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

Rules and Regulations

Title 7—AGRICULTURE

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

[Valencia Orange Reg. 312, Amdt. 1]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908, 33 F.R. 19829) regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of Valencia oranges grown in Arizona and designated part of California.

Order, as amended. The provision in paragraph (b)(1) (i), (ii), and (iii) of § 908.612 (Valencia Orange Reg. 312, 35 F.R. 7173) are hereby amended to read as follows:

§ 908.612 Valencia Orange Regulation 312.

* * * * *

(b) *Order.* (1) * * *

(i) District 1: 270,000 cartons;

(ii) District 2: 315,000 cartons;

(iii) District 3: 165,000 cartons.

* * * * *

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

Dated: May 13, 1970.

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

[F.R. Doc. 70-6102; Filed, May 15, 1970; 8:51 a.m.]

[Lemon Reg. 427]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.727 Lemon Regulation 427.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on May 12, 1970.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period May 17, 1970, through May 23, 1970, are hereby fixed as follows:

(i) District 1: 4,650 cartons;

(ii) District 2: 311,550 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

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

Dated: May 14, 1970.

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

[F.R. Doc. 70-6136; Filed, May 15, 1970; 8:53 a.m.]

Title 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

MISCELLANEOUS AMENDMENTS TO CHAPTER

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

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

Paragraph (c) of § 212.4 is amended to read as follows:

§ 212.4 Applications for the exercise of discretion under section 212(d)(3).

* * * * *

(c) *Terms of authorization.* Each authorization under section 212(d)(3) (A) or (B) of the Act shall specify (1) each section of law under which the alien is inadmissible; (2) the intended date of each arrival; (3) the length of each stay

authorized in the United States; (4) the purpose of each stay; (5) the number of entries for which the authorization is valid; (6) the dates on or between which each application for admission at ports of entry in the United States is valid, and (7) the justification for exercising the authority contained in section 212(d)(3) of the Act. If the consular officer has recommended under section 212(d)(3)(A), or an applicant under section 212(d)(3)(B) seeks, the issuance of an authorization valid for multiple entries rather than for a specified number of entries, and it is determined that the circumstances justify the issuance of the authorization valid for multiple entries, the information required by items (2) and (3) shall be specified only with respect to the initial entry. Item (2) does not apply to a bona fide crewman. Authorizations granted to crewmen may be valid for a maximum period of 2 years for application for admission at U.S. ports of entry and may be valid for multiple entries. An authorization issued in conjunction with an application for a nonresident alien border crossing card shall be valid for a period not to exceed the validity of such card for applications for admission at U.S. ports of entry and shall be valid for multiple entries. A multiple entry authorization for a person other than a crewman or applicant for a border crossing card may be made valid for a maximum period of 1 year for applications for admission at U.S. ports of entry, except that a period in excess of 1 year may be permitted on the recommendation of the Department of State. A single entry authorization to apply for admission at a U.S. port of entry shall not be valid for more than 6 months from the date the authorization is issued. All admissions pursuant to section 212(d)(3) of the Act shall be subject to the terms and conditions set forth in the authorization. The period for which the alien's admission is authorized pursuant to item (3) shall not exceed the period justified, subject to the limitations specified in Part 214 of this chapter for each class of nonimmigrants. Each authorization shall specify that it is subject to revocation at any time. Unless the alien applies for admission during the period of validity of the authorization, a new authorization is required. An authorization may not be revalidated.

PART 238—CONTRACTS WITH TRANSPORTATION LINES

§ 238.2 [Amended]

1. The listing of transportation lines in subparagraph (1) *Canada* of paragraph (b) *Agreements with transportation lines* of § 238.2 *Transportation lines bringing aliens to the United States from or through foreign contiguous territory or adjacent islands and lines bringing aliens destined to the United States into such territory or islands* is amended by adding the following transportation line in alphabetical sequence: "P & O Lines (North America) Inc."

§ 238.4 [Amended]

2. The listing of transportation lines uner "At Winnipeg" of § 238.4 *Preinspection outside the United States* is amended by adding the following transportation line in alphabetical sequence: "North Central Airlines."

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

§ 242.17 [Amended]

1. The first sentence of paragraph (a) *Creation of the status of an alien lawfully admitted for permanent residence* of § 242.17 *Ancillary matters, applications* is amended to read as follows: "The respondent may apply to the special inquiry officer for suspension of deportation under section 244(a) of the Act, for adjustment of status under section 245 of the Act, or under section 1 of the Act of November 2, 1966, or for creation of a record of lawful admission for permanent residence under section 214(d) or 249 of the Act; such applications shall be subject to the requirements contained in Parts 244, 245, and 249 of this chapter."

§ 242.22 [Amended]

2. Section 242.22 *Reopening or reconsideration* is amended by adding the following sentence after the existing third sentence: "The filing of an application for adjustment of status under section 245 of the Act may be considered as the motion to reopen when the application shows new material not available or ascertainable at the time of the deportation hearing."

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

This order shall be effective on the date of its publication in the FEDERAL REGISTER. Compliance with the provisions of section 553 of title 5 of the United States Code (80 Stat. 383), as to notice of proposed rule making and delayed effective date, is unnecessary in this instance and would serve no useful purpose because the amendments to §§ 212.4(c) and 242.22 confer benefits upon persons affected thereby; the amendment to § 242.17(a) relates to agency procedure; and the amendments to §§ 238.2(b)(1) and 238.4 add transportation lines to the listings.

Dated: May 12, 1970.

RAYMOND F. FARRELL,
Commissioner of Immigration and Naturalization.

[F.R. Doc. 70-6083; Filed, May 15, 1970; 8:50 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Areas Quarantined

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

1. In § 76.2, paragraph (e)(4) relating to the State of Illinois, is amended to read:

(4) *Illinois.* (i) That portion of Menard County comprised of Road Districts 3 and 11.

(ii) That portion of Kendall County comprised of Kendall and Fox Townships.

2. In § 76.2, in paragraph (e)(16) relating to the State of Virginia, subdivision (i) relating to Augusta County; subdivision (v) relating to Rockbridge County; and subdivision (viii) relating to Isle of Wight and Southampton Counties are deleted; and subdivision (vi) relating to Surry, Isle of Wight, Southampton, and Sussex Counties is amended to read:

(16) *Virginia.* * * *

(vi) The adjacent portions of Surry, Isle of Wight, Southampton, and Sussex Counties bounded by a line beginning at the junction of Secondary Highways 612 and 611 in Surry County; thence, following Secondary Highway 611 in a southeasterly direction to Secondary Highway 616; thence, following Secondary Highway 616 in a southwesterly direction to Secondary Highway 615; thence, following Secondary Highway 615 in a generally southeasterly direction to Primary State Highway 31; thence, following Primary State Highway 31 in a northeasterly direction to Secondary Highway 616; thence, following Secondary Highway 616 in a generally northeasterly direction to Secondary Highway 626; thence, following Secondary Highway 626 in a generally southeasterly direction to Secondary Highway 621; thence, following Secondary Highway 621 in a southwesterly direction to Secondary Highway 680; thence, following Secondary Highway 680 in a southeasterly direction to Secondary Highway 683;

thence, following Secondary Highway 683 in a southerly direction to Secondary Highway 623; thence, following Secondary Highway 623 in a westerly direction to Secondary Highway 621; thence, following Secondary Highway 621 in a southwesterly direction to Secondary Highway 637; thence, following Secondary Highway 637 in a southeasterly direction to Secondary Road 620; thence, following Secondary Road 620 in a generally southwesterly direction to Secondary Highway 646; thence, following Secondary Highway 646 in a southeasterly direction to Secondary Highway 644; thence, following Secondary Highway 644 in a southwesterly direction to Secondary Highway 646; thence, following Secondary Highway 646 in a southeasterly direction to Secondary Highway 638; thence, following Secondary Highway 638 in a southwesterly direction to Secondary Highway 603; thence, following Secondary Highway 603 in a generally southwesterly direction to Secondary Highway 635; thence, following Secondary Highway 635 in a generally northeasterly direction to U.S. Highway 460; thence, following U.S. Highway 460 in a northwesterly direction to Secondary Highway 618; thence, following Secondary Highway 618 in a northeasterly direction to Secondary Highway 604; thence, following Secondary Highway 604 in a generally northwesterly direction to Secondary Highway 603; thence, following Secondary Highway 603 in a generally northerly direction to Secondary Highway 614; thence, following Secondary Highway 614 in a generally southwesterly direction to U.S. Highway 460; thence, following U.S. Highway 460 in a northwesterly direction to Primary State Highway 40; thence, following Primary State Highway 40 in a southwesterly direction to Secondary Highway 651; thence, following Secondary Highway 651 in a generally northwesterly direction to Secondary Highway 626; thence, following Secondary Highway 626 in a generally northwesterly direction to Secondary Highway 602; thence, following Secondary Highway 602 in a generally northeasterly direction to Secondary Highway 601; thence, following Secondary Highway 601 in a generally southeasterly direction to Primary State Highway 40; thence, following Primary State Highway 40 in a northeasterly direction to Secondary Highway 615; thence, following Secondary Highway 615 in a southeasterly direction to Secondary Highway 612; thence, following Secondary Highway 612 in a generally northeasterly direction to its junction with Secondary Highway 611.

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

(2) *Alabama.* (i) That portion of Morgan County bounded by a line beginning at the junction of State Highway 24 and County Road 41; thence, following State Highway 24 in a southwesterly direction to the Morgan-Lawrence County line; thence, following the Morgan-Lawrence County line in a southerly direction to the southern boundary of sec. 18, of T. 6 S., R. 5 W.; thence following the southern boundaries of secs. 18, 17, 16, 15, 14, and 13, of T. 6 S., R. 5 W. in an easterly direction to County Road 41; thence, following County Road 41 in a generally northerly direction to its junction with State Highway 24.

(ii) The adjacent portions of Morgan and Cullman Counties bounded by a line beginning at the junction of State Highway 69 and the Simcoe School-Gold Ridge-Friendship Church Road; thence, following the Simcoe School-Gold Ridge-Friendship Church Road in a generally northerly direction to Keller Creek; thence, following the east bank of Keller Creek in a generally northeasterly direction to Cotaco Creek; thence, following the east bank of Cotaco Creek in a generally northwesterly direction to State Highway 67; thence, following State Highway 67 in a southeasterly direction to State Highway 69; thence, following State Highway 69 in a generally southwesterly direction to its junction with the Simcoe School-Gold Ridge-Friendship Church Road.

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

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

The amendments quarantine portions of Morgan and Cullman Counties in Alabama, and portions of Isle of Wight and Southampton Counties in Virginia because of the existence of hog cholera. This action is deemed necessary to prevent further spread of the disease. The restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will apply to such counties.

The amendments also exclude portions of Franklin, Monroe and St. Clair Counties in Illinois, and portions of Augusta and Rockbridge Counties in Virginia from the areas heretofore quarantined because of hog cholera. Therefore, the restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will not apply to the excluded areas, but will continue to apply to the quarantined areas described in § 76.2. Further, the restrictions pertaining to the interstate movement from nonquarantined areas contained in said Part 76 will apply to the areas excluded from quarantine.

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

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

Done at Washington, D.C., this 13th day of May 1970.

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

[F.R. Doc. 70-6100; Filed, May 15, 1970; 8:51 a.m.]

Title 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 2—RULES OF PRACTICE

Information on Safeguards and Physical Security Measures Received From Applicants and Licensees

On April 25, 1969, the Atomic Energy Commission published in the FEDERAL REGISTER (34 F.R. 6931) proposed amendments to its rules of practice in 10 CFR Part 2. The proposed amendments would provide that correspondence between licensees or license applicants and the Commission regarding the safeguarding of licensed special nuclear material and detailed physical security measures for licensed production and utilization facilities would be treated by the Commission as exempt from public disclosure pursuant to 10 CFR 9.5(a)(4) of the Commission's regulations unless, pursuant to 10 CFR 9.10, the Director of Regulation determines that its production or disclosure would not be contrary to the public interest and would not adversely affect the rights of any person.

All interested persons were invited to submit written comments and suggestions for consideration in connection with the proposed amendments within 60 days after publication of the notice of proposed rule making in the FEDERAL REGISTER. After consideration of the material received in response to the notice and other factors involved, the Commission has adopted the proposed amendments. The text of the amendments set out below is identical with the text of the proposed amendments published April 25, 1969.

Pursuant to the Atomic Energy Act of 1954, as amended, and sections 552 and 553 of title 5 of the United States Code, the following amendments of Title 10, Chapter I, Code of Federal Regulations, Part 2, are published as a document subject to codification to be effective 30 days after publication in the FEDERAL REGISTER.

Paragraph (a) of § 2.790 is amended and a new paragraph (d) is added to read as follows:

§ 2.790 Public inspection, exceptions, requests for withholding.

(a) Except as provided in paragraphs (b) and (d) of this section, correspondence or portions of correspondence to and from the AEC regarding the issuance, denial, amendment, transfer, renewal, modification, suspension, revocation or violation of a license, permit, or order, or regarding a rule making proceeding subject to this Part 2 shall not be exempt from disclosure and will be made available for inspection and copying in the AEC Public Document Room.

* * * * *

(d) Correspondence and reports to or from the AEC which identify a licensee's or applicant's control and accounting procedures for safeguarding licensed special nuclear material or detailed security measures for the physical protection of a licensed facility, shall be deemed to be commercial or financial information within the meaning of § 9.5(a)(4) of this chapter and shall be subject to disclosure only in accordance with the provisions of § 9.10 of this chapter.

(Sec. 161, 68 Stat. 948; 42 U.S.C. 2201)

Dated at Washington, D.C., this 28th day of April 1970.

For the Atomic Energy Commission.

W. B. McCool,
Secretary.

[F.R. Doc. 70-6017; Filed, May 15, 1970; 8:45 a.m.]

PART 2—RULES OF PRACTICE

PART 50—LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

Implementation of National Environmental Policy Act of 1969; Extension of Time for Filing Comments

The Atomic Energy Commission published a notice of rule making on April 2, 1970 (35 F.R. 5463), effective immediately, which (a) added a new Subpart D to Part 50 indicating the manner in which the Commission will exercise its responsibilities under the National Environmental Policy Act of 1969 with respect to the licensing of power reactors and fuel reprocessing plants, pending (1) the development of more detailed procedures, in consultation with the Council on Environmental Quality, (2) the development of arrangements between the Commission and other Federal agencies that may be designated as having jurisdiction by law or special expertise in environmental matters, and (3) the enactment of such legislation as may be proposed by the Commission in compliance with section 103 of that Act, and (b) made a conforming amendment to Part 2.

Interested persons were invited to file comments or suggestions within 30 days after publication of the notice in the FEDERAL REGISTER.

The Commission is hereby extending the time for filing comments to June 1, 1970.

Comments received after that period will be considered if it is practicable to do so, but assurance of consideration cannot be given except as to comments filed within the period specified. Copies of comments received on the proposed amendments may be examined at the Commission's Public Document Room at 1717 H Street NW., Washington, D.C.

(Sec. 161, 68 Stat. 948; 42 U.S.C. 2201)

Dated at Germantown, Md., this 12th day of May 1970.

For the Atomic Energy Commission.

W. B. McCool,
Secretary.

[F.R. Doc. 70-6084; Filed, May 15, 1970; 8:50 a.m.]

PART 70—SPECIAL NUCLEAR MATERIAL

PART 150—EXEMPTIONS AND CONTINUED REGULATORY AUTHORITY IN AGREEMENT STATES UNDER SECTION 274

Material Status Reports and Nuclear Material Transfer Reports

On June 10, 1969, the Atomic Energy Commission published for comment in the FEDERAL REGISTER (34 F.R. 9125) proposed amendments of its regulations in 10 CFR Parts 70 and 150 which would (a) require AEC licensees who are authorized to possess at any one time and location special nuclear material in a quantity totaling more than 350 grams of uranium-235, uranium-233, or plutonium, or any combination thereof, to submit semiannually to the Commission material status reports concerning all special nuclear material received, produced, possessed, transferred, consumed, disposed of or lost, without regard to the origin of the material or the authority under which the Commission may have distributed the material and (b) require AEC and Agreement State licensees to inform the Commission of each transfer and receipt of special nuclear material involving 1 gram or more of contained uranium-235, uranium-233, or plutonium, regardless of origin. New report Forms AEC-741 and AEC-742 were also proposed to replace existing Forms AEC-577, AEC-578, AEC-101, and AEC-388.

These reports provide information needed by the Commission in carrying out its responsibility for assuring that special nuclear material is adequately safeguarded in the interest of the common defense and security of the United States. The reports also provide the Commission information necessary in billing licensees for consumption of special nuclear material that was obtained under lease from the Commission.

All interested persons were invited to submit written comments and suggestions for consideration in connection with the proposed amendments within 60 days after publication of the notice of proposed rule making in the FEDERAL REGISTER. After careful consideration of the comments received, and other factors involved, the Commission has adopted the amendments set forth below.

The only difference from the amendments published for comment is the dates for submitting Material Status Reports. The Commission has decided to retain the dates of June 30 and December 31 for filing these reports, rather than changing the dates to March 31 and September 30.

At the request of persons commenting on Form AEC-741, the form has been changed to accommodate the reporting of additional data on transactions involving privately owned material. Some changes have also been made in the instructions for completing this form. Form AEC-742 has been changed to require separate line entries for material procured from and sold to the Commission. The instructions for completing the form have been changed in some respects, including a provision that Form AEC-742 shall be signed by the licensee if an individual, by a partner if the licensee is a partnership, or by an officer if the licensee is a corporation.

Pursuant to the Atomic Energy Act of 1954, as amended, and sections 552 and 553 of title 5 of the United States Code, the following amendments to 10 CFR Parts 70 and 150 are published as a document subject to codification, to be effective 30 days after publication in the FEDERAL REGISTER.

1. Section 70.53 of 10 CFR Part 70 is revised to read as follows:

§ 70.53 Material status reports.

