¼	677
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C#*	900	1	663	900	1	663	900	1½	663	900	2	663
A	1000-2##		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Chico; State, Calif.; Airport name, Chico Municipal; Elev., 237'; Facility, CIC; Procedure No. VOR Runway 31, Amdt. 1; Eff. date, 28 May 70; Sup. Amdt. No. Orig; Dated, 6 Mar. 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 2.6 miles after passing CKB VOR.
Elkins VORTAC	Lost Creek Int	Direct	4000	Climb to 3200' on R 043° CKB VOR within 10 miles and return to CKB VOR, and hold.
Lost Creek Int	CKB VOR (NOPT)	Direct	2400	Supplementary charting information: Hold SW, 1 minute, left turns, 043° Inbnd. 2049' antenna 3.7 miles NW of CKB VOR.

Procedure turn W side of crs, 223° Outbnd, 043° Inbnd, 3200' within 10 miles of CKB VOR.
FAF, CKB VOR. Final approach crs, 043°. Distance FAF to MAP, 2.6 miles.
Minimum altitude over CKB VOR, 2400'.
MSA: 000°-090°—4000'; 090°-180°—4700'; 180°-270°—3200'; 270°-360°—3100'.
NOTES: (1) Use Morgantown, W. Va., altimeter. (2) Night minimums not authorized Runways 13-31.
*Alternate weather minimums of 1000-2 authorized for those who have approved arrangement for weather service at the airport.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1920	1	717	1920	1	717	2080	1¼	877	2120	2	917
A	Not authorized.*		T 2-eng. or less—300-1.				T over 2-eng.—300-1.					

City, Clarksburg; State, W. Va.; Airport name, Benedum; Elev., 1203'; Facility, CKB; Procedure No. VOR Runway 3, Amdt. 5; Eff. date, 28 May 70; Sup. Amdt. No. 4; Dated, 27 June 68

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: CKV VOR.
				Climbing right turn to 2200' to CKV VOR and hold.
				Supplementary charting information: Hold S, 1 minute, right turns, 348° Inbnd. Final approach crs intercepts runway centerline 3000' from threshold. LRCO 122.1 R, 126.7 R. Depict restricted areas (R-3702 and R-3703) W of CKV. Runway 34, TDZ elevation, 540'.

Procedure turn E side of crs, 168° Outbnd, 348° Inbnd, 2200' within 10 miles of CKV VOR.
Final approach crs, 348°.
MSA: 000°-180°—2200'; 180°-270°—2400'; 270°-360°—2100'.
NOTES: (1) Radar vectoring. (2) Night minimums not authorized Runways 5/23. (3) Use Campbell approach control altimeter setting.
#Alternate minimums not authorized except operators with approved weather reporting service.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-34	1020	1	471	1020	1	471	1020	1	471	1020	1	471
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1040	1	491	1040	1	491	1040	1¼	491	1100	2	551
A	Not authorized.#		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Clarksville; State, Tenn.; Airport name, Outlaw Field; Elev., 549'; Facility, CKV; Procedure No. VOR Runway 34, Amdt. 3; Eff. date, 28 May 70; Sup. Amdt. No. 2; Dated, 2 Oct. 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 3.5 miles after passing FST VOR TAC.
PEQ VOR	FST VORTAC	Direct	5000	Turn left climb to 5000' on FST R-086° within 20 miles.
INK VORTAC	FST VORTAC	Direct	5000	
MAF VORTAC	FST VORTAC	Direct	5000	Supplementary charting information: LRCO 122.1.

Procedure turn S side of crs, 297° Outbnd, 117° Inbnd, 4500' within 10 miles of FST VORTAC.
FAF, FST VORTAC. Final approach crs, 117°. Distance FAF to MAP, 3.5 miles.
Minimum altitude over FST VORTAC, 4000'.
MSA: 000°-090°—5400'; 090°-180°—6600'; 180°-270°—6500'; 270°-360°—5100'.
NOTE: Use Wink FSS altimeter setting.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS
S-11R	3640	1	630	3640	1	630	3640	1	630	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C	3680	1	670	3680	1	670	3680	1	670	NA
A	Not authorized.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.			

City, Fort Stockton; State, Tex.; Airport name, Pecos County; Elev., 3010'; Facility, FST; Procedure No. VOR Runway 11R, Amdt. 3; Eff. date, 28 May 70; Sup. Amdt. No. 2; Dated, 9 Oct. 69

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: INL VORTAC.
R 123°, INL VORTAC CW	R 314°, INL VORTAC	9-mile Arc	2700	Climb to 2700' on R 123° within 10 miles, return to VORTAC.
R 123°, INL VORTAC CCW	R 314°, INL VORTAC	9-mile Arc	2700	
9-mile Arc	Crozier 2.5-mile DME Int	R-314°	1760	Supplementary charting information: Final approach crs intercepts runway centerline 5000' from threshold. 1460' tower at 43°36'00"/93°26'45". Runway 13, TDZ elevation, 1177'.

Procedure turn S side of crs, 314° Outbnd, 134° Inbnd, 2600' within 10 miles of INL VORTAC.
Final approach crs, 134°.
Minimum altitude over Crozier 2.5-mile DME Int, 1760'.
MSA: 000°-090°—2600'; 090°-180—2700'; 180°-270°—2500'; 270°-360°—3000'.
NOTE: Inoperative table does not apply to REIL Runway 13.
CAUTION: Runways 4/22 unlighted.

DAY AND NIGHT MINIMUMS

Category	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-13	1760	1	583	1760	1	583	1760	1	583	1760	1¼	583
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1760	1	580	1760	1	580	1760	1½	580	1760	2	580
	VOR/ADF-DME Minimums:											
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-13	1580	1	403	1580	1	403	1580	1	403	1580	1	403
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1640	1	460	1640	1	460	1700	1½	520	1740	2	560

Takeoff Standard Alternate—Standard

City, International Falls; State, Minn.; Airport name, Falls International; Elev., 1180'; Fac. Ident., INL; Procedure No. VOR Runway 13, Amdt. 5; Eff. date, 28 May 70 Sup. Amdt. No. 4; Dated, 17 Apr. 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: INL VORTAC.
R 314°, INL VORTAC CW	R 123°, INL VORTAC	9-mile Arc	2700	Climb to 2700' on R 314° within 10 miles, return to VORTAC.
R 314°, INL VORTAC CCW	R 123°, INL VORTAC	9-mile Arc	2700	
9-mile Arc	Ranier 3-mile DME Int	R 123°	1540	Supplementary charting information: Final approach crs intercepts runway centerline 1400' from threshold. Runway 31, TDZ elevation, 1167'.

Procedure turn N side of crs, 123° Outbnd, 303° Inbnd, 2600' within 10 miles of INL VORTAC.
Final approach crs, 303°.
Minimum altitude over Ranier 3-mile DME Int, 1540'.
MSA: 000°–090°—2600'; 090°–180°—2700'; 180°–270°—2500'; 270°–360°—3000'.
NOTE: Inoperative table does not apply to REIL Runway 31.
CAUTION: Runways 4/22 unlighted.

DAY AND NIGHT MINIMUMS

Category	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-31	1540	1	373	1540	1	373	1540	1	373	1540	1	373
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1640	1	460	1640	1	460	1700	1¼	520	1740	2	560
	VOR/ADF-DME MINIMUMS:											
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-31	1500	1	333	1500	1	333	1500	1	333	1500	1	333

Takeoff Standard. Alternate—Standard.
City, International Falls; State, Minn.; Airport name, Falls International; Elev., 1180'; Fac. Ident., INL; Procedure No. VOR Runway 31, Amdt. 5; Eff. date, 28 May 70; Sup. Amdt. No. 4; Dated, 17 Apr. 69

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 9.8 miles after passing MIA VORTAC.
				Climb to 1500' on R 108° within 15 miles. Supplementary charting information: Final approach crs intercepts at runway threshold. Runway 9L, TDZ elevation, 9'.

Procedure turn not authorized. Approach crs (profile) starts at MIA VORTAC.
FAF, MIA VORTAC. Final approach crs, 108°. Distance FAF to MAP, 9.8 miles.
Minimum altitude over MIA VORTAC, 1500'; over Alligator Int, 1000'.
MSA: 000°–270°—2000'; 270°–360°—1200'.
NOTES: (1) Radar vectoring. (2) Use Miami International altimeter setting when control zone not effective.
% Takeoff not authorized all other runways.
** Alternate minimums not authorized when control zone not effective.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-9L	1000	1¼	991	1000	1¼	991	1000	1¼	991	1000	2	991
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1000	1¼	991	1000	1¼	991	1000	1¼	991	1000	2	991
	Dual VOR or VOR/DME or NDB Minimums:											
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-9L	380	1	371	380	1	371	380	1	371	380	1	371
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	500	1	491	500	1	491	500	1¼	491	500	2	551
A	1000-2.**			T 2-eng. or less—Standard Runways 9L, 27R, 18L, 36R.% T over 2-eng.—Standard Runways 9L, 27R, 18L, 36R.%								

City, Miami; State, Fla.; Airport name, Opa Locka; Elev., 9'; Facility, MIA; Procedure No. VOR Runway 9L, Amdt. 8; Eff. date, 28 May 70; Sup. Amdt. No. 7; Dated, 7 May 70

8. By amending § 97.25 of Subpart C to amend localizer (LOC) and localizer-type directional aid (LDA) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE LOC

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 3.9 miles after passing MW LOM.
Liberty Int	MW LOM	Direct	2600	Make right-climbing turn to 2500', return to MW LOM and hold.
HKF NDB	MW LOM	Direct	2500	
Holly Int	MW LOM	Direct	2500	Supplementary charting information:
Lytle Int	MW LOM	Direct	2500	Hold NE, 1 minute, left turns, 230° Inbnd. Runway 23, TDZ elevation, 648'.

Procedure turn S side of crs, 050° Outbnd, 230° Inbnd, 2500', within 10 miles of MW LOM.
FAF, MW LOM. Final approach crs, 230°. Distance FAF to MAP, 3.9 miles.
Minimum altitude over MW LOM, 2000'.
MSA: 060°–150°—2500'; 150°–240°—2800'; 240°–330°—2500'; 330°–060°—3100'.
NOTES: (1) Radar vectoring. (2) When middletown altimeter setting is not available, use Dayton altimeter setting and increase straight-in circling MDA 100', (3) Inoperative table does not apply to REIL Runway 23.
CAUTION: 895' smoke stack SW of airport. 1485' tower 2.1 miles E of airport.
%IFR departure procedure: Runways 5 and 8 climb on 050° crs to 1500' before proceeding as cleared. Runways 23 and 26 make right-climbing turn to 1500' on 022° crs before proceeding as cleared.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT		VIS	
S-23	1040	1	392	1040	1	392	1040	1	392	1040	1	392
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA			
C	1200	1	552	1280	1	632	1280	1½	632	1800	2½	1152
A	Not authorized.		T 2-eng. or less—Standard.%				T over 2-eng.—Standard.%					

City, Middletown; State, Ohio; Airport name, Hook Field Municipal; Elev., 648'; Facility, I-MWO; Procedure No. LOC Runway 23, Amdt. 2; Eff. date, 28 May 70; Sup. Amdt. No. 1; Dated, 26 June 69

9. By amending § 97.27 of Subpart C to establish nondirectional beacon (automatic direction finder) (NDB/ADF) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: CBK NDB.
GLD VORTAC	CBK NDB	Direct	5500	Climbing right turn to 4700' on bearing 000° within 10 miles, return to CBK NDB.
HLC VORTAC	CBK NDB	Direct	4900	
MCK VOR	CBK NDB	Direct	4900	Supplementary charting information:
Orion Int	CBK NDB	Direct	4900	Final approach crs crosses runway centerline extended at 3000'.

Procedure turn W side of crs, 006° Outbnd, 186° Inbnd, 4700' within 10 miles of CBK NDB.
Final approach crs, 186°.
MSA: 000°–270°—4700'; 270°–000°—4600'.
Use Goodland, Kans., altimeter setting, except operators with approved weather reporting service may reduce all straight-in and Category A Circling MDAs to 3580', Categories B and C Circling MDAs become 3640'.
*Standard alternate minimums authorized for operators with approved weather reporting service.

DAY AND NIGHT MINIMUMS

Category	A			B			C			D		
	MA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	
S-17	3720	1	541	3720	1	541	3720	1	541		NA	
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA			
C	3720	1	541	3720	1	541	3720	1½	541		NA	

Takeoff Standard; Alternate—Not authorized.*

City, Colby; State, Kans.; Airport name, Municipal; Elev., 3179'; Fac. Ident., CBK; Procedure No. NDB (ADF) Runway 17, Amdt. Orig.; Eff. date, 28 May 70

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 4.1 miles after passing Forest LOM.
Gardena Int	Forest LOM	Direct	4600	Climbing right turn to 4600' direct to Forest LOM and hold.*
Pilot Rock Int	Forest LOM	Direct	5000	Supplementary charting information:
PDT VORTAC	Forest LOM	Direct	4600	*Hold E, 1 minute, right turns, 250° Inbnd. **Hold W of PDT VORTAC, 1 minute, right turns, 250° Inbnd.

Procedure turn N side of crs, 070° Outbnd, 250° Inbnd, 4600' within 10 miles of Forest LOM.
FAF, Forest LOM. Final approach crs, 250°. Distance FAF to MAP, 4.1 miles.
Minimum altitude over Forest LOM, 3600'.
MSA: 000°-180°—6900'; 180°-270°—6100'; 270°-360°—5300'.
NOTE: Final approach from holding pattern not authorized. Procedure turn required.
%IFR departure procedures: Climb direct to PDT VORTAC, continue climb in holding pattern** to cross PDT VORTAC at or above; eastbound V298, 2500'; southeastbound V4, 2500'; southwestbound V536, 2500'.

DAY AND NIGHT MINIMUMS

Category	A			B			C			D		
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1960	1	467	1960	1	467	1960	1¼	467	2060	2	567

Takeoff Standard.% Alternate—Standard.

City, Pendleton; State, Orig.; Airport name, Pendleton Municipal; Elev., 1493'; Fac. Ident., PD; Procedure No. NDB (ADF) Runway 25R, Amdt. 7; Eff. date, 28 May 70; Sup. Amdt. No. ADF1, Amdt. 6; Dated, 16 Apr. 66

10. By amending § 97.27 of Subpart C to amend nondirectional beacon (automatic direction finder) (NDB/ADF) procedures as follows:

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 2.6 miles after passing HKF NDB.
Liberty Int	HKF NDB	Direct	3000	Make left-climbing turn to 2700', return to HKF NDB and hold.
Holly Int	HKF NDB	Direct	2500	Supplementary charting information:
MW LOM	HKF NDB	Direct	2500	Hold S, 1 minute, right turns, 052° Inbnd.
Lytle Int	HKF NDB	Direct	2500	Runway 5, TDZ elevation, 648'.

Procedure turn S side of crs, 232° Outbnd, 052° Inbnd, 2500' within 10 miles of HKF NDB.
FAF, HKF NDB. Final approach crs, 052°. Distance FAF to MAP, 2.6 miles.
Minimum altitude over HKF NDB, 1500'.
MSA: 000°-090°—3100'; 090°-180°—2800'; 180°-270°—2800'; 270°-360°—2400'.
NOTES: (1) Radar vectoring. (2) When Middletown altimeter setting is not available, use Dayton altimeter setting and all MDA's increased 100' and straight-in visibility increased ¼ mile for Categories B, C, and D. Increase circling Category B, ¼ mile.
%IFR departure procedure: Runways 5 and 8 climb on 050° crs to 1500' before proceeding as cleared. Runways 23 and 26 make right-climbing turn to 1500' on 022° crs before proceeding as cleared.
CAUTION: 895' smoke stack SW of airport; 1485' tower 2.1 miles E of airport.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT		VIS	
S-5	1320	1	672	1320	1	672	1320	1¼	672	1320	1¼	672
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA			
C	1320	1	672	1320	1	672	1320	1½	672	1800	2½	1152
A	Not authorized			T 2-eng. or less—Standard.%			T over 2-eng.—Standard.%					

City, Middletown; State, Ohio; Airport name, Hook Field Municipal; Elev., 648'; Facility, HKF; Procedure No. NDB (ADF) Runway 5, Amdt. 6; Eff. date, 28 May 70; Sup. Amdt. No. 5; Dated, 26 June 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 3.9 miles after passing MW LOM.
Liberty Int	MW LOM	Direct	3000	Make right-climbing turn to 2500', return to MW LOM, and hold.
HKF NDB	MW LOM	Direct	2500	
Holly Int	MW LOM	Direct	2500	Supplementary charting information:
Lytle Int	MW LOM	Direct	2500	Hold NE, left turns, 230° Inbnd. Runway 23, TDZ elevation, 648'.

Procedure turn S side of crs, 050° Outbnd, 230° Inbnd, 2500' within 10 miles of MW LOM.
FAF, MW LOM. Final approach crs, 230°. Distance FAF to MAP, 3.9 miles.
Minimum altitude over MW LOM, 2000'.
MSA: 060°–150°—2500'; 150°–240°—2800'; 240°–330°—2500'; 330°–060°—3100'.
NOTES: (D) Radar vectoring. (2) When Middletown altimeter setting is not available use Dayton altimeter setting and all MDA's increased 100' and straight-in visibility increased ¼ mile for Categories C and D.
CAUTION: 825' smoke stack SW of airport. 1485' tower 2.1 miles E of airport.
%IFR departure procedure: Runways 5 and 8 climb on 050° crs to 1500' before proceeding as cleared. Runways 23 and 26 make right-climbing turn to 1500' on 022° crs before proceeding as cleared.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT		VIS	
S-23	1240	1	592	1240	1	592	1240	1	592	1240	1¼	592
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA			
C	1240	1	592	1280	1	632	1280	1½	632	1800	2½	1152
A	Not authorized.		T 2-eng. or less—Standard%.				T over 2-eng.—Standard%.					

City, Middletown; State, Ohio; Airport name, Hook Field Municipal; Elev., 648'; Facility, MW; Procedure No. NDB (ADF) Runway 23, Amdt. 2; Eff. date, 28 May 70; Sup. Amdt. No. 1; Dated, 26 June 69

11. By amending § 97.29 of Subpart C to establish instrument landing system (ILS) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE ILS

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: DH, 1683'; LOC 4.1 after passing OM.
Gardena Int	Forest LOM	Direct	4600	Climb to 4600' direct to PDT VORTAC
Pilot Rock Int	Forest LOM	Direct	5000	and hold.$
PDT VORTAC	Forest LOM	Direct	4600	Supplementary charting information:
				$Hold W, 1 minute, left turns, 073° Inbnd. Runway 25R, TDZ elevation, 1483'.

Procedure turn N side of crs, 070° Outbnd, 250° Inbnd, 4600' within 10 miles of Forest LOM.
FAF, Forest LOM. Final approach crs, 250°. Distance FAF to MAP, 4.1 miles.
Minimum altitude over Forest LOM, 3600'.
Minimum glide slope interception altitude, 4100'.* Glide slope altitude at OM, 2766'; MM, 1725'.
Distance to runway threshold at: OM, 4.1 miles; MM, 0.6 mile.
MSA: 000°–180°—6900'; 180°–270°—6100'; 270°–360°—3300'.
NOTES: (1) Circling minimums only authorized when glide slope inoperative. (2) Final approach from holding pattern not authorized, procedure turn required.
*3600' glide slope not used.
%IFR departure procedures: Climb direct to PDT VORTAC, continue climb in holding pattern,$ to cross PDT VORTAC at or above: Eastbound V298, 2500'; southeast bound, V4, 2500'; southwest bound, V536, 2500'.

DAY AND NIGHT MINIMUMS

Category	A			B			C			D		
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
S-ILS 25R	1683	½	200	1683	½	200	1683	½	200	1683	½	200
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
Circling	1960	1	467	1960	1	467	1960	1½	467	2060	2	567

Takeoff Standard.% Alternate—Standard.

City, Pendleton; State, Oreg.; Airport name, Pendleton Municipal; Elev., 1493'; Fac. Ident. I-PDT; Procedure No. ILS Runway 25R, Amdt. 11; Eff. date, 28 May 70; Sup. Amdt. No. ILS-25R, Amdt. 10; Dated, 16 Apr. 66

These procedures shall become effective on the dates specified therein.

(Secs. 307(c), 313(a), 601, Federal Aviation Act of 1958 (49 U.S.C. 1348(c), 1354(a), 1421; 72 Stat. 749, 752, 775))

Issued in Washington, D.C., on April 22, 1970.

WILLIAM G. SHREVE, Jr.,
Acting Director, Flight Standards Service.

[F.R. Doc. 70-5181; Filed, May 7, 1970; 8:45 a.m.]

Title 7—AGRICULTURE

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

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

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

Correction

In F.R. Doc. 70-5359 appearing at page 6957 in the issue of Friday, May 1, 1970, the word "east" appearing in the sixth line of § 51.1354 should read "least".

Title 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

PART 100—STATEMENT OF ORGANIZATION

Ports of Entry

Reference is made to the notice of proposed rule making which was published in the FEDERAL REGISTER on February 28, 1970 (35 F.R. 3914), pursuant to section 553 of title 5 of the United States Code (80 Stat. 383) and in which there were set out the terms of a proposed amendment to § 100.4 relating to the elimination of certain Class A ports of entry located within the Anchorage and Ketchikan, Alaska, designations and the addition of a Class B port of entry. Representations which were received concerning the proposed rule have been considered. No change was made in the proposed rule. The proposed rule as set out below is adopted:

District No. 32 of subparagraph (2) *Ports of entry for aliens arriving by vessel or by land transportation* of paragraph (c) *Suboffices* of § 100.4 *Field service* is amended to read as follows:

DISTRICT NO. 32—ANCHORAGE, ALASKA

CLASS A

Anchorage, Alaska.	Ketchikan, Alaska.*
Haines, Alaska.*	Skagway, Alaska.
Juneau, Alaska.	Tok, Alaska.*

CLASS B

Eagle, Alaska.	Hyder, Alaska.