Each licensee who is authorized to possess at any one time and location special nuclear material in a quantity totaling more than 350 grams of contained uranium-235, uranium-233, or plutonium, or any combination thereof, shall complete and submit to the Commission Material Status Reports on Form AEC-742, in accordance with printed instructions for completing the form, concerning special nuclear material received, produced, possessed, transferred, consumed, disposed of or lost by the licensee. All such reports shall be made as of June 30 and December 31 of each year and shall be filed with the Commission within thirty (30) days after the end of the period covered by the report. The Commission may permit a licensee to submit Material Status Reports at other times when good cause is shown.

2. Section 70.54 of 10 CFR Part 70 is revised to read as follows:

§ 70.54 Nuclear material transfer reports.

Each licensee who transfers and each licensee who receives special nuclear material shall complete and distribute Nuclear Material Transfer Reports on Form AEC-741, in accordance with printed instructions for completing the form, whenever he transfers or receives a quantity of special nuclear material of 1 gram or more of contained uranium-235, uranium-233, or plutonium. Each licensee who transfers such material

shall submit a copy of Form AEC–741 to the Commission and a copy to the receiver of the material promptly after the transfer takes place. Each licensee who receives special nuclear material shall submit a copy of Form AEC–741 to the Commission and to the shipper of the material within ten (10) days after the special nuclear material is received.

(Secs. 161 b., i., o., 68 Stat. 948; 42 U.S.C. 2201 (b), (i), (o))

3. Section 150.16 of 10 CFR Part 150 is revised to read as follows:

§ 150.16 Submission to Commission of nuclear material transfer reports.

Each person who transfers and each person who receives special nuclear material pursuant to an Agreement State license shall complete and distribute Nuclear Material Transfer Reports on Form AEC–741, in accordance with printed instructions for completing the form, whenever he transfers or receives a quantity of special nuclear material of 1 gram or more of contained uranium-235, uranium-233, or plutonium. Each person who transfers such material shall submit a copy of Form AEC–741 to the Commission and a copy to the receiver of the material promptly after the transfer takes place. Each person who receives special nuclear material shall submit a copy of Form AEC–741 to the Commission and to the shipper of the material within ten (10) days after the special nuclear material is received.

(Secs. 161 b., i., o., 274, 68 Stat. 948, 73 Stat. 688; 42 U.S.C. 2201 (b), (i), (o), 2021)

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

For the Atomic Energy Commission.

W. B. McCool,
Secretary.

[F.R. Doc. 70–6018; Filed, May 15, 1970; 8:45 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

SUBCHAPTER C—AIRCRAFT

[Docket No. 9724, Amdt. 37–21]

PART 37—TECHNICAL STANDARD ORDER AUTHORIZATIONS

Airborne ATC Transponder Equipment

Correction

In F.R. Doc. 70–5315 appearing at page 6914 in the issue for Friday, May 1, 1970, make the following change under amendatory paragraph 15 to § 37.180: At the end of paragraph d. of section 3.1, add "2.11; and 2.13a must be met.".

[Docket No. 10307; Amdt. 43–13]

PART 43—MAINTENANCE, PREVENTIVE MAINTENANCE, REBUILDING, AND ALTERATION

Deletion of Recording Requirements

The purpose of this amendment to Part 43 of the Federal Aviation Regulations is to amend § 43.11 by eliminating the requirement for execution of FAA Form 8320–3—Aircraft Use and Inspection Report (now referred to in Appendix C as FAA Form 3350).

Section 43.11(b) requires each person performing an annual or progressive inspection to complete the FAA Form and dispose of it as prescribed in Appendix C. Appendix C requires each person performing an annual or progressive inspection to execute an FAA Form 8320–3 (referred to in the regulations as FAA Form 3350) and submit that form within a prescribed time to the appropriate FAA District Office. If the annual inspection reveals that the aircraft is in an unairworthy condition, that person must also submit, together with the aforementioned form, a list of discrepancies to the FAA and a list of discrepancies to the owner or lessee of the aircraft.

Form 8320–3 is divided into three sections covering the identification of the aircraft to be inspected, information concerning the activity of that aircraft, and the inspection report.

It has been determined by the FAA that the information contained in FAA Form 8320–3 concerning the identification and the activity of an aircraft does not meet the needs of the FAA. Thus, in Amendments 47–10 and 91–72, effective March 7, 1970, the FAA requests that identification and activity information involving the make, model, registration, and serial number of the aircraft and the name and address of the owner be provided on new AC Form 8050–73. Thus, with the exception of the inspection report, FAA Form 8320–3 now serves no useful purpose. Moreover, the FAA has detrmined that required information concerning annual and progressive inspections can be obtained from permanent maintenance records for the aircraft kept by the registered owner or operator of the aircraft and from records that are required to be kept by certificated repair stations. Therefore, since there is no longer any need at all for the majority of the data covered by FAA Form 8320–3, Appendix C of Part 43 which is devoted entirely to recording of annual and progressive inspections on the FAA Form 8320–3, will be revoked.

Although FAA Form 8320–3 (FAA Form 3350) will no longer be required, the FAA still needs information on any unairworthy feature of an aircraft. Therefore, the listing of discrepancies now required in § 43.11(b) and in paragraph (b)(2) of present Appendix C will be retained; although the form of the document containing the listing is left to the discretion of the person performing an annual inspection.

Since this amendment relieves a restriction and imposes no additional burden on any person, notice and public procedures hereon are unnecessary.

In consideration of the foregoing, Part 43 of the Federal Aviation Regulations is amended, effective June 15, 1970, as follows:

1. Section 43.11(b) is amended to read as follows:

§ 43.11 Content, form, and disposition of annual, 100-hour, and progressive inspection records.

* * * * *

(b) *Listing of discrepancies.* If the person performing an annual inspection finds that the aircraft is unairworthy or does not meet the applicable type certificate data, airworthiness directives, or other approved data upon which airworthiness depends, he shall give the owner or lessee a signed and dated copy of a list of discrepancies. If the aircraft is not approved for return to service, he shall send the list of discrepancies to the local FAA District Office, within 48 hours after completing the inspection.

2. Appendix C—Recording of Annual and Progressive Inspections is revoked.

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

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

Issued in Washington, D.C., on May 11, 1970.

J. H. Shaffer,
Administrator.

[F.R. Doc. 70–6050; Filed, May 15, 1970; 8:47 a.m.]

SUBCHAPTER G—AIR CARRIERS, AIR TRAVEL CLUBS, AND OPERATORS FOR COMPENSATION OR HIRE: CERTIFICATION AND OPERATIONS

[Docket No. 9516; Amdt. 121–62]

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

Operating Certificates and Financial Reporting

The purposes of this amendment to Part 121 of the Federal Aviation Regulations are to provide for indefinite certification of commercial operators after 4 years of continuous operation under annually renewed certificates and to change the financial reporting requirements for all holders of commercial operator operating certificates.

This amendment was originally proposed in Notice 69–16 and published in

the FEDERAL REGISTER on April 10, 1969 (34 F.R. 6333). Comments were received from several commercial operators and other organizations, and generally speaking they dealt with five aspects of the proposed regulations, each of which is discussed in the balance of the preamble.

Several comments were addressed to the proposed requirement in § 121.49 that projections of proposed operations be made with regard to estimated sources and amounts of revenue, estimated amount of expenses, estimated net profit or loss, and estimated cash required for the proposed operations during the first 6 months after the date of expected issuance of the certificate. As stated in the notice, the FAA has noted overall improvement in the safety record of commercial operators due, in part, to a record of financially sound operations. In keeping with this improvement, the FAA has determined, upon further examination, that the proposed requirement in § 121.49(e) for a detailed projection of the commercial operator's proposed operation should be deleted except with regard to an original certificate application. Retention of the proposed requirement for projections with regard to original certification application is made in recognition of the fact that a new commercial operation is based on a limited number of contracts and, after commencing operations, remains susceptible to unexpected economic setbacks and operating problems.

With regard to the proposal in § 121.53 for issuance of an indefinite certificate after 4 successive years of operation under annually renewed certificates, two comments suggested that a period less than 4 years would be adequate to determine whether an operator should be issued a certificate of indefinite duration. In this respect, one of the comments recommended the issuance of an indefinite certificate to an applicant who has held operating certificates continuously for 2 years. A reduction in the 4-year period goes beyond the provisions of the notice and, therefore, cannot be considered at this time. However, the FAA will continue to keep this matter under surveillance and if it appears that a proper evaluation of the stability of commercial operators can be determined in a lesser period, it will initiate further rule making in that regard. Thus, only a commercial operator who has operated under annually renewed certificates for at least 4 consecutive years immediately preceding issuance of an indefinite certificate is entitled to that certificate (e.g., rather than receiving his fifth consecutive annually renewed certificate, the applicant would receive an indefinite certificate if he has complied with the requirements for an annual certificate).

Comment was also received objecting to the proposal in § 121.55 requiring the submission of semiannual and annual financial reports, the commentator stating that this greater frequency of reporting was unjustified. It is the position of the FAA that semiannual and annual financial reports are necessary, in that they provide a better opportunity to examine the financial affairs of the operators. Also, the preparation of these financial reports is a common practice in private industry, and thus the requirement places no real burden on the operator. The FAA agrees with one commentator who suggested that submission of publicly audited financial reports be allowed in compliance with the reporting requirement. Of course, in such case the publicly audited report would have to contain all the information required by § 121.55.

Closely related to the above objection, two commentators recommended that the certificate date coincide with the operator's fiscal year thus making the financial reporting date of § 121.49 uniform with that of § 121.55. However, such action would require a substantive change in § 121.53 to provide for issuance of a certificate for less than 1 year. Since the notice proposed no change in § 121.53 in this respect, this action would be outside of the scope of the notice. It should be noted that once an operator receives an indefinite certificate, and while it is operating thereunder, it will be required to submit financial reports only on a fiscal year basis.

Finally, comment was received recommending that the proposal in § 121.55 requiring financial reports to be submitted within 60 days of the last day of the period covered by the report, be changed to 90 days. It is the opinion of the FAA, that 60 days is a sufficient period of time in which to prepare and submit the information required. Furthermore, an increase in the period of time in which the reports must be submitted would decrease the usefulness of the information.

As proposed in the notice, the regulations will now require submission of certain insurance information. It is the opinion of the FAA that such information assists in the overall evaluation of the operator's financial condition in that it will disclose unrecorded liens against assets, unrecorded liability for insurance premiums, will assist in measuring the extent of protection available to the users of the operator in case of an accident, and will indicate which operators may be a risk due to their underinsured status. As indicated above, this data must be submitted to the FAA. Even though such information is available for inspection at the operator's office, it should, nevertheless, be included in the financial report submitted to the FAA so that it can be evaluated with the other financial information submitted by the operator.

With respect to the reporting of financial information, while it may be true that an operator who has operated successfully for several years has established a sound financial base, this fact does not eliminate the need for financial information since financial difficulties may occur at any time and adversely affect the safety of the operation.

Section 121.55(a) requires, for the first time, financial reports submitted on a fiscal year basis. It is recognized that compliance with the semiannual reporting requirement might require certain holders of commercial operator certificates to unnecessarily duplicate financial information previously reported under the regulation in effect prior to this amendment. Accordingly, authority has been provided in § 121.55(b) to permit a particular certificate holder to deviate from the new reporting requirements to the extent necessary to avoid unnecessary duplication. Deviations authorized will terminate on September 30, 1970, since thereafter the occurrence of duplicate reporting appears unlikely.

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

In consideration of the foregoing, Part 121 of the Federal Aviation Regulations is amended, effective July 15, 1970, as follows:

1. By adding the following new section after § 121.47:

§ 121.48 Commercial operator: financial statement preparation and certification.

Each financial statement containing financial information required by §§ 121.49 and 121.55 must be based on accounts prepared and maintained on an accrual basis in accordance with generally accepted accounting principles applied on a consistent basis, and must contain the name and address of the applicant's public accounting firm, if any. Information submitted must be signed by an officer, owner, or partner of the applicant or certificate holder.

2. By amending § 121.49 to read as follows:

§ 121.49 Commercial operator: financial information required for original issue or renewal.

Each applicant for the original issue or renewal of a commercial operator certificate must submit the following financial information:

(a) A balance sheet that shows assets, liabilities, and net worth, as of a date not more than 60 days before the date of application.

(b) In the case of an application for renewal, the most recent profit and loss statement required to be submitted under § 121.55. Also, if the application for renewal is filed more than 60 days after the date of the applicant's most recent profit and loss statement submitted under § 121.55, the applicant must submit a supplementary profit and loss statement covering the period from the date of the most recent statement to a date not more than 60 days before the date of application for renewal. The applicant shall submit a list of each contract that gave rise to operating income on the supplementary profit and loss statement, including the names and addresses of the contracting parties and the nature, scope, date, and duration of each contract.

(c) An itemization of liabilities more than 60 days past due on the balance sheet date, if any, showing each creditor's name and address, a description of the liability, and the amount and due date of the liability.

(d) An itemization of claims in litigation, if any, against the applicant as of the date of application showing each claimant's name and address and a description and the amount of the claim.

(e) In the case of an application for original issue, a detailed projection of the proposed operation covering 6 complete months after the month in which the certificate is expected to be issued including—

(1) Estimated amount and source of both operating and nonoperating revenue, including identification of its existing and anticipated income producing contracts and estimated revenue per mile or hour of operation by aircraft type;

(2) Estimated amount of operating and nonoperating expenses by expense objective classification; and

(3) Estimated net profit or loss for the period.

(f) An estimate of the cash that will be needed for the proposed operations during the first 6 months after the month in which the certificate is expected to be issued, including—

(1) Acquisition of property and equipment (explain);

(2) Retirement of debt (explain);

(3) Additional working capital (explain);

(4) Operating losses other than depreciation and amortization (explain); and

(5) Other (explain).

(g) An estimate of the cash that will be available during the first 6 months after the month in which the certificate is expected to be issued, from—

(1) Sale of property or flight equipment (explain);

(2) New debt (explain);

(3) New equity (explain);

(4) Working capital reduction (explain);

(5) Operations (profits) (explain);

(6) Depreciation and amortization (explain); and

(7) Other (explain).

(h) A schedule of insurance coverage in effect on the balance sheet date showing insurance companies; policy numbers; types, amounts, and periods of coverage; and special conditions, exclusions, and limitations.

(i) Any other financial information that the Administrator requires to enable him to determine that the applicant has sufficient financial resources to conduct his operations with the degree of safety required in the public interest.

3. By amending § 121.53 to read as follows:

§ 121.53 Duration of certificate.

(a) A supplemental air carrier operating certificate issued under this subpart is effective until termination of the certificate of public convenience and necessity or other economic authority issued by the Civil Aeronautics Board to the air carrier or until it is surrendered or the Administrator suspends, revokes, or otherwise terminates it.

(b) A commercial operator operating certificate is effective for 1 year. However, a certificate issued to an applicant who has held operating certificates continuously for at least 4 years immediately preceding the date of issuance, is issued without a specific expiration date.

(c) The Administrator may suspend or revoke a certificate under section 609 of the Federal Aviation Act of 1958 and the applicable procedures of Part 13 of this chapter for any cause that, at the time of suspension or revocation, would have been grounds for denying an application for a certificate.

(d) Any certificate issued under this subpart ceases to be effective if it is surrendered, suspended, or revoked.

(e) If the Administrator suspends or revokes a certificate or it is otherwise terminated, the holder of that certificate shall return it to the Administrator.

4. By amending § 121.55 to read as follows:

§ 121.55 Commercial operator: periodic financial reports.

(a) Each holder of a commercial operator operating certificate shall submit a financial report for the first 6 months of each fiscal year and another financial report for each complete fiscal year. If a commercial operator operating certificate is suspended for more than 29 days, the certificate holder shall submit a financial report as of the last day of the month in which the suspension is terminated. The report required to be submitted by this section shall be submitted within 60 days of the last day of the period covered by the report and must include—

(1) A balance sheet that shows assets, liabilities, and net worth on the last day of the reporting period;

(2) The information required by § 121.49 (c), (h), and (i);

(3) An itemization of claims in litigation against the applicant, if any, as of the last day of the period covered by the report;

(4) A profit and loss statement with separation of items relating to applicant's commercial operator activities from his other business activities, if any; and

(5) A list of each contract that gave rise to operating income on the profit and loss statement, including the names and addresses of the contracting parties and the nature, scope, date, and duration of each contract.

(b) The Administrator may grant a deviation from the reporting requirements of paragraph (a) of this section if he determines that compliance will result in unnecessary duplication of financial information previously submitted by the certificate holder.

(c) Deviation authority granted under the authority of paragraph (b) of this section terminates September 30, 1970.

(Secs. 313(a), 601, 607, 609, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1427, 1429; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

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

Issued in Washington, D.C., on May 11, 1970.

J. H. SHAFFER,
Administrator.

[F.R. Doc. 70-6051; Filed, May 15, 1970; 8:47 a.m.]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Release No. 34-8875]

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

Initial Use of Microfilm Records

The Securities and Exchange Commission today announced the adoption of an amendment to Rule 17a-4(f) (17 CFR 240.17a-4(f)) under the Securities Exchange Act of 1934 ("the Act") to permit, upon specified conditions, books and records of brokers and dealers to be initially maintained and preserved in microfilm form in lieu of hard copy (paper) print-out.

On March 6, 1970, in Securities Exchange Act Release No. 8835, also published in the FEDERAL REGISTER for March 17, 1970 (35 F.R. 4649), the Commission published its proposal to amend Rule 17a-4(f) (17 CFR 240.17a-4(f)). It has considered the comments and suggestions in response to that proposal and now adopts the amendment to the rule in the form set forth below.

Newly developed microfilm systems translate data from magnetic tape to readable text on the face of a cathode ray tube from which it is photographed on microfilm tape at high speeds. No hard copy is produced, but the microfilm is developed quickly and reader-printers are available on which the microfilm can be read and facsimile enlargements can be made quickly. In addition, an entire reel of microfilm tape can be quickly copied from the master reel. Microfilm records also can be produced in much less time than is required to prepare hard copy records on computer printers. Another application involves rapid preparation of microfilm from records which are initially in hard copy form. The retention of reels of microfilm as against bulky hard copy records should enable an organization to effect substantial savings in storage space and man hours.

It is widely accepted that automation appears to be a necessary ingredient in the solution of the "fails" and other back office problems presently confronting the broker-dealer community. The Commission has advocated and encouraged the use of automation in many

facets of the securities business,[1] including the maintenance of books and records,[2] so as to promote economies and efficiencies as well as improved service for the public.

Prior to this amendment, Rule 17a–4 (17 CFR 240.17a–4) required the preservation in hard copy form of all records required to be maintained and preserved by Rules 17a–3 (17 CFR 240.17a–3) and 17a–4 (17 CFR 240.17a–4), except that the provision of paragraph (f) of Rule 17a–4 (17 CFR 240.17a–4(f)) permitted the substitution of microfilm after a period of 2 years following the creation of the hard copy record. The staff has been receptive to "no action" requests under the bookkeeping rules (Rules 17a–3 (17 CFR 240.17a–3) and 17a–4 (17 CFR 240.17a–4)) to permit variations from the present 2-year hard copy requirement in recognition of the recent developments in microfilm technology.[3] In each such instance, the variations permitted were accompanied by conditions to preserve the basic safeguards designed by those rules for the protection of public investors.

By the amendment, the hard copy maintenance and preservation requirements are relaxed to permit the microfilming process to be used for the initial maintenance and to authorize compliance with the preservation requirements of Rule 17a–4 (17 CFR 240.17a–4) in the form of immediate microfilm substitution for the hard copy record. In view of some of the comments received, it should be pointed out that the amended Rule 17a–4(f) (17 CFR 240.17a–4(f)) provides merely an optional method for the maintenance and preservation of books and records. Nothing in the Rule as amended requires substitution of microfilm for hard copy at any time.

The Commission is of the view that its experience with this matter on a case-by-case basis warrants the adoption of this amendment. As amended, Rule 17a–4(f) (17 CFR 240.17a–4(f)) includes the conditions that the broker-dealer using the microfilm permitted by the amendment shall have readily available at all times appropriate reader-printer equipment for Commission examination of the records, as well as equipment for hard copy reproduction which is to be promptly furnished upon request of the Commission, its examiners, or other representatives. In addition, as added protection against possible loss of records, the amendment provides that duplicate copies must be made of all microfilm tapes on a current basis and that the extra copies be stored separately.

Persons who desire to avail themselves of the provisions of the rule might, for general guidance on the matter of microfilm quality and care, refer to items 5 (g) and (h) under the caption, "General Instruction" contained in the Commission's Accounting Series Release No. 84.

Commission action. Acting pursuant to the provisions of the Securities Exchange Act of 1934, and particularly sections 17(a) and 23(a) thereof, and deeming it necessary and appropriate in the public interest and for the protection of investors, the Securities and Exchange Commission hereby amends § 240.17a–4(f) of Chapter II of Title 17 of the Code of Federal Regulations as set forth below, effective June 15, 1970.

As so amended, § 240.17a–4(f) reads as follows:

§ 240.17a–4 Records to be preserved by certain exchange members, brokers, and dealers.

* * * * *

(f) The records required to be maintained and preserved pursuant to sections 17a–3 and 17a–4 may be immediately produced or reproduced on microfilm and be maintained and preserved for the required time in that form. If such microfilm substitution for hard copy is made by a member, broker, or dealer, he shall (1) at all times have available for Commission examination of his records, pursuant to section 17(a) of the Act, facilities for immediate, easily readable projection of the microfilm and for producing easily readable facsimile enlargements, (2) arrange the records and index and file the films in such a manner as to permit the immediate location of any particular record, (3) be ready at all times to provide, and immediately provide, any facsimile enlargement which the Commission by its examiners or other representatives may request, and (4) store separately from the original one other copy of the microfilm for the time required.

* * * * *

(Secs. 17(a), 23(a), 48 Stat. 897, as amended, 49 Stat. 1379, 52 Stat. 1076, 48 Stat. 901, as amended, 49 Stat. 1379, 15 U.S.C. 78q, 78w)

By the Commission.

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

APRIL 30, 1970.

[F.R. Doc. 70–6048; Filed, May 15, 1970; 8:47 a.m.]

[Release No. 34–8877]

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

Report of Income and Expenses

The Securities and Exchange Commission has amended Rule 17a–10 (17 CFR 240.17a–10) under the Securities Exchange Act of 1934 to provide an extension of time to May 30, 1970, for members of national securities exchanges who are not also members of the National Association of Securities Dealers, Inc. (NASD) to file their reports on Form X–17A–10 (17 CFR 249.618) covering calendar year 1969.[1] The filing deadline under the Rule for such firms had been April 30, 1970. It was necessary for the Commission to extend the filing deadline for these firms because of unforeseen delays in determining the provisions to be included in the plans of the NASD and certain exchanges under paragraph (b) of the rule and the New York Stock Exchange's recent determination not to file such a plan.[2]

Commission action. The Securities and Exchange Commission acting pursuant to the provisions of the Securities Exchange Act of 1934, particularly sections 17(a) and 23(a) thereof, and deeming it necessary for the exercise of the functions vested in it, and necessary and appropriate, in the public interest and for the protection of investors, hereby amends § 240.17a–10 of Chapter II of Title 17 of the Federal Regulations as stated below. The effect of the amendment to § 240.17a–10 is to relax the requirements of the Rule by extending the time within which the required reports must be filed by certain exchange members. The Commission finds that, for good cause, notice and procedure specified in 5 U.S.C. 553 are unnecessary with respect to such amendment.

The text of § 240.17a–10 is amended to add paragraph (e) thereto which will read as follows:

§ 240.17a–10 Report of income and expenses.

* * * * *

(e) Notwithstanding the time limits for filing established by paragraph (a) of this section any member of a national securities exchange who is subject to said paragraph (a) of this section shall file a report of his income and expenses and related financial and other information on Form X–17A–10 (§ 249.618 of this chapter) for calendar year 1969 not later than May 30, 1970.

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[1] See SEC Report of Special Study of Securities Markets (1963) (Special Study), Pt. 2, pp. 358, 668–9 and 678. See also, SEC 35th Annual Report (1969) pp. 3–6.

[2] See Special Study, Pt. 4, p. 590.

[3] The attitude of the staff with regard to microfilming of computer generated records has been reported publicly. See, for example, page 8 of the booklet published by the Association of Stock Exchange Firms entitled, "Guide to the Rules and Regulations Governing the Retention of Records." (1969)

[1] Members of a national securities exchange who are not members of the NASD should communicate with their respective exchanges and request instructions as to how and where they should obtain their Form X–17A–10 and where they should file their forms. If the exchange qualifies a plan the member will file the 17A–10 report with such exchange.

[2] The Commission today declared effective a plan of the NASD filed pursuant to paragraph (b) of Rule 17a–10. All NASD members (including those who are also members of a national securities exchange) will file NASD Form 17A–10 with the NASD. The NASD has already sent NASD Form 17A–10 to its members with the exception of those members who are also New York Stock Exchange members. The staff of the NASD has indicated that it will send NASD Form 17A–10 to NASD–NYSE members shortly. NASD members will not use or file the SEC's Form X–17A–10.

(Secs. 17(a), 23(a), 48 Stat. 897, 901 as amended by 49 Stat. 1379, 52 Stat. 1076, 15 U.S.C. 78q, 78w)

By the Commission.

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

APRIL 30, 1970.

[F.R. Doc. 70-6047; Filed, May 15, 1970; 8:47 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 70-117]

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

Special Tonnage Tax and Light Money; Malaysia

MAY 5, 1970.

Foreign discriminating duties of tonnage and impost with respect to vessels of and certain imports from Malaysia suspended and discontinued; § 4.22, Customs Regulations, amended.

The Secretary of State advised the Secretary of the Treasury on March 31, 1970, that the Department of State has obtained from the Government of Malaysia satisfactory evidence that since March 12, 1970, no discriminating duties of tonnage or imposts have been imposed or levied in ports of Malaysia upon vessels wholly belonging to citizens of the United States, or upon the produce, manufactures, or merchandise imported into Malaysia in such vessels from the United States or from any foreign country.

Therefore, by virtue of the authority vested in the President by section 4228 of the Revised Statutes, as amended (46 U.S.C. 141), which was delegated to the Secretary of the Treasury by the President by Executive Order No. 10289, September 17, 1951, as amended by Executive Order No. 10882, July 18, 1960 (3 CFR Ch. II), and pursuant to the authorization provided by Treasury Department Order No. 190, Rev. 7, September 4, 1969 (34 F.R. 15846), I declare that the foreign discriminating duties of tonnage and impost within the United States are suspended and discontinued, so far as respects vessels of the Government of Malaysia, and the produce, manufactures, or merchandise imported into the United States in such vessels from Malaysia or from any other foreign country. This suspension and discontinuance shall take effect from March 12, 1970, and shall continue for so long as the reciprocal exemption of vessels wholly belonging to citizens of the United States and their cargoes shall be continued and no longer.

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

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

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

[F.R. Doc. 70-6080; Filed, May 15, 1970; 8:50 a.m.]

[T.D. 70-116]

PART 23—ENFORCEMENT OF CUSTOMS AND NAVIGATION LAWS

Merchandise Subject to Forfeiture

Section 23.16(a), Customs Regulations, relating to advertisement of notice of seizure and intent to dispose of merchandise subject to forfeiture, amended.

Section 23.16(a) of the Customs Regulations now requires the District Director of Customs to advertise in a newspaper of general distribution the intention to forfeit and sell or otherwise dispose of according to law property valued between $250 and $2,500 which is subject to forfeiture. In view of the limited circumstances in which claims to seized narcotics and dangerous drugs can be allowed, adequate notice of seizure and intent to forfeit these items would be provided by posting notices in the customhouse and advertisement in a newspaper represents a needless expense.

Accordingly, the last two sentences of § 23.16(a), Customs Regulations, are amended to read as follows:

§ 23.16 Notice of seizure and sale; value not exceeding $2,500; advertisement.

(a) * * * When the appraised value of any property in one seizure from one person, other than narcotics and dangerous drugs, exceeds $250, the notice shall be published in a newspaper of general circulation in the customs collection district and the judicial district in which the property was seized. In all other cases, the notice shall be published by posting in a conspicuous place accessible to the public in the customhouse nearest the place of seizure and in the customhouse at the headquarters port for the Customs collection district, with the date of posting noted thereon, and shall be kept posted for at least 3 successive weeks.

* * * * *

(Secs. 607, 624, 46 Stat. 754, as amended, 759; 19 U.S.C. 1607, 1624)

Notice of proposed rule making was published in the FEDERAL REGISTER for February 28, 1970 (35 F.R. 3914). Interested persons were given an opportunity to submit relevant data, views, or arguments in writing regarding the proposed amendments. No comments were received.

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

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

Approved: May 6, 1970.

EUGENE T. ROSSIDES, *Assistant Secretary of the Treasury.*

[F.R. Doc. 70-6079; Filed, May 15, 1970; 8:50 a.m.]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 27—CANNED FRUITS AND FRUIT JUICES

Canned Peaches Identity Standard; Order Listing Ascorbic Acid as Optional Ingredient

In the matter of amending the definition and standard of identity for canned peaches (21 CFR 27.2) to permit the optional addition of erythorbic acid or ascorbic acid in an amount no greater than necessary to preserve color:

Five comments (supportive) were received regarding the notice of proposed rulemaking in the above-identified matter that was published in the FEDERAL REGISTER of August 14, 1969 (34 F.R. 13157), in response to a petition filed by the National Canners Association, 1133 20th Street NW., Washington, D.C. 20036. One suggested that the quantity of ascorbic acid guaranteed to be present at time of purchase be declared on the label. Considering the intended function and that the amount of ascorbic acid is not to be prescribed within a fixed range guaranteeing presence of a predictable and nutritionally significant level in the product as consumed, the Commissioner of Food and Drugs does not concur in the suggestion.

Section 121.101 of the food additive regulations (21 CFR 121.101) lists substances that when used for the purposes indicated and in accordance with good manufacturing practice are regarded by the Commissioner as generally recognized as safe for such uses. A restriction included in that regulation is that the quantity of a substance added to food does not exceed the amount reasonably required to accomplish its intended physical, nutritional, or other technical effect in food.

Since test results submitted by the petitioner indicate that ascorbic acid when used in an amount of 390 parts per million (p.p.m.) was fully effective in preserving the color of canned peaches, the Commissioner concludes that the

amount of ascorbic acid required to preserve the color of canned peaches need not exceed 390 p.p.m.

Test results submitted by the petitioner indicate that erythorbic acid when used in amount of 700 p.p.m. was fully effective in preserving the color of canned peaches, but that when used in amount of 390 p.p.m. it was not fully effective. No data were submitted by the petitioner to show whether erythorbic acid was fully effective when used in an amount between these two levels. Accordingly, the Commissioner concludes that it will not be in the interest of consumers to rule affirmatively on that portion of the proposal pertaining to the use of erythorbic acid in canned peaches. At such time that the characteristics of erythorbic acid have been given further study and the minimum quantity of the substance required to accomplish the intended effect has been more accurately determined, the Commissioner will be willing to consider a new petition to amend the identity standard for canned peaches to provide for the optional addition of erythorbic acid in the minimum amount required to preserve color.

On the basis of the information submitted in the petition, the comments received, and other relevant material, the Commissioner concludes that it will promote honesty and fair dealing in the interest of consumers to amend the standard of identity for canned peaches to provide for the optional use of ascorbic acid at a level not to exceed 390 p.p.m. to preserve color.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and under authority delegated to the Commissioner (21 CFR 2.120): *It is ordered*, That § 27.2 be amended by revising the introductory text of paragraph (a) and by adding a new subparagraph to paragraph (a) and to paragraph (d), as follows:

§ 27.2 Canned peaches; identity; label statement of optional ingredients.

(a) Canned peaches is the food prepared from one of the optional peach ingredients specified in paragraph (b) of this section and one of the optional packing media specified in paragraph (c) of this section. Such food may also contain one or more of the following optional ingredients:

* * * * *

(6) Ascorbic acid in an amount not to exceed 390 parts per million to preserve color.

* * * * *

(d) * * *

(6) "Ascorbic acid added _____," the blank being filled in with "to preserve color" or "to protect color."

* * * * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-62, 5600 Fishers Lane, Rockville, Md. 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing and such objections must be supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in six copies.

Effective date. This order shall become effective 60 days after its date of publication in the FEDERAL REGISTER, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be given by publication in the FEDERAL REGISTER.

(Secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371)

Dated: May 8, 1970.

SAM D. FINE,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 70-6075; Filed, May 15, 1970; 8:49 a.m.]

PART 121—FOOD ADDITIVES

Subpart C—Food Additives Permitted in Feed and Drinking Water of Animals or for the Treatment of Food-Producing Animals

POLOXALENE

The Commissioner of Food and Drugs has evaluated a supplemental new animal drug application (33-773V) filed by A. E. Staley Manufacturing Co., Post Office Box 151, Decatur, Ill. 62525, proposing revised labeling for the drug poloxalene to change the indications for use from "prevention" to "control" of legume (alfalfa, clover) bloat in cattle. The supplemental application is approved.

Pending recodification of previously established regulations in Part 121 under regulations to be established under the provisions of section 512(i) of the Federal Food, Drug, and Cosmetic Act, this order is issued in accordance with § 3.517 *New animal drugs; transitional provisions re section 512 of the act.*

Therefore, pursuant to provisions of the act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)), in accordance with § 3.517, and under authority delegated to the Commissioner (21 CFR 2.120), § 121.295 *Poloxalene* is amended in the table in paragraph (b)(1), item 1, by changing under "Indications for use" the word "Prevention" to "Control."

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-62, 5600 Fishers Lane, Rockville, Md. 20852, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

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

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

Dated: May 7, 1970.

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

[F.R. Doc. 70-6086; Filed, May 15, 1970; 8:50 a.m.]

PART 121—FOOD ADDITIVES

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

POLYURETHANE RESINS

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP OB2473) filed by E. I. du Pont de Nemours & Co., Inc., Wilmington, Del. 19898, and other relevant material, concludes that the food additive regulations should be amended to provide for safe use of two additional substances, as set forth below, in the formulation of polyurethane resins used in food-packaging adhesives. Therefore, pursuant to provisions of the Federal Food, and Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.2520(c)(5) is amended by alphabetically inserting in the list of substances two new items, as follows:

§ 121.2520 Adhesives.

* * * * *

(c) * * *

(5) * * *

COMPONENTS OF ADHESIVES

Substances	*Limitations*
* * *	* * *
3-Allyloxy-1,2-propanediol.	For use only in the preparation of polyurethane resins.
* * *	* * *
a-Hydro-*omega*-hydroxypoly-(oxytetramethylene).	For use only in the preparation of polyurethane resins.
* * *	* * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room

6-62, 5600 Fishers Lane, Rockville, Md. 20852, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

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

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

Dated: May 7, 1970.

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

[F.R. Doc. 70-6087; Filed, May 15, 1970; 8:50 a.m.]

SUBCHAPTER C—DRUGS

PART 148e—ERYTHROMYCIN

Combination Drug Containing Erythromycin Ethylsuccinate and Sulfanilamide

In the FEDERAL REGISTER of December 9, 1969 (34 F.R. 19476), the Commissioner of Food and Drugs announced the conclusions of the Food and Drug Administration following the evaluation of reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, regarding the following preparation: Powdalator-ES, Powder in Insufflator Tubes; erythromycin (as erythromycin ethylsuccinate) 10 milligrams and sulfanilamide 250 milligrams per tube; marketed by Abbott Laboratories, 14th and Sheridan Roads, North Chicago, Ill. 60064 (NDA 12-005).

The Food and Drug Administration concluded: (1) There is a lack of substantial evidence that this drug is effective for prophylaxis or local treatment of certain superficial wounds or for prophylaxis against, or local treatment of, infections of post extractions and other operative wounds in the mouth; (2) there is a lack of substantial evidence that each component of the combination drug contributes to the total effects claimed; and (3) that the potential hazards of use such as those associated with the component sulfanilamide (namely, significant cutaneous sensitization and severe toxic reactions with absorption) are unwarranted when there is a lack of evidence that the drug is effective.