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

This order shall be effective upon its publication in the FEDERAL REGISTER. Compliance with the provisions of section 553 of title 5 of the United States Code (80 Stat. 383), as to delayed effective date, is unnecessary in this instance because the above-prescribed rule is technical in nature and relates to agency management and the persons affected thereby will not require additional time to prepare for the effective date of the regulation.

Dated: May 5, 1970.

RAYMOND F. FARRELL,
Commissioner of Immigration and Naturalization.

[F.R. Doc. 70-5664; Filed, May 7, 1970; 8:47 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 71—GENERAL PROVISIONS

Interstate Movement of Diseased Animals

Pursuant to the provisions of the Act of February 2, 1903, as amended, the Act of May 29, 1884, as amended, and the Act of July 2, 1962 (21 U.S.C. 111-113, 115, 117, 120, 134b, 134f), Part 71, Title 9, Code of Federal Regulations, restricting the interstate movement of animals and poultry because of contagious, infectious, and communicable diseases, is hereby amended in the following respects:

That portion of the introductory text of paragraph (d) of § 71.3 preceding the first proviso is amended to read as follows:

§ 71.3 Interstate movement of diseased animals and poultry generally prohibited.

* * * * *

(d) Notwithstanding the provisions of paragraphs (a) and (b) of this section, livestock which is found to be diseased may be moved interstate in accordance with subparagraphs (1) through (6) of this paragraph: * * *

* * * * *

(Secs. 4-7, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791-792, as amended, secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111-113, 115, 117, 120, 134b, 134f; 29 F.R. 16210, as amended)

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

The amendment will permit the orderly interstate movement of animals affected with certain minor diseases from farms and ranches to specified destinations and for specific purposes in such manner as to not endanger the livestock of the United States.

The amendment relieves certain restrictions presently imposed, and must be made effective promptly to be of maximum benefit to persons subject to the restrictions which are relieved. Accordingly, under the administrative procedure provisions of 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 unnecessary, and the amendment may be made effective less than 30 days after publication in the FEDERAL REGISTER.

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

GEORGE W. IRVING, JR.,
Administrator, Agricultural Research Service.

[F.R. Doc. 70-5680; Filed, May 7, 1970; 8:49 a.m.]

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. T]

PART 220—CREDIT BY BROKERS AND DEALERS

Arbitrage Credit

1. Effective immediately paragraph (d) of § 220.4 is amended to read as follows:

§ 220.4 Special accounts.

* * * * *

(d) *Special arbitrage account.* In a special arbitrage account, a member of a national securities exchange may effect and finance for any customer bona fide arbitrage transactions in securities. For the purpose of this paragraph, the term "arbitrage" means (1) a purchase or sale of a security in one market together with an offsetting sale or purchase of the same security in a different market at as nearly the same time as practicable, for the purpose of taking advantage of a difference in prices in the two markets, or (2) a purchase of a security which is, without restriction other than the payment of money, exchangeable or convertible within 90 calendar days following the date of its purchase into a second security together with an offsetting sale at or about the same time of such second security for the purpose of taking advantage of a disparity in the prices of the two securities, except that when the security purchased is solely a due bill for, or other evidence of the right to receive, only the security that is sold, and the security that is sold is trading as a when-issued security, such period shall be 180 calendar days.

* * * * *

2a. The purpose of this amendment is to add an exception permitting arbitrage transactions without regard to margin requirements up to 180 days in certain circumstances.

b. These amendments were adopted by the Board without following the procedures prescribed in section 553 of title 5, United States Code, relating to notice, public participation, and deferred effective date. The Board found that the procedures of section 553 are unnecessary: The type of arbitrage transaction within the added exception is not of the type the Board intended should be restricted by the 90-day provision relating to arbitrage transactions when that provision was adopted in 1961.

By order of the Board of Governors, May 1, 1970.

[SEAL] KENNETH A. KENYON, *Deputy Secretary.*

[F.R. Doc. 70-5633; Filed, May 7, 1970; 8:45 a.m.]

[Reg. U]

PART 221—CREDIT BY BANKS FOR THE PURPOSE OF PURCHASING OR CARRYING MARGIN STOCKS

Arbitrage Credit

1. Effective immediately paragraph (j) of § 221.2 is amended to read as follows:

§ 221.2 Exceptions to general rule.

* * * * *

(j) Any credit extended to a member of a national securities exchange for the purpose of financing his or his customers' bona fide arbitrage transactions in securities. For the purposes of this paragraph, the term "arbitrage" means (1) a purchase or sale of a security in one market together with an offsetting sale or purchase of the same security in a different market at as nearly the same time as practicable, for the purpose of taking advantage of a difference in prices in the two markets, or (2) a purchase of a security which is, without restriction other than the payment of money, exchangeable or convertible within 90 calendar days following the date of its purchase into a second security together with an offsetting sale at or about the same time of such second security, for the purpose of taking advantage of a disparity in the prices of the two securities, except that when the security purchased is solely a due bill for, or other evidence of the right to receive, only the security that is sold, and the security that is sold is trading as a when-issued security, such period shall be 180 calendar days; and

* * * * *

2a. The purpose of this amendment is to add an exception permitting arbitrage transactions without regard to margin requirements up to 180 days in certain circumstances.

b. These amendments were adopted by the Board without following the procedures prescribed in section 553 of title 5, United States Code, relating to notice, public participation, and deferred effective date. The Board found that the procedures of section 553 are unnecessary: The type of arbitrage transaction within the added exception is not of the type the Board intended should be restricted by the 90-day provision relating to arbitrage transactions when that provision was adopted in 1961.

By order of the Board of Governors, May 1, 1970.

[SEAL] KENNETH A. KENYON, *Deputy Secretary.*

[F.R. Doc. 70-5632; Filed, May 7, 1970; 8:45 a.m.]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER C—DRUGS

PART 130—NEW DRUGS

PART 146—ANTIBIOTIC DRUGS; PROCEDURAL AND INTERPRETATIVE REGULATIONS

Hearing Regulations and Regulations Describing Scientific Content of Adequate and Well-Controlled Clinical Investigations

On February 17, 1970, there was published in the FEDERAL REGISTER, 35 F.R. 3073, a notice of proposed rule making to amend §§ 130.12, 130.14, and 146.1 by describing the scientific content of adequate and well-controlled clinical investigations, by setting forth the procedural requirements for requesting public hearings and demonstrating that there is a genuine and substantial issue of fact that requires a hearing, and stating the Department's rules for summary disposition of requests for hearings which fail to demonstrate that there are genuine and substantial issues of fact.

The time for comment was extended to April 18, 1970, at the request of the Proprietary Association, 35 F.R. 5705.

Comments were received from the Proprietary Association, the Pharmaceutical Manufacturer's Association, 15 drug firms, and a professor of pharmacology and internal medicine. The PMA submission was supported by a number of affidavits.

The association and company comments may be summarized as follows:

1. There was general agreement that the criteria for an adequate and well-controlled clinical study, with some modifications, were scientifically valid and would serve a useful purpose for future drug development if they were stated as guidelines and not as regulations with binding legal effect. It was suggested that a number of the criteria be clarified and some modified, and that provision should be made for the exceptional cases in which some of the criteria should not or could not be applied to particular clinical investigations.

2. The contention was made that the criteria should not be applied to drugs introduced before 1962 because such drugs were developed at a time when such criteria were not being observed. These drugs, it was said, should be evaluated on the basis of clinical trials that fall short of the critera and should be found effective on the basis of well-documented clinical experience drawn from widespread and successful use in medical practice.

3. The contention was made that, if new testing to meet the requirements of an adequate and well-controlled clinical investigation is to be required, the Commissioner should give notice to the drug companies involved and allow the firms time for the conduct and evaluation of such clinical investigations.

4. It was argued that new testing on most of the pre-1962 drugs is unnecessary, would be wasteful of scientific resources, could not be executed because of a shortage of clinical investigators and clinical pharmacology facilities.

5. The hearing regulations were challenged on the ground that they were not authorized by law, were contrary to express statutory provisions which make hearing rights absolute, and would violate the due process clause of the Constitution.

The Commissioner has evaluated all of the comments. The conclusions are:

1. The scientific principles set forth in the regulations, as amended by this order, constitute the essentials of an adequate and well-controlled clinical investigation. Provision is made in the regulations as amended for any person to seek exemption from some or all of the criteria by an appropriate showing that, in the case of the particular drug involved, such criteria are not reasonably applicable, what alternative procedures are proposed or have been employed, and with what results, and that there is a reasonable medical basis for concluding that the alternative procedures can and should be accepted as an adequate and well-controlled clinical investigation for that drug. This provides the necessary flexibility in the regulatory scheme. To make the criteria guidelines only would strip them of any meaningful effect and would be contrary to the legal obligation that all claims of effectiveness for drugs marketed through the new drug and antibiotic drug procedures must be supported by "substantial evidence", derived from adequate and well-controlled clinical investigations.

2. Congress has provided that drugs introduced before 1962 shall meet the same standards of proof of effectiveness by substantial evidence as are applicable to newly developed drugs. A different and lesser standard of effectiveness is impermissible legally and would not serve the interest of patient care. Clinical experience with these drugs can and should be considered in evaluating claims of effectiveness, but experience derived from isolated case reports, from random observations, or from clinical reports without details which permit scientific evaluation, or reports of clinical experience derived under circumstances that fall below the standards of appropriate clinical trials are of little or no value. Well documented clinical experience in an uncontrolled or partially controlled situation may be of value in contributing information as to the drug's safety, side effects, contraindications, warnings and precautionary needs. It can as well be considered as corroborative evidence, along with data derived from adequate and well-controlled clinical investigations, to support claims of effectiveness. But it cannot alone rise to the level of

adequate and well-controlled clinical investigations, even when done by an experienced investigator or reported by a number of investigators who have conducted inadequately controlled clinical trials. It is not the Agency's intention to require new trials of drugs in accordance with the criteria for claims evaluated by the NAS–NRC as effective, except when the Agency does not concur in the evaluation or when the Agency has reason to draw into question any such claims at a later date based upon new information or a new evaluation.

3. Agency policy provides a period of time after publication of any NAS–NRC evaluation of a drug as "possibly effective" or "probably effective", 6 months in the first case and 12 months in the latter, for the development of appropriate proof of effectiveness through clinical investigations which meet the requirements of adequate and well-controlled investigations. When a drug has been evaluated as "ineffective", "ineffective as a fixed combination", or "effective but", the time frame for action is shorter, 30 days for voluntary corrective action. When it can be shown that administration of the drug involves no hazard to the patient, and that an appropriate clinical investigation can and will be planned and completed within a reasonably short time agreed upon by the Agency and the drug sponsor, the Agency will extend the 30 day period if there is a medical justification for doing so. While the investigation is under way, there will be a requirement that the promotional material for the drug disclose the NAS-NRC findings with respect to effectiveness. But a 2 year blanket extension for the development of evidence to support claims of effectiveness is unacceptable.

4. New testing of drugs for any claim evaluated otherwise than "effective" is necessary in the interest of patient care, as well as to satisfy the requirements of law. If drugs with unsupported claims of effectiveness are to continue in the marketplace, the necessary resources for an appropriate clinical trial must be devoted to the task of producing acceptable clinical data.

5. The hearing regulations have been sustained in Upjohn v. Finch, against contentions that they are contrary to law and to the Constitution. They are neither. They are an adaptation of the summary judgment procedures of the U.S. District Courts; similar procedures are followed by a number of agencies called upon to cope with a very large docket of cases. These regulations are essential to the orderly and timely implementation of the NAS-NRC Drug Efficacy Review; without them the project could not be carried out within the foreseeable future. Administrative practices have allowed all drug sponsors to present the best available evidence in support of claims of effectiveness for NAS-NRC review, they allow the sponsor to react to any NAS-NRC evaluation with appropriate medical data before a notice of proposed withdrawal of approval is issued, and they allow the person served with a notice of proposed withdrawal to respond with medical documentation and analysis which establishes that there is a genuine and substantial issue of fact which requires a hearing for its resolution. When all of these steps fail to show a reasonable likelihood that the person requesting a hearing can produce the kind and quality of evidence required by law, i.e., "substantial evidence" derived from adequate and well-controlled clinical investigations, there is no basis for a hearing and delays in implementing the scientific findings of lack of substantial evidence cannot be justified.

6. The Commissioner also has considered the issues discussed in Judge Latchum's opinion. As indicated above, there is no intention to require retesting of drug claims evaluated as effective after NAS-NRC review, except as they may be called into question by future events. The fact that the supply of investigators may be short for at least some drugs cannot justify the continued promotion of these drugs with unsupported claims of effectiveness. The time extensions that the Agency is following are designed to allow as much time as reasonably can be allowed for obtaining support for claims evaluated as "possibly effective" or "probably effective." While it is true that all of the reports of the NAS-NRC evaluations have not been released, the Agency has taken steps to speed the process. There are, nonetheless, many instances where the companies involved know or should know that their claims of effectiveness will be called into question. In these instances, there is no need for any company to wait for the NAS-NRC announcement before developing clinical trials to yield appropriate medical data. The program adopted to relate the NAS-NRC evaluations to the needs for future testing has been carefully developed to focus on the claims judged by NAS-NRC and FDA as "possibly effective" or "probably effective". This, in the Commissioner's judgment, is where future testing of pre-1962 drugs belongs. "Ineffective" and "ineffective in a fixed combination" claims should be eliminated at the earliest possible time.

7. A number of the suggestions for clarification of the regulations have been adopted, as appears below.

Therefore, pursuant to the Federal Food, Drug, and Cosmetic Act, as amended (secs. 505, 507, 701(a), 52 Stat. 1052, 1055; 59 Stat. 463; as amended by Public Law 87–781, 76 Stat. 781–782, 785–787, 21 U.S.C. 355, 357, 371(a)) and under authority delegated to the Commissioner (21 CFR 2.120), Parts 130 and 146 are amended as follows:

1. Section 130.12(a)(5) is revised to read as follows:

§ 130.12 Refusal to approve the application.

(a) * * *

(5) (i) Evaluated on the basis of information submitted as part of the application and any other information before the Food and Drug Administration with respect to such drug, there is lack of substantial evidence consisting of adequate and well-controlled investigations, including clinical investigations, by experts qualified by scientific training and experience to evaluate the effectiveness of the drug involved, on the basis of which it could fairly and responsibly be concluded by such experts that the drug will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the proposed labeling.

(ii) The following principles have been developed over a period of years and are recognized by the scientific community as the essentials of adequate and well-controlled clinical investigations. They provide the basis for the determination whether there is "substantial evidence" to support the claims of effectiveness for "new drugs" and antibiotic drugs.

(*a*) The plan or protocol for the study and the report of the results of the effectiveness study must include the following:

(*1*) A clear statement of the objectives of the study.

(*2*) A method of selection of the subjects that—

(*i*) Provides adequate assurance that they are suitable for the purposes of the study, diagnostic criteria of the condition to be treated or diagnosed, confirmatory laboratory tests where appropriate, and, in the case of prophylactic agents, evidence of susceptibility and exposure to the condition against which prophylaxis is desired.

(*ii*) Assigns the subjects to test groups in such a way as to minimize bias.

(*iii*) Assures comparability in test and control groups of pertinent variables, such as age, sex, severity, or duration of disease, and use of drugs other than the test drug.

(*3*) Explains the methods of observation and recording of results, including the variables measured, quantitation, assessment of any subjective response, and steps taken to minimize bias on the part of the subject and observer.

(*4*) Provides a comparison of the results of treatment or diagnosis with a control in such a fashion as to permit quantitative evaluation. The precise nature of the control must be stated and an explanation given of the methods used to minimize bias on the part of the observers and the analysts of the data. Level and methods of "blinding," if used, are to be documented. Generally, four types of comparison are recognized:

(*i*) No treatment: Where objective measurements of effectiveness are available and placebo effect is negligible, comparison of the objective results in comparable groups of treated and untreated patients.

(*ii*) Placebo control: Comparison of the results of use of the new drug entity with an inactive preparation designed to resemble the test drug as far as possible.

(*iii*) Active treatment control: An effective regimen of therapy may be used for comparison, e.g., where the condition treated is such that no treatment or administration of a placebo would be contrary to the interest of the patient.

(*iv*) Historical control: In certain circumstances, such as those involving diseases with high and predictable mortality (acute leukemia of childhood), with signs and symptoms of predictable duration or severity (fever in certain infections), or, in case of prophylaxis, where morbidity is predictable, the results of use of a new drug entity may be compared quantitatively with prior experience historically derived from the adequately documented natural history of the disease or condition in comparable patients or populations with no treatment or with a regimen (therapeutic, diagnostic, prophylactic) the effectiveness of which is established.

(5) A summary of the methods of analysis and an evaluation of data derived from the study, including any appropriate statistical methods.

Provided, however, That any of the above criteria may be waived in whole or in part, either prior to the investigation or in the evaluation of a completed study, by the Director of the Bureau of Drugs with respect to a specific clinical investigation; a petition for such a waiver may be filed by any person who would be adversely affected by the application of the criteria to a particular clinical investigation; the petition should show that some or all of the criteria are not reasonably applicable to the investigation and that alternative procedures can be, or have been, followed, the results of which will or have yielded data that can and should be accepted as substantial evidence of the drug's effectiveness. A petition for a waiver shall set forth clearly and concisely the specific provision or provisions in the criteria from which waiver is sought, why the criteria are not reasonably applicable to the particular clinical investigation, what alternative procedures, if any, are to be, or have been, employed, what results have been obtained, and the basis on which it can be, or has been, concluded that the clinical investigation will or has yielded substantial evidence of effectiveness, notwithstanding nonconformance with the criteria for which waiver is requested.

(*b*) For such an investigation to be considered adequate for approval of a new drug, it is required that the test drug be standardized as to identity, strength, quality, purity, and dosage form to give significance to the results of the investigation.

(*c*) Uncontrolled studies or partially controlled studies are not acceptable as the sole basis for the approval of claims of effectiveness. Such studies, carefully conducted and documented, may provide corroborative support of well-controlled studies regarding efficacy and may yield valuable data regarding safety of the test drug. Such studies will be considered on their merits in the light of the principles listed here, with the exception of the requirement for the comparison of the treated subjects with controls. Isolated case reports, random experience, and reports lacking the details which permit scientific evaluation will not be considered.

* * * * *

2. Section 130.14(b) is revised to read as follows:

§ 130.14 Contents of notice of hearing.

* * * * *

(b) If the applicant elects to avail himself of the opportunity for a hearing, he is required to file a written appearance requesting the hearing within 30 days after the publication of the notice and giving the reason why the application should not be refused or should not be withdrawn, together with a well-organized and full-factual analysis of the clinical and other investigational data he is prepared to prove in support of his opposition to the notice of opportunity for a hearing. A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. When it clearly appears from the data in the application and from the reasons and factual analysis in the request for the hearing that there is no genuine and substantial issue of fact which precludes the refusal to approve the application or the withdrawal of approval of the application, e.g., no adequate and well-controlled clinical investigations to support the claims of effectiveness have been identified, the Commissioner will enter an order on this data, making findings and conclusions on such data. If a hearing is requested and is justified by the applicant's response to the notice of hearing, the issues will be defined, a hearing examiner will be named, and he shall issue a written notice of the time and place at which the hearing will commence, not more than 90 days after the expiration of such 30 days unless the hearing examiner and the applicant otherwise agree.

* * * * *

§ 130.27 [Amended]

3. Section 130.27 *Withdrawal of approval of an application* is amended in paragraph (b) by inserting at the end of subparagraph (3) between "thereof" and "or" the following: "(the provisions of § 130.12(a)(5) apply to the meaning of 'substantial evidence' as used in this subparagraph);".

§ 130.31 [Amended]

4. Section 130.31 *Judicial review* is amended by adding the following to the end of the section: "In any case in which the Commissioner enters an order as provided in § 130.14(b), without a hearing, the applicant's request for the hearing together with the data submitted in support of the request and the Commissioner's findings and conclusions on such data shall be included in the record certified by the Commissioner."

5. The heading of Part 146 is changed to read as set forth above.

6. Section 146.1 (34 F.R. 6238) is amended by revising paragraph (d) and by adding a new paragraph (g), as follows:

§ 146.1 Procedure for the issuance, amendment, or repeal of regulations.

* * * * *

(d) The Commissioner on his own initiative or on the application or request of any interested person may publish in the FEDERAL REGISTER a notice of proposed rule making to issue, amend, or repeal any regulation contemplated by section 507 of the act. An opportunity shall be given for interested persons to submit written comments and to request an informal conference on the proposal, unless such notice and opportunity for comment and informal conference have already been provided in connection with the announcement of the reports of the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, to persons who will be adversely affected, or unless the no controversy or imminent hazard conditions set forth in paragraph (b) of this section have been met. After considering the written comments, the results of any conference, and the data available, the Commissioner will publish an order acting on the proposal, with opportunity for any person who will be adversely affected to file objections, to request a hearing, and to show reasonable grounds for the hearing. The statement of reasonable grounds and request for a hearing shall be made in writing within 30 days after the publication of the order acting on the proposal, and shall state the reasons why the proposal should not be adopted, or should not be adopted as proposed, together with a well-organized and full factual analysis of the clinical and other investigational data the objector is prepared to prove in support of his objections. A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. When it clearly appears from the data incorporated into or referred to by the objections and from the factual analysis in the request for a hearing that there is no genuine issue of fact which precludes the action taken on the proposal, e.g., no adequate and well-controlled clinical investigations to support the claims of effectiveness have been identified, the Commissioner will enter an order on this data, making findings and conclusions on such data. If a hearing is requested and justified by the objections, the issues will be defined and a hearing examiner named to conduct the hearing, in which case the provisions of Subpart F of Part 2 of this chapter shall apply to such hearing, except as modified by paragraph (f) of this section, and to judicial review in accord with section 701 (f) and (g) of the act.