Interested persons who might be adversely affected by removal of this drug from the market were invited to submit within 30 days any pertinent data bearing on the announced intention of the Commissioner to amend the antibiotic drug regulations to revoke provision for certification of the subject drug. No data were received in response to the announcement, and the Commissioner concludes said provision should be revoked.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 507, 52 Stat. 1050-51, as amended, 59 Stat. 463, as amended; 21 U.S.C. 352, 357) and under authority delegated to the Commissioner (21 CFR 2.120), Part 148e is amended by revoking § 148e.9 *Erythromycin ethylsuccinate-sulfanilamide dental powder*, and all antibiotic certificates issued under § 148e.9 are also revoked.

Any person who will be adversely affected by the removal of any such drug from the market may file objections to this order, within 30 days after its publication in the FEDERAL REGISTER, stating reasonable grounds and requesting a hearing on such objections. A statement of reasonable grounds for a hearing shall identify the claimed errors in the NAS-NRC evaluation and the Administration's conclusions as to lack of substantial evidence of the effectiveness of the combination drug. It shall identify and provide a well-organized and full-factual analysis of any adequate and well-controlled investigations the objector is prepared to prove in support of his objections as a basis on which it could reasonably be concluded that the combination drug would be safe and would have the effectiveness claimed for its intended uses.

Objections should be filed, preferably in quintuplicate, with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-62, 5600 Fishers Lane, Rockville, Md. 20852, and may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective 40 days after its date of publication in the FEDERAL REGISTER to allow time for recall to be completed.

(Secs. 502, 507, 52 Stat. 1050-51, as amended, 59 Stat. 463, as amended; 21 U.S.C. 352, 357)

Dated: May 8, 1970.

SAM D. FINE,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 70-6076; Filed, May 15, 1970; 8:49 a.m.]

PART 148m—OLEANDOMYCIN

Combination Drugs for Human Use Containing Triacetyloleandomycin and Sulfonamides

In the FEDERAL REGISTER of September 5, 1969 (34 F.R. 14078), the Commissioner of Food and Drugs announced (DESI 11-588) the conclusions of the Food and Drug Administration following evaluation of reports received from the National Academy of Sciences National Research Council, Drug Efficacy Study Group, regarding the following preparations of J. B. Roerig and Co. (Division of Chas. Pfizer & Co., Inc.), New York, N.Y. 10017:

1. Taomid Tablets containing triacetyloleandomyin with sulfadiazine, sulfamerazine, and sulfamethazine.

2. Taomid Oral Suspension containing triacetyloleandomycin with sulfadiazine, sulfamerazine, and sulfamethazine.

The Food and Drug Administration concluded that there is a lack of substantial evidence that these fixed-combination drugs will have the effects they purport or are represented to have under the conditions of use prescribed, recommended, or suggested in their labeling. It further recognized (1) that known hazards are associated with use of the components of these combinations; for example, hypersensitivity and blood dyscrasias with sulfonamides and hepatic dysfunction with triacetyloleandomycin; and that (2) the use of such a combination drug for a condition that can be effectively treated with one of its components unnecessarily increases: (a) The risk of adverse reactions from the addition of another agent; (b) the risk of dose-related adverse reactions when the dosage of the combination is increased to give a therapeutic dose of one ingredient; and (c) the danger of undertreatment when in order to avoid the adverse effects of one component the dosage of the other component is reduced below the therapeutic level.

Interested persons were invited to file, within 30 days after said publication date, written comments or requests for an informal conference on the proposal to amend the antibiotic drug regulations to revoke provision for certification of these drugs and also to revoke certificates of safety and effectiveness. No responses were received to the proposal and the Commissioner concludes it should be adopted.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 507, 52 Stat. 1050-51, as amended, 59 Stat. 463, as amended; 21 U.S.C. 352, 357) and under authority delegated to the Commissioner (21 CFR 2.120), Part 148m is amended by:

1. Revoking § 148m.5 *Triacetyloleandomycin - sulfadiazine - sulfamerazine - sulfamethazine tablets.*

2. In § 148m.7 *Triacetyloleandomycin oral suspension; triacetyloleandomycin- ---------- oral suspension (the blank being filled in with the established names of the other active ingredients present in accordance with paragraph (a)(1) of this section)*, by revoking paragraph (a)(1)(i).

In addition, all antibiotic certificates issued for the subject drugs are revoked.

Any person who will be adversely affected by the removal of any such drug from the market may file objections to this order, within 30 days after its publication in the FEDERAL REGISTER, stating reasonable grounds and requesting a hearing on such objections. A statement of reasonable grounds for a hearing shall identify the claimed errors in the NAS-NRC evaluation and the Administration's conclusions as to lack of substantial evidence of the effectiveness of the combination drugs. It shall identify

and provide a well-organized and full-factual analysis of any adequate and well-controlled investigations the objector is prepared to prove in support of his objections as a basis on which it could reasonably be concluded that the combination drugs would be safe and would have the effectiveness claimed for their intended uses. Objections should be filed, preferably in quintuplicate, with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-62, 5600 Fishers Lane, Rockville, Md. 20852, and may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective 40 days after its date of publication in the FEDERAL REGISTER to allow time for a recall to be completed. Certification of new stocks has been discontinued.

(Secs. 502, 507, 52 Stat. 1050-51, as amended, 59 Stat. 463, as amended; 21 U.S.C. 352, 357)

Dated: May 8, 1970.

SAM D. FINE,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 70-6077; Filed, May 15, 1970; 8:49 a.m.]

Title 32A—NATIONAL DEFENSE, APPENDIX

Chapter VI—Business and Defense Services Administration, Department of Commerce

[BDSA Order M-11A, Revised Schedule A of May 16, 1970]

M-11A—COPPER AND COPPER-BASE ALLOYS

Schedule A—Set-Aside Percentages

This amendement of Schedule A to BDSA Order M-11A is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this order, there was consultation with industry representatives, including trade association representatives, and consideration was given to their recommendations.

This amendment changes Revised Schedule A of August 12, 1969, to BDSA Order M-11A, as amended October 28, 1966, by changing the base period from July-December 1968 to calendar year 1969 and by decreasing the set-aside percentages from 6 percent to 5 percent on unalloyed rod, bar, shapes, and wire, from 7 percent to 5 percent on alloyed plate, sheet, strip, and rolls, from 7 percent to 6 percent on alloyed rod, bar, shapes, and wire, and from 4 percent to 3 percent on copper wire mill products.

This amendment applies to authorized controlled material orders calling for delivery after June 30, 1970.

(Sec. 704, 64 Stat. 816, as amended, 50 U.S.C. App. 2154; sec. 1, Public Law 90-370, 82 Stat. 279)

Schedule A to BDSA Order M-11A is hereby amended to read as follows:

SCHEDULE A TO BDSA ORDER M-11A

SET-ASIDE PERCENTAGES

(See sec. 6(f) of BDSA Order M-11A)

BASE PERIOD—JANUARY-DECEMBER 1969

(See sec. 2(o) of BDSA Order M-11A)

Product	Percentage for orders calling for delivery after June 30, 1970 [1]
Brass mill products:	
Unalloyed:	
Plate, sheet, strip, and rolls	6
Rod, bar, shapes, and wire	5
Seamless tube and pipe	2
Alloyed:	
Plate, sheet, strip, and rolls	5
Rod, bar, shapes, and wire	6
Seamless tube and pipe	([2])
Military ammunition cups	([2])
Copper wire mill products:	
Copper wire and cable:	
Bare and tinned	3
Weatherproof	3
Magnet wire	3
Insulated building wire	3
Paper and lead power cable	3
Paper and lead telephone cable	3
Asbestos cable	3
Portable and flexible cord	3
Communications wire and cable	3
Shipboard cable	3
Automotive and aircraft wire and cable	3
Insulated power cable	3
Signal and control cable	3
Coaxial cable	3
Copper-clad steel wire containing over 20 percent copper by weight regardless of end use	3
Copper foundry products	4
Unalloyed copper powder mill products	([2])
Copper-base alloy powder mill products	([2])

[1] Schedule A revised as of Aug 12, 1969, to BDSA Order M-11A, as amended Oct. 28, 1966, applies to orders calling for delivery prior to July 1, 1970.

[2] No reserve space required. Producers of these products are nevertheless required to accept authorized controlled material orders for such products in accordance with the provisions of DMS Regulation No. 1 and this order. However, section 6(f) of order M-11A does not apply to such authorized controlled material orders.

This revised schedule shall take effect May 16, 1970.

BUSINESS AND DEFENSE SERVICES ADMINISTRATION,
WILLIAM D. LEE,
Administrator.

[F.R. Doc. 70-6105; Filed, May 15, 1970; 8:52 a.m.]

[BDSA Order M-11A, Dir. 1, Amdt. 4 of May 16, 1970]

M-11A, DIR. 1—AMMO STRIP SET-ASIDE

Placement and Acceptance of Rated Orders for Ammo Strip

This amendment to Direction 1 to BDSA Order M-11A is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this amendment, there was consultation with industry representatives and consideration was given to their recommendations.

This amendment to Direction 1 to BDSA Order M-11A affects Direction 1 to BDSA Order M-11A, of December 1, 1966, as amended by changing the base period as set forth in section 3(b) of that direction from January-June 1965 to calendar year 1969, and by changing the reserved production capacity, as set forth in section 3(b) from twenty-five percent (25%) to twenty percent (20%) for orders calling for delivery after June 30, 1970. Amendment 3 of Direction 1 to BDSA Order M-11A, November 14, 1969, is superseded by this Amendment 4.

Section 3(b) of Direction 1 of BDSA Order M-11A of December 2, 1966, is hereby amended to read as follows:

Sec. 3 Rules for the placement and acceptance of rated orders for ammo strip.

* * * * *

(b) With respect to orders placed pursuant to paragraph (a) of this section calling for delivery after June 30, 1970, each ammo strip producer must reserve production capacity for the production of ammo strip in any month in a minimum amount determined by multiplying his average monthly shipments by weight of copper-base alloy plate, sheet, rolls, and strip (excluding ammo strip) and cups in the base period calendar year 1969, by 20 percent. This reserved portion of his production capacity for ammo strip shall be separate from the set-aside for brass mill products—alloyed—plate, sheet, strip, and rolls, provided in Schedule A to this order, as revised from time to time.

* * * * *

(Sec. 704, 64 Stat. 816, as amended, 50 U.S.C. App. 2154; sec. 1, Public Law 90-370, 82 Stat. 279)

This amendment shall become effective May 16, 1970.

BUSINESS AND DEFENSE SERVICES ADMINISTRATION,
WILLIAM D. LEE,
Administrator.

[F.R. Doc. 70-6106; Filed, May 15, 1970; 8:52 a.m.]

[BDSA Order M-11A, Dir. 2, Amdt. 1 of May 16, 1970]

M-11A, DIR. 2—DOMESTIC REFINED COPPER SET-ASIDE

Average Monthly Production and Use of Rated Orders

This amended direction to BDSA Order M-11A, as amended, is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this amended direction, there was consultation with industry representatives, including trade association representatives, and consideration was given to their recommendations.

The amended direction affects Direction 2 to BDSA Order M-11A as amended November 14, 1969, by changing the base period for determining the average monthly production of domestic refined copper from the last 6 months of calendar year 1968 and the first 6 months of calendar year 1969 to calendar year 1969, as provided in section 2(i) of that direction and by providing in section 3(b) requirements for certification of rated orders placed under this direction.

Section 2(i) of Direction 2 to BDSA Order M-11A of November 14, 1969, is hereby amended to read as follows:

Sec. 2 Definitions.

* * * * *

(i) "Average monthly production of domestic refined copper" means the monthly average quantity of domestic refined copper produced by a producer of domestic refined copper in calendar year 1969, including any domestic refined copper produced for his account by another person under toll arrangements.

Section 3 of Direction 2 to BDSA Order M-11A of November 14, 1969, is hereby amended to read as follows:

Sec. 3 Use of rated orders for domestic refined copper.

(a) A controlled material producer, as defined in section 2(f) of this direction, must use the rating DO-D1 or DX-D1, as the case may be, to obtain domestic refined copper needed to fill mandatory acceptance orders or to replace in inventory domestic refined copper used by him to fill such orders, in accordance with the provisions of section 4(c), 4(d), and 4(e) of DMS Reg. 1, Dir. 3: *Provided*, That such ratings shall not be used to obtain a quantity of domestic refined copper in excess of the quantity of copper contained in the controlled material or intermediate shape produced or to be produced therefrom.

(b) Each rated order placed under the preceding paragraph must contain the following certification: "Certified for national defense use under BDSA Reg. 2" and shall be signed as provided in BDSA Reg. 2. This certification shall constitute a representation to the supplier and to BDSA that subject to the criminal penalties provided in applicable U.S. statutes, (1) the purchaser is authorized, in accordance with the provisions of this direction and BDSA Order M-11A, to place rated orders for domestic refined copper; and (2) that the amount ordered will be used by the purchaser to fill mandatory acceptance orders or to replace inventory used to fill mandatory acceptance orders and that he has not previously ordered such replacement with the use of ratings; or (3) that the purchaser is expressly authorized by BDSA, or by any regulation or order of BDSA, to place such order.

This amendment shall become effective May 16, 1970.

BUSINESS AND DEFENSE SERVICES ADMINISTRATION,
WILLIAM D. LEE,
Administrator.

[F.R. Doc. 70-6107; Filed, May 15, 1970; 8:52 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

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

SUBCHAPTER B—HOUSING RENOVATION AND MOBILE HOME FINANCING

PART 201—PROPERTY IMPROVEMENT AND MOBILE HOME LOANS

Subpart B—Mobile Home Loans

NEW OR USED MOBILE HOMES

Section 201.510 is amended to read as follows:

§ 201.510 New or used mobile homes.

The loan shall be made only for financing the purchase of a mobile home which is either new or used as follows:

(a) *New.* A new mobile home, meaning a unit that has not been previously occupied at the time of purchase.

(b) *Used.* A used mobile home, meaning either a unit being sold by one who acquired such unit with financing provided under this subpart; or a unit that the purchaser has been occupying pursuant to a lease from a governmental agency, if such purchaser had been displaced from previous housing as a result of a disaster which the President has determined to be a major disaster.

(Sec. 2, 48 Stat. 1246; as amended; 12 U.S.C. 1703)

Issued at Washington, D.C., May 12, 1970.

EUGENE A. GULLEDGE,
Federal Housing Commissioner.

[F.R. Doc. 70-6082; Filed, May 15, 1970; 8:50 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 204—DANGER ZONE REGULATIONS

Gulf of Mexico, Fla.

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1), § 204.112 establishing and governing the use and navigation of a danger zone in the Gulf of Mexico, Fla., is hereby amended with respect to paragraph (b)(2), effective upon publication in the FEDERAL REGISTER, as follows:

§ 204.112 Gulf of Mexico, south of St. George Island, Fla.; test firing range.

* * * * *

(b) *The regulations.* * * *

(2) During firing the entire area plus 5 miles beyond in all directions shall be kept under surveillance by one control helicopter and one crash boat equipped with FM and UHF communications to the Safety Officer at range control to insure cease fire if an aircraft or surface vessel is observed approaching the area.

* * * * *

[Regs., Apr. 20, 1970, 1522-01 (Gulf of Mexico, Fla.)] (sec. 7, 40 Stat. 266; 33 U.S.C. 1)

For the Adjutant General.

RICHARD B. BELNAP,
Special Advisor to TAG.

[F.R. Doc. 70-6063; Filed, May 15, 1970; 8:48 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 5A—Federal Supply Service, General Services Administration

PART 5A-73—FEDERAL SUPPLY SCHEDULE PROGRAM

Subpart 5A-73.1—Production and Maintenance

CONTRACTOR'S REPORT OF ORDERS RECEIVED

Section 5A-73.118 is revised to read as follows:

§ 5A-73.118 Contractor's report of orders received.

The following clause shall be included in all invitations for bids on Federal Supply Schedule items to require contractors to submit monthly reports of agency orders placed against Schedule contracts. Any exception to this requirement must be approved in advance by the Assistant Commissioner for Procurement.

REPORT OF ORDERS RECEIVED

Successful bidders shall furnish, on or before the 15th day of each month, a report of orders received during the preceding month, by dollar value, on each item or subitem upon which an award is received. Negative reports are required for each month in which no orders are received. The report shall be made on GSA Form 72, Contractor's Report of Orders Received, and forwarded to the General Services Administration at the address overprinted on the form. The right is specifically reserved to the Government to inspect without further notice such records of the contractor as pertain to sales under any contract resulting from this invitation. Failure or refusal to furnish the required reports, or falsification thereof, shall constitute sufficient cause for terminating the contract for default in accordance with the provisions of Article 11 (Default) of Standard Form 32, General Provisions (Supply Contract).

(a) It is expected that, in some instances, this reporting requirement will be a hardship on contractors, and may result in higher prices or refusal to bid, particularly when a large number of distribution points for numerous items is involved. Such cases shall be brought to the attention of the Director, Procurement Operations Division, for determination as to an alternate method of ascertaining sales volume.

(b) Upon receipt, contractor's reports of orders received are routed to the unit responsible for editing, controlling, and encoding the reports for entry into the automated Procurement Transaction Reporting System. Contracting activities

receive monthly printouts reflecting the consolidation of all reports received during the reporting month. Accuracy of the sales volume reflected in the contractor's report of orders received is of prime importance because (1) official reports on the total volume of Federal Supply Schedule procurement are obtained from the automated processing of contractor's reports; (2) the sales volume figures assist contracting officers in determining the type of contracting most suitable, based on utilization of the Schedule; and (3) anticipated sales volume estimates for new solicitations, which are based upon reported sales during the preceding contract period, tend to have a direct effect on bid prices offered by vendors. Whenever any extension of mandatory coverage is undertaken, the best possible estimates of the increased volume of sales shall be shown in the invitation in addition to the sales volume reported by contractors for the previous Schedule period. Since understatement of contractors' reported sales volume will adversely affect each of the above factors, positive followup is essential. Accordingly, initial followup on incomplete or delinquent reports will be made by the processing unit, using the GSA Form 102. Contracting Officers will be advised of actions taken and will be expected to take any additional steps necessary to assure full compliance with the standard clause specified above.

(c) Adequate stocks of GSA Form 72, Contractor's Report of Orders Received, shall be maintained at all times so that an adequate supply of the form can be furnished each Schedule contractor. Forms shall be overprinted with the proper reporting address for the processing unit involved.

(d) Contractors shall be reminded of this reporting requirement at the time the contract is forwarded by use of the transmittal letter, GSA Form 103.

(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: May 4, 1970.

H. A. ABERSFELLER,
Commissioner,
Federal Supply Service.

[F.R. Doc. 70-6041; Filed, May 15, 1970; 8:47 a.m.]

Chapter 101—Federal Property Management Regulations

SUBCHAPTER E—SUPPLY AND PROCUREMENT

PART 101-26—PROCUREMENT SOURCES AND PROGRAMS

Procurement From or Through Federal Sources

The scope of part (§ 101-26.000) covering procurement sources and programs is revised to (1) delete specific reference to items of furniture and office supplies to be used by the Department of Defense and (2) add a statement affirming that Part 101-26 is not applicable to procurement from commercial sources.

Section 101-26.000 is revised to read as follows:

§ 101-26.000 Scope of part.

This part sets forth policies and procedures regarding the procurement of personal property and nonpersonal services from or through supply sources which are established by law or other competent authority. It does not include policies and procedures pertaining to the purchasing and contracting for property or services obtained from commercial sources without recourse or use of Federal Supply Schedules or other GSA established contracts. (These are provided in the Federal Procurement Regulations.) The extent to which the sources of supply included in this Part 101-26 are to be used by Government agencies is prescribed in the specific subpart or section covering the subject matter involved. Included as eligible to use GSA supply sources are certain civilian and military commissaries and nonappropriated fund activities, generally buying for their own use but not for resale, except as authorized by the individual Federal agency and concurred in by GSA. Subject to the basic policy requirements set forth in Subpart 101-26.7, Federal agencies may authorize the use of GSA supply sources by grantees and contractors.

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

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

Dated: May 11, 1970.

ROD KREGER,
Acting Administrator
of General Services.

[F.R. Doc. 70-6042; Filed, May 15, 1970; 8:47 a.m.]

PART 101-28—STORAGE AND DISTRIBUTION

Interagency Cross-Servicing in Storage Activities

Policy and procedures are provided governing storage and warehousing arrangements between Government agencies.

The table of contents for Part 101-28 is revised to delete the caption for § 101-28.204 and designate the section "Reserved" as follows:

Sec.
101-28.204 [Reserved]

Subpart 101-28.2—Interagency Cross-Servicing in Storage Activities

Sections 101-28.201, 101-28.202, 101-28.204, 101-28.205, 101-28.207, and 101-28.208 are revised to read as follows:

§ 101-28.201 Applicability.

(a) The policies and procedures established by this Subpart 101-28.2 are primarily applicable to storage activities within the United States. Executive agencies shall make every effort to utilize available Government storage services of other executive agencies to avoid new construction of storage facilities, acquisition of temporary space, and unnecessary transportation of supplies, material, and equipment to distant storage points. Whenever feasible, the policies and procedures shall be used to cross-service storage and warehousing requirements in overseas storage activities. Available storage services of executive agencies shall be made available for cross-servicing the requirements of other Federal agencies when requested. Other Federal agencies are encouraged to participate in cross-servicing arrangements.

(b) The provisions of this Subpart 101-28.2 do not apply to ocean terminals, Government storage activities financed under industrial funds, activities concerned with the storage and handling of bulk fuels (petroleum products), and storage functions performed by GSA for the Office of Civil Defense.

§ 101-28.202 GSA/DOD Cross-Servicing Agreement.

An agreement between GSA and DOD has established procedures to be followed in the cross-servicing of storage and warehousing services between Government agencies. Copies of the agreement, containing a listing of minimum services to be provided, responsibilities of agencies operating storage facilities, responsibilities of requesting agencies, and agency contact points to determine storage availability, are available from the General Services Administration, Federal Supply Service, Office of National Supply Policies and Programs—FFS, Washington, D.C. 20406.

§ 101-28.204 [Reserved]

§ 101-28.205 Request for services.

Requests for storage and warehousing services shall be in accordance with the procedures set forth in the GSA/DOD Cross-Servicing Agreement referred to in § 101-28.202. Arrangements incident to the furnishing of services, specific limitations, terms, and conditions shall be agreed to directly by the activities concerned.

§ 101-28.207 Cross-servicing rates.

Normally, charges for services rendered will be based upon the standard rates established by the agency for internal use. However, special rates may be negotiated to cover actual or estimated costs for large, bulk lots of material when the applicable rates appear inequitable, subject to the approval of the appropriate program official for the civilian agency, and the Assistant Secretary of Defense (I & L), when DOD is involved.

§ 101-28.208 Reimbursement for services.

Reimbursement for services rendered shall be made promptly after receipt of billing. The frequency and method of billing and reimbursement will be established by the activity providing warehousing and storage services; however, billing and reimbursement shall be made not less frequently than quarterly nor more frequently than monthly.

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

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

Dated: May 11, 1970.

ROD KREGER,
Acting Administrator of General Services.

[F.R. Doc. 70-6043; Filed, May 15, 1970; 8:47 a.m.]

Title 46—SHIPPING

Chapter I—Coast Guard, Department of Transportation

SUBCHAPTER G—DOCUMENTATION AND MEASUREMENT OF VESSELS

[CGFR 70-62]

PART 66—GENERAL PROVISIONS

Revocation of Designation of Georgetown, S.C., as Port of Documentation

1. Notice of the proposed revocation of the designation of Georgetown, S.C., as a port of documentation and the transfer of the documentation records to the office of the Officer in Charge, Marine Inspection, U.S. Coast Guard, Charleston, S.C., was published in the FEDERAL REGISTER of March 18, 1970 (35 F.R. 4708), as CGFR 70-27. No objections were received.

2. By virtue of the authority contained in sec. 1, 63 Stat. 545, sec. 2, 23 Stat. 118, sec. 1, 43 Stat. 947, sec. 6(b)(1), 80 Stat. 937; 14 U.S.C. 633, 46 U.S.C. 2, 46 U.S.C. 18, 49 U.S.C. 1655(b)(1); 49 CFR 1.46(b), the following action is hereby taken effective June 19, 1970:

(a) The designation of Georgetown, S.C., as a port of documentation is revoked;

(b) The documentation records at Georgetown are transferred to the office of the Officer in Charge, Marine Inspection, U.S. Coast Guard, Charleston, S.C.;

(c) Charleston is designated the home port of all vessels now having Georgetown as home port; and

(d) 46 CFR 66.05-1 is amended by the deletion of "Georgetown, S.C." where it appears in the list of Ports of Documentation under the Seventh Coast Guard District, and Charleston Marine Inspection Zone.

3. All vessels marked with Georgetown as home port shall be deemed to be properly marked within the meaning of section 4178 of the Revised Statutes, as amended (46 U.S.C. 46), and the regulations issued thereunder, for a period of 2 years from the effective date of this order.

Dated: May 11, 1970.

W. J. SMITH,
Admiral, U.S. Coast Guard, Commandant.

[F.R. Doc. 70-6095; Filed, May 15, 1970; 8:51 a.m.]

Title 49—TRANSPORTATION

Chapter X—Interstate Commerce Commission

SUBCHAPTER B—PRACTICE AND PROCEDURE

[Ex Parte No. 260]

PART 1112—INTERLOCKING OFFICERS

Miscellaneous Amendments

Order. At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 1st day of May 1970.

It appearing, that the Commission, on November 20, 1969, issued a notice of proposed rulemaking in this proceeding, under authority of sections 4 and 12 of the Administrative Procedure Act (5 U.S.C. 553 and 559) and sections 12, 17, and 20a(12) of the Interstate Commerce Act, for the purpose of considering whether a rule proposed by the Association of American Railroads, making the existing regulations inapplicable to persons holding or proposing to hold certain interlocking positions, should be adopted and supplemented by a blanket authorization for the holding of such positions;

It further appearing, that notice to all interested parties was given through publication of said notice in the FEDERAL REGISTER of December 9, 1969 (34 F.R. 19471-19472), and interested parties were invited to submit views and suggestions regarding the proposed rule; and

It further appearing, that various parties submitted views and suggestions, and the Commission has considered such responses and, on the date hereof, has made and filed its report setting forth its conclusions and findings and its reasons therefore, which report is hereby referred to and made a part hereof:

It is ordered, That Part 1112 of Chapter X of Title 49 of the Code of Federal Regulations be, and it is hereby, amended by adding the following numbered new sections:

§ 1112.9 Common control.

It shall not be necessary for any person to secure an order of authorization under the foregoing provisions to hold the position of officer or director of two or more carriers, if such carriers are operated under common control or management, either.

(a) Pursuant to approval and authority of the Commission granted under section 5 of the act, or

(b) Pursuant to a controlling, controlled, or common control relationship which has existed between such carriers since before June 16, 1933.

§ 1112.10 Jointly used terminal properties.

Any person holding the position of officer or director of a carrier is hereby relieved from the foregoing provisions to the extent that he may also hold a directorship and any other position to which he may be elected or appointed with a terminal railroad the properties of which are operated or used by such carrier jointly with other carriers.

(Secs. 12, 17, and 20a, 24 Stat. 383, 40 Stat. 270, and 41 Stat. 494, all as amended; 49 U.S.C. 12, 17, and 20a; 5 U.S.C. 553 and 559)

It is further ordered, That persons holding the position of officer or director of a carrier be, and they are hereby, authorized to hold any directorship or other position to which they may be elected or appointed with more than one carrier, within the scope of section 20a(12) of the Interstate Commerce Act, when such carriers are lawfully operated under common control or management, or where one or more carriers is a terminal railroad company operated under lawful joint control of two or more carriers;

It is further ordered, That this order shall be effective on the date it is served; and

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

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 70-6096; Filed, May 15, 1970; 8:51 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

[9 CFR Parts 109, 113, 114, 121]

VIRUSES, SERUMS, TOXINS, AND ANALOGOUS PRODUCTS

Notice of Proposed Rule Making

Notice is hereby given in accordance with the provisions contained in section 533(b) of title 5, United States Code (1966), that it is proposed to amend certain of the regulations relating to viruses, serums, toxins, and analogous products in Title 9, Code of Federal Regulations, issued pursuant to the provisions of the Virus-Serum-Toxin Act of March 4, 1913 (21 U.S.C. 151–158).

The proposed amendments to Part 109 would apply requirements for automatic gauges on sterilizers in § 109.2 to production of all biological products. Regulations for pasteurizing equipment in § 114.12, are revised and added as a new § 109.3. The title would be changed to "Sterilization and Pasteurization at Licensed Establishments."

The proposed amendments to Part 113 would add three new sections pertaining to the testing of biological products for bacteria, fungi and yeasts.

The proposed amendments to Part 114 would change the title to "Production Requirements for Licensed Establishments"; would amend and redesignate § 121.1 as a new § 114.6 containing regulations pertaining to the admittance of biological products to licensed establishments; would revise § 114.9 by changing the word "batch" to "serial"; would add a new § 114.10 to authorize the use of antibiotics as preservatives under specified restrictions; would revise § 114.12 to include other animals under paragraph (a); and would include porcine origin serum and antiserum under paragraph (b).

The proposed amendments to Chapter I of Title 9, of the Code of Federal Regulations, deletes from the regulations obsolete procedures for antihog cholera serum and hog cholera virus production by revoking Part 121, except § 121.1 which is included in the proposed amendments to Part 114.

PART 109—STERILIZATION AND PASTEURIZATION AT LICENSED ESTABLISHMENTS

1. Part 109 is amended by changing the title, by amending the table of contents, by revising § 109.2, and adding a new § 109.3 to read:

Sec.
109.1 Equipment and the like.
109.2 Sterilizers.
109.3 Pasteurizers.

AUTHORITY: The provisions of this Part 109 issued under 37 Stat. 832–833; 21 U.S.C. 151–158.

§ 109.2 Sterilizers.

Steam and dry-heat sterilizers used in connection with the production of biological products at licensed establishments shall be equipped with automatic temperature-recording gauges. Periodic standardization of the gauges shall be made to assure accuracy. Charts used on these gauges are part of the production records and shall be available at all times for examination by inspectors. Such charts shall be kept in accordance with Part 116 of this chapter.

§ 109.3 Pasteurizers.

All pasteurizing equipment shall meet the requirements in paragraphs (a), (b), and (c) of this section and be acceptable to the Division.

(a) Metal serum containers, not to exceed a capacity of 50 liters, shall be used in licensed establishments. During the heating process, these containers shall be surrounded by a separate water jacket or equivalent so that the entire container, including its lid, is submerged at least 2 inches beneath the surface of the water. Each serum container shall be equipped with a motor-driven agitator and a separate automatic recording thermometer, and shall have a lid attached to the container so as to withstand approximately 15 pounds per square inch without leakage, when submerged in water.

(b) The water bath shall have an automatic temperature control to limit the temperature of the water to a maximum of 62° C., an automatic recording thermometer, an indicating thermometer set in a fixed position, and circulating mechanism adequate to insure equal temperatures throughout the bath. The heating unit for the bath shall be separate from the serum container and the water jacket.

(c) Accurate thermometers at licensed establishments shall be used at frequent intervals to check temperatures of the serum as registered by recording thermometers.

PART 113—STANDARD REQUIREMENTS

2. Part 113 is amended by adding three new sections and amending the table of contents to read:

APPLICABILITY

Sec.
113.1 Compliance.
113.2 Ingredients of biological products.
113.3 Sampling of biological products.
113.4 Outline of production.
113.5 General testing.
113.6 Division testing.
113.7 Multiple fractions.
113.8 Virus titrations in lieu of test for antigenicity.

STANDARD PROCEDURES

113.25 Culture media for detection of bacteria, fungi and yeasts.
113.26 Detection of viable extraneous bacteria, fungi and yeasts in all biological products except live vaccines.
113.27 Detection of viable extraneous bacteria, fungi and yeasts in live vaccines.

AUTHORITY: The provisions of this Part 113 issued under 37 Stat. 832–833; 21 U.S.C. 151–158.

STANDARD PROCEDURES

§ 113.25 Culture media for detection of bacteria, fungi, and yeasts.

(a) Ingredients for which standards are prescribed in The United States Pharmacopeia or The National Formulary shall conform to such standards. In lieu of preparing the media from the individual ingredients, they may be made from dehydrated mixtures which, when reconstituted with distilled water, have the same or equivalent composition as such media and have growth-promoting, buffering, and oxygen tension-controlling properties equal to or better than such media.

(b) The growth-promoting qualities shall be demonstrated for each lot of commercial dehydrated medium and each batch of medium prepared from individual ingredients by the licensee. Two or more strains of micro-organisms that are exacting in their nutritive requirements shall be used. More than one dilution shall be used to demonstrate the adequacy of the medium to support the growth of a minimum number of micro-organisms.

(c) The sterility of the medium shall be confirmed by incubating an adequate number of tubes and examining each for growth. Additional control may be used by incubation of representative uninoculated tubes for the required incubation period during each test.

(d) A determination shall be made by the licensee for each biological product of the proportion of inoculum to medium which shall result in sufficient dilution of such product to prevent bacteriostatic and fungistatic activity.

§ 113.26 Detection of viable extraneous bacteria, fungi and yeasts in all biological products except live vaccines.

Each serial and subserial of biological product except live vaccines shall be tested for the presence of viable forms of bacteria, fungi and yeasts as prescribed in this section unless otherwise specified by the Director.

(a) The media to be used shall be as follows:

(1) Fluid Thioglycollate Medium with Added Beef Extract shall be used to test for bacteria in biological products containing clostridial toxoids, bacterins, and bacterin-toxoids.

(2) Fluid Thioglycollate Medium shall be used to test for bacteria in biological products other than clostridial toxoids, bacterins and bacterin-toxoids.

(3) Soybean-Casein Digest Medium shall be used to test biological products for fungi and yeasts.

(b) Test procedure:

(1) Ten final container samples from each serial and subserial shall be tested using the media as prescribed in paragraph (a) of this section.

(2) Inoculate 1 ml. of material from each final container sample to a corresponding individual vessel of culture medium. The quantity of medium shall be sufficent to negate bacteriostatic or fungistatic activity in the biological product as determined in § 113.25(d).

(3) Incubation shall be for an observation period of 14 days at 35° to 37° C. for Fluid Thioglycollate Medium and Fluid Thioglycollate Medium with Added Beef Extract and for 14 days at 20° to 25° C. for Soybean-Casein Digest Medium.

(4) If the inoculum renders the medium turbid so that the absence of growth cannot be determined by visual examination, subcultures shall be made on the seventh to 11th day from biological products prepared from clostridial toxoids, bacterins and bacterin-toxoids and and the third to seventh day for all other inactivated biological products. Portions of the turbid medium in amounts of not less than 1.0 ml. shall be transferred to 20 to 25 ml. of fresh medium, and incubated the balance of the 14-day period.

(c) Examine the contents of all test vessels for macroscopic microbial growth during the incubation period. Each test shall be concluded earlier if judged unsatisfactory or inconclusive. The following rules shall apply:

(1) If no growth is found in the test vessels representing a serial or subserial, such serial or subserial meets the requirements of the test.

(2) If growth is found in any test vessel representing a serial or subserial, such serial or subserial is unsatisfactory unless the test is judged inconclusive, in which case, the serial or subserial shall be retested.

(3) When a retest is conducted on a serial or subserial, 20 final container samples shall be tested.

(4) All retests shall be judged in accordance with subparagraphs (1) and (2) of this paragraph.

§ 113.27 Detection of viable extraneous bacteria, fungi and yeasts in live vaccines.