* * * * *

(g)(1) No regulation providing for the certification of any batch of any drug composed wholly or in part of any kind of penicillin, streptomycin, chlortetracycline, chloramphenicol, bacitracin, or any other antibiotic drug, or any derivative thereof, intended for use by man shall be promulgated and no existing regulation will be continued in effect unless it is established by substantial evidence that the drug will have such characteristics of identity, strength, quality, and purity necessary to adequately insure safety and

efficacy of use. "Substantial evidence" has been defined by Congress to mean "evidence consisting of adequate and well-controlled investigations, including clinical investigations, by experts qualified by scientific training and experience to evaluate the effectiveness of the drug involved, on the basis of which it could fairly and responsibly be concluded by such experts that the drug will have the effectiveness it purports and is represented to have under the conditions prescribed, recommended or suggested in the labeling thereof." This definition is made applicable to a number of antibiotic drugs by section 507(h) of the act, and it is the test of efficacy that will be applied in promulgating, amending, or repealing regulations for the certification of all antibiotics under section 507(a) of the act as well.

(2) The scientific essentials of an adequate and well-controlled clinical investigation are described in §130.12(a)(5) of this chapter.

Effective date. This order shall be effective on the date of publication. It would be contrary to the public interest to delay the effective date for an additional 30 days because

(1) The implementation of the drug efficacy study conducted by the NAS-NRC cannot proceed until these regulations are placed into effect;

(2) The substance of the rules has been sustained by the Court of Appeals for the Sixth Circuit;

(3) The affected industry sought and was granted an extension of time to file comments on the regulations and individual companies with products involved in notices of proposed withdrawal of approval will have 30 days from the effective date of these regulations to request hearings under these regulations.

Dated: April 30, 1970.

CHARLES C. EDWARDS,
Commissioner of Food and Drugs.

[F.R. Doc. 70-5656; Filed, May 7, 1970; 8:47 a.m.]

PART 135b—NEW ANIMAL DRUGS FOR IMPLANTATION OR INJECTION

Kanamycin

The Commissioner of Food and Drugs has evaluated the data submitted in an application (41-836V) filed by Bristol Laboratories, Division of Bristol-Myers Co., Post Office Box 657, Syracuse, N.Y. 13201, proposing the safe and effective use of kanamycin sulfate injection in cats and dogs. The application is approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), the following new section is added to Part 135b:

§ 135b.18 Kanamycin sulfate injection veterinary.

(a) *Specifications.* Kanamycin sulfate injection veterinary conforms to the standards of identity, strength, quality, and purity prescribed by § 148h.2(a) of this chapter, except that each milliliter contains either 50 or 200 milligrams of kanamycin.

(b) *Sponsor.* Bristol Laboratories, Division of Bristol-Myers Co., Post Office Box 657, Syracuse, N.Y. 13201.

(c) *Conditions of use.* (1) It is used in the treatment of bacterial infections due to kanamycin sensitive organisms in dogs and cats.

(2) It is administered subcutaneously or intramuscularly at 5 milligrams per pound of body weight per day in equally divided doses at 12-hour intervals.

(3) Its label shall bear an appropriate expiration date.

(4) Restricted to use by or on the order of a licensed veterinarian.

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

(Sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i))

Dated: April 30, 1970.

SAM D. FINE,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 70-5637; Filed, May 7, 1970; 8:45 a.m.]

Title 32—NATIONAL DEFENSE

Chapter V—Department of the Army

SUBCHAPTER A—AID OF CIVIL AUTHORITIES AND PUBLIC RELATIONS

PART 518—AVAILABILITY OF INFORMATION

Release of Information and Records From Army Files

Sections 518.7(a), 518.9, 518.10(e)(5) are revised, § 518.11(c) is added, and § 518.18(d) is revised, as follows:

§ 518.7 Procedure for release of records to the public.

(a) Upon receipt of a request conforming with the requirements of § 518.5, the commander of a unit, installation or activity will furnish access to, or copies of, Army records, unless the information they contain falls within one or more of the exemptions set forth in § 518.10. The appropriate judge advocate or legal officer should be consulted on matters of legal interpretation. If, in the judgment of the commander, the request involves a record containing information falling within the limitations of § 518.10, the following actions will be taken:

(1) The applicant will be advised in writing of the denial, the basis for it (with reference to the appropriate exemption set forth in § 518.10), and of his opportunity to submit an appeal to the appropriate official designated in § 518.11. A copy of the denial also will be forwarded to the official designated in § 518.11.

(2) If the applicant decides to exercise his right of appeal, the appeal will be made in writing and should be submitted to the commander to whom the original request was directed. The commander will transmit the request to the appropriate officer designated in § 518.11, together with a statement of his grounds for refusing the request and his recommendation as to permitting the release of exempted information pursuant to § 518.11.

* * * * *

§ 518.9 Litigation.

(a) Each request for a record which relates to pending litigation involving the United States will be referred to the judge advocate or legal officer of the command who, in turn, will communicate the substance of the request and contents of the record requested to The Judge Advocate General, Attention: JAGL, Department of the Army, Washington, D.C. 20310.

(b) Whenever information is released under the provisions of Part 518 for use in litigation involving the United States, the official responsible for investigative reports (par. 6b, AR 27-40) will be advised of such release so that he may include a notation in any investigative report that he may be required to submit pursuant to section II, AR 27-40.

§ 518.10 Exemptions.

* * * * *

(e) * * *

(5) Results of evaluation of contractors and their products which constitute internal recommendations or advice, and which involve a significant measure of judgment on the part of evaluating personnel.

* * * * *

§ 518.11 Appeals and exceptions.

* * * * *

(c) The officials named in paragraph (a) of this section will retain a file of all denials forwarded to them under the provisions of § 518.7 (a), as well as their actions on all appeals. Each of these officials will maintain information, in his respective area of responsibility, concerning the number of denials, appeals resulting therefrom, and actions taken on the appeals. This information will be readily available for evaluation and compilation as requested by The Judge Advocate General.

* * * * *

§ 518.18 Officers to whom requests for information may be directed.

* * * * *

(d) *Legal records.* (1) Requests involving records by court-martial.

(i) General courts-martial and those special courts-martial records where a bad conduct discharge has been approved by the convening authority will be referred to the Chief, U.S. Army Judiciary, Office of The Judge Advocate General, Department of the Army, Washington, D.C. 20315, if the record of trial has been forwarded for appellate review. If the records have not been forwarded for appellate review, requests for such records will be referred to the staff judge advocate of the command which has jurisdiction over the case.

(ii) The records of trial of special courts-martial, not involving a bad conduct discharge, are retained for 10 years

after completion of the case. Requests for information concerning such trials should be directed as follows:

(a) *Up to 3 years after completion of the case.* Requests should be forwarded to the staff judge advocate of the headquarters where the case was reviewed.

(b) *From 3 to 10 years after completion of the case.* The special courts-martial records of trial will be available from 3 to 10 years after completion of the case at the National Personnel Records Center (Military Records), 9700 Page Boulevard, St. Louis, Mo. 63132 where requests for information concerning such records of trial should be directed. After 10 years the only evidence of a special court-martial conviction would be the special court-martial order maintained in the individual's permanent records. Request for information concerning such order should be directed to the Commanding Office, U.S. Army Personnel Services Support Center, Attention: AGPE–F, Fort Benjamin Harrison, Ind. 46249 for enlisted personnel and to The Adjutant General, Attention: AGPF–F, Department of the Army, Washington, D.C. 20310 for officers. If the individual is no longer on active duty, the request should be forwarded to the National Personnel Records Center (Military Records), 9700 Page Boulevard, St. Louis, Mo. 63132.

(iii) The records of trial of summary courts-martial are destroyed 1 year after action of the appropriate supervisory authority. Until that time, requests for information concerning those records of trial should be directed to the appropriate staff judge advocate at the installation where the court-martial was conducted. After 1 year the only evidence of a summary court-martial conviction would be the summary court-martial order maintained in the individual's permanent records. Requests for information concerning such orders should be directed to the Commanding Officer, U.S. Army Personnel Services Support Center, Attention: AGPE–F, Fort Benjamin Harrison, Ind. 46249 for enlisted personnel and to The Adjutant General, Attention: AGPE–F, Washington, D.C. 20310, for officers. If the individual is no longer on active duty the request should be forwarded to the National Personnel Records Center (Military Records), 9700 Page Boulevard, St. Louis, Mo. 63132.

* * * * *

[Change No. 1, May 19, 1968, Change No. 2, Aug. 26, 1968, Change No. 3, Mar. 26, 1970 to AR 345–20, June 30, 1967]

(Sec. 3012, 70A Stat. 157; 10 U.S.C. 3012)

For the Adjutant General.

RICHARD B. BELNAP,
Special Advisor to TAG.

[F.R. Doc. 70–5655; Filed, May 7, 1970; 8:46 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 5A—Federal Supply Service, General Services Administration

PART 5A–1—GENERAL

Numbering of Contracts

The table of contents of Part 5A–1 is amended to delete Subpart 5A–1.77 and to add the following new entry:

Sec.
5A–1.352–1 Contracts required to be numbered.

Subpart 5A–1.3—General Policies

Section 5A–1.352–1 is added to Subpart 5A–1.3:

§ 5A–1.352–1 Contracts required to be numbered.

(a) All FSS contracts shall be numbered in accordance with the numbering system prescribed in § 5–1.352–2. Contracts for $2,500 or less, negotiated under FPR 1–3.203, are excluded from this requirement, except as indicated in paragraph (b) of this section.

(b) A contractual arrangement negotiated under FPR 1–3.203 shall be assigned a contract number (for reference and reporting purposes only) when the purchase order to be placed under the arrangement will be issued by another FSS activity. Purchase orders of this type shall be identified by special entries on GSA Form 300 or GSA Form 1430, as provided below.

(1) The contract number assigned by the contracting activity shall be entered followed by the notation "(assigned for reference purposes only)".

(2) A reference to the supplier's quotation, as furnished by the contracting activity, shall be entered.

(3) A reference to "Sec. 302(c)(3), 41 U.S.C. 252(c)(3)" shall be entered.

(For additional instructions regarding this type of transaction, see §§ 5A–72.105–23(b) and 5A–72.107–6)

Subpart 5A–1.77—Assignment of Commodity Procurement

Subpart 5A–1.77 is deleted.

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

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

Dated: April 22, 1970.

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

[F.R. Doc. 70–5638; Filed, May 7, 1970; 8:45 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

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

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 4812]

[Oregon 5609]

OREGON

Reservoir Site Restoration No. 49; Revocation of Reservoir Site Reserve No. 16

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. The Executive order of March 28, 1924, creating Reservoir Site No. 16, is hereby revoked. This revocation affects the following described lands:

WILLAMETTE MERIDIAN

DESCHUTES NATIONAL FOREST

T. 24 S., R. 5½ E.,
Sec. 27, lots 1 to 5, inclusive, SE¼NE¼, NE¼SE¼;
Sec. 28, lots 1 to 5, inclusive, SE¼NW¼;
Sec. 33, lots 1 to 8, inclusive, SW¼SW¼;
Sec. 34, lots 1, 2, 3, SW¼NE¼, NE¼SW¼.
T. 23 S., R. 6 E., unsurveyed,
All unsurveyed tracts any portion of which, when surveyed, shall lie within a quarter of a mile of Odell Lake.
T. 24 S., R. 6 E.,
Sec. 11, lots 1 and 2, NE¼SW¼, SW¼SW¼, NW¼SE¼, SE¼SE¼;
Sec. 13, lots 1, 2, and 3, NW¼NW¼, S½NW¼, W½SE¼;
Sec. 14, lots 1 and 2 of NE¼, lots 1, 2, and 3 of NW¼, and NE¼NE¼;
Sec. 15, lots 1 to 5, inclusive, N½NE¼, S½NW¼;
Sec. 16, E½SE¼;
Sec. 20, lots 1 and 2, SW¼, N½SE¼;
Sec. 21, lots 1 to 7, inclusive, SE¼NW¼, NW¼SW¼;
Sec. 24, lots 1 to 4, inclusive, W½NE¼, SE¼SW¼, W½SE¼;
Sec. 25, NE¼NW¼, W½NW¼;
Sec. 26, lots 1 to 4, inclusive, SE¼NE¼, SE¼SW¼, NE¼SE¼, and W½SE¼;
Sec. 27, lots 1 to 4, inclusive, S½S½;
Sec. 28, lots 1 to 4, inclusive, S½S½;
Sec. 29, lots 1 to 5, inclusive, N½NW¼, SW¼NW¼, NW¼SW¼, and SE¼SW¼;
Sec. 32, N½NE¼, NE¼NW¼.

The areas described aggregate 7,983.73 acres in Klamath County.

2. At 10 a.m. on June 5, 1970, the lands shall be open to such forms of disposal as may be made of national forest lands, subject to valid existing rights, and the provisions of existing withdrawals.

HARRISON LOESCH,
Assistant Secretary of the Interior.

APRIL 30, 1970.

[F.R. Doc. 70–5639; Filed, May 7, 1970; 8:45 a.m.]

[Public Land Order 4813]

[Oregon 5741 (Wash.)]

OREGON

Partial Revocation of Public Water Reserve and Revocation of Stock Driveway Withdrawal

By virtue of the authority vested in the President by section 1 of the Act of June 25, 1910, 36 Stat. 847, 43 U.S.C. sec. 141 (1964), and by virtue of the authority contained in section 10 of the Act of December 29, 1916, 39 Stat. 865, 43 U.S.C. sec. 300 (1964), and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. The Executive order of April 17, 1926, creating Public Water Reserve No. 107, is revoked so far as it affects the following described land:

WILLAMETTE MERIDIAN

T. 23 N., R. 25 E.,
Sec. 8, E½NE¼.

The area described contains 80 acres in Douglas County.

2. The orders of the Secretary dated May 11, 1938, and May 16, 1945, creating Stock Driveway Withdrawal No. 252, is revoked so far as it affects the following described lands:

WILLAMETTE MERIDIAN

T. 23 N., R. 25 E.,
Sec. 5, lots 1 and 2, S½NE¼, SE¼, SE¼ SW¼;
Sec. 8, NW¼, W½NE¼.
T. 24 N., R. 25 E.,
Sec. 29, SE¼SE¼;
Sec. 32, E½.

The areas described aggregate 960 acres in Douglas County.

The lands are located 17 miles northwest of Ephrata, Wash.

The area encompasses level to steep bunchgrass grazing land.

3. At 10 a.m. on June 5, 1970, the lands described in paragraphs 1 and 2 of this order shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on June 5, 1970, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

Those lands described in paragraph 1 of this order will be open to location for nonmetalliferous minerals at 10 a.m. on June 5, 1970. They are open to applications and offers under the mineral leasing laws, and to location under the U.S. mining laws for metalliferous minerals.

Those lands described in paragraph 2 of this order are open to applications and offers under the mineral leasing laws, and to location under the U.S. mining laws.

Inquiries concerning the lands shall be addressed to the Chief, Division of Lands and Minerals Program Management and Land Office, Bureau of Land Management, Portland, Ore.

HARRISON LOESCH,
Assistant Secretary of the Interior.

APRIL 30, 1970.

[F.R. Doc. 70-5640; Filed, May 7, 1970; 8:45 a.m.]

[Public Land Order 4814]

[Montana 14020]

MONTANA

Powersite Restoration No. 699; Partial Revocation of Powersite Reserve Nos. 25, 48, and 111; Opening of Land Subject to Section 24 of the Federal Power Act

By virtue of the authority contained in section 24 of the Act of June 10, 1920, 41 Stat. 1075, as amended, 16 U.S.C. sec. 818 (1964), and pursuant to the determination of the Federal Power Commission in DA-190-Montana, it is ordered as follows:

1. Executive orders of July 2, 1910, creating Powersite Reserve Nos. 25, 48, and 111, are hereby revoked so far as they affect the following described lands:

PRINCIPAL MERIDIAN, MONTANA

KANIKSU NATIONAL FOREST

T. 24 N., R. 32 W.,
Sec. 12, lot 7.
T. 25 N., R. 32 W.,
Sec. 26, NW¼NW¼.
T. 26 N., R. 32 W.,
Sec. 32, lot 4.

Containing approximately 81.10 acres in Sanders County.

In DA-190-Montana, the Federal Power Commission determined that the value of the lands described above, withdrawn pursuant to the filing of applications for preliminary permits for Project Nos. 2058 and 2075, will not be injured or destroyed for purposes of power development by location, entry or selection under the public land laws, subject to the provisions of section 24 of the Federal Power Act and to the prior rights of the licensee or its assigns to use for project purposes.

2. At 10 a.m. on June 5, 1970, the lands shall be open to such forms of disposition as may be made of national forest lands.

3. The lands described above have been and continue to be open to applications and offers under the mineral leasing laws, and to location under the U.S. mining laws. Any disposals of the lands, including appropriations under the mining laws, shall be subject to the provisions of section 24 of the Federal Power Act, supra, and to the prior rights of the licensee for Projects Nos. 2058 and 2075.

The State of Montana has waived the preference right of application for highway rights-of-way or material sites afforded it by section 24 of said act.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Billings, Mont.

HARRISON LOESCH,
Assistant Secretary of the Interior.

APRIL 30, 1970.

[F.R. Doc. 70-5641; Filed, May 7, 1970; 8:46 a.m.]

[Public Land Order 4815]

[New Mexico 10206]

NEW MEXICO

Partial Revocation of National Forest Roadside Zone Withdrawal

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Public Land Order No. 1230 of September 27, 1955, withdrawing national forest lands in aid of programs of the Department of Agriculture, is hereby revoked so far as it affects the following described land:

NEW MEXICO PRINCIPAL MERIDIAN

GILA NATIONAL FOREST

New Mexico State Highway No. 12 Roadside Zone

A strip of land 200 feet wide on each side of the centerline of New Mexico State Highway No. 12 where it traverses forest land through the following:

T. 6 S., R. 18 W.,
Sec. 1, lots 23 and 25.

The area described aggregates 28.39 acres in Catron County.

2. At 10 a.m. on June 5, 1970, the land shall be open to such forms of disposition as may by law be made of national forest lands.

HARRISON LOESCH,
Assistant Secretary of the Interior.

APRIL 30, 1970.

[F.R. Doc. 70-5642; Filed, May 7, 1970; 8:46 a.m.]

[Public Land Order 4816]

[Montana 028577]

MONTANA

Revocation of Reclamation Withdrawal

By virtue of the authority contained in section 3 of the Act of June 17, 1902, 32 Stat. 388, 43 U.S.C. sec. 416 (1964), as amended and supplemented, it is ordered as follows:

1. The departmental order of February 3, 1928, changing the reclamation withdrawal of the following described land from second to first form, is hereby revoked:

PRINCIPAL MERIDIAN, MONTANA

T. 9 S., R. 25 E.,
Sec. 35, lot 1, N½, N½SW¼.

The area described aggregates 457.04 acres in Carbon County.

The land is located approximately 21 miles south of Bridger, Montana. Vegetative cover is composed of saltbush, squirrel tail, and bluebunch wheatgrass.

2. At 10 a.m. on June 5, 1970, the land shall be open to operation of the public land laws generally, subject to valid rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on June 5, 1970, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. The land will be open to location and entry under the U.S. mining laws at 10 a.m. on June 5, 1970. The land has been and will continue to be open to applications and offers under the mineral leasing laws.

Inquiries concerning the land should be addressed to the Chief, Division of Lands and Minerals Program Management and Land Office, Bureau of Land Management, Billings, Mont.

HARRISON LOESCH,
Assistant Secretary of the Interior.

APRIL 30, 1970.

[F.R. Doc. 70-5643; Filed, May 7, 1970; 8:46 a.m.]

[Public Land Order 4817]

[Idaho 2937]

IDAHO

Partial Revocation of Reclamation Withdrawal

By virtue of the authority contained in section 3 of the Act of June 17, 1902, 32 Stat. 388, as amended and supplemented, 43 U.S.C. sec. 416 (1964), it is ordered as follows:

1. The Departmental Order of November 23, 1921, withdrawing lands for the Bruneau Project, is hereby revoked so far as it affects the following described lands:

BOISE MERIDIAN

T. 7 S., R. 6 E.,
Sec. 15, N½NE¼.

The area described contains 80 acres in Owyhee County.

The NW¼NE¼ has been patented. The NE¼NE¼ is public land located between Bruneau, and Hot Springs, Idaho, without public access. Topography is rolling, soils are fine sandy loams. Vegetation is sagebrush, tumbleweed, annuals, and native grasses.

2. At 10 a.m. on June 5, 1970, the NE¼NE¼ shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on June 5, 1970, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. The public lands will be open to location under the U.S. mining laws at 10 a.m. on June 5, 1970. They have been open to applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Boise, Idaho.

HARRISON LOESCH,
Assistant Secretary of the Interior.

APRIL 30, 1970.

[F.R. Doc. 70-5644; Filed, May 7, 1970; 8:46 a.m.]

[Public Land Order 4818]

[Arizona 019097]

ARIZONA

Partial Revocation of Public Land Order No. 1767

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Public Land Order No. 1767 of December 15, 1958, withdrawing lands for use by the Bureau of Prisons as a prison campsite, is hereby revoked so far as it affects the following described land:

GILA AND SALT RIVER MERIDIAN

T. 8 S., R. 26 E.,
Sec. 19, Tract H.

The area described contains approximately 1.05 acres in Graham County.

2. The land is hereby classified for sale under section 2455 of the Revised Statutes (43 U.S.C. 1171).

HARRISON LOESCH,
Assistant Secretary of the Interior.

APRIL 30, 1970.

[F.R. Doc. 70-5645; Filed, May 7, 1970; 8:46 a.m.]

[Public Land Order 4819]

[Colorado 8880]

COLORADO

Withdrawal for National Forest Chimney Rock Archeological Area

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described national forest lands are hereby withdrawn from appropriation under the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, in aid of programs of the Department of Agriculture:

NEW MEXICO PRINCIPAL MERIDIAN

SAN JUAN NATIONAL FOREST

Chimney Rock Archeological Area

T. 34 N., R. 4 W., South of Ute Line,
Sec. 8, SE¼;
Sec. 17, E½NE¼, NW¼NE¼, E½SW¼NE¼, NW¼SW¼NE¼, NW¼, W½NE¼SW¼, NW¼SW¼, S½SW¼, E½ SE¼, E½NW¼SE¼;
Sec. 19, SW¼NW¼, NE¼, E½NW¼;
Sec. 20, NE¼SW¼, NW¼, E½NE¼;
Sec. 21, W½NW¼.

The areas described aggregate 1,349.56 acres in Archuleta County.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the national forest lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

HARRISON LOESCH,
Assistant Secretary of the Interior.

APRIL 30, 1970.

[F.R. Doc. 70-5646; Filed, May 7, 1970; 8:46 a.m.]

[Public Land Order 4820]

[Oregon 5708]

OREGON

Withdrawal for National Forest Dam, Reservoir, and Recreation Area

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described land is hereby withdrawn from appropriation under the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws in aid of programs of the Department of Agriculture:

WILLAMETTE MERIDIAN

WHITMAN NATIONAL FOREST

North Powder Dam, Reservoir and Recreation Area

T. 7 S., R. 38 E.,
Sec. 5, lots 3 and 4, S½NW¼.

The area described contains approximately 157 acres in Baker County.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the national forest land under lease, license, or permit, or governing the disposal of its mineral or vegetative resources other than under the mining laws.

HARRISON LOESCH,
Assistant Secretary of the Interior.

APRIL 30, 1970.

[F.R. Doc. 70-5647; Filed, May 7, 1970; 8:46 a.m.]

Title 45—PUBLIC WELFARE

Chapter I—Office of Education, Department of Health, Education, and Welfare

PART 155—UPWARD BOUND

Chapter I of Title 45 of the Code of Federal Regulations is hereby amended by adding a new part, Part 155 dealing with projects carried out under the Upward Bound Program. These regulations are applicable only with respect to projects to be conducted under awards made after July 1, 1969. The responsibility of the Office of Economic Opportunity with respect to projects approved prior to that

time has been assumed by the Commissioner of Education and, insofar as they are applicable, the administration of such projects shall be governed in accordance with the terms of the written understanding between the Office of Economic Opportunity and the grantee agencies conducting such projects and other issuances of the Office of Economic Opportunity.

Grants made available pursuant to this part are subject to the regulations in 45 CFR Part 80, issued by the Secretary of Health, Education, and Welfare, and approved by the President, to effectuate the provisions of section 601 of the Civil Rights Act of 1964 (Public Law 88-352).

Sec.

AUTHORITY: The provisions of this Part 155 issued under sections 408, 1201-1204, 79 Stat. 1235, 1269-70 as amended; 20 U.S.C. 1068, 1141-1144.

§ 155.1 Scope and purpose.

The regulations in this part govern the administration of the Upward Bound program authorized under section 408 of the Higher Education Act of 1965. Under this program, support is given to projects of certain educational institutions which have promise of motivating and preparing academic risk students from low-income backgrounds and with inadequate secondary school preparation to engage successfully in programs of post-secondary and higher education. They are academic risk students for college education because their lack of educational preparation and/or underachievement in high school is such that they would not have considered enrollment nor would they have been likely to have gained admission to, and successfully pursued an academic career at a 2- or 4-year college without the benefits of an Upward Bound program.

§ 155.2 Definitions.

As used in this part:

(a) The term "Act" means the Higher Education Act of 1965, as amended.

(b) The term "Applicant", "applicant institution", or "institution" refers to the institution applying for or receiving an Upward Bound grant under this part.

(c) The term "Combination of Institutions of Higher Education" means a group of institutions of higher education that have entered into a cooperative arrangement for the purpose (although not necessarily the exclusive purpose) of carrying out an Upward Bound project, or a public or private nonprofit agency, organization, or institution designated or created by a group of institutions of higher education for the purpose (although not necessarily for the exclusive purpose) of carrying out an Upward Bound Project on their behalf.

(d) The term "Commissioner" means the Commissioner of Education or his designee.

(e) The term "Institution of Higher Education" means an educational institution in any State which meets the requirements set forth in section 1201(a) of the Act.

(f) The term "Post-Secondary School" means a public or private nonprofit institution which meets the requirements set forth in section 435(c) of the Act.

(g) The term "Secondary School" means a school which provides secondary education as determined under State law except that it does not include any education provided beyond grade 12.

(h) The term "State" means in addition to the several States of the Union, the Commonwealth of Puerto Rico, the District of Columbia, Guam, American Samoa, and the Virgin Islands.

§ 155.3 Submission of project proposals.

(a) *Timely filing.* Awards for the conduct of Upward Bound project shall be made on the basis of the review of proposals for the continuation of existing projects and proposals for new projects which have been submitted timely on such forms and in such manner as the Commissioner may from time to time prescribe.

(b) *Closing dates.* The Commissioner may set dates by which project proposals must be received in order to be assured that they will be considered for an award.

(c) *Additional information.* The Commissioner reserves the right to request the submission of such additional or supplemental information as he believes necessary or desirable in connection with the review and consideration of a proposal.

(d) *Eligible applicants.* Awards for the conduct of Upward Bound projects will be made to institutions of higher education and combinations of institutions of higher education; and in exceptional cases where a secondary school or post-secondary educational institution may be better able to provide the requisite services, an award may be made to such an institution.

(e) *Terms and conditions of award.* Grants pursuant to this part shall be made for carrying out the project proposal approved by the Commissioner and shall be subject to such other terms and conditions as are made a part of the grant document. Copies of standard terms and conditions shall, to the extent practical, be made available to prospective applicants.

§ 155.4 Proposals for continuation of existing Upward Bound projects.

(a) Proposals for the continuation of existing Upward Bound projects must include a statement as to the specific purposes to be accomplished in the period covered by the grant, a detailed plan of operation for accomplishing these purposes, an explanation of the procedures for recruitment and selection of Upward Bound students, a budget, and a list of key personnel. Such proposals must also provide assurance that none of the services made available under the grant are otherwise available to Upward Bound participants through the applicant institution or other public or private community agencies and that, where appropriate, such other services have been or will be utilized in carrying out the Upward Bound project.

(b) The Commissioner will approve such proposals only if he finds that the objectives and requirements set forth in §§ 155.6 and 155.8 have been and will continue to be met, that the methods adopted for the accounting for and management of Federal funds are adequate, and that the project has been carried out in an efficient manner and is achieving its projected goals. In making this finding the Commissioner shall particularly review the efforts made by the applicant and its success in placing its Upward Bound students in institutions of higher education.

§ 155.5 Proposals for new projects.

(a) Preliminary proposals for new projects will be considered to the extent of available funds after the review of proposals for the continuation of existing projects has been completed. Generally, new Upward Bound projects should provide for activities for prospective Upward Bound students who are completing the 10th and 11th grades, however, the Commissioner may consider proposals dealing with students completing the 8th and 9th grades who are from an area or a group frequently experiencing severe dropout rates at an early age.

(b) Such preliminary proposals need contain only a summary plan of operation, which assures that the objectives and requirements set forth in §§ 155.6 and 155.8 will be met and assures that Federal funds will be properly expended and accounted for.

(c) Preliminary proposals will be reviewed in the light of criteria set forth in § 155.7.

(d) Applicants whose preliminary proposals are selected for further consideration may submit a comprehensive proposal as outlined under § 155.4(a). Awards will be made only on the basis of a comprehensive proposal (including such changes as may be made pursuant to paragraph (e) of this section) which is approved by the Commissioner.

(e) In reviewing the preliminary proposal, and during the course of any subsequent consideration of the comprehensive proposal, the Commissioner reserves the right to suggest inclusions or deletions which he feels will strengthen the proposed project.

§ 155.6 Required project objectives.

Each project proposal must include provisions for implementing each of the following objectives:

(a) The enrollment in the Upward Bound project of students whose lack of

preparation or under achievement in high school or both is such that they are not likely to apply for admission to or be accepted for enrollment in institutions of higher education;

(b) Cooperation among one or more institutions of higher education and one or more secondary schools;

(c) The provision of necessary health services to Upward Bound students including diagnostic services designed to identify the medical and dental deficiencies of new Upward Bound students;

(d) (1) The recruitment of Upward Bound students whose ethnic backgrounds reflect the diversity existing in the community served by the Upward Bound project, (2) the utilization of project leadership and staff that reflect the ethnic background of the Upward Bound students, (3) the utilization of teaching staff that is drawn from both secondary schools and institutions of higher education with a substantial portion of such staff drawn from the regular faculty of the institution conducting the project, (4) the utilization of tutor-counselors who are college students, and (5) the utilization of the resources of individuals from the community to be served by the project who can make a special contribution to the program;

(e) The involvement of the community to be served by an Upward Bound project through committees which to the extent possible are composed of community leaders and residents from low income families, parents of Upward Bound students and faculty members of colleges and secondary schools in the local area; and

(f) The administration of the project by a professional person who is initially responsible for making decisions as to program content.

§ 155.7 Criteria for evaluating proposals.

Proposals for new projects will be selected on the basis of a review in the light of the following factors which are not necessarily listed in order of weight or importance:

(a) The scope and variety of the methods for recruiting of Upward Bound students;

(b) The level of the annual per capita income of the area to be served;

(c) Whether other projects or activities are already being supported in the area to be served which can provide some or all of the assistance set forth in the proposal;

(d) Whether the applicant institution has established rapport with the community to be served;

(e) Demonstrated ability to work with members of the academic community in the area to be served;

(f) The nature and quality of the physical facilities to be used in the conduct of the project;

(g) The number of the applicant's regular faculty members who will become members of the Upward Bound staff;

(h) The degree of involvement in the project of the secondary schools from which the Upward Bound students are drawn;

(i) If the applicant is an institution of higher education, the number of Upward Bound students to whom it is prepared to extend financial aid and admit into its regular program;

(j) The degree to which the curriculum design and method of execution promise to develop critical thinking, effective expression, and positive attitudes toward learning;

(k) The extent to which the applicant can provide suitable extra-curricular activities as reflected by the kind of the activities to be offered, the adequacy of the facilities for such activities and the ability of the staff directing such activities; and

(l) The extent and quality of the counseling services provided Upward Bound students.

§ 155.8 Eligibility and treatment of Upward Bound students.

(a) *Family income of participants.* Upward Bound students shall be selected only from among those whose family income meets the "low income family" criteria prescribed by the Commissioner. The income of families living in public housing, or receiving support under State or Federal welfare programs will generally be presumed to meet such criteria.

(b) *Comparability of treatment of Upward Bound students.* Upward Bound students shall not be subject to any rules, standards or requirements which do not apply to other regularly enrolled students of the applicant, nor shall Upward Bound students be segregated or discriminated against in their participation in campus activities.

(c) *Student stipends.* Upward Bound students shall be entitled to such stipends not in excess of $30 per month as are provided for in the grant award.

§ 155.9 Costs eligible for Federal support.

(a) Federal funds may be used only to cover those costs which are reasonable and necessary to the carrying out of an Upward Bound project, such as salaries of administrative staff, student stipends, student medical expenses and instructional materials.

(b) The purchase of equipment will be approved only to the extent that it is indispensable to the achievement of the purpose of the project and does not represent a disproportionately large expenditure in light of the total cost of, and the period of time over which the equipment will be used in carrying out, the proposal being supported.

(c) In no case may funds granted under this part be used for the construction of buildings or the purchase of land or buildings (although costs of minor remodeling may be allowed).

§ 155.10 Amount of the Federal share.

The Federal share shall not exceed 80 percent of the eligible costs of the project: *Provided, however,* That in no event may the federal share exceed an amount computed at an annual rate of $1,440 per enrollee.

§ 155.11 Payment procedures; availability.

(a) The Commissioner shall make payments on account of approved projects pursuant to such methods as he determines will best make the funds available as needed and will eliminate unnecessary expense to the Federal Government.

(b) Such funds shall remain available for the payment of obligations incurred during the designated award period.

(c) Neither the approval of a proposal nor any payment to the grantee shall be deemed to waive the right or duty of the Commissioner to withhold or recover funds by reason of the failure of the grantee to observe any Federal requirement.

§ 155.12 Interest earned on Federal funds.

Interest earned on Federal funds awarded under this program shall be refunded by check drawn payable to U.S. Office of Education and mailed to the Finance Division, U.S. Office of Education, 400 Maryland Avenue SW., Washington, D.C. 20202. This section does not apply if grantee is a State agency.

§ 155.13 Economical methods of purchase.

All equipment, materials, and supplies (including minor remodeling) purchased with funds provided under this part shall be procured in an economical manner consistent with sound business practice. Except in connection with the procurement of consumable materials and supplies, specific justification must be submitted and approved in advance for any purchase on other than a competitive bidding basis.

§ 155.14 Records and reports.

(a) *Records.* The institution shall establish and maintain such records as are necessary to document the progress of each Upward Bound student in the project, the changes in project design if any, and the manner in which the project is meeting its objectives. These records shall be available for such disposition as the Commissioner may prescribe. All accounting records (including bank deposit slips, canceled checks, and other supporting documents—or facsimiles thereof) shall be retained intact by the institution for audit or inspection by authorized representatives of the Federal Government for a period of 3 years after completion of the project or until the applicant is notified of the Government's audit, whichever is later, except that such records need not be retained after 5 years after completion of the project. In any event such records shall be maintained until any questions raised on audit have been resolved.

(b) *Reports.* Fiscal reports and reports relating to the conduct of projects funded under this part shall be submitted in such form at such time and shall contain such information as the Commissioner may require.

§ 155.15 Approval of research and evaluation.

The institution shall not permit participants in Upward Bound projects or the conduct of such projects to be made the subject of any research or evaluation without the express permission of the Commissioner.

Dated: March 2, 1970.

JAMES E. ALLEN, Jr.,
Commissioner of Education.

Approved: May 4, 1970.

ROBERT H. FINCH,
Secretary.

[F.R. Doc. 70-5681; Filed, May 7, 1970; 8:49 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 18509]

PART 63—EXTENSION OF LINES AND DISCONTINUANCE OF SERVICE BY CARRIERS

PART 64—MISCELLANEOUS RULES RELATING TO COMMON CARRIERS

Applications of Telephone Companies for Certificates for Channel Facilities Furnished to Affiliated CATV Systems; Correction

In the matter of applications of telephone companies for section 214 certificates for channel facilities furnished to affiliated community antenna television systems, Docket No. 18509.

The Commission's memorandum opinion and order, FCC 70-425, published in the FEDERAL REGISTER on April 29, 1970, 35 F.R. 6753, in the above-entitled proceeding, is hereby corrected by the addition of footnote designator "3a" following the last sentence of paragraph 9. The explanation of this footnote reads as follows:

[3a] This general policy does not, of course, preclude such action as may be found warranted in the public interest in individual proceedings.

Released: April 30, 1970.

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

[F.R. Doc. 70-5665; Filed, May 7, 1970; 8:47 a.m.]

[Docket No. 18110]

PART 73—RADIO BROADCAST SERVICES

Multiple Ownership of Standard, FM, and Television Broadcast Stations; Correction

In the matter of amendment of §§ 73.35, 73.240, and 73.636 of the Commission rules relating to multiple ownership of standard, FM and Television broadcast stations.

1. The first report and order (FCC 70-310) in the above-entitled matter, was adopted March 25, 1970, and published in the FEDERAL REGISTER on April 10, 1970 (35 F.R. 5948). The rules adopted in that document appeared in Appendix B thereto. Through inadvertence the last sentence of Note 7 of § 73.240 contained an omission. So that it will be consistent with the last sentence of Note 7 of § 73.35 and with paragraphs 13 and 77 of the first report and order, it is accordingly corrected to read as follows:

§ 73.240 Multiple ownership.

* * * * *

NOTE 7: * * * Commonly owned, operated, or controlled FM broadcast stations with overlapping contours prohibited by paragraph (a) (1) of this section, or commonly owned, operated, or controlled broadcast stations in different broadcast services with community-encompassing contours prohibited by paragraph (a) (1) of this section, or commonly owned, operated, or controlled FM and Class IV standard broadcast stations in communities under 10,000 population or FM and daytime standard broadcast stations with encompassment of the type set forth in paragraph (a) (1) may not be assigned or transferred to a single person, group, or entity, except as provided above in this note; and except in cases where the stations are standard and FM broadcast stations, if the applications contain a satisfactory showing that for economic or technical reasons the stations cannot be separately sold and operated, and if no new or increased overlap between commonly owned, operated, or controlled FM broadcast stations would be created and no encompassment of communities by FM, standard, or television broadcast stations of the type proscribed would result (other than that of the standard and FM stations in question).

* * * * *

2. Additionally, the third sentence in Note 7 of § 73.636 is corrected to read as follows:

§ 73.636 Multiple ownership.

* * * * *

NOTE 7: * * * Said paragraph will apply to all applications for new stations, to all other applications for assignment or transfer, and to all applications for major changes in existing stations except major changes that will result in overlap of contours of television broadcast stations with each other no greater than that already existing. * * *

* * * * *

Released: May 5, 1970.

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

[F.R. Doc. 70-5666; Filed, May 7, 1970; 8:47 a.m.]

PART 97—AMATEUR RADIO SERVICE

Operating Conditions

In the matter of amendment of § 97.311 of the Amateur Radio Service Rules to effect an editorial change.

Order, 1. The Commission has under consideration the desirability of making an editorial change in § 97.311 of the Amateur Radio Service Rules.

2. The amendment eliminates a reference to the deleted § 97.99(b), the provisions of which were previously incorporated in § 97.95(a).

3. The amendment adopted herein is editorial in nature and, therefore, the prior notice, public procedure, and effective date provisions of 5 U.S.C. section 553, are not applicable. Authority for this amendment is contained in section 4(i) and 303 of the Communications Act of 1934, as amended, and § 0.261(a) of the Commission's rules.

4. In view of the foregoing: *It is ordered*, That effective May 15, 1970, § 97.311 of the Commission's rules is amended as set forth below.

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

Adopted: May 4, 1970.

Released: May 5, 1970.

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

Section 97.311(c) is amended to read as follows:

§ 97.311 Operating conditions.

* * * * *

(c) An alien amateur may operate on dates, at locations, or via an itinerary, significantly different from that specified in the application for his permit only under the condition that he has given advance notice of the particulars of such operation to the Commission in accordance with the requirements of § 97.95(a).

[F.R. Doc. 70-5667; Filed, May 7, 1970; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

[42 CFR Part 90]

CONFERENCES AND PUBLIC HEARINGS UNDER CLEAN AIR ACT

Notice of Proposed Rule Making

Notice is hereby given that the Secretary of Health, Education, and Welfare proposes to amend Chapter I of Title 42, Code of Federal Regulations by adding a new Part 90, applicable to conferences and hearings held pursuant to section 108(c) (2) and (3) of the Clean Air Act, as amended (42 U.S.C. 1857d(c) (2) and (3)).

Interested persons may submit written data, views, or arguments, in triplicate, concerning the proposed regulations to the Secretary of Health, Education, and Welfare, Attention: National Air Pollution Control Administration, 801 North Randolph Street, Arlington, Va. 22203. All relevant material received not later than 30 days after publication of this notice will be considered.

A new Subchapter I would be added to Chapter I, Title 42, Code of Federal Regulations as follows:

SUBCHAPTER I—CONFERENCES AND PUBLIC HEARINGS UNDER THE CLEAN AIR ACT

PART 90—PROCEDURES FOR CONFERENCES AND PUBLIC HEARINGS TO ESTABLISH AIR QUALITY STANDARDS

Subpart A—General Provisions

Sec.
90.1 Applicability.
90.2 Definitions.

Subpart B—Conference Proceedings

90.10 Initiation of conference proceedings.
90.11 Designation of Chairman.
90.12 Notice of conference.
90.13 Parties to the conference.
90.14 Authority and duties of the Chairman.
90.15 Conference procedure.
90.16 Presentation of material by the National Air Pollution Control Administration.
90.17 Record of conference proceedings.
90.18 Preparation, publication, and promulgation of air quality standards; petition for public hearing.

Subpart C—Hearing Proceedings

90.20 Initiation of proceedings for public hearings on air quality standards; appointment and membership of Hearing Board.
90.21 Notice of hearing.
90.22 Parties to the hearing.
90.23 Hearing Board: Organization and procedure.
90.24 Hearing procedure.
90.25 Presentation of air quality standards and supporting material by the Commissioner.
90.26 Findings and recommendations; promulgation of air quality standards.
90.27 Termination of Hearing Board.
90.28 Protection of trade secrets.

AUTHORITY: The provisions of this Part 90 issued under secs. 108(c) and 301(a), sec. 2, Public Law 90-148, 81 Stat. 492, 504; 42 U.S.C. 1857d(c), 1857g(a).

Subpart A—General Provisions

§ 90.1 Applicability.

The provisions of this part apply to proceedings under section 108(c) (2) and (3) of the Clean Air Act, as amended (81 Stat. 492; 42 U.S.C. 1857(c) (2) and (3)).

§ 90.2 Definitions.

As used in this part

(a) "Act" means the Clean Air Act, as amended (42 U.S.C. 1857 et seq.).

(b) "Department" means the Department of Health, Education, and Welfare.

(c) "Secretary" means the Secretary of Health, Education, and Welfare.

(d) "Commissioner" means the Commissioner of the National Air Pollution Control Administration.

(e) "Air quality standards" means ambient air quality standards and so much of an implementation, maintenance and enforcement plan as will prescribe enforceable requirements for the prevention, abatement and control of air pollutants for which criteria and control techniques have been published by the Secretary. Such requirements include, but are not limited to, emission standards, fuel use restrictions, location and relocation of sources, and restrictions on open burning and other activities.

Subpart B—Conference Proceedings

§ 90.10 Initiation of conference proceedings.