(a) *Live viral vaccines.* Each serial and subserial of a biological product composed of live virus shall be tested for viable extraneous bacteria, fungi and yeasts according to procedures prescribed in this paragraph if such product is recommended for inoculation with a hypodermic syringe and needle or comparable device. Tests for bacteria, fungi and yeasts shall be conducted as follows:

(1) Soybean Casein Digest Medium shall be used.

(2) Ten final container samples from each serial and subserial shall be tested.

(3) Immediately prior to starting the tests, frozen liquid vaccine shall be thawed, and lyophilized vaccine shall be rehydrated as recommended on the label with diluent supplied by the licensee or with sterile distilled water.

(4) To test for bacteria, 0.2 ml. of vaccine from each final container sample shall be placed into a corresponding individual flask containing 120 ml. of Soybean Casein Digest medium. Additional medium shall be used if the determination made as required in § 113.25(d) indicates the need for a greater dilution of the biological product. Incubation shall be at 35° to 37° C. for 7 days.

(5) To test for fungi and yeast, 0.2 ml. of vaccine from each final container sample shall be placed into a corresponding individual tube containing 40 ml. of Soybean Casein Digest medium. Additional medium shall be used if the determination made as required in § 113.25(d) indicates the need for a greater dilution of the biological product. Incubation shall be at 20° to 25° C. for 14 days.

(6) Examine the contents of all test vessels for macroscopic microbial growth during the incubation period. If growth in a flask or tube cannot be reliably determined by visual examination, judgment shall be confirmed by subcultures, microscopic examination or both.

(7) If growth is found in two or more flasks (bacterial test) or two or more tubes (fungi and yeasts test), the serial or subserial is unsatisfactory: *Provided*, That if no more than two test vessels in either test show growth, one retest of either or both tests may be conducted. Results of retests shall be evaluated as in the initial tests.

(b) *Live bacterial vaccines.* Each serial or subserial of live bacterial biological products shall be tested for purity by plating on appropriate medium depending upon the live bacteria contained in the product. A serial or subserial shall be considered unsatisfactory if there is any evidence of viable extraneous bacteria, fungi, or yeasts.

PART 114—PRODUCTION REQUIREMENTS FOR LICENSED ESTABLISHMENTS

3. Part 114 is amended by changing the title; by adding a new § 114.6 and a new § 114.10; and by revising §§ 114.9 and 114.12. Part 114 as amended, reads as follows:

Sec.

AUTHORITY: The provisions of this Part 114 issued under 37 Stat. 832–833; 21 U.S.C. 151–158.

§ 114.6 Admission of biological products to licensed establishments.

Except as specifically authorized by the regulations in Parts 101 through 121 of this subchapter, no biological product which has not been prepared, handled, stored, and marked in accordance with such regulations and no biological product which is worthless, contaminated, dangerous, or harmful shall be brought onto the premises of any licensed establishment.

§ 114.9 Mixing biological products.

Each serial of biological product, when in liquid form, shall be mixed thoroughly in a single container and be constantly agitated during bottling operations at licensed establishments. A serial number, with any other markings that may be necessary for ready identification of the serial, shall be applied to identify it with the records of preparation and labeling.

§ 114.10 Antibiotics as preservatives.

Antibiotics are authorized for use as preservatives for biological products if used within the limitations as to kinds and amounts prescribed in this section.

(a) When an antibiotic or combination of antibiotics, with or without a fungistat is to be used in the preparation of a biological product, the kind(s) and amount(s) of each shall be specified in the outline for such product in such a way that the concentration in the final product may be calculated. Except as may be approved by the Director, only those individual antibiotics or combinations of antibiotics listed in paragraphs (b) and (c) of this section shall be used.

(b) Permitted individual antibiotics:

(1) The antibiotic level of a specified individual antibiotic in one ml. of a biological product, when prepared as recommended for use, shall not exceed the amounts listed in this paragraph: *Provided*, That in the case a desiccated biological product is to be used with an indefinite quantity of water or other menstruum, the determination shall be based on 30 ml. per 1,000 dose vial or equivalent.

(2) Except as prescribed in paragraph (c) of this section, only one antibiotic shall be used as a preservative in a biological product. The kind and maximum amount per ml. of such antibiotic shall be restricted to:

Amphotericin B	2.5 mcg.
Mystatin (Mycostatin)	30.0 units
Tetracyclines	30.0 mcg.
Penicillin	30.0 units
Streptomycin	30.0 mcg.
Polymyxin B	30.0 mcg.
Neomycin	30.0 mcg.

(c) Permitted combinations:

(1) Either amphotericin B or mystatin, but not both, may be used with one of the other antibiotics listed in paragraph (b) of this section, or with a combination of penicillin and streptomycin,

or with a combination of polymyxin B and neomycin.

(2) The maximum amount of each antibiotic in a combination shall be the amount prescribed for such antibiotic in paragraph (b) of this section.

(d) Antibiotics used in virus seed stock purification are not restricted as to kind or amounts provided carryover into the final product is controlled and specified in outlines of production.

§ 114.12 Production of serums and antiserums.

(a) Serums and antiserums prepared for inoculation into animals shall be obtained from the blood of healthy animals maintained at licensed establishments. Detailed records regarding tests made on the animals and the antigens given to the animals shall be maintained by the licensee.

(b) Serum and antiserum of equine origin shall be heated at 58.5° C. for 60 minutes, with a tolerance of 0.5° above and below that temperature. Serum and antiserum of bovine and porcine origin shall be heated in like manner for 30 minutes. Neither serum nor antiserum shall contain preservative at the time of heating.

(c) Serum and antiserum heated as provided in paragraph (b) of this section, shall be cooled immediately thereafter to 15° C. or lower, and thus held until properly preserved. It shall be preserved, mixed, and tested by methods described in the licensee's outline.

(d) Licensees shall keep detailed records relative to each batch of antiserum or serum pasteurized and each serial prepared for marketing. Recording thermometer charts shall bear full information concerning the antiserum or serum heated and tests made of the equipment.

PART 121—ADMISSION OF BIOLOGICAL PRODUCTS AND MATERIALS TO LICENSED ESTABLISHMENTS

4. Part 121 of Chapter I of Title 9 of the Code of Federal Regulations is revoked.

Interested persons are invited to submit written data, views, or arguments regarding the proposed regulations to the Veterinary Biologics Division, Federal Center Building, Hyattsville, Md. 20782, within 60 days after date of publication of this notice in the FEDERAL REGISTER.

All written submissions made pursuant to this notice will be made available for public inspection at such times and places and in a manner convenient to the public business (7 CFR 1.27(b)).

Done at Washington, D.C., this 13th day of May 1970.

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

[F.R. Doc. 70-6101; Filed, May 15, 1970; 8:51 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 27]

CANNED APRICOTS

Quality Standard; Proposed Deletion of Minimum Weight Requirement for Apricot Halves and Quarters

Notice is given that a petition has been filed by the National Canners Association, 1133 20th Street NW., Washington, D.C. 20036, proposing that the standard of quality for canned apricots (21 CFR 27.11) be amended to delete the minimum weight requirement for apricot halves and quarters. Grounds given in support of the proposal are that: (1) Since 1939 when the standard became effective consumers have ceased to regard size of halves and quarters of canned apricots as an indication of quality, (2) horticultural changes since 1939 have voided the basis for the size limitation, (3) the trend toward a smaller crop and a smaller average apricot size coupled with the increased consumer demand for canned apricots since 1939 could result in a serious economic disadvantage to the consumer unless smaller satisfactory apricots are permitted for use, and (4) the sales of apricots in smaller can sizes have increased and smaller apricot units would provide for a better fill.

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and in accordance with authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), interested persons are invited to submit their views in writing (preferably in quintuplicate) regarding this proposal within 60 days after its date of publication in the FEDERAL REGISTER. Such views and comments should be addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-62, 5600 Fishers Lane, Rockville, Md. 20852, and may be accompanied by a memorandum or brief in support thereof.

Dated: May 12, 1970.

SAM D. FINE,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 70-6088; Filed, May 15, 1970; 8:50 a.m.]

Social and Rehabilitation Service

[45 CFR Part 250]

ADMINISTRATION OF MEDICAL ASSISTANCE PROGRAMS

Periodic Medical Review and Medical Inspections in Skilled Nursing Homes and Mental Hospitals

Notice is hereby given that the regulations set forth in tentative form below are proposed by the Administrator, Social and Rehabilitation Service, with the approval of the Secretary of Health, Education, and Welfare. The proposed regulations relate to periodic medical review and medical inspections in skilled nursing homes and mental hospitals under State plans for medical assistance under title XIX of the Social Security Act.

Prior to the adoption of the proposed regulations, consideration will be given to any comments, suggestions, or objections thereto which are submitted in writing to the Administrator, Social and Rehabilitation Service, Department of Health, Education, and Welfare, 330 Independence Avenue SW., Washington, D.C. 20201, within a period of 30 days from the date of publication of this notice in the FEDERAL REGISTER.

The proposed regulations are to be issued under sections 1102 and 1902(a)(26) of the Social Security Act, 49 Stat. 647, 81 Stat. 906; 42 U.S.C. 1302 and 1396a(a)(26).

Dated: May 11, 1970.

JOHN D. TWINAME,
Administrator, Social and Rehabilitation Service.

Approved: May 14, 1970.

ROBERT H. FINCH,
Secretary.

§ 250.23 Periodic medical review and medical inspections in skilled nursing homes and mental hospitals.

(a) *State plan requirements; medical review.* A State plan for medical assistance under title XIX of the Social Security Act must:

(1) Provide, with respect to patients eligible under the State plan who are admitted to a skilled nursing home or who make application while in such a home, for a medical review (including medical evaluation) of the need for care in such a home, a written plan of care and, where applicable, a plan of rehabilitation; and if the State plan includes medical assistance in behalf of individuals 65 years of age or older who are patients in institutions for mental diseases, provide, with respect to patients eligible under the State plan who are admitted to a mental hospital or who make application while in such a hospital, for a medical review (including medical evaluation) of the need for care in such a hospital, and a written plan of care. Such a review and plans would be made by the patient's attending physician with respect to care in skilled nursing homes, and by the attending physician or staff physician with respect to care in mental hospitals. Provisions required by this subparagraph shall include descriptions of methods and procedures to be followed in each case which assure that prior to admission or prior to authorization of payments, as may be appropriate:

(i) Each patient receives a complete medical evaluation which includes diagnoses, summary of present medical findings, medical history, mental and physical functional capacity, prognosis and an

explicit recommendation by the physician with respect to admission to or continued care in a skilled nursing home or mental hospital;

(ii) The plan of care includes orders for medications, treatments, restorative services, diet, special procedures recommended for the health and safety of the patient, activities, and plans for continuing care and discharge;

(iii) In the case of skilled nursing home patients, written reports of the evaluation and the written plan of care are delivered to the facility and entered in the patient's record at the time of admission or, in the case of patients already in the facility, immediately upon completion; and

(iv) In the case of patients in institutions for mental diseases, the evaluation also includes psychiatric and social evaluations;

(2) Provide for periodic inspections to be made in all skilled nursing homes (and, if the State plan includes medical assistance for individuals 65 years of age and older in institutions for mental diseases, in each such institution) caring for patients under the plan by one or more medical review teams which shall:

(i) Be composed of one or more physicians and other appropriate health and social service personnel such as professional registered nurses, social workers, registered physical therapists, pharmacists, dietitians; or in the case of teams reviewing care in mental institutions, one or more psychiatrists or physicians knowledgeable about mental institutions and other appropriate mental health and social service personnel, such as registered professional nurses, social workers, and clinical psychologists;

(ii) Function under the supervision of a physician on the team;

(iii) Have no members who are employed by or have any financial interest in any nursing home (or, in the case of teams reviewing care in mental institutions, have a financial interest in any mental instituton or are employed by a mental institution reviewed by the team of which they are members);

(3) Provide for methods and procedures which assure that:

(i) A sufficient number of teams exists and they are so distributed within the State that on-site inspections can be made in all skilled nursing homes (and mental institutions) caring for patients under the plan at appropriate intervals;

(ii) No physician member of a team inspects the care of patients for whom he is the attending physician;

(iii) At least one inspection by a medical review team is made in each skilled nursing home or mental institution within 1 year from the date of publication of this section in the FEDERAL REGISTER and thereafter at intervals to be determined by the team for each facility on the basis of consideration of the quality of care being rendered in the facility and the conditions of patients in the facility receiving service under the plan, but not less often than annually;

(iv) The medical review team inspection includes for skilled nursing home patients personal contact with and observation of each patient receiving assistance under the plan by the team member(s) designated by the supervising physician, and review of each such patient's medical record, and for patients in mental institutions review of each such patient's medical record, if such record contains complete reports of periodic assessments required by section 1902(a)(20) of the Social Security Act, or if such reports are not available or are found to be inadequate, personal contact with and observation of each such patient. Such reviews and observations are to determine the adequacy of the services available to meet the current health needs and promote the maximum physical well-being of patients, the necessity and desirability of the continued placement of such patients in such facilities, and the feasibility of meeting their health needs through alternative institutional or non-institutional services. Under this requirement, such determinations may be based upon consideration of such items as whether:

(*a*) The medical evaluation and plan of care for each patient are complete and current, the plan of care (and, where applicable, the plan of rehabilitation) is being followed and all services ordered (including dietary orders) are being rendered and properly recorded,

(*b*) Prescribed medications have been reviewed by the attending physician at least every 30 days, and tests or observations of patients indicated by their medication regimen have been made at appropriate intervals and properly recorded,

(*c*) Physician and nurses progress notes are made as required and appear to be consistent with the observed condition of the patient.

(*d*) Adequate services are being rendered each patient as evidenced by such observations as cleanliness, absence of decubiti, absence of signs of malnutrition or dehydration, and apparent maintenance of optimal physical, mental and psychosocial function,

(*e*) The patient currently requires any service not available in or actually being furnished by the particular facility or through arrangements with others, and

(*f*) Each patient actually needs continued placement in the facility or there is an appropriate plan to transfer the patient to an alternate method of care;

(4) Provide for methods and procedures which assure that:

(i) A full and complete report on each inspection visit is promptly submitted by the medical review team to the single State agency covering the observations, conclusions and recommendations of the team with respect to the adequacy and quality of all patient services in the facility (including physician services to medical assistance patients in the facility) as well as specific findings with respect to individual patients;

(ii) A copy of the inspection report is forwarded to the administrator and the utilization review committee responsible for the facility involved;

(iii) Copies of all inspection reports are forwarded to the agency of the State responsible for licensure, and to the agencies responsible for approval or certification of the facilities involved for purposes of title XVIII or XIX, and

(iv) In addition to the foregoing in the case of inspection reports on mental hospitals, a copy is forwarded to the appropriate State mental health authorities; and

(v) Reports and recommendations are followed by appropriate action on the part of the single State agency.

[F.R. Doc. 70-6182; Filed, May 15, 1970; 10:14 a.m.]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Insurance Administration

[24 CFR Part 1905]

STATEWIDE "FAIR" PLANS

Extension of Time for Comments

On April 9, 1970, the Federal Insurance Administrator published a notice of proposed rule making informing the public of the agency's intention to add a new Part 1905 to Chapter VII of Title 24 and soliciting comments from interested persons within 30 days from the date of publication of the notice. Part 1905, entitled "Statewide 'FAIR' Plans," would promulgate in regulatory form the "Guidelines for Statewide FAIR Plans" issued by the Department on October 3, 1968, and would establish certain new requirements, as set forth in the document published on April 9 (35 F.R. 5817-21).

Because of the nature of the comments thus far and the number of requests received for additional time in which to comment, I have determined that it is in the public interest to extend the period for receipt of comments to be considered prior to adoption of the regulation, and the deadline for receipt of such comments is hereby extended through June 1, 1970.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[F.R. Doc. 70-6099; Filed, May 15, 1970; 8:51 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 9848]

SIAI MARCHETTI AIRPLANES

Proposed Airworthiness Directive

Amendment 39-844, 34 F.R. 14517, AD 69-19-7, requires repetitive inspections of the engine control support console for deformation, and the elevator control for unrestricted travel pending installation of propeller control strut P/N 205-6-179-01 on SIAI Marchetti S.205-22/R airplanes serial numbers 001 through 5-303. After issuing Amendment 39-844, it has

come to the attention of the FAA that the propeller control strut P/N 205–6–179–01 has not corrected the problem of interference between the engine controls and the elevator control column and that a new propeller control strut P/N 205–6–179–03 has been designed to correct this situation. Therefore, the FAA is considering amending Amendment 39–844 to require installation of the redesigned propeller control strut on SIAI Marchetti S.205–22/R airplanes serial numbers 001 through 5–303.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. All communications received on or before June 15, 1970, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39–844, 34 F.R. 14517, AD 69–19–7 as follows:

(1) By striking out the phrase, "after the effective date of this AD", in paragraph (c) and inserting the phrase, "after the effective date of this amendment", in place thereof.

(2) By amending paragraph (d) to read as follows:

(d) Remove straight type propeller control strut (P/N 205–6–179–01) if installed. Install bent type propeller control strut (P/N 205–6–179–03) in accordance with SIAI Service Bulletin No. 205B22B, dated November 19, 1969, or later RAI-approved revision or an FAA-approved equivalent.

Issued in Washington, D.C., on May 8, 1970.

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

[F.R. Doc. 70–6052; Filed, May 15, 1970; 8:48 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 70–CE–26]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the control zone and transition area at Rhinelander, Wis.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposals contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

An amended VOR–1 instrument approach procedure has been developed for the Drott Airport, Tomahawk, Wis. In addition, since the designation of controlled airspace for Drott Airport and the Rhinelander-Oneida County Airport, the criteria for the designation of control zones and transition areas have changed. Accordingly, it is necessary to alter the Rhinelander, Wis., control zone and transition area to adequately protect aircraft executing the amended approach procedure and to comply with the new control zone and transition area criteria.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

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

RHINELANDER, WIS.