In any case where the Secretary finds it necessary, pursuant to the conditions set forth in section 108(c) (2) of the Act, to promulgate or revise air quality standards, he may initiate a conference for that purpose or authorize the Commissioner to do so.

§ 90.11 Designation of Chairman.

The Chairman of any conference held pursuant to this subpart shall be the Commissioner, or such other officer or employee of the National Air Pollution Control Administration as the Commissioner shall designate.

§ 90.12 Notice of conference.

(a) The Secretary of the Commissioner shall initiate a conference by giving notice thereof as herein provided, including the time and place thereof, and the name of the chairman designated under § 1.11 of this chapter.

(b) The notice shall briefly describe the air quality control region or portions thereof to be dealt with in the conference.

(c) Notice of the conference shall be given to such Federal Departments and agencies, interstate agencies, States and municipalities as the Commissioner determines are appropriate, and to industries involved. Notice may be served by mail on each such Federal Department or agency, interstate agency, State or municipality. Service by mail is complete upon mailing. Notice may be served on each such industry by publication in the FEDERAL REGISTER.

(d) Notice of the conference shall be published in the FEDERAL REGISTER at least thirty (30) days prior to the date of the conference.

§ 90.13 Parties to the conference.

(a) The parties to a conference shall be the departments, agencies, States, municipalities, and industries to whom notice was given under § 90.12.

(b) Upon application and good cause shown, the Chairman may permit any interested Federal departments and agencies, interstate agencies, States, municipalities, industries, or other persons to appear at the conference and be admitted as parties to such extent and upon such terms as the Chairman shall determine.

(c) Any party may appear in person or by counsel.

(d) The failure of any party to appear at the conference in response to the notice of conference shall not delay the conference, and the Chairman shall proceed to receive statements, make determinations and take other appropriate action affecting such party.

§ 90.14 Authority and duties of the Chairman.

(a) The Chairman shall convene the conference and schedule such other meetings as he may determine necessary, including meetings for the settlement or simplification of issues.

(b) The Chairman shall preside at all conference sessions and meetings called by him, and he shall rule on all questions concerning conference procedures.

(c) The Chairman shall maintain and have custody of all official records and documents pertaining to the conference.

(d) The Chairman shall issue or serve such notices, reports, communications, and other documents relating to the functions of the conference as he deems proper.

(e) The Chairman shall exclude irrelevant, immaterial or unduly repetitious material, and, in order to prevent undue prolongation of the conference, he may limit the number of times any party may make statements, the amount of corroborative or cumulative testimony, and may direct that supplementary statements be made in writing only.

§ 90.15 Conference procedure.

(a) The conference shall be conducted in an informal, orderly manner in accordance with this subpart.

(b) Persons making statements need not be sworn or make affirmation.

(c) Each party shall be given an opportunity to make a statement concerning the air quality standards for the air quality control region covered by the conference, an opportunity to make supplementary statements which may include comments on or rebuttal of other parties' views, and an opportunity to make recommendations for air quality standards in any of his statements.

(d) The National Air Pollution Control Administration shall provide the necessary clerical and technical assistance for the conference and related proceedings.

§ 90.16 Presentation of material by the National Air Pollution Control Administration.

The Commissioner shall arrange for the presentation of material concerning the quality of air in the air quality control region or portions thereof covered by the conference, including the criteria by which the quality of air should be judged, the control technology available to prevent and abate air pollution, the person or persons contributing to pollution of the air, and remedial measures, if any, recommended by the National Air Pollution Control Administration.

§ 90.17 Record of conference proceedings.

(a) A verbatim transcript of the proceedings of conference sessions shall be maintained and shall be the sole official record of the proceedings.

(b) All written statements, charts, tabulations and other data shall be received in the record. If a party to a proceeding under this subpart objects to the admissibility of such material, the objection shall be noted and the Chairman shall rule thereon.

(c) When a statement refers to a statute, report, or document, the Chairman shall, after establishing the identity of such statute, report, or document, determine when the same shall be produced and physically be made part of the record or shall be incorporated by reference.

(d) The Chairman may take official notice of State statutes and of duly promulgated regulations of any Federal or State department or agency for purposes of the conference record.

(e) The Chairman shall submit to the Secretary the verbatim transcript, including all charts, tabulations, and similar data which are part of the conference record.

§ 90.18 Preparation, publication, and promulgation of air quality standards; petition for public hearing.

(a) Upon receipt of the conference transcript, the Secretary shall (1) prepare regulations setting forth air quality standards for the State whose inaction under section 108(c)(1) of the Act prompted the calling of the conference, applicable to the air quality region or portions thereof covered by the conference, and publish such regulations as a notice of proposed rule making in the FEDERAL REGISTER; or (2) prepare regulations setting forth revised air quality standards for the State whose established air quality standards were the subject of review by the conference, applicable to the air quality region or portions thereof covered by the conference, and publish such regulations as a notice of proposed rule making in the FEDERAL REGISTER.

(b) If, within 6 months from the date the Secretary publishes regulations under paragraph (a) of this section, the State has not adopted air quality standards found by the Secretary to be consistent with section 108(c)(1) of the Act, or a petition for public hearing has not been filed under section 108(c)(3) of the Act and paragraph (c) of this section, the Secretary shall promulgate such air quality standards by publication in the FEDERAL REGISTER. Such air quality standards shall be effective thirty (30) days after such promulgation unless a petition for public hearing has first been filed under section 108(c)(3) of the Act and paragraph (c) of this section.

(c) At any time during the period beginning with the date of publication of air quality standards under paragraph (a) of this section and ending 30 days after the promulgation of such standards, the Governor of any State affected by such standards may petition the Secretary in writing for a public hearing under section 108(c)(3) of the Act. Receipt of such a petition by the Secretary shall automatically suspend, as applicable, the promulgation or effective date of such standards. The Secretary shall publish an appropriate notice of such suspension in the FEDERAL REGISTER.

Subpart C—Hearing Proceedings

§ 90.20 Initiation of proceedings for public hearings on air quality standards; appointment and membership of Hearing Board.

(a) If requested to do so under § 90.18, the Secretary shall call a public hearing for the purpose of receiving testimony from State and local air pollution control agencies and other interested parties affected by the air quality standards published under § 90.18.

(b) Pursuant to the call of such hearing, the Secretary shall appoint a Hearing Board of five or more persons, and shall appoint one of the members Chairman. A majority of the members of the Hearing Board shall not be officers or employees of the Department.

(c) Each State which would be affected by such air quality standards and each Federal department, agency, or instrumentality determined by the Secretary to have a substantial interest in the subject matter of the hearing shall be given an opportunity to select a member of the Hearing Board.

(d) The Secretary may revoke an appointment to the Hearing Board in the event of disability of a member or for other cause, and may fill any vacancy in the membership or in the office of Chairman: *Provided*, That any vacancy created in a position filled pursuant to paragraph (c) of this section shall be filled in accordance with the provisions of that paragraph.

§ 90.21 Notice of hearing.

(a) The Secretary shall call a hearing by giving notice of such hearing as herein provided, including the time and place thereof, and the names of the persons constituting the Hearing Board.

(b) The notice shall briefly describe the air quality control region or portion thereof to which the air quality standards published pursuant to § 90.18 are applicable.

(c) Notice of the hearing shall be given to such State and local air pollution control agencies and such other interested persons as the Secretary determines are affected by the published or promulgated air quality standards. Notice may be served by mail on each such agency. Service by mail is complete upon mailing. Notice may be served on each such interested person by publication in the FEDERAL REGISTER.

(d) Notice of the hearing shall be published in the FEDERAL REGISTER at least thirty (30) days prior to the hearing.

§ 90.22 Parties to the hearing.

(a) The parties to a hearing shall be the agencies and persons to whom notice of the hearing was served pursuant to § 90.21.

(b) Upon application and good cause shown, the Hearing Board may permit interested Federal departments and agencies, interstate agencies, States, municipalities, industries or other persons to appear at the hearing and be admitted as parties to such extent and upon such terms as the Hearing Board shall determine.

(c) Any party may appear in person or by counsel.

(d) The failure of any party to appear at the hearing in response to the notice of hearing shall not delay the hearing, and the Hearing Board shall proceed to receive statements, make determinations and take other appropriate action affecting such party.

§ 90.23 Hearing Board: Organization and procedure.

(a) The Chairman shall convene the Hearing Board for hearing sessions and for such other meetings as he may determine to be necessary.

(b) The Chairman shall preside at all hearing sessions and meetings of the Hearing Board. In case of the absence or incapacity of the Chairman, the Hearing Board shall elect from its members an Acting Chairman to preside and perform the duties of the Chairman.

(c) The Commissioner shall provide the Hearing Board with such technical and clerical assistance as the Chairman determines is necessary.

(d) The Chairman shall designate an executive secretary, from personnel provided by the Commissioner, who shall maintain and have custody of all official

records and other documents pertaining to the functions of the hearing.

(e) The Chairman may authorize the executive secretary on behalf of the Hearing Board to issue or serve notices, reports, communications, and other documents relating to the functions of the Hearing Board as the Chairman deems proper.

§ 90.24 Hearing procedure.

(a) The hearing shall be conducted in an informal, orderly manner in accordance with this subpart.

(b) A quorum of the Hearing Board for the purpose of the hearing shall consist of not less than five members.

(c) Questions of procedure during the hearing shall be determined by the Chairman. Rulings of the Chairman may be appealed to the Hearing Board, who, by a majority vote of those present, may overrule the Chairman.

(d) Each witness shall testify under oath or affirmation. Every party shall have the right to present evidence. Cross-examination of witnesses by any party may be permitted in the discretion of the Chairman.

(e) The Chairman shall have the power to rule upon offers of proof and the admissibility of evidence, to examine witnesses and parties, to regulate the course of the hearing, to change the time and place of the hearing or any of its sessions upon reasonable notice to the parties, and to hold conferences for the settlement or simplification of issues.

(f) The Chairman shall exclude irrelevant, immaterial, or unduly repetitious evidence, and, in order to prevent undue prolongation of the hearing, may limit the number of times any witness may testify, the amount of corroborative or cumulative testimony, and prevent repetitious examination or cross-examination of witnesses.

(g) Oral argument may be permitted in the discretion of the Chairman and shall be reported as part of the record unless otherwise ordered by the Chairman.

§ 90.25 Presentation of air quality standards and supporting material by the Commissioner.

The Commissioner shall arrange for the presentation of the regulations published or promulgated by the Secretary setting forth the air quality standards for the air quality control region or portion thereof covered by the hearing, and such other materials as he deems relevant to the issues in the hearing.

§ 90.26 Findings and recommendations; promulgation of air quality standards.

(a) The Hearing Board shall, in accordance with section 108(c)(3) of the Act, make its findings and recommendations based on the evidence in the hearing record, and submit the same to the Secretary within ninety (90) days of the recess date of the hearing, except that if the Secretary determines a longer period is necessary he may extend the time by no more than an additional ninety (90) days.

(b) If the Hearing Board approves the air quality standards as published, the Secretary shall promulgate such standards effective upon publication in the FEDERAL REGISTER. If the Hearing Board approves the air quality standards as promulgated, the Secretary shall publish in the FEDERAL REGISTER notice of such approval.

(c) If the Hearing Board recommends modifications in the air quality standards as published or promulgated by the Secretary, the Secretary shall prepare and promulgate revised regulations setting forth air quality standards in accordance with such recommendations, which shall be effective upon publication in the FEDERAL REGISTER.

§ 90.27 Termination of Hearing Board.

Upon submission of findings and/or recommendations to the Secretary under § 90.26, the Hearing Board shall be terminated and all records pertaining to its functions transferred to the custody of the Commissioner.

§ 90.28 Protection of trade secrets.

No witness or any other person shall be required to divulge trade secrets or secret processes in connection with any hearing under this subpart.

Dated: May 1, 1970.

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

[F.R. Doc. 70-5672; Filed, May 7, 1970; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 18110]

STANDARD, FM, AND TELEVISION BROADCAST STATIONS

Multiple Ownership; Correction

In the matter of amendment of §§ 73.35, 73.240, and 73.636 of the Commission rules relating to multiple ownership of standard, FM, and television broadcast stations; Docket No. 18110.

The further notice of proposed rule making (FCC 70-311) in the above-entitled matter, adopted March 25, 1970, and published in the FEDERAL REGISTER on April 10, 1970 (35 F.R. 5963) is corrected by changing paragraph 46 thereof to read as follows:

46. By the term "daily newspapers" in our proposal, we mean daily newspapers of general circulation that are published in the market in question. We do not mean daily newspapers of general circulation in the market that are published elsewhere. This leads to the question of the meaning of the term "market." As in the previously existing duopoly rules, the rules adopted today in the first report and order proscribe the overlapping of specified contours of commonly owned broadcast stations in the same broadcast service. Additionally, the new rules proscribe common ownership of stations in different broadcast services if a specified contour of one such station completely encompasses a community which another such station is licensed to serve. The aforementioned standards are discussed in the first report and order.

Released: May 5, 1970.

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

[F.R. Doc. 70-5668; Filed, May 7, 1970; 8:48 a.m.]

FEDERAL POWER COMMISSION

[18 CFR Part 157]

[Docket No. R-377]

EXEMPTION OF CERTAIN TRANSPORT OR SALES OF LIQUEFIED NATURAL GAS

Notice of Further Extension of Time

APRIL 29, 1970.

Proposed amendment to regulations under section 7(c) of the Natural Gas Act to exempt certain transport and/or sales of liquefied natural gas.

On April 23, 1970, the American Gas Association and the Independent Natural Gas Association of America filed requests for a further extension of time to and including June 2, 1970, within which to file comments in the above-designated matter.

Upon consideration, notice is hereby given that the time is further extended to and including May 15, 1970, within which any interested person may submit data, views and comments in writing to the notice of proposed rulemaking issued January 15, 1970, in the above-designated matter.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-5662; Filed, May 7, 1970; 8:47 a.m.]

[18 CFR Parts 201, 204, 260]

[Docket No. R-384]

UNIFORM SYSTEMS OF ACCOUNTS FOR NATURAL GAS COMPANIES AND ACCOUNTING FOR NATURAL GAS STORAGE

Notice of Extension of Time

APRIL 30, 1970.

Proposed changes to uniform systems of accounts for Class A and Class B, and Class C natural gas companies and to FPC Form 2 to revise the accounting for natural gas underground storage and to accommodate liquefied natural gas storage facilities.

On April 17, 1970, and April 23, 1970, the American Gas Association and the Independent Natural Gas Association of America, respectively, filed requests for

an extension of time within which to file comments in the above-designated matter.

Upon consideration, notice is hereby given that the time is extended to and including June 30, 1970, within which any interested person may submit data, views, comments, and suggestions in writing to the notice of proposed rule-making issued March 20, 1970, in the above-designated matter.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-5663; Filed, May 7, 1970; 8:47 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

INSURED BANKS

Joint Call for Report of Condition

CROSS REFERENCE: For a document relating to a joint call for report of condition of insured banks, see F.R. Doc. 70-5631, Federal Deposit Insurance Corporation, *infra*.

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Serial No. A 4447]

ARIZONA

Notice of Classification of Public Lands for Transfer Out of Federal Ownership

MAY 1, 1970.

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1412) the following described public lands are hereby classified for transfer out of Federal ownership by State indemnity lieu selection (43 U.S.C. 851-2). As used in this order, the term "public lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for a Federal use or purpose.

2. These lands were included in a notice of proposed classification published in 35 F.R. 549 (January 15, 1970). That notice proposed the transfer of a total of 2,911.30 acres of public land out of Federal ownership under the exchange or State indemnity lieu selection public land laws. Information received since the publication of the notice of proposed classification reveals that some of the lands proposed for transfer are embraced in active mining claims; and the city of Tucson and the Tucson Public Schools want to acquire some of the lands as sites for park, school, or other public purpose facilities. The lands covered by mining claims or needed for local public purpose use are not included in this classification. The Arizona State Land Department wishes to select the remaining lands in partial satisfaction of the State's indemnity lieu land grant for the support of common schools.

3. Publication of this notice has the effect of segregating the described lands from all forms of appropriation under the public land laws, including the mining and mineral leasing laws, except for applications consistent with the classification.

4. The lands involved are located in Pima County, Ariz., and are described as follows:

GILA AND SALT RIVER MERIDIAN, ARIZONA

T. 14 S., R. 12 E.,
Sec. 23, N½NW¼, S½NW¼, SW¼NW¼, W½SE¼NW¼, and NE¼SE¼NW¼;
Sec. 24, N½SW¼ and W½SE¼;
Sec. 34, lots 5, 46, 67, and 69;
Sec. 35, lots 65 and 66.
T. 15 S., R. 12 E.,
Sec. 1, lots 10, 11, and 16 to 23, inclusive;
Sec. 3, SW¼NE¼;
Sec. 4, lots 2, 13 to 28, inclusive, and 39 to 68, inclusive, and SW¼NE¼;
Sec. 5, lots 5 to 36, inclusive;
Sec. 8, lots 10 to 23, inclusive, and 45 to 57, inclusive;
Sec. 10, lots 1 to 8, inclusive, lot 15, lots 25 to 36, inclusive, lots 61 to 64, inclusive, and lots 67, 69, and 114;
Sec. 13, lots 2 and 4, N½NW¼NE¼, SW¼NW¼NE¼, NW¼, and W½SE¼;
Sec. 14, lots 1 to 8, inclusive, NE¼SE¼, E½NW¼SE¼, SW¼NW¼SE¼, N½SE¼SE¼, and SE¼SE¼SE¼;
Sec. 24, N½NE¼NW¼, SW¼NE¼NW¼, and NW¼NW¼.
T. 14 S., R. 13 E.,
Sec. 33, SW¼NW¼.
T. 15 S., R. 13 E.,
Sec. 4, lots 57 to 64, inclusive, and 65 to 72, inclusive;
Sec. 6, lot 37;
Sec. 7, lot 57;
Sec. 19, lots 45 to 76, inclusive, and SW¼NW¼.

This includes 2,009.32 acres of public land.

5. Information concerning the lands may be received by inquiry or inspection of records at the Phoenix District Office, Bureau of Land Management, 2929 West Clarendon Avenue, Phoenix, Ariz., or the Land Office, Bureau of Land Management, Federal Building, 230 North First Avenue, Phoenix, Ariz.

6. For a period of 30 days, interested parties may submit comments to the Secretary of the Interior, LLM 320, Washington, D.C. 20240 (43 CFR 2411.1-2 (d)).

GLENDON E. COLLINS,
Acting State Director.

[F.R. Doc. 70-5648; Filed, May 7, 1970; 8:46 a.m.]

CALIFORNIA

Notice of Filing of State Protraction Diagram

MAY 1, 1970.

Notice is hereby given that effective June 8, 1970, the following protraction diagram, approved June 18, 1965, is officially filed and of record in the Riverside District and Land Office. In accordance with Title 43, Code of Federal Regulations, this protraction will become the basic record for describing the land for all authorized purposes at and after 10 a.m. on the above effective date. Until this date and time, the diagram has been placed in the open files and is available to the public information only.

CALIFORNIA PROTRACTION DIAGRAM NO. 24
SAN BERNARDINO MERIDIAN, CALIFORNIA

T. 15 S., R. 18 E.,
Secs. 1, 2, and 12.
T. 15 S., R. 19 E.,
Sec. 7, W½, SE¼;
Sec. 8, S½;
Sec. 17;
Sec. 21, W½, SE¼;
Sec. 22, S½;
Sec. 25, S½;
Sec. 26, W½, SE¼;
Sec. 27;
Secs. 34 and 35;
Secs. 37 to 60, inclusive.
T. 16 S., R. 19 E.
Secs. 1, 2 and 12.
T. 16 S., R. 20 E.,
Sec. 6, SE¼;
Sec. 7, W½, SE¼;
Sec. 17, W½, SE¼;
Sec. 18;
Secs. 20 and 21;
Secs. 26 to 29, inclusive;
Secs. 33 to 35, inclusive;
Secs. 37 to 60, inclusive.
T. 17 S., R. 20 E.,
Secs. 1 to 3, inclusive.

Copies of this diagram are for sale at two dollars ($2) each by the Survey Records Office, Bureau of Land Management, Room 2807, Federal Office Building, 2800 Cottage Way, Sacramento, Calif. 95825, and the District and Land Office, Bureau of Land Management, 1414 University Avenue, Post Office Box 723, Riverside, Calif. 92502.

WALTER F. HOLMES,
Assistant Land Office Manager.

[F.R. Doc. 70-5679; Filed, May 7, 1970; 8:48 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

TOBACCO INSPECTION AND PRICE SUPPORT SERVICES

Notice of Public Hearings Regarding Applications

Notice is hereby given of public hearings to be held upon the applications of the following designated tobacco markets for additional inspection and price support services to cover one additional sale on each market:

Timmonsville Warehouse Association, Timmonsville, S.C., by Ray Baker, President. The hearing upon this application will be held May 13, 1970, at the Florence Country Club, Fairway Drive, Florence, S.C., beginning at 9:30 a.m., e.d.t.

Mullins Warehouse Association, Mullins, S.C., by J. L. Dew, President. The hearing upon this application will be held May 14, 1970, at the County Agricultural Building in Mullins, S.C., beginning at 9:30 a.m., e.d.t.

Farmville Tobacco Board of Trade, Farmville, N.C., by Robert P. Pierce, President. The

hearing upon this application will be held May 25, 1970, in the Courtroom, Municipal Building, Farmville, N.C., beginning at 9:30 a.m., e.d.t.

Danville Tobacco Association, Danville, Va., by W. N. Terry, Jr., President. The hearing upon this application will be held May 26, 1970, in the Federal Courtroom, U.S. Post Office Building, Danville, Va., beginning at 9:30 a.m., e.d.t.

South Boston Warehouse Association, South Boston, Va., by P. C. Edmunds III, President. The hearing upon this application will be held May 27, 1970, at the Vaughan National Guard Armory, South Boston, Va., beginning at 9:30 a.m., e.d.t.

Winston-Salem Warehouse Association, Inc., Winston-Salem, N.C., by W. C. Sheets, President. The hearing upon this application will be held May 28, 1970, at the Forsyth County Agricultural Building, 537 North Spruce Street, Winston-Salem, N.C., beginning at 9:30 a.m., e.d.t.

The aforesaid public hearings will be conducted and evidence received pursuant to the joint policy statement and regulations governing the extension of tobacco inspection and price support services to new markets and to additional sales on designated markets, as amended, effective September 10, 1969 (7 CFR Part 29, Subpart A, 34 F.R. 14461).

Done at Washington, D.C., this 6th day of May 1970.

CLIFFORD M. HARDIN,
Secretary of Agriculture.

[F.R. Doc. 70-5737; Filed, May 7, 1970; 8:50 a.m.]

DEPARTMENT OF COMMERCE

Bureau of International Commerce

[Case No. 404]

ME-RA-OY MUUNTAJATEHDAS AND JOUKO SATUKANGAS

Order Denying Export Privileges

In the matter of Me-Ra-Oy Muuntajatehdas and Jouko Satukangas Lonnrotinkatu 32D, Helsinki 18, Finland, respondents.

By charging letter dated March 3, 1970, the above respondents were charged by the Director, Investigations Division, Office of Export Control with a violation of the Export Control Act of 1949[1] and regulations thereunder. The charging letter was duly served and the respondents failed to answer, and pursuant to § 388.4(a) of the Export Control Regulations they were held to be in default. The case was referred to the Compliance Commissioner and evidence in support of the charges was presented to him.

The charging letter alleges in substance as follows: Respondents executed a Single Transaction Statement by Consignee and Purchaser (hereinafter referred to as end-use statement) for submission to Office of Export Control in support of an application for an export license; in said end-use statement respondents certified and represented that the commodities to be exported would be used in their factory in Helsinki, Finland, for the production or manufacture of instruments; they also certified and represented that they would promptly send a supplemental statement to the United States exporter disclosing any change of facts or intentions set forth in the statement which occurred after the statement had been prepared and forwarded; relying on these representations the Office of Export Control issued a validated export license under which the goods were exported to respondents; after arrival of the goods in Finland the respondents, without sending a supplemental statement to the U.S. exporter or the Office of Export Control, turned them over to an individual who was subject to an order denying participation in U.S. export trade. It is further alleged that if the respondents had forwarded the required supplemental information disclosing the identity of the party to whom they would turn over the goods, the Office of Export Control would not have authorized such disposition.

The Compliance Commissioner considered the evidence and has reported the findings of fact and findings that a violation occurred, and he recommended that a sanction denying export privileges be imposed.

After considering the record I confirm and adopt the findings of fact of the Compliance Commissioner which are as follows:

Findings of fact. 1. The respondent Me-Ra-Oy Muuntajatehdas is a Finnish stock company with a place of business in Helsinki. The company is engaged in the manufacture and repair of transformers and also fabricate sheet metal products. The respondent Jouko Satukangas controls the firm and is the managing director. The transaction hereinafter described was carried out by Satukangas on behalf of the company.

2. On August 4, 1967, the respondents ordered from a U.S. supplier certain strategic commodities (two resolvers and two motor tachometer generators) valued at approximately $900. The respondents at the same time submitted to the supplier an executed Form FC-842, Single Transaction Statement by Consignee and Purchaser (end-use statement). This form was signed by Satukangas on behalf of Me-Ra-Oy. This statement, as shown thereon, was to be submitted by the supplier to the Office of Export Control in support of an application for an export license.

3. In the end-use statement respondents represented, among other things, that the commodities that they ordered and which were described in said statement, would be used by them in their factory in Helsinki in the production or manufacture of instruments. In said statement the respondents also certified that they would promptly send a supplemental statement to the supplier disclosing any change of facts or intentions set forth in the statement which would occur after the statement had been prepared and forwarded.

4. On August 21, 1967, the U.S. supplier submitted to the Office of Export Control an application for a license to export to respondent Me-Ra-Oy the commodities ordered by respondents and in support thereof submitted the end-use statement which respondents had furnished. In reliance on the representations and certifications in said end-use statement, the Office of Export Control issued a validated export license authorizing the supplier to export the commodities in question to Me-Ra-Oy.

5. The commodities were exported by the U.S. supplier to respondents in Helsinki on October 6, 1967. On arrival of the commodities in Helsinki respondents turned the two generators over to Ilmari Kokkonen, an individual who had been denied all privileges of participating in U.S. export transactions (31 F.R. 13939). The respondents did not send a supplemental statement to the supplier or otherwise notify it or the Office of Export Control of any change of facts or intentions set forth in the end-use statement.

6. The failure of respondents to send the aforesaid supplemental statement precluded the Office of Export Control from taking appropriate action to prevent the disposition of the generators contrary to the U.S. Export Control Regulations.

Based on the foregoing I have concluded that the respondents violated § 387.5(c) of the U.S. Export Control Regulations in that they failed to notify the U.S. supplier or the Office of Export Control of any change of material facts or intentions that were set forth in the end-use statement which they made in support of the application for a validated export license.

Now, after considering the record in the case and the report and recommendation of the Compliance Commissioner and being of the opinion that the following sanction should be imposed to achieve effective enforcement of the law:

It is hereby ordered:

I. All outstanding validated export licenses in which respondents appear or participate in any manner or capacity are hereby revoked and shall be returned forthwith to the Bureau of International Commerce for cancellation.

II. Except as qualified in paragraph IV hereof, the respondents for the period of 3 years are hereby denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction involving commodities or technical data exported from the United States, in whole or in part, or to be exported, or which are otherwise subject to the Export Control Regulations. Without limitation of the generality of the foregoing, participation prohibited in any such transaction, either in the United States or abroad, shall include participation: (a) As a party or as a representative of a party to any validated export

[1] This Act has been succeeded by the Export Administration Act of 1969, Public Law 91-184, approved Dec. 30, 1969. Section 13(b) of the new Act provides, "All outstanding delegations, rules, regulations, orders, licenses, or other forms of administrative action under the Export Control Act of 1949 * * * shall, until amended or revoked, remain in full force and effect, the same as if promulgated under this Act".

license application; (b) in the preparation or filing of any export license application or reexportation authorization, or document to be submitted therewith; (c) in the obtaining or using of any validated or general export license or other export control documents; (d) in the carrying on of negotiations with respect to, or in the receiving, ordering, buying, selling, delivering, storing, using, or disposing of any commodities or technical data; (e) in the financing, forwarding, transporting, or other servicing of such commodities or technical data.

III. Such denial of export privileges shall extend not only to the respondents, but also to their successors, representatives, agents, and employees, and also to any person, firm, corporation, or other business organization with which they now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade or services connected therewith.

IV. One year after the effective date of this order the respondents may apply to have the effective denial of their export privileges held in abeyance while they remain on probation. Such application as may be filed shall be supported by evidence showing respondents' compliance with the terms of this order and such disclosure of their import and export transactions as may be necessary to determine their compliance with this order. Such application will be considered on its merits and in the light of conditions and policies existing at that time. The respondents' export privileges may be restored under such terms and conditions as appear to be appropriate.

V. During the time when the respondents or other person within the scope of this order are prohibited from engaging in any activity within the scope of Part II hereof, no person, firm, corporation, partnership, or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Bureau of International Commerce, shall do any of the following acts, directly or indirectly, in any manner or capacity, on behalf of or in any association with the respondents or other persons denied export privileges within the scope of this order, or whereby the respondents or such other persons may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly: (a) Apply for, obtain, transfer, or use any license, Shipper's Export Declaration, bill of lading, or other export control document relating to any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States, by, to, or for any such respondents or other person denied export privileges within the scope of this order; or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance or otherwise service or participate in any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States.

This order shall become effective on May 8, 1970.

Dated: May 1, 1970.

SHERMAN R. ABRAHAMSON,
Acting Director,
Office of Export Control.

[F.R. Doc. 70-5650; Filed, May 7, 1970; 8:46 a.m.]

ATOMIC ENERGY COMMISSION

[Dockets Nos. 50-358, 50-359]

CINCINNATI GAS & ELECTRIC CO. ET AL.

Notice of Receipt of Application for Construction Permits and Facility Licenses

The Cincinnati Gas & Electric Co. (Cincinnati), Fourth and Main Streets, Cincinnati, Ohio 45202; Columbus and Southern Ohio Electric Co. (Columbus), 215 North Front Street, Columbus, Ohio 43215; and The Dayton Power and Light Co. (Dayton), 25 North Main Street, Dayton, Ohio 45401, pursuant to section 104(b) of the Atomic Energy Act of 1954, as amended, have filed an application dated April 6, 1970, for construction permits and facility licenses to authorize construction and operation of two single cycle, forced circulation, boiling water nuclear reactors on a site on the east shore of the Ohio River, just north of Moscow and about 24 miles southeast of Cincinnati, in Washington Township, Clermont County, Ohio.

The proposed reactors, designated by the applicants as the Wm. H. Zimmer Nuclear Power Station Units 1 and 2 (Zimmer Station), are each designed for initial operation at approximately 2,436 megawatts (thermal), with a net electrical output of approximately 807 megawatts per unit.

Cincinnati, Columbus, and Dayton will share undivided ownership of the proposed Zimmer Station as tenants in common, and will share in the engineering and construction costs in proportion to their ownership interests as set forth in the application. Cincinnati, acting for itself and as agent for Columbus and Dayton, will have responsibility for the design, construction and operation of Zimmer Station.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 4th day of May 1970.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[F.R. Doc. 70-5630; Filed, May 7, 1970; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 18842, etc.; FCC 70-451]

BUFFALO BROADCASTING CO. ET AL.

Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues

In regard applications of Herbert Gross, trading as Buffalo Broadcasting Co., Buffalo, Minn., Requests: 1360 kc, 500 w, Day, Docket No. 18842, File No. BP-17718; Wright County Radio, Inc., Buffalo, Minn., Requests: 1360 kc, 500 w, Day, Docket No. 18843, File No. BP-18005; W. H. Blattner, Sr., trading as Wright County Broadcasting Co., Buffalo, Minn., Requests: 1360 kc, 500 w, DA, Day, Docket No. 18844, File No. BP-18238; for construction permits.

1. The Commission has before it for consideration the above-captioned mutually exclusive applications.

2. In its Public Notice on Broadcast Applicant's Ascertainment of Community Needs, FCC 68-847, released August 22, 1968, 13 RR d 1903, in City of Camden, et al., 18 FCC 2d 412, 16 RR 2d 555, and more recently in its Primer on Ascertainment of Community Problems by Broadcast Applicants, FCC 69-1402, released December 19, 1969, the Commission stated that applicants were expected to provide full information as to their awareness of local community needs and interests. Having determined what those needs were, applicants were expected to evaluate the relative importance of the problems and take them into consideration when formulating the proposed station's programs. Examination of the Buffalo Broadcasting proposal, however, indicates that the applicant has made, at best, no more than a cursory attempt to meet these requirements. Accordingly, a Suburban[1] issue will be included.

3. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, because of their mutual exclusivity, they must be designated for hearing in a consolidated proceeding on the issues set forth below.

4. *Accordingly, it is ordered,* That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the efforts made by Buffalo Broadcasting Co., to ascertain the community needs and interests of the area to be served and the means by which the applicant proposes to meet those needs and interests.

2. To determine which of the proposals would, on a comparative basis, best serve the public interest.

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[1] Suburban Broadcasters, 30 FCC 1020, 20 RR 951 (1961).

3. To determine, in the light of the evidence adduced pursuant to the foregoing issues which of the applications should be granted.

5. *It is further ordered*, That, in the event of a grant of the application of Buffalo Broadcasting Co., the construction permit shall contain the following condition: Before program tests are authorized, permittee shall submit a nondirectional proof of performance to establish that the RMS field has been reduced to 175 mv/m/kw, as proposed.

6. *It is further ordered*, That, in the event of a grant of the application of Wright County Radio, Inc., the construction permit shall contain the following condition: Permittee shall install an approved type frequency monitor.

7. *It is further ordered*, That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

8. *It is further ordered*, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: April 29, 1970.

Released: May 5, 1970.

FEDERAL COMMUNICATIONS COMMISSION,[2]

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 70-5670; Filed, May 7, 1970; 8:48 a.m.]

[Dockets Nos. 18782, 18783; FCC 70-411]

MARTIN LAKE BROADCASTING CO. AND CLANTON BROADCASTING CORP.

Memorandum Opinion and Order Modifying Designation Order

In regard applications of Martin Lake Broadcasting Co., Alexander City, Ala., Docket No. 18782, File No. BP-17280; Clanton Broadcasting Corp., Clanton, Ala., Docket No. 18783, File No. BP-17687; for construction permits.

1. By a memorandum opinion and order, FCC 70-54, 21 FCC 2d 180, adopted January 14, 1970, the above-captioned mutually exclusive applications were designated for consolidated hearing. Among the issues specified against the Clanton Broadcasting Corp. (Clanton) application were a strike issue and a cross-interest issue. In designating the cross-interest issue, we found that Clanton's principals have interests in other broadcast stations in the area and that these stations and Station WETU, Wetumpka, Ala., form a chain of 1 mv/m overlap with each other and with Clanton's proposal. As to the strike issue, we concluded that there are substantial unresolved questions concerning the real motives of Clanton in filing its application, and that "further inquiry into the applicant's principals' other broadcast connections and activities in the area should shed further light in these matters."

2. Presently before us are the following pleadings: (a) Motion to specify additional parties to the proceeding filed February 16, 1970, by the Chief, Broadcast Bureau; (b) a response to this motion filed March 17, 1970, by Piedmont Service Corp., Radio Alabama, Inc., Elmore Service Corp., and Radio Alabama Network; (c) a motion to strike filed March 4, 1970, by Clanton Broadcasting Corp.; and (d) an opposition thereto filed March 13, 1970, by the Chief, Broadcast Bureau. Also before the Commission is a motion for leave to file a supplemental pleading, accompanied by such pleading, filed April 14, 1970, by Piedmont Service Corp., Radio Alabama, Inc., Elmore Service Corp., and Radio Alabama Network. The motion is granted, and the supplemental pleading has been considered.

3. The Broadcast Bureau (Bureau) now requests that the following be made parties to the proceeding for the limited purpose of resolving the strike and cross-interest issues: Piedmont Service Corp. (Piedmont), licensee of Stations WRFS and WRFS-FM, Alexander City, Ala.; Radio Alabama, Inc. (Radio Alabama), licensee of Station WNUZ, Talladega, Ala.; Elmore Service Corp. (Elmore), licensee of Station WETU, Wetumpka, Ala.; and the Radio Alabama Network (Network). The Bureau argues that in resolving issues such as these, it is Commission policy to make those licensees in which the applicant's principals have interests parties to the proceeding. This is done, the Bureau contends, so that the implications flowing from such relationships can be thoroughly explored in the evidentiary hearing process. In requesting that Radio Alabama Network be made a party, the Bureau points out that recently obtained information indicates that Stations WRFS, WNUZ, and WETU are all members of Network, which is a sales agency offering discount rates to all member stations in handling their listings, schedulings, trafficking and billings; that James Whatley holds executive positions in both Network, Elmore, Radio Alabama, and Station WRFS; that Network is operated from the facilities of Station WRFS; and that, therefore, Network should be made a party so that inquiry can be made into these broadcast connections and activities.

4. Piedmont, Radio Alabama, Elmore, and Network (hereinafter referred to as Piedmont et al.) in response to the Bureau's motion, argue that the cross-interest and strike issues designated against Clanton should be deleted.[1] If the issues are not deleted, however, then they agree that all of the above, except Network, should be made parties. In support of the contention that the issues should be deleted, Piedmont et al. state that they are not privy in any manner to the Clanton application and that they have not tendered any financial support for Clanton's application. Affidavits and financial data, attesting to these alleged facts, are attached to their pleading. Piedmont et al. further state that if the Clanton application is granted, it is expected that the principals of Clanton will terminate their current employment with Stations WNUZ and WRFS. Finally, they argue that even if the cross-interest and strike issues are not deleted, Network should not be made a party to the proceeding. Network, they maintain, is merely a trade name used by Mr. James W. Whatley, general manager of Station WRFS, to conduct a sales agency, which has been inactive for the past several years. In such circumstances, they contend that no purpose would be served by making Network a party.

5. Clanton has filed a request to strike the Bureau's motion to specify additional parties. Clanton argues that the Bureau's pleading is in effect a petition for reconsideration of the Commission's designation order; that it is contrary to the provisions of § 1.111 of the Commission rules governing petitions for reconsideration; and that, therefore, it should be striken. Clanton also maintains that if testimony is required from any of the principals of Stations WRFS, WETU, or WNUZ, such may be obtained without making the licensees of these station parties to the proceeding. In reply, the Bureau maintains that its motion is corrective in character and is not a request for reconsideration of the designation order. The Bureau also argues that Clanton's motion to strike has failed to address itself to the Bureau's pleading which properly calls the Commission's attention to a public interest question and policy concerning the addition of interested parties in an adjudicatory proceeding.

6. We disagree with Clanton's contention that the Bureau's motion is in effect a petition for reconsideration of a designation order and as such is contrary to the Commission's rules. As pointed out by the Bureau, its motion does not in any manner seek reconsideration of the designation order. Rather, the Bureau's request simply maintains that the parties which it seeks to have specified were inadvertently not named

[2] Commissioner Bartley absent; Commissioner Robert E. Lee concurring in the result.

[1] Multiple request pleadings of this type circumvent our procedural rules (§ 1.44) and are subject to dismissal inasmuch as they combine separate requests in one pleading requiring action by both the Commission and the Review Board; i.e., motions to delete hearing issues are matters which should be pleaded separately and with which the Review Board has been granted delegated authority to act (§§ 0.365 and 1.291 of the rules). Nonetheless, we have accepted the pleading on our own motion and have disposed of it on its merits.

in the designation order and that this oversight should now be corrected so that the hearing can proceed in the most expeditious manner.

7. We also do not agree with Piedmont et al. that the cross-interest and strike issues designated against Clanton should be deleted. When we designated this proceeding for evidentiary hearing, we concluded that unresolved public interest questions of fact were presented by Clanton's proposal both because of possible cross-ownership interests in area broadcasting stations and because of certain information brought to our attention concerning the purported motives and intent for the filing of the Clanton application. Nothing in the pleadings now before us indicates that this is no longer the case, and we believe that substantial public interest questions as herein presented should not be resolved solely on the basis of one party's pleadings to the exclusion of the hearing processes. Cf. for instance, Tinker, Inc. FCC 66-256, 2 FCC 2d 978. Accordingly, we find no reason for reversing our earlier determination to designate cross-interest and strike issues against the Clanton application.

8. After careful consideration, we have determined that the requested entities should be made parties to this proceeding for the purpose of resolving the strike and cross-interest issues designated against Clanton. In order properly to resolve these issues, the implications arising from the relationships between Clanton and those entities in which its principals have interests must be explored. This can be done most expeditiously by making such entities parties to the proceeding for the limited purpose of resolving the strike and cross-interest issues. Further, in view of the chain of 1 mv/m overlap involving the Clanton proposal and stations WNUZ, WRFS and WETU, and in view of the fact that the principals of these three stations are practically identical, we feel that the participation of these licensees are crucial to any reasoned determination of this proceeding. Though Radio Alabama Network is neither a Commission licensee nor does it have ownership interests in any of the above stations, there, nevertheless, is a definite relationship between one of its officers, James Whatley, on the one hand, and stations WRFS, WNUZ, WETU and Clanton on the other hand. For this reason, we believe that an inquiry into this relationship should shed further light on the cross-interest and strike issues designated against Clanton. Accordingly, we conclude that the public interest will be served by also making the Radio Alabama Network a party to the proceeding.

9. *Accordingly, it is ordered*, That the motion to specify additional parties to the proceeding, filed February 16, 1970, by the Chief, Broadcast Bureau, is granted; and that Piedmont Service Corp., Radio Alabama, Inc., Elmore Service Corp., and the Radio Alabama Network are made parties to this proceeding for the limited purpose of resolving issues 4 and 5, as designated in the Commission's memorandum opinion and order, FCC 70-54, 21 FCC 2d 180, adopted January 14, 1970.

10. *It is further ordered*, That the motion to strike, filed March 4, 1970, by Clanton Broadcasting Corp., is denied.

Adopted: April 22, 1970.

Released: April 28, 1970.

FEDERAL COMMUNICATIONS COMMISSION,[2]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 70-5669; Filed, May 7, 1970; 8:48 a.m.]

FEDERAL DEPOSIT INSURANCE CORPORATION

INSURED BANKS

Joint Call for Report of Condition

Pursuant to the provisions of section 7(a)(3) of the Federal Deposit Insurance Act, as amended (12 U.S.C. 1817(a)(3)), each insured bank is required to make a Report of Condition as of the close of business April 30, 1970, to the appropriate agency designated herein, within 10 days after notice that such report shall be made: *Provided*, That if such reporting date is a nonbusiness day for any bank, the preceding business day shall be its reporting date.

Each national bank and each bank in the District of Columbia shall make its original Report of Condition on Office of the Comptroller Form, Call No. 473,[1] and shall send the same to the Comptroller of the Currency, and shall send a signed and attested copy thereof to the Federal Deposit Insurance Corporation. Each insured State bank which is a member of the Federal Reserve System, except a bank in the District of Columbia, shall make its original Report of Condition on Federal Reserve Form 105—Call 195,[1] and shall send the same to the Federal Reserve Bank of the District wherein the bank is located, and shall send a signed and attested copy thereof to the Federal Deposit Insurance Corporation. Each insured State bank not a member of the Federal Reserve System, except a bank in the District of Columbia and a mutual savings bank, shall make its original Report of Condition on FDIC Form 64—Call No. 91,[1] and shall send the same to the Federal Deposit Insurance Corporation.