Within a 5-mile radius of Rhinelander-Oneida County Airport (latitude 45°37'50" N., longitude 89°27'40" W.); within 2½ miles each side of the Rhinelander VORTAC 229° radial extending from the 5-mile radius zone to 6½ miles southwest of the VORTAC; and within 2½ miles each side of the Rhinelander VORTAC 322° radial extending from the 5-mile radius zone to 6½ miles northwest of the VORTAC.

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

RHINELANDER, WIS.

That airspace extending upward from 700 feet above the surface within an 8-mile radius of the Rhinelander Oneida County Airport (latitude 45°37'50" N., longitude 89°27'40" W.); and within an 8-mile radius of the Drott Airport (latitude 45°30'45" N., longitude 89°33'35" W.); and that airspace extending upward from 1,200 feet above the surface within a 17-mile radius of the Rhinelander VORTAC; within 9½ miles southeast and 4½ miles northwest of the Rhinelander VORTAC 229° radial extending from the 17-mile radius area to 18½ miles southwest of the VORTAC; within 9½ miles southwest and 4½ miles northeast of the Rhinelander VORTAC 322° radial extending from the 17-mile radius area to 18½ miles northwest of the VORTAC; within 9½ miles northwest and 4½ miles southeast of the Rhinelander VORTAC 031° radial extending from the 17-mile radius area to 18½ miles northeast of the VORTAC; and within 9½ miles northwest and 4½ miles southeast of the Rhinelander VORTAC 058° radial extending from the 17-mile radius area to 23½ miles northeast of the VORTAC.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Kansas City, Mo., on April 27, 1970.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 70–6053; Filed, May 15, 1970; 8:48 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 70–CE–28]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to designate a transition area at Lansing, Ill.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

A new public use instrument approach procedure has been developed for the Chicago-Hammond Airport, Lansing, Ill., utilizing the Chicago Heights VORTAC for the navigational aid. Consequently, it is necessary to provide controlled airspace protection for aircraft executing this new approach procedure by designating a 700-foot floor transition area at

Lansing, Ill. The new procedure will become effective concurrently with the designation of the transition area. IFR air traffic at this location will be controlled by the Chicago Air Route Traffic Control Center.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

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

LANSING, ILL.

That airspace extending upward form 700 feet above the surface within a 5½-mile radius of the Chicago-Hammond Airport (latitude 41°32'20" N., longitude 87°32'00" W.); and within 3 miles each side of the 048° radial of the Chicago Heights, Ill., VORTAC extending from the 5½-mile radius area to 7 miles southwest of the VORTAC excluding the airspace within the Chicago, Ill., and Griffith, Ind., transition areas.

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

Issued in Kansas City, Mo., on April 27, 1970.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 70-6054; Filed, May 15, 1970; 8:48 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 70-CE-32]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the control zone and transition area at Decatur, Ill.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposals contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

New ILS Runway 6 and LOC (BC) Runway 24 procedures have been developed for Decatur Airport, Decatur, Ill. In addition, the criteria for the designation of control zones and transition areas have changed. Accordingly, it is necessary to alter the Decatur, Ill., control zone and transition area to provide controlled airspace for the protection of aircraft executing the new approach procedures and to comply with the new airspace criteria. The effective time of the Decatur control zone will continue to be from 0700 to 2300 hours, local time, daily, and any changes thereafter will be continuously published in the Airman's Information Manual.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

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

DECATUR, ILL.

Within a 5-mile radius of Decatur Airport (latitude 39°50'05" N., longitude 88°52'10" W.). This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airmen's Information Manual.

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

DECATUR, ILL.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Decatur Airport (latitude 39°50'05" N., longitude 88°52'10" W.); and that airspace extending upward from 1,200 feet above the surface within a 23-mile radius of the Decatur VOR excluding the airspace within the Springfield, Ill., transition area.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Kansas City, Mo., on April 27, 1970.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 70-6055; Filed, May 15, 1970; 8:48 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 70-CE-30]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the transition area at Salem, Ill.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

A new public use instrument approach procedure has been developed for Salem-Leckrone Airport, Salem, Ill., utilizing a relocated radio beacon as a navigational aid. The present instrument approach procedure predicated on the navigational aid at its old location will be canceled when the new procedure becomes effective. Accordingly, the Salem, Ill., transition area must be altered to provide adequate airspace protection for aircraft executing this new procedure.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

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

SALEM, ILL.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Salem-Leckrone Airport (latitude 38°38'-40" N., longitude 88°57'50" W.); and within 2 miles each side of the 003° bearing from Salem-Leckrone Airport, extending from the 5-mile radius area to 6½ miles north of the airport; and that airspace extending upward from 1,200 feet above the surface within 4½ miles west and 9½ miles east of the 003° bearing from Salem-Leckrone Airport, extending from the north edge of V-446 to 25 miles north of the airport, excluding the portion which overlies the Vandalia, Ill., transition area.

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

Issued in Kansas City, Mo., on April 27, 1970.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 70-6056; Filed, May 15, 1970; 8:48 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 70-CE-34]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulatons so as to alter the control zone and transition area at Bemidji, Minn.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposals contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

Since designation of controlled airspace at Bemidji, Minn., the instrument approach procedures for Bemidji Municipal Airport have been altered. In addition, the criteria for the designation of control zones and transition areas have changed. Accordingly, it is necessary to alter the Bemidji, Minn., control zone and transition area to adequately protect aircraft executing the altered approach procedures and to comply with the new control zone and transition area criteria.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

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

BEMIDJI, MINN.

Within a 5-mile radius of Bemidji Municipal Airport (latitude 47°30'35" N., longitude 94°55'50" W.); within 1½ miles each side of the Bemidji VORTAC 138° radial, extending from the 5-mile radius zone to the VORTAC; and within 3½ miles each side of the 262° bearing from Bemidji Municipal Airport, extending from the 5-mile radius zone to 8 miles west of the airport. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

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

BEMIDJI, MINN.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Bemidji Municipal Airport (latitude 47°30'35" N., longitude 94°55'50" W.); within 5 miles each side of the Bemidji VORTAC 135° radial, extending from the 7-mile radius area to 19½ miles southeast of the VORTAC; within 5 miles each side of the Bemidji VORTAC 318° radial, extending from the 7-mile radius area to 8 miles northwest of the VORTAC; and within 4½ miles north and 9½ miles south of the 262° bearing from Bemidji Municipal Airport, extending from the airport to 18½ miles west of the airport; and that airspace extending upward from 1,200 feet above the surface within a 13-mile radius of Bemidji VORTAC, extending from the 318° radial, clockwise to the 014° radial; within a 23½-mile radius of Bemidji VOR TAC extending from the 014° radial clockwise to the 285° radial; within 4½ miles northeast and 9½ miles southwest of the Bemidji VORTAC 318° radial, extending from the VORTAC to 18½ miles northwest of the VORTAC; and within 4½ miles southwest and 9½ miles northeast of the Bemidji VORTAC 135° radial, extending from the 23½-mile radius area to 30 miles southeast of the VORTAC.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Kansas City, Mo., on April 27, 1970.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 70-6057; Filed, May 15, 1970; 8:48 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 70-CE-38]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the control zone and transition area at Alexandria, Minn.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposals contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

Since designation of controlled airspace at Alexandria, Minnesota, the instrument approach procedure for Alexandria, Minn., Municipal Airport has been altered. Accordingly, it is necessary to alter the Alexandria control zone and transition area to adequately protect aircraft executing the altered approach procedure.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

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

ALEXANDRIA, MINN.

Within a 5-mile radius of Alexandria Municipal Airport (latitude 45°52'00" N., longitude 95°23'40" W.), and within 2 miles each side of the Alexandria VORTAC 231° radial, extending from the 5-mile radius zone to 2 miles southwest of the VORTAC.

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

ALEXANDRIA, MINN.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Alexandria Municipal Airport (latitude 45°52'00" N., longitude 95°23'40" W.); and within 2 miles each side of the Alexandria VORTAC 231° radial, extending from the 7-mile radius area to the VORTAC; and that airspace extending upward from 1,200 feet above the surface within a 13-mile radius of the Alexandria VORTAC, extending from the 306° radial clockwise to the 148° radial; within 4½ miles southeast and 9½ miles northwest of the Alexandria VORTAC 051° and 231° radials extending from 6 miles southwest to 18½ miles northeast of the VORTAC; and within 5 miles each side of the Alexandria VORTAC 231° radial, extending from 9½ miles southwest to 21½ miles southwest of the VORTAC.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Kansas City, Mo., on April 27, 1970.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 70-6058; Filed, May 15, 1970; 8:48 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-CE-90]

CONTROL ZONE AND TRANSITION AREA

Withdrawal of Proposed Designation

In a notice of proposed rule making published in the FEDERAL REGISTER on September 25, 1969 (34 F.R. 14766), a proposal to alter the control zone and transition area at Leavenworth, Kans., was set forth.

Subsequent to the publication of the notice, the project to install an ILS system at Sherman AAF, Leavenworth, Kans., has been canceled. Therefore, the proposed airspace action to provide controlled airspace protection for the instrument approach procedures predicted on the Sherman AAF ILS system is no longer required. In addition, it has been determined that it is in the best interest of all to postpone action to revise the airspace at Leavenworth in compliance with TERPS criteria until a later date when the instrument approach procedures in the Kansas City Metropolitan Area have been modified in accordance with this criteria. Consequently, notice is hereby given that the proposal contained in Airspace Docket No. 69-CE-90 (34 F.R. 14766) is withdrawn.

This withdrawal of the notice of proposed rule making is made under the authority of section 307(a) of the Federal Aviation Act (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Kansas City, Mo., on April 27, 1970.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 70-6059; Filed, May 15, 1970; 8:48 a.m.]

Notices

DEPARTMENT OF STATE

Agency for International Development

DIRECTOR, OFFICE OF PROCUREMENT MANAGEMENT, AND CHIEF, SERVICES CONTRACTS DIVISION, BUREAU FOR EAST ASIA

Redelegation of Authority Regarding Contracting Functions

Pursuant to the authority delegated to me by Delegation of Authority No. 17 from the Administrator, dated June 14, 1962, as amended and by Subpart 7–30.4 of the AID Procurement Regulations, I hereby redelegate, for countries or areas within the responsibility of the Assistant Administrator for East Asia, authority to the Director, Office of Procurement Management and the Chief, Services Contracts Division, to sign or approve the following:

(1) Contracts and amendments to contracts, financed in whole or in part by AID, other than contracts exclusively for the supply of commodities, and grants, other than to a foreign government, or agencies of a foreign government;

(2) Letters of Commitment and Notices of Approval for Financing of Cooperating Country Contracts for Contracts described in paragraph (1) above;

(3) Amendment or modification (pursuant to Executive Order 11223) involving less than $25,000 of AID-financed contracts entered into with nonprofit institutions under which no fee is charged or paid, where the amendment or modification is requested by the contractor and does not involve a consideration for the United States: *Provided*, That all such amendments or modifications are requested prior to final payment under the contract.

(4) Advance payments and the required determination and findings for such payments under AID financed nonprofit contracts with nonprofit educational or research institutions.

The authorities herein redelegated may be exercised by a person who is performing the functions of the Director, Office of Procurement Management or the Chief, Services Contracts Division, in an "Acting" capacity. The authorities are to be exercised in accordance with regulations, procedures and policies now or hereafter established or modified and promulgated within AID.

The authorities redelegated herein may not be further redelegated.

The Redelegation of Authority from the Assistant Administrator for East Asia to the Director, Office of Procurement Management and the Chief, Services Contracts Division dated June 26, 1969, is hereby superseded.

This Redelegation of Authority is effective immediately.

RODERIC L. O'CONNOR,
Assistant Administrator, East Asia.

APRIL 30, 1970.

[F.R. Doc. 70–6078; Filed, May 15, 1970; 8:50 a.m.]

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T.D. 70–118]

TUNA FISH

Tariff-Rate Quota

MAY 12, 1970.

The tariff-rate quota for the calendar year 1970 on tuna classifiable under item 112.30, Tariff Schedules of the United States.

Pursuant to the provisions of item 112.30, Tariff Schedules of the United States, it has been determined that 70,145,924 pounds of tuna may be entered for consumption or withdrawn from warehouse for consumption during the calendar year 1970 at the rate of 8.5 per centum ad valorem under item 112.30. Any such tuna which is entered, or withdrawn from warehouse, for consumption during the current calendar year in excess of this quota will be dutiable at the rate of 17 per centum ad valorem under item 112.34 of the tariff schedules.

The above quota is based on the United States pack of canned tuna during the calendar year 1969, as reported by the United States Fish and Wildlife Service.

[SEAL] EDWIN F. RAINS,
Acting Commissioner of Customs.

[F.R. Doc. 70–6081; Filed, May 15, 1970; 8:50 a.m.]

DEPARTMENT OF THE INTERIOR

Geological Survey

[Montana No. 256]

MONTANA

Coal Land Classification Order

Pursuant to authority under the Act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), and as delegated to me by Departmental Order 2563, May 2, 1950, under authority of Reorganization Plan No. 3 of 1950 (64 Stat. 1262), the following described lands, insofar as title thereto remains in the United States, are hereby classified as shown:

PRINCIPAL MERIDIAN, MONTANA

NONCOAL LANDS

T. 3 N., R. 19 W.,
Secs. 1 to 36, inclusive.
T. 2 N., R. 20 W.,
Secs. 5 to 8, inclusive, 17 to 20, inclusive, and 25 to 36, inclusive.
T. 3 N., R. 20 W.,
Secs. 1 to 12, inclusive;
Sec. 13, N½, N½SW¼, SW¼SW¼, N½SE¼, SW¼SE¼;
Secs. 14 to 36, inclusive.

The area described aggregates about 57,687 acres, all of which are classified noncoal lands.

W. A. RADLINSKI,
Acting Director.

MAY 12, 1970.

[F.R. Doc. 70–6092; Filed, May 15, 1970; 8:51 a.m.]

NEW MEXICO AND WYOMING

Definitions of Known Geologic Structures of Producing Oil and Gas Fields

Pursuant to 43 CFR 3120.2–2(b), notice is hereby given that the known geologic structures of producing oil and gas fields have been defined as follows:

NAMES OF FIELD, EFFECTIVE DATE, ACREAGE

(31) NEW MEXICO

Cotton Draw; Feb. 16, 1970; 11,784.
Double X—Triste Draw; Mar. 19, 1970; 5,949.
Monument—Jal; Jan. 14, 1970, 330,672.

(50) WYOMING

Cole Creek; Feb. 10, 1970; 3,400.
Salt Creek; Feb. 13, 1970; 26,742.
Stewart—Windmill; Mar. 5, 1970; 3,480.
Table Rock; Feb. 4, 1970; 10,928.
Wallace; Mar. 9, 1970; 1,642.
Wood; Mar. 23, 1970; 1,200.

Maps and diagrams showing the boundaries of the defined structures have been filed with the appropriate land office of the Bureau of Land Management and are also of record in the Geological Survey, Washington, D.C.

W. A. RADLINSKI,
Acting Director.

MAY 11, 1970.

[F.R. Doc. 70–6093; Filed, May 15, 1970; 8:51 a.m.]

National Park Service

BANDELIER NATIONAL MONUMENT, N. MEX.

Notice of Intention To Issue Concession Permit

Pursuant to the provisions of section 5, of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that thirty (30) days after the date

of publication of this notice, the Department of the Interior, through the Superintendent, Bandelier National Monument, proposes to issue a concession permit to Mr. L. R. Bertram authorizing him to operate a snack bar and grocery for the public at Bandelier National Monument for a period of 4 years from January 1, 1970 through December 31, 1973.

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

Interested parties should contact the Superintendent, Bandelier National Monument, Los Alamos, N. Mex., for information as to the requirements of the proposed permit.

JOE J. CAYOU,
Acting Superintendent.

APRIL 13, 1970.

[F.R. Doc. 70-6090; Filed, May 15, 1970; 8:50 a.m.]

GLACIER NATIONAL PARK, MONT.

Notice of Intention To Issue Concession Permit

Pursuant to the provisions of section V of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that thirty (30) days after the date of publication of this notice, the Secretary of the Interior, through the Director of the National Park Service, proposes to issue a concession permit with B. Ross Luding authorizing him to provide concession facilities and services for the public at Glacier National Park, Mont., for a period of five (5) years from January 1, 1971 through December 31, 1975.

The foregoing concessioner has performed his obligations under his current permit to the satisfaction of the National Park Service and, therefore, pursuant to the Act cited above is entitled to be given preference in the renewal of the permit and in the negotiation of a new permit.

However, under the Act cited above, the Secretary is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted within thirty (30) days after the publication date of this notice.

Interested parties should contact the Superintendent, Glacier National Park, West Glacier, Mont. 59936 for information as to the requirements of the proposed permit.

Dated: April 2, 1970.

WILLIAM J. BRIGGLE,
Superintendent.

[F.R. Doc. 70-6089; Filed, May 15, 1970; 8:50 a.m.]

GRAND CANYON NATIONAL PARK

Notice of Intention To Negotiate a Concession Contract

Pursuant to the provisions of section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that thirty (30) days after the date of publication of this notice, the Department of the Interior, through the Director of the National Park Service, proposes to negotiate a concession contract with Samaritan Health Service, formerly known as Good Samaritan Hospitals, authorizing it to provide medical, surgical, and hospital facilities and services for the public at Grand Canyon National Park for a period of 10 years from January 1, 1970, through December 31, 1979.

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

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

Dated: May 8, 1970.

THOMAS FLYNN,
Assistant Director, National Park Service.

[F.R. Doc. 70-6091; Filed, May 15, 1970; 8:50 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

FOREST SERVICE

Cancellation of Regulations

Notice is hereby given that the following regulations of the Secretary of Agriculture relating to the protection, occupancy, use, and administration of the National Forests, published in the FEDERAL REGISTER on August 15, 1936, page 1090, as amended, December 13, 1949 (14 F.R. 7461), are canceled:

Regulation No.	*Title*
A-2	Sale of Condemned Property.
A-3	Rental of Employee-owned Personal Property.
A-4	Part Payment in Supplies.
A-5	Horses, Forage, and Motors.
A-6	Recruiting.
PR-1	Forest Officers Attendance at Meetings.
PR-2	Forest Officers Addressing Meetings.

The authorizations, instructions, and delegations contained in the canceled regulations are published in appropriate functional sections of the Forest Service Manual by virtue of general delegations of authority and assignment of functions to the Chief of the Forest Service by the Secretary (USDA Administrative Regulations, Title 1, Chapter 2, section 13, and 36 CFR Part 200).

THOMAS K. COWDEN,
Assistant Secretary of Agriculture.

[F.R. Doc. 70-6062; Filed, May 15, 1970; 8:48 a.m.]

Packers and Stockyards Administration

ALLEN AUCTION COMPANY ET AL.

Posted Stockyards

Pursuant to the authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), on the respective dates specified below, it was ascertained that the livestock markets named below were stockyards within the definition of that term contained in section 302 of the Act, as amended (7 U.S.C. 202), and notice was given to the owners and to the public by posting notices at the stockyards as required by said section 302.

Name, location of stockyard, and date of posting

ARKANSAS

Allen Auction Company, Harrison, Mar. 31, 1970.

GEORGIA

County Line Milling Co., Inc., Pelham, Apr. 9, 1970.

NEW MEXICO

Penasco Area Development Association, Vadito, Nov. 25, 1969.

OKLAHOMA

Mid America Stockyards, Bristow, Apr. 10, 1970.

WISCONSIN

R. Brandau Livestock Auction, Kendall, Apr. 10, 1970.

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

G. H. HOPPER,
Chief, Registrations, Bonds, and Reports Branch, Livestock Marketing Division.

[F.R. Doc. 70-6103; Filed, May 15, 1970; 8:51 a.m.]

BAKERSFIELD CATTLE AUCTION ET AL.

Proposed Posting of Stockyards

The Chief, Registrations, Bonds, and Reports Branch, Packers and Stockyards Administration, U.S. Department of Agriculture, has information that the livestock markets named below are stockyards as defined in section 302 of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 202), and should be made subject to the provisions of the Act.

Bakersfield Cattle Auction, Bakersfield, Calif.
Moulton Stockyard, Inc., Moulton, Ga.
Highway 84 Stockyard, Laurel, Miss.
MFA Livestock Association, Inc., Stockton Concentration Point, Stockton, Mo.
Cattleman's McCulloch County Livestock Commission Company, Brady, Tex.

Notice is hereby given, therefore, that the said Chief, pursuant to authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), proposes to issue a rule designating the stockyards named above as posted stockyards subject to the provisions of the Act as provided in section 302 thereof.

Any person who wishes to submit written data, views, or arguments concerning the proposed rule, may do so by filing them with the Chief, Registrations, Bonds, and Reports Branch, Packers and Stockyards Administration, U.S. Department of Agriculture, Washington, D.C. 20250, within 15 days after publication in the FEDERAL REGISTER.

All written submissions made pursuant to this notice shall be made available for public inspection at such times and places in a manner convenient to the public business (7 U.S.C. 1.27(b)).

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

G. H. HOPPER,
Chief, Registrations, Bonds, and Reports Branch, Livestock Marketing Division.

[F.R. Doc. 70-6104; Filed, May 15, 1970; 8:51 a.m.]

DEPARTMENT OF COMMERCE

Business and Defense Services Administration

AMERICAN HEALTH FOUNDATION, INC., ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Scientific Instrument Evaluation Division, Business and Defense Services Administration, Washington, D.C. 20230, within 20 calendar days after date on which this notice of application is published in the FEDERAL REGISTER.

Amended regulations issued under cited Act, as published in the October 14, 1969 issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 70-00621-33-79850. Applicant: American Health Foundation, Inc., 180 East End Avenue, New York, N.Y. 10028. Article: "Dosimat" automatic tar applicator. Manufacturer: Albert Dargatz, West Germany. Intended use of article: The article will be used for research in tobacco carcinogenesis. Tar is applied directly to the animal's skin while it is still fresh, and in accurately measured doses, rather than collecting and storing the tar products for later application. It is extremely important to apply the tar promptly, as the tar constituents are relatively unstable. Application received by Commissioner of Customs: April 17, 1970.

Docket No. 70-00646-33-46500. Applicant: University of Minnesota, Department of Veterinary Anatomy, St. Paul, Minn. 55101. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used to produce ultrathin sections for electron microscopic examination. The primary use will be for high resolution electron microscopy of "globoid cell" leukodystrophy (Krabbe's disease) in dogs. The work in the nervous system involves the study of the demyelinating process along nerve tracts in the CNS. The large phagocytic cells which characterize this disease contain large membrane bound sacs which contain at least two types of tubular structures and their ultrastructural morphology will be studied. Application received by Commissioner of Customs: April 27, 1970.

Docket No. 70-00647-33-43780. Applicant: University of California, San Francisco, Purchasing Department, 1438 South Tenth Street, Richmond, Calif. 94804. Article: Stereotactic headholder and spinal frame. Manufacturer: W.G.H. Johnson, United Kingdom. Intended use of article: The article will be used to hold rigidly the skull and spine of anesthetized cats so that there is no movement of the brain, brain stem or spinal cord during an investigation of the properties (resistance, capacitance, firing potential, membrane potential) of respiratory neurons in the brain stem and spinal cord cells. Application received by Commissioner of Customs: April 27, 1970.

Docket No. 70-00648-33-74600. Applicant: Yale University, Purchasing Department, 20 Ashmun Street, New Haven, Conn. 06520. Article: BIOMAC 1000 signal analyzer and BIOMAC 1010 spectrum integrator. Manufacturer: Data Lab., Ltd., United Kingdom. Intended use of article: The article will be used to study the mechanism of the propagated nerve impulses and the proposes of recovery which follow activity in the nerve. The rabbit vagus nerve and the giant axon of the squid are the nerves which are primarily used, although other tissues will be studied. Application received by Commissioner of Customs: April 27, 1970.

Docket No. 70-00649-33-46040. Applicant: University of Virginia, Department of Biology, Gilmer Hall, Charlottesville, Va. 22903. Article: Electron microscope, Model HU-11E-1. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article will be used for extremely high resolution investigations on the molecular and marcromolecular structures of tropocollagen, cytoplasmic microtubules mitochondrial membranes, minute changes in cell surface coats during the development of myoblasts, and of the intercellular junctions among various cell types of the pituitary gland. All these studies require the very best resolution available for critical analysis. Application received by Commissioner of Customs: April 28, 1970.

Docket No. 70-00650-33-46040. Applicant: Humboldt State College, Arcata, Calif. 95521. Article: Electron microscope, Model HU-11E. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article will be used for an investigation of the development of vascular tissues in plants; a study in muscle ultrastructure with an investigation of the subcellular structure of avion muscles; a study of the physiological effects of fluorides on plant cells; and investigation of the origin and development of the mitotic spindle apparatus in normal and abnormal divisions; and studies in the ultrastructure of motile protozoa. Application received by Commissioner of Customs: April 28, 1970.

Docket No. 70-00652-33-46040. Applicant: Cold Spring Harbor Laboratory (of Quantitative Biology), Post Office Box 100, Cold Spring Harbor, N.Y. 11724. Article: Electron microscope, Model Elmiskop 101. Manufacturer: Siemens AG, West Germany. Intended use of article: The article will be used in a number of ongoing research projects, most of which require microscopy at the molecular level. Investigations concern the structure and functions of E. coli ribosomes; the structure of replicating DNA; and the structure of the RNA synthesizing complexes between RNA-polymerase (E. coli, and mammalian) and DNA. Application received by Commissioner of Customs: April 28, 1970.

Docket No. 70-00653-33-46040. Applicant: Columbia University, Dept. of Biological Sciences, New York, N.Y. 10027. Article: Electron microscope, Model EM 9S. Manufacturer: Carl Zeiss, Inc., West Germany. Intended use of article: The article will be used as a training instrument in two courses, Cell and Developmental Biology and Project Laboratory in Cell Biology. The students will be predominantly undergraduates at the junior and senior level and the intent of the use of the microscope is to provide initial exposure to a variety of techniques involved in microscopy. Application received by Commissioner of Customs: April 28, 1970.

Docket No. 70-00656-33-46500. Applicant: University of Connecticut Health Center, Building No. 4, Farmington Avenue, Farmington, Conn. 06032. Article: Ultramicrotome, Model LKB 8800. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used for research on isolated cell structures of bacterial spores, purified inner and outer membranes, purified cell walls, ribosomes, mesosomes, and inclusion bodies such as phosphate or B hydroxybutyrate particles; whole bacterial cells, PPLO (pleuropneumonia-like-organisms or L-forms) and virus

particles; synthetic monolayers composed of lipopolysaccharide-phospholipid-protein; and isolated nuclei from liver and other cells grown in tissue culture. The properties of these materials differ in dimension as well as rigidity and require the thinnest sections possible. Application received by Commissioner of Customs: April 30, 1970.

Docket No. 70-00658-33-46500. Applicant: Colorado State University Department of Pathology, College of Veterinary Medicine and Biological Science, Fort Collins, Colo. 80521. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used to produce acceptable thick and thin sections on a number of different tissues, such as lung, heart, kidney, retina, choroid and sclera. Research concerns an ultrastructural study of hypoxic induced pulmonary hypertension and ultrastructural aspects of a congenital retinal dyplasia. Pathology trainees are offered four courses in biological preparations for electron microscopy. Application received by Commissioner of Custon.s: April 30, 1970.

Docket No. 70-00659-33-28500. Applicant: University of Iowa, Biochemistry Department, Medical Research Center, Iowa City, Iowa 52240. Article: High voltage electrophoresis unit. Manufacturer: Locarte Co., United Kingdom. Intended use of article: The article will be used for research concerning amino acids, peptides obtained by enzymatic digest, and proteins obtained from biological sources. A course in *Research Techniques* will teach biochemistry students the skill necessary for obtaining data relating to the separation of peptides which is obtainable only by electrophoresis and in *General Biochemistry*, medical, dental and pharmacy students will be taught the usefulness of this technique. Application received by Commissioner of Customs: April 30, 1970.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 70-6019; Filed, May 15, 1970; 8:45 a.m.]

HERBERT H. LEHMAN COLLEGE

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 89 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 70-00346-33-46040. Applicant: Herbert H. Lehman College, Department of Biological Sciences, Bedford Park Boulevard West, Bronx, N.Y. 10468. Article: Electron microscope, Model HU-11E. Manufacturer: Hitachi Ltd., Japan.

Intended use of article: The article will be used for three purposes; the training of graduate students in the techniques and applications of electron microscopy; as a teaching instrument in cytology; and for research projects. The research projects include a wide variety of biological materials to be examined, such as DNA molecules, viruses, blue-green algae, and cells of higher plants and animals.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article has a guaranteed resolving power of 3.5 angstroms. The most closely comparable domestic instrument available at the time the application was received was the Model EMU-4B electron microscope which was formerly being manufactured by the Radio Corp. of America (RCA), and which is currently being produced by the Forgflo Corp. (Forgflo). The Model EMU-4B electron microscope has a guaranteed resolving power of 5 angstroms. (The lower the numerical rating in terms of angstrom units, the better the resolving power.) We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated March 31, 1970, that the better resolving capability of the foreign article is a pertinent characteristic.

We, therefore, find that the Model EMU-4B electron microscope is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 70-6020; Filed, May 15, 1970; 8:45 a.m.]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 70-00393-65-82600. Applicant: National Aeronautics & Space Administration, Manned Spacecraft Center, Space Sciences Procurement Branch, Code: BG9, Houston, Tex. 77058. Article: Recording vacuum thermoanalyzer. Manufacturer: Mettler Instrument Corp., Switzerland.

Intended use of article: The article will be used in basic investigations of the thermal behavior of terrestrial, meteoric, and lunar materials and off gassed products in controlled gas environments. The scientific objective is to provide the most meaningful, complete, and timely thermal data on the above materials within the present state-of-the-art.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article is a recording vacuum thermoanalyzer system which is capable of simultaneous measurement of differential gravimetric analysis (TGA) and differential thermal analysis (DTA) on the same sample in a controlled gas environment. There are comparable domestic instruments capable of providing either one or the other capability but not both simultaneously on the same sample. We, therefore, find that the aforementioned capability to be pertinent to the purposes for which the article is intended to be used.

We are advised by the National Bureau of Standards (NBS) in a memorandum dated March 26, 1970 that it knows of no instrument or apparatus of equivalent scientific value to the foreign article for such purposes as this article is intended to be used which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 70-6021; Filed, May 15, 1970; 8:45 a.m.]

RESEARCH FOUNDATION OF STATE UNIVERSITY OF NEW YORK

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 70-00396-50-49000. Applicant: The Research Foundation of SUNY (State University of New York), in conjunction with ASRC, SUNYA, 130 Saratoga Road, Route 50, Scotia, N.Y. 12302. Article: Scattered light recorder (nephelometer), type STR-V22-56-MS04. Manufacturer: A.E.G. Telefunken, West Germany.

Intended use of article: The article will be used in classroom lectures in light scattering principles and in research projects concerning extinction coefficient of the atmosphere, aerosol scattering characteristics, atmospheric haze problems, and visibility in "clear" and foggy air.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article for the purposes for which such article is intended to be used is being manufactured in the United States.

Reasons: The foreign article is a nephelometer designed to be used in air with an output of 250 ohms over a range of approximately three decades. We find the capability for use in air pertinent to the purposes for which the foreign article is intended to be used.

We are advised by the National Bureau of Standards (NBS) in a memorandum dated March 30, 1970, that it knows of no equivalent domestic instrument or apparatus that can be used for the purposes for which the foreign article is intended to be used.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 70-6022; Filed, May 15, 1970; 8:45 a.m.]

SLIPPERY ROCK STATE COLLEGE

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 70-00344-33-46040. Applicant: Slippery Rock State College, Slippery Rock, Pa. 16057. Article: Electron microscope, Model JEM-T7, and accessories. Manufacturer: Japan Electron Optics Lab., Ltd., Japan.

Intended use of article: The article will be used primarily in teaching in the Department of Biology for undergraduate and graduate students. In one semester, approximately 1,500 students are enrolled. A course in cytology will emphasize tissue preparation and the basic principles of the electron microscope. A course in cell ultrastructure considers the fine structure of cells as revealed with the electron microscope. Lectures will be given dealing with the theoretical and physical and chemical basis of tissue preparation for electron microscope study; and fixation images and their relationship to morphological details and definitions of the fine structural level.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article is an intermediate electron microscope which, in terms of sophistication and capabilities lies between the simple, portable electron microscope and the highly complex research type. The applicant intends to use the article for teaching beginning students the fundamentals of electron microscope techniques and, for this purpose, requires a transitional instrument for bridging the gap between the use of the light microscope and the research type of electron microscope. The most closely comparable domestic instrument available at the time the foreign article was ordered was the EMU-4B electron microscope which was then being manufactured by the Radio Corp. of America (RCA), and which is currently being produced by Forgflo Corp. (Forgflo). The Model EMU-4B electron microscope is a highly sophisticated and relatively complex research electron microscope intended for the use of an expert. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated April 2, 1970, that the suitability of the foreign article for teaching is a pertinent characteristic.

We, therefore, find that the Model EMU-4B electron microscope is not of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 70-6023; Filed, May 15, 1970; 8:45 a.m.]

SOUTHEASTERN MASSACHUSETTS TECHNOLOGICAL INSTITUTE

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 70-00217-01-77030. Applicant: Southeastern Massachusetts Technological Institute, North Dartmouth, Mass. 02747. Article: Nuclear magnetic resonance spectrometer, Model JNM-C-60HL and Accessories. Manufacturer: Japan Electron Optics Laboratory Co., Japan.

Intended use of article: The article will be used for both instructional purposes, in connection with programed instrumental analysis and research which include:

(1) A carbon-13 study of some cyclic carbohydrate derivatives to aid determination of ring conformation and existence of resonance;

(2) A study of energy differences between diasteriomeric carbohydrates by use of nmr at widely different temperatures;

(3) A study of reaction intermediates which will in many cases require use of an internal lock and elevated temperatures.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, was being manufactured in the United States at the time the purchase order was prepared (July 10, 1969).

Reasons: The foreign article provides a combined internal-external lock capability in one instrument. Both the new Varian Model XL 100-15 which became available September 1969, and the new Varian Model XL 60-15 which became available October 16, 1969, provide a combined internal-external locking in single instrument. However, at the time the order for the foreign article was prepared the most closely comparable domestic instrument was the Varian Model HA 60 which provided either an internal or external locking capability, but not both locking facilities in the same instrument.

We are advised by the National Bureau of Standards (NBS) in a memorandum dated March 4, 1970, and the Department of Health, Education, and Welfare (HEW) in a memorandum dated February 9, 1970, that the availability of

both the internal and external locking capability in the same instrument is pertinent to the purposes for which the foreign article is intended to be used.

For this reason, we find that the Varian Model HA 60 with either internal or external locking capability is not of equivalent scientific value to the foreign article for those purposes for which the foreign article is intended to be used.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 70-6024; Filed, May 15, 1970; 8:45 a.m.]

STATE UNIVERSITY OF NEW YORK

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 70-00420-33-43780. Applicant: State University of New York at Buffalo, Purchasing Department, 1803 Elmwood Avenue, Buffalo, N.Y. 14207. Article: Custom built mechanical stimulation system, including transducer, power amplifier and control, function generator and cabinetry. Manufacturer: Detlef Burchard, West Germany.

Intended use of article: The article is a precision mechanical device for applying movements of a wide variety, time courses and repetition of frequencies. It will be used for stimulating receptors in the skin and also in the muscle and joint with the aim of investigating the responses produced in the central nervous system thereby.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article is a device for applying stretching and indenting movements to the skin. These movements which can be varied with respect to wave length, wave form, amplitude and frequency can be arranged to be repetitive over a wide range of frequencies.

We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated March 27, 1970, that the characteristics described above are pertinent to the applicant's neurobiological research studies. HEW further advises that it knows of no similar system being manufactured in the United States, which can provide the pertinent features of the foreign article.

The Department of Commerce knows