The original Report of Condition required to be furnished hereunder to the Comptroller of the Currency and a copy thereof required to be furnished to the Federal Deposit Insurance Corporation shall be prepared in accordance with "Instructions for preparation of Reports of Condition by National Banking Associations," dated June 1969, and any amendments thereto.[1] The original Report of Condition required to be furnished hereunder to the Federal Reserve Bank of the District wherein the bank is located and the copy thereof required to be furnished to the Federal Deposit Insurance Corporation shall be prepared in accordance with "Instructions for the preparation of Reports of Condition by the State Member Banks of the Federal Reserve System," dated June 1969, and any amendments thereto.[1] The original Report of Condition required to be furnished hereunder to the Federal Deposit Insurance Corporation shall be prepared in accordance with "Instructions for the preparation of Report of Condition on Form 64, by insured State banks not members of the Federal Reserve System," dated June 1969, and any amendments thereto.[1]

Each insured mutual savings bank not a member of the Federal Reserve System shall make its original Report of Condition on FDIC Form 64 (Savings),[1] prepared in accordance with "Instructions for the preparation of Report of Condition on Form 64 (Savings) and Report of Income and Dividends on Form 73 (Savings) by Mutual Savings Banks," dated December 1962, and any amendments thereto,[1] and shall send the same to the Federal Deposit Insurance Corporation.

FRANK WILLE,
Chairman, Federal Deposit Insurance Corporation.

WILLIAM B. CAMP,
Comptroller of the Currency.

J. L. ROBERTSON,
Vice Chairman, Board of Governors of the Federal Reserve System.

[F.R. Doc. 70-5631; Filed, May 7, 1970; 8:45 a.m.]

FEDERAL MARITIME COMMISSION

CANTON COMPANY OF BALTIMORE AND COTTMAN CO.

Notice of Agreement Filed

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

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreement, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the

[1] Filed as part of original document.

[2] Commissioners H. Rex Lee and Wells absent.

[1] Filed as part of original document.

matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

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

Notice of agreement filed for approval by:

Mr. Raymond S. Clark, President, Canton Company of Baltimore, 300 Water Street, Baltimore, Md. 21203.

Agreement No. T-2414 is a lease agreement between Canton Company of Baltimore (Canton) and The Cottman Co. (Cottman) covering pier facilities and appurtenances at Pier Z, Canton Terminal, Baltimore, Md. Cottman will receive, deliver, handle and store cargo and load and unload cargo from and to vessels at the leased facilities. Rental will be on an annual basis payable in equal monthly installments.

Dated: May 4, 1970.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[F.R. Doc. 70-5683; Filed, May 7, 1970; 8:49 a.m.]

[Docket No. 70-21]

DILLINGHAM LINE, INC.

Increases in Freight Charges in U.S. Pacific Coast/Hawaii Trade; Order of Investigation and Suspension

Dillingham Line, Inc., has filed with the Federal Maritime Commission various pages (see Appendix A)[1] to its Hawaii Freight Tariff No. 2, FMC-F No. 3 to become effective May 7 and May 8, 1970. These pages, among other things, generally increase rates and charges to Honolulu and establish different and higher rates and charges on cargo loaded or discharged at certain Hawaii Ports other than Honolulu.

Upon consideration of said tariff pages, and a protest thereto filed by the State of Hawaii, the Commission is of the opinion that the above designated tariff matter should be made the subject of a public investigation and hearing to determine whether it is unjust, unreasonable or otherwise unlawful under section 18(a) of the Shipping Act, 1916, and/or sections 3 and 4 of the Intercoastal Shipping Act, 1933, and good cause appearing therefore:

It is ordered, That pursuant to the authority of section 22 of the Shipping Act, 1916, and sections 3 and 4 of the Intercoastal Shipping Act, 1933, an investigation is hereby instituted into the lawfulness of said increased rates and charges, and the proposed new rates and charges, published on the tariff pages listed in appendix A[1] with a view to making such findings and orders in the premises as the facts and circumstances warrant. In the event the matter hereby placed under investigation is further changed, amended or reissued, such matter will be included in this investigation.

It is further ordered, That pursuant to section 3, Intercoastal Shipping Act, 1933, the pages listed in Appendix A[1] are suspended and the use thereof deferred to and including September 6, 1970, unless otherwise ordered by this Commission;

It is further ordered, That there shall be filed immediately with the Commission by Dillingham Line, Inc., a consecutively numbered supplement to the aforesaid tariff which supplement shall bear no effective date, shall reproduce the portion of this order wherein the suspended matter is described and shall state that the aforesaid matter is suspended and may not be used until September 7, 1970, unless otherwise authorized by the Commission; and the rates and charges or other provisions heretofore in effect, and which were to be changed by the suspended matter shall remain in effect during the period of suspension, and neither the matter suspended, nor the matter which is continued in effect as a result of such suspension, may be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission;

It is further ordered, That copies of this order shall be filed with the said tariff schedule in the Bureau of Domestic Regulation of the Federal Maritime Commission;

It is further ordered, That Dillingham Line, Inc. be named as respondent in this proceeding;

It is further ordered, That the State of Hawaii be named as a petitioner in accordance with the Commission's rules of practice and procedure;

It is further ordered, That this proceeding be assigned for public hearing before an examiner of the Commission's Office of Hearing Examiners and that the hearing be held at a date and a place to be determined and announced by the presiding examiner;

It is further ordered, That (I) a copy of this order be forthwith served upon the respondent and petitioner herein and published in the FEDERAL REGISTER, and (II) the said respondent and petitioner be duly served with notice of time and place of the hearing.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies) having an interest in this proceeding and desiring to intervene therein, should notify the Secretary of the Commission promptly and file petitions for leave to intervene in accordance with Rule 5(1) of the Commission's rules of practice and procedure (46 CFR 502.72) with a copy to all parties to this proceeding.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

[F.R. Doc. 70-5687; Filed, May 7, 1970; 8:49 a.m.]

[1] Filed as part of the original document.

PORT OF OAKLAND AND HOWARD TERMINAL

Notice of Agreement Filed

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

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

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

Notice of agreement filed for approval by:

Mr. John E. Nolan, Deputy Port Attorney, Port of Oakland, 66 Jack London Square, Post Office Box 2064, Oakland, Calif. 94607.

Agreement No. T-1701-3, between the Port of Oakland, Calif. (Port), and Howard Terminal (Howard) modifies the basic agreement which provides for the preferential assignment to Howard of certain premises leased from the Port. The purpose of the modification is to revise the basic agreement with respect to the construction of improvements and the sharing of the cost thereof.

Dated: May 4, 1970.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[F.R. Doc. 70-5684; Filed May 7, 1970; 8:49 a.m.]

PORT OF SEATTLE AND CARGILL, INC.

Notice of Agreement Filed

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

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1505 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

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

Notice of agreement filed for approval by:

Mr. T. P. McCutchan, Manager, Property Management Department, Port of Seattle, Post Office Box 1209, Seattle, Wash. 98111.

Agreement No. T-2161-2, between the Port of Seattle and Cargill Inc., modifies the basic agreement which provides for the construction and lease of a grain elevator and terminal facilities at Seattle. The purpose of the modification is to provide for a sub-lease of office space for the State's Grain Inspector and make certain adjustments in the rental provisions of the basic lease.

Dated: May 4, 1970.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[F.R. Doc. 70-5685; Filed, May 7, 1970; 8:49 a.m.]

SOUTHERN CALIFORNIA PORTS

Notice of Agreement Filed

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

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

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

Notice of agreement filed for approval by:

Mr. William Manns, Manns, Manns & Lande, 430 North Rodeo Drive, Beverly Hills, Calif. 90210.

Agreement No. T-2410 is a cooperative working agreement between seven terminal operators and/or stevedores at various locations in southern California. It provides for the exchange and interchange of stevedoring equipment among the members. Any concern engaged in the stevedoring or terminal business at locations on the Pacific Ocean in southern California, and meeting the requirements of the Association, may become a party to the agreement.

Dated: May 4, 1970.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[F.R. Doc. 70-5686; Filed, May 7, 1970; 8:49 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP70-250]

CONSOLIDATED GAS SUPPLY CORP. ET AL.

Notice of Joint Application

APRIL 30, 1970.

Take notice that on April 21, 1970, Consolidated Gas Supply Corp. (Consolidated), 445 West Main Street, Clarksburg, W. Va. 26301, Tennessee Gas Pipeline Co., a division of Tenneco Inc. (Tennessee), Post Office Box 2511, Houston, Tex. 77001, and United Natural Gas Co. (United), 308 Seneca Street, Oil City, Pa. 16301, filed in Docket No. CP70-250 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities, all as more fully set forth in the application which is on file with the Commission and open for public inspection.

The Applicants state that they have entered into a 3 year agreement of additional development of the Ellisburg Storage Field to increase the developed top and base storage capacities of the field, increase the total field deliverability to 500,000 Mcf per day and to permit Consolidated to use its share of the available horsepower to relay gas through its transmission system when such horsepower is not required for storage injections or withdrawals. The Applicants further state that additional top storage capacity is to be provided in the amount of 10,485,000 Mcf to Tennessee and 5,330,000 Mcf for United. No additional top storage capacity is proposed for Consolidated.

The Applicants propose to construct and operate one new 3,400 horsepower engine at the Consolidated-Tennessee compressor station and two additional 2,000 horsepower engines at United's compressor station. Additional well lines and 22 new wells will also be required by the Applicants and are proposed to be added to the jointly owned gathering system.

The total estimated cost of the proposed facilities is $9,494,559, which will be financed jointly by general funds supplemented by revolving credit agreements or security issue.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 22, 1970, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

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

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

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-5657; Filed, May 7, 1970; 8:47 a.m.]

FEDERAL RESERVE SYSTEM

BRENTON BANKS, INC.

Order Approving Acquisition of Bank Stock by Bank Holding Company

In the matter of the application of Brenton Banks, Inc., Des Moines, Iowa, for approval of acquisition of 98 percent of the voting shares of Northwest Brenton Bank and Trust Co., Urbandale, Iowa, a proposed new bank.

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 Brenton Banks, Inc., Des Moines, Iowa (applicant), a registered bank holding company, for the Board's prior approval of the acquisition of 98 percent of the voting shares of Northwest Brenton Bank and Trust Co., Urbandale, Iowa, a proposed new bank.

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Superintendent of the Department of Banking for the State of Iowa and requested his views and recommendation. The Superintendent, having tentatively approved the chartering of the new bank with knowledge that it was proposed that the bank become a subsidiary of applicant, did not submit comments to the Board on the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on February 19, 1970 (35 F.R. 3190), which provided 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. The time for filing comments and views has expired and all those received have been considered by the Board.

The Board has considered the application in the light of the factors set forth in section 3(c) of the Act, including the effect of the proposed acquisition on competition, the financial and managerial resources of the Applicant and the banks concerned, and the convenience and needs of the communities to be served, and finds that:

Applicant, the second largest bank holding company and the third largest banking organization in Iowa, has 14 subsidiary banks with $156 million in deposits, which represent 2.7 percent of the total deposits for the State. (All banking data are as of June 30, 1969, adjusted to reflect bank holding company formations and acquisitions approved by the Board to date.) One of Applicant's subsidiary banks has operated a limited-service office in Urbandale since 1959. Iowa banking laws prohibit the continued operation of this branch in the event that any other bank is established with headquarters in the town. Applicant proposes to establish and acquire a new full-service bank in expanded quarters at the present location of its subsidiary's branch, and to discontinue operations of the latter. Consummation of the proposal would not eliminate present competition or foreclose potential competition, and it does not appear that it would adversely affect present or potential competitors in the area involved.

On the basis of the foregoing, the Board concludes that consummation of Applicant's proposal would not have an adverse effect on competition in any relevant area. The banking factors, as applied to the facts of record, are consistent with approval of the application. Consummation of the proposal would afford the Urbandale area the convenience of complete banking srvices, and that consideration weighs in favor of approval action. It is the Board's judgment that the proposed transaction would be in the public interest, and that the application should be approved.

It is hereby ordered, For the reasons set forth above, that said application be and hereby is approved, provided that the 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 Chicago pursuant to delegated authority.

By order of the Board of Governors,[1] April 29, 1970.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[F.R. Doc. 70-5634; Filed, May 7, 1970; 8:45 a.m.]

FIRST FLORIDA BANCORPORATION

Order Approving Acquisition of Bank Stock by Bank Holding Company

In the matter of the application of First Florida Bancorporation, Tampa, Fla., for approval of acquisition of 80 percent or more of the voting shares of Liberty National Bank of St. Petersburg, St. Petersburg, 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 Florida Bancorporation, Tampa, Fla. (applicant), a registered bank holding company, for the Board's prior approval of the acquisition of 80 percent or more of the voting shares of Liberty National Bank of St. Petersburg, St. Petersburg, Fla. ("Bank").

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Comptroller of the Currency and requested his views and recommendation. The Comptroller recommended approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on March 6, 1970 (35 F.R. 4231), providing 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.

The Board has considered the application in the light of the factors set forth in section 3(c) of the Act including the effect of the proposed acquisition on competition, the financial and managerial resources of the applicant and the banks concerned, and the convenience and needs of the communities to be served and finds that:

Applicant presently controls 16 banks which hold deposits of $333 million, representing 2.9 percent of total deposits held by Florida's commercial banks. Its share of State deposits would increase to 3 percent as a result of the acquisition of Bank ($16 million deposits), and applicant would remain the sixth largest banking organization in the State. There is no significant competition between Bank and applicant's present subsidiary banks, the nearest office of which is located in Tampa, 21 miles northeast of Bank. It does not appear that consummation of this proposal would eliminate existing competition or foreclosure significant potential competition, or that the viability or competitive effectiveness of any other bank would be adversely affected.

Based upon the foregoing, the Board concludes that consummation of the proposed acquisition would not have an adverse effect on competition in any relevant market. The financial condition and management of applicant's group and Bank are satisfactory, and the prospects for each appear favorable. Considerations concerning community convenience and needs weigh in favor of approval of the application, because of the expanded services that would be made available by Bank, one of the smallest banks in St. Petersburg. It is the Board's judgment that the proposed transaction would be in the public interest, and that the application should be approved.

It is hereby ordered, For the reasons set forth above, that said application be and hereby is approved, provided that the 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.

[1] Voting for this action: Chairman Burns and Governors Robertson, Maisel, and Brimmer. Absent and not voting: Governors Mitchell, Daane, and Sherrill.

By order of the Board of Governors,[1] April 29, 1970.

[SEAL] KENNETH A. KENYON, *Deputy Secretary.*

[F.R. Doc. 70-5635; Filed, May 7, 1970; 8:45 a.m.]

MARSHALL & ILSLEY BANK STOCK CORP.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made, pursuant to section 3(a) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)), by Marshall & Ilsley Bank Stock Corp., which is a bank holding company located in Milwaukee, Wis., for prior approval by the Board of Governors of the acquisition by applicant of 80 percent or more of the voting shares of Ripon State Bank, Ripon, Wis.

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

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

(2) Any other proposed acquisition or merger or consolidation under section 3 whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless the Board finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

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

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

By order of the Board of Governors, May 1, 1970.

[SEAL] KENNETH A. KENYON, *Deputy Secretary.*

[F.R. Doc. 70-5636; Filed, May 7, 1970; 8:45 a.m.]

[1] Voting for this action: Chairman Burns and Governors Robertson, Maisel, and Brimmer. Absent and not voting: Governors Mitchell, Daane, and Sherrill.

INSURED BANKS

Joint Call for Report of Condition

CROSS REFERENCE: For a document relating to a joint call for report of condition of insured banks, see F.R. Doc. 70-5631, Federal Deposit Insurance Corporation, *supra.*

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING EMPLOYMENT OF LEARNERS AND STUDENT WORKERS 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.

Banj-O Manufacturing, Inc., Scranton, Pa.; 3-19-70 to 3-18-71; 10 learners (men's, ladies', and boys' jackets).

Capitol City Manufacturing Co., West Columbia, S.C.; 3-29-70 to 3-28-71 (women's dresses).

Carolina Sportswear Co., Warrenton, N.C.; 3-16-70 to 3-15-71 (men's and boys' knitted sportswear).

Charleston Manufacturing Co., Inc., Charleston Heights, S.C.; 3-24-70 to 3-23-71 (women's dresses).

Custom Sportswear, Inc., Reading, Pa.; 4-7-70 to 4-6-71 (men's, women's, and children's polo shirts).

Danville Manufacturing Co., Inc., Danville, Pa.; 3-26-70 to 3-25-71 (women's sleepwear).

Duquesne Manufacturing Co., New Kensington, Pa.; 4-1-70 to 3-31-71; 5 learners (women's and misses' dresses).

E & W of La Fayette, Inc., La Fayette, Ga.; 3-31-70 to 3-30-71 (men's shirts).

E & W of Monterey, Inc., Monterey, Tenn.; 3-30-70 to 3-29-71 (boys' sport shirts).

Fawn Grove Manufacturing Co., Inc., Fawn Grove, Pa.; 3-23-70 to 3-22-71 (men's and boys' trousers).

Glen of Michigan, Division of Glen Manufacturing, Inc., Manistee, Mich.; 4-3-70 to 4-2-71 (women's and misses' pants).

Granby Manufacturing Co., Granby, Mo.; 3-23-70 to 3-22-71 (men's trousers).

Granite Dress Corp., Fall River, Mass.; 4-7-70 to 4-6-71 (women's and misses' dresses).

Hagale Garment Manufacturing Co., Republic, Mo.; 4-6-70 to 4-5-71 (men's and boys' trousers).

Henson Garment Co., Athens, Ga.; 3-23-70 to 3-22-71 (men's and boys' dungarees).

Hicks Ponder Co., Del Rio, Tex.; 3-21-70 to 3-20-71 (men's and boys' jeans).

Indiana Sportswear Co., Indiana, Pa.; 4-7-70 to 4-6-71 (men's and boys' outerwear).

Kiski Valley Sportswear Co., Apollo, Pa.; 3-20-70 to 3-19-71; 10 learners (men's sport jackets).

Loris Manufacturing Co., Plant No. 2, Loris, S.C.; 3-31-70 to 3-30-71 (women's dresses, slacks, and shells).

Lowenstein Dress Corp., Fall River, Mass.; 4-2-70 to 4-1-71 (women's dresses).

Madill Manufacturing Co., Madill, Okla.; 4-7-70 to 4-6-71 (men's slacks).

Mullins Textile Mills Co., Division of Wonderknit Corp., Chadbourn, N.C.; 4-2-70 to 4-1-71 (men's and boys' shirts).

Pajama-Craft of North Carolina, Inc., Middlesex, N.C.; 4-3-70 to 4-2-71; 10 learners (men's and boys' pajamas).

Pass Christian Industries, Inc., Pass Christian, Miss.; 3-17-70 to 3-16-71 (men's shirts and ladies' blouses).

Peerless Sportswear Manufacturing Co., Wilkes-Barre, Pa.; 3-18-70 to 3-17-71 (women's slacks and shorts).

Princess Peggy, Inc., Belleville, Ill.; 4-10-70 to 4-9-71 (women's dresses, playsuits, jumpsuits, and culottes).

Reidbord Brothers Co., Plant No. 1, Elkins, W. Va.; 3-21-70 to 3-20-71 (men's work shirts and trousers).

J. H. Rutter Rex Manufacturing Co., Inc., Columbia, Miss.; 3-30-70 to 3-29-71 (men's and boys' shirts).

S. & S. Manufacturing Co., Inc., Spartanburg, S.C.; 4-8-70 to 4-7-71 (ladies' blouses and dresses).

Salant & Salant, Inc., Obion, Tenn.; 3-28-70 to 3-27-71 (men's, boys', juveniles', misses', and girls' western jeans).

Sancar Corp., Harrisonburg, Va.; 3-30-70 to 3-29-71 (ladies' underwear).

Shane Manufacturing Co., Inc., Men's Work Clothing Division, Evansville, Ind.; 4-1-70 to 3-31-71 (men's work clothing).

Henry I. Siegel Co., Inc., Whiteville, Tenn.; 4-1-70 to 3-31-71 (dungarees).

Solomon Brothers Co., Thomasville, Ala.; 3-19-70 to 3-18-71 (men's sport shirts).

Southland Manufacturing Co., Inc., Benson, N.C.; 3-31-70 to 3-30-71 (men's and boy's shirts).

Sportee Corp. of North Carolina, Clarkton, N.C.; 3-30-70 to 3-29-71 (women's slacks, blouses, capris, and jamaicas).

Levi Strauss & Co., Harrison, Ark.; 3-30-70 to 3-29-71 (men's and boys' pants).

Sunset Manufacturing Co., Inc., Pottstown, Pa.; 4-6-70 to 4-5-71 (ladies' dresses and uniforms).

Tom and Huck Togs, Inc., Columbus, Miss.; 4-2-70 to 4-1-71 (men's and boys' pants).

The Watson-Scott Co., Thomasville, Ga.; 4-10-70 to 4-9-71; 10 learners (work clothing).

Whitakers Garment Co., Inc., Whitakers, N.C.; 3-26-70 to 3-25-71 (children's dresses).

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

Charleston Manufacturing Co., Inc. Charleston Heights, S.C.; 3-24-70 to 9-23-70; 10 leaners (women's dresses).

Jonesville Industries, Inc., Jonesville, La.; 3-20-70 to 9-19-70; 40 learners (men's pants).

Kiski Valley Sportswear Co., Apollo, Pa.; 3-20-70 to 9-19-70; 8 learners (men's sport jackets).

Sudeer, Inc., Carbondale, Pa.; 4-7-70 to 10-6-70; 7 learners (children's dresses).

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

Brookville Glove Manufacturing Co., Inc., Brookville, Pa.; 3-27-70 to 3-26-71; 10 learners for normal labor turnover purposes (work gloves).

Galena Glove and Mitten Co., Dubuque, Iowa; 4-2-70 to 4-1-71; 10 learners for normal labor turnover purposes (work gloves).

Wells Lamont Corp., McGehee, Ark.; 4-10-70 to 4-9-71; 10 learners (leather work gloves).

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

Ashland Knitting Mills, Inc., Ashland, Pa.; 3-27-70 to 3-26-71; 5 percent of the total number of production workers for normal labor turnover purposes (infants', boys', misses', and ladies' cotton underwear).

Ellwood Knitting Mills, Inc., Ellwood City, Pa.; 3-24-70 to 3-23-71; 5 percent of the total number of production workers for normal labor turnover purposes (men's and boys' knitted sweaters, sweat shirts, and swim trunks).

Russell Mills, Inc., Montgomery, Ala.; 4-9-70 to 4-8-71; 5 percent of the total number of factory production workers for normal labor turnover purposes (T-shirts).

Spotlight Co., Inc., Ashdown, Ark.; 3-24-70 to 3-23-71; 5 percent of the total number of factory production workers for normal labor turnover purposes (women's lingerie and sleepwear).

The following learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods and the number of learners authorized to be employed, are indicated.

Central Knitting Mills, Inc., San German, P.R.; 3-9-70 to 3-8-71; 4 learners for normal labor turnover purposes in the occupation of knitters, for a learning period of 480 hours at the rates of $1.22 an hour for the first 240 hours and $1.39 an hour for the remaining 240 hours (full-fashioned knitted garments).

Conro Manufacturing Co. of Puerto Rico, Cabo Rojo, P.R.; 3-20-70 to 9-19-70; 20 learners for plant expansion purposes in the occupation of sewing machine operating, for a learning period of 320 hours at the rate of $1.17 an hour (boys' work jeans).

El Pinale, Inc., Caguas, P.R.; 2-26-70 to 2-25-71; 10 learners for normal labor turnover purposes in the occupation of machine stitching, for a learning period of 480 hours at the rates of $1.17 an hour for the first 240 hours and $1.30 an hour for the remaining 240 hours (ladies' fabric and leather gloves).

Maria Mills, Inc., Las Marias, P.R.; 3-16-70 to 9-15-70; 40 learners for plant expansion purposes in the occupation of sewing machine operating, for a learning period of 320 hours at the rate of $1.17 an hour (fatigues, military trousers and men's and boys' jeans).

Mesana Dyeing & Finishing Inc., Quebradillas, P.R.; 3-16-70 to 3-15-71; 13 learners for normal labor turnover purposes in the occupations of: (1) Machine stitching and pressing, for a learning period of 320 hours at the rates of $1.22 an hour for the first 160 hours and $1.39 an hour for the remaining 160 hours; and (2) kettle handlers and dyers, for a learning period of 240 hours at the rate of $1.22 an hour (sweaters, skirts, dresses and men's shirts).

Midland Knitting Mills, Inc., San German, P.R.; 3-9-70 to 3-8-71; 4 learners for normal labor turnover purposes in the occupation of knitters, for a learning period of 480 hours at the rates of $1.22 an hour for the first 240 hours and $1.39 an hour for the remaining 240 hours (full-fashioned knitted garments).

Northridge Knitting Mills, Inc., San German, P.R.; 3-9-70 to 3-8-71; 4 learners for normal labor turnover purposes in the occupation of knitters, for a learning period of 480 hours at the rates of $1.22 an hour for the first 240 hours and $1.39 an hour for the remaining 240 hours (full-fashioned knitted garments).

P. L. Manufacturing Co., Inc., Rio Grande, P.R.; 3-13-70 to 3-12-71; 10 learners for normal labor turnover purposes in the occupation of sewing machine operating, for a learning period of 320 hours at the rate of $1.08 an hour (men's cotton shirts).

Randy Knitting Mills, Inc., Quebradillas, P.R.; 3-5-70 to 3-4-71; 10 learners for normal labor turnover purposes in the occupations of: (1) Sweater knitting, for a learning period of 480 hours at the rates of $1.22 an hour for the first 240 hours and $1.39 an hour for the remaining 240 hours; and (2) machine stitching-seaming and hand sewing, each for a learning period of 320 hours at the rates of $1.22 an hour for the first 160 hour and $1.39 an hour for the remaining 160 hours (full-fashioned sweaters).

The following student-worker certificate was issued pursuant to the regulations applicable to the employment of student-workers (29 CFR 527.1 to 527.9). The effective and expiration date, occupations, wage rates, number of student-workers, and learning periods for the certificate issued under Part 527 are as indicated below.

San Pasqual Academy, Escondido, Calif.; 4-6-70 to 8-31-70; authorizing the employment of: (1) 40 student-workers in the bookbinding industry in the occupations of bookbinding, bindery worker and related skilled and semiskilled occupations, for a learning period of 600 hours at the rates of $1.40 an hour for the first 300 hours and $1.45 an hour for the remaining 300 hours; and (2) 60 student-workers in the clerical industry in the occupations of bookkeeper, stenographer and related skilled and semiskilled occupations, for a learning period of 480 hours at the rates of $1.40 an hour for the first 240 hours and $1.45 an hour for the remaining 240 hours.

The student-worker certificate was issued upon the applicant's representations and supporting materials fulfilling the statutory requirements for the issuance of such certificate, as interpreted and applied by Part 527.

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 1st of May 1970.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 70-5649; Filed, May 7, 1970; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATION FOR RELIEF

APRIL 28, 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. 41945—*Sulphur (Brimstone) from Cams, Tex.* Filed by Southwestern Freight Bureau, agent (No. B-150), for interested rail carriers. Rates on sulphur (brimstone), crude and refined in carloads, as described in the application, from Cams, Tex., to specified points in official territory.

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

Tariff—Supplement 70 to Southwestern Freight Bureau, agent, tariff ICC 4795.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 70-5676; Filed, May 7, 1970; 8:48 a.m.]

FOURTH SECTION APPLICATION FOR RELIEF

MAY 5, 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. 41948—*Phosphatic fertilizer solution to points in Wyoming.* Filed by O. W. South, Jr., agent (No. A6170), for interested rail carriers. Rates on phosphatic fertilizer solution, in tank carloads, as described in the application, from points in southern territory, to points in Wyoming.

Grounds for relief—Modified short-line distance formula and grouping.

Tariff—Supplement 56 to Southern Freight Association, agent, tariff ICC S-754.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 70-5677; Filed, May 7, 1970; 8:48 a.m.]

[Notice 530]

MOTOR CARRIER TRANSFER PROCEEDINGS

APRIL 30, 1970.

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

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

No. MC-FC-71996. By order of April 24, 1970, the Motor Carrier Board approved the transfer to Quick-Livick, Inc., Staunton, Va., of certificates No. MC-125076 (Sub-No. 3), MC-125076 (Sub-No. 4) and a portion of MC-125076 (Sub-No. 6) issued to Superior Bus Service, Inc., doing business as Travelines United, Knotts Island, N.C., authorizing the transportation of: Passengers and their baggage, and newspapers, over regular routes, between specified points in Virginia and West Virginia. L. C. Major, Jr., attorney at law, 421 King Street, Alexandria, Va. 22314.

No. MC-FC-72004. By order of April 28, 1970, the Motor Carrier Board approved the transfer to William D. Edwards, Conway, N.C., of the operating rights in permit No. MC-128834 issued February 29, 1968, to Bunch's Trucking, Inc., Murfreesboro, N.C., authorizing the transportation of dry fertilizer materials (except in bulk, in tank vehicles) from Chesapeake, Va., to points in Hertford, Northampton, Bertie, Gates, and Halifax Counties, N.C., for a specified shipper. Vaughan S. Winborne, 1108 Capital Club Building, Raleigh, N.C. 27601, attorney for applicants.

No. MC-FC-72067. By order of April 24, 1970, the Motor Carrier Board approved the transfer to Quick-Livick, Inc., Staunton, Va., of the operating rights in certificate No. MC-119889 issued June 15, 1966, to Gochenour Bus Service, Inc., Woodstock, Va., authorizing the transportation of passengers and their baggage, and express and newspapers in the same vehicle with passengers, between Winchester, Va., and Charles Town, W. Va., serving all intermediate points except points on U.S. Highway 11; and between Charles Town, W. Va., and junction U.S. Highway 340 and private road owned by the Charles Town Turf Club (formerly the Charles Town Jockey Club, Inc.), during the authorized racing season of the Charles Town Race Track, W. Va., serving no intermediate points, over specified regular routes; and passengers and their baggage in the same vehicle with passengers, in round trip charter operations, beginning and ending at points in Shenandoah County, Va., and extending to points in Kentucky, Maryland, New Jersey, New York, North Carolina, Pennsylvania, South Carolina, Tennessee, West Virginia, and the District of Columbia. L. C. Major, Jr., Suite 301 Tavern Square, 421 King Street, Alexandria, Va. 22314, attorney for applicants.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 70-5673; Filed, May 7, 1970; 8:48 a.m.]

[Notice 531]

MOTOR CARRIER TRANSFER PROCEEDINGS

MAY 4, 1970.

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

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

No. MC-FC-71904. By order of April 29, 1970, the Motor Carrier Board approved the transfer to Atlantic Storage & Transfer, Inc., Arlington, Mass., of the operating rights in certificate No. MC-20317, issued August 30, 1960, to Casey & Hayes, Inc., Arlington, Mass., authorizing the transportation of household goods between points in Suffolk County, Mass., on the one hand, and, on the other, points in Maine, New Hampshire, Rhode Island, Connecticut, New York, New Jersey, and Pennsylvania. Robert J. Gallagher, Suite 3020, 350 Fifth Avenue, New York, N.Y. 10001, attorney for applicants.

No. MC-FC-71955. By order of April 29, 1970, the Motor Carrier Board approved the transfer to W. V. Williams, doing business as Williams Transport, Granite City, Ill., of that portion of the operating rights in certificate No. MC-5606 issued November 9, 1965, to Albert T. Hamlet, Cameron, Mo., authorizing the transportation of general commodities, with usual exceptions, between Kansas City, Kans., and Cameron, Mo., serving no intermediate points. Einar Viren, 904 City National Bank Building, Omaha, Nebr. 68102, attorney for applicants.

No. MC-FC-72062. By order of April 29, 1970, the Motor Carrier Board approved the transfer to Young's Express, Inc., Millville, N.J., of the operating rights in certificate No. MC-107083 issued March 7, 1947 to John A. Young, doing business as Young's Express, Millville, N.J., authorizing the transportation of household goods, as defined by the Commission, between points in Cumberland, Salem, and Gloucester Counties, N.J., on the one hand, and, on the other, points in Pennsylvania, Maryland, Delaware, Virginia, West Virginia, New York, Connecticut, Rhode Island, Massachusetts, Ohio, and the District of Columbia. N. Douglas Russell, 706 North High Street, Millville, N.J. 08332, attorney for applicants.

No. MC-FC-72096. By order of April 29, 1970, the Motor Carrier Board approved the transfer to McNally Bros. Moving & Storage Co., Inc., Brooklyn, N.Y., of the operating rights in certificate No. MC-129463 issued September 9, 1969, to McNally Bros., Inc., Brooklyn, N.Y., authorizing the transportation of household goods between New York, N.Y., on the one hand, and, on the other, points in Connecticut, Maryland, New Jersey, New York, and Pennsylvania. Arthur J. Piken, 160-16 Jamaica Avenue, Jamaica, N.Y. 11432, attorney for applicants.

No. MC-FC-72097. By order of April 29, 1970, the Motor Carrier Board approved the transfer to Norman Poppe and Willis R. Poppe, a partnership, doing business as N & W Farms, Chester, Nebr., of the operating rights in certificate No. MC-77542 issued August 30, 1949, to Joe Novotny, Narka, Kans., authorizing the transportation of livestock, agricultural commodities, feed, building materials, hardware, agricultural implements and parts, wood, household goods, junk, agricultural machinery and parts, grain bins and parts, windmills, pumps, and tanks, from, to, or between specified points in Kansas, Nebraska, Iowa, and Missouri. John E. Jandera, 641 Harrison, Topeka, Kans. 66603, attorney for applicants.

No. MC-FC-72098. By order of April 28, 1970, the Motor Carrier Board approved the transfer to David W. Dodson, doing business as A-Emergency Tow Service, Kansas City, Mo., of the operating rights in certificate No. MC-116178 (Sub-No. 1) issued March 12, 1968, to David W. Dodson and Karl D. Crawford, a partnership, doing business as A-Emergency Tow Service, Kansas City, Mo., authorizing the transportation of wrecked, damaged or disabled motor vehicles and other specified commodities between points in Iowa, Kansas, Missouri, Nebraska, and Oklahoma. Frank W. Taylor, Jr., 1221 Baltimore Street, Kansas City, Mo. 64105, attorney at law, representative of applicants.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 70-5674; Filed, May 7, 1970; 8:48 a.m.]

[Notice 532]

MOTOR CARRIER TRANSFER PROCEEDINGS

MAY 5, 1970.

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

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

No. MC-FC-71845. By order of April 30, 1970, the Motor Carrier Board approved the transfer to Raymond L. Kutz, doing business as Kutz Brothers Truck Line, Box 14, Strong City, Kans. 66869, of the operating rights in certificates Nos. MC-44750, MC-44750 (Sub-No. 1), and MC-44750 (Sub-No. 2) issued April 24, 1942, April 5, 1942, and December 18, 1942, respectively, to Edmond Kutz and R. L. Kutz, a partnership, doing business as Kutz Brothers, Box 14, Strong City, Kans. 66869, authorizing the transportation of livestock, from Strong City, Kans., to Kansas City, Mo., and general commodities, with usual exceptions, from Kansas City, Mo., to Strong City, Kans., serving Kansas City, Kans., as an intermediate point and North Kansas City, Mo., as an off-route point, in each instance, and numerous specified commodities, including automobile batteries and tires, refrigerators, carbon dioxide gas in containers, and empty sugar barrels, between Kansas City, Mo., and Emporia, Kans., serving the intermediate point of Kansas City, Kans., and from Kansas City., Mo., to Cottonwood Falls, Kans.

No. MC-FC-72041. By order of April 30, 1970, the Motor Carrier Board approved the transfer to Dettinburn Trucking, Inc., Petersburg, W. Va., of the operating rights in certificates Nos. MC-126320 and MC-126320 (Sub-No. 2) issued February 18, 1965, and July 5, 1967, respectively, to Harold V. Dettinburn, doing business as Dettinburn Trucking, Petersburg, W. Va., authorizing the transportation of glass sand, burnt lime, limestone, rock dust, and lime, in bulk, in dump vehicles, burnt lime and rock dust, in bags, and lime, in bulk, from plantsites of German Valley Limestone Co. located at or near Riverton, W. Va., to Durbin, Elkins, and Petersburg, W. Va., restricted to traffic having a subsequent movement by rail; glass sand, burnt lime, limestone, rock dust, and lime, in bulk, in dump vehicles, burnt lime and rock dust, in bags, from the above-described plantsites to points in Kentucky, Maryland, Pennsylvania, Virginia, and Ohio (except points in Ashtabula, Cuyahoga, Lake, Summit, Muskingum, Licking, and Franklin and Wayne Counties, Ohio), and lime, in bulk, from said plantsites to points in Highland County, Va., and Allegany and Garrett Counties, Md.; and coal, from Cheat Bridge, W. Va., to Clearbrook, Va. D. L. Bennett, registered practitioner, 129 Edgington Lane, Wheeling, W. Va. 26003, attorney for applicants.

No. MC-FC-72105. By order of April 30, 1970, the Motor Carrier Board approved the transfer to Jacoby Transport System, Inc., Philadelphia, Pa., a portion of the operating rights in certificate No. MC-81412 (Sub-No. 1) issued December 24, 1968, to Valley Transfer & Storage Co., Inc., Pottsville, Pa., authorizing the transportation of structural steel, from Bethlehem, Pa., to points in New York, Connecticut, Rhode Island, Massachusetts, New Jersey, Delaware, Maryland, Virginia, and the District of Columbia. Paul Ribner, 400 Penn Square Building, Philadelphia, Pa. 19107, attorney for applicants.

No. MC-FC-72106. By order of April 30, 1970, the Motor Carrier Board approved the transfer to Stephen F. Bakos Sr., Chicopee, Mass., of certificate of registration No. MC-98420 (Sub-No. 1) issued August 15, 1968, to Ritz Trucking, Inc., Framingham, Mass., evidencing a right to engage in transportation in interstate commerce as described in Irregular Route Common Carrier Certificate No. 5090 dated August 18, 1942, transferred and reissued January 15, 1968, by the Massachusetts Department of Public Utilities. William L. Mobley, 1694 Main Street, Springfield, Mass. 01103, practitioner for transferee. James M. Sweeney, 24 Union Avenue, Framingham, Mass. 01701, attorney for transferor.

No. MC-FC-72109. By order of April 29, 1970, the Motor Carrier Board approved the transfer to Frank V. Gandola and William E. Geiselman, a partnership, doing business as World Travel Center, Cleveland, Ohio, of Broker License No. MC-130066 issued April 15, 1969, to Carefree Tours, Inc., South Euclid, Ohio, authorizing the holder thereof to engage in operations as a broker in arranging for the transportation of passengers and their baggage, in special operations, beginning and ending at points in Cuyahoga County, Ohio, and extending to points in the United States, including Alaska and Hawaii. Harvey Rieger, attorney at law, 900 One Public Square, Cleveland, Ohio 44113.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 70-5675; Filed, May 7, 1970; 8:48 a.m.]

[No. 35215]

NEW MEXICO INTRASTATE FREIGHT RATES AND CHARGES, 1970

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 pursuant to a petition filed January 5, 1970, by the common carriers by railroad operating within the State of New Mexico, the Commission, Division 2, by order dated March 4, 1970, instituted an investigation under section 13 of the Interstate Commerce Act into the matters and things presented in the petition, wherein it is alleged that the State Corporation Commission of New Mexico has refused to authorized or to permit increases in rates and charges on freight moving in intrastate commerce corresponding to those authorized by this Commission in Ex Parte No. 259, Increased Freight Rates, 1968, 332 ICC 590 and 714, and that petitioners also seek the further increasing of the intrastate rates and charges in the State of New Mexico to the level authorized by this Commission in Ex Parte No. 262, Increased Freight Rates, 1969, which became effective November 18, 1969, subject to investigation;

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 for the recommendation of an appropriate order thereon, accompanied by the reasons therefor; and for good cause shown:

It is ordered, That the above-entitled proceeding be, and it is hereby, referred to Hearing Examiner Daniel J. Davidson for hearing commencing on June 18, 1970, 9:30 a.m., d.s.t. (or 9:30 a.m., U.S. standard time, if that time is observed), in the New Mexico State Corporation Commission Hearing Room, Fourth Floor PERA Building, Santa Fe, N. Mex., and for recommendation of an appropriate order thereon, accompanied by the reasons therefor.

It is further ordered, That in the interest of expediting the hearing the respondents shall file with the Commission on or before June 1, 1970, three copies of their cost studies and any other studies they expect to submit into evidence at the hearing and at the same time, serve copies of said studies upon all protestants or persons in support thereof listed in Appendix A hereto, and any additional persons who make known their desire to actively participate in the proceeding on or before May 25, 1970, indicating where the underlying work papers will be available for inspection by any interested person desiring to do so during normal business hours.

It is further ordered, That respondents shall make copies of the work papers to such studies available for inspection at the scheduled hearing.

And it is further ordered, That a copy of this order be served upon the respondents and the protestants; that the State of New Mexico be notified by sending a copy of this order by certified mail to the Governor of New Mexico, Santa Fe, N. Mex., and a copy to the State Corporation Commission of New Mexico, Santa Fe, N. Mex.; and that further notice of this proceeding be given to the public by depositing a copy of this order in the Office of the Secretary of this Commission, 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 1st day of May 1970.

By the Commission, Commissioner Walrath.

[SEAL] H. NEIL GARSON, *Secretary.*

APPENDIX A

PROTESTANTS

State Corporation Commission of New Mexico, Howard A. Geis, Post Office Box 1269, Santa Fe, N. Mex. 87501.

Kennecott Copper Corp., Metal Mining Division, L. J. Souren, 161 East 42d Street, New York, N.Y. 10017.

[F.R. Doc. 70-5678; Filed, May 7, 1970; 8:48 a.m.]

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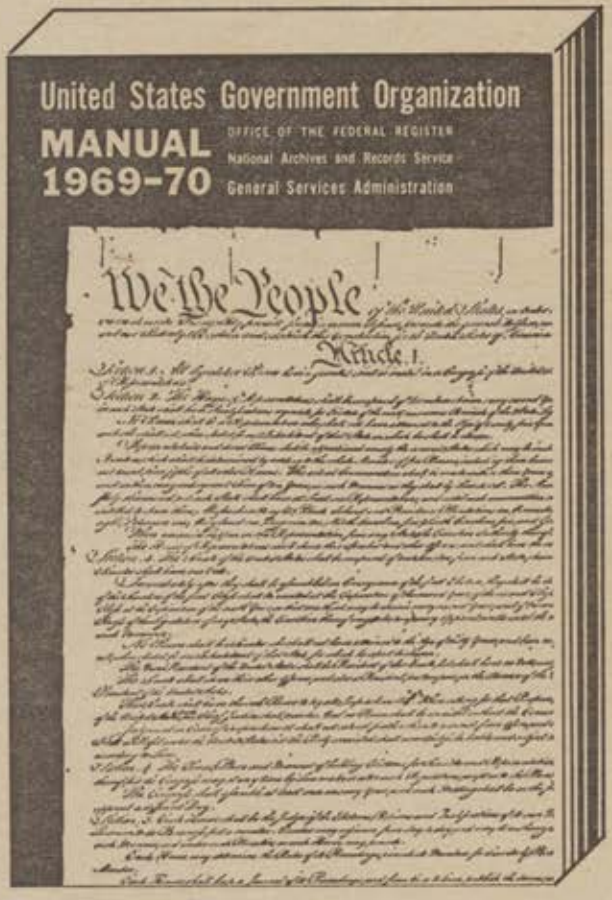

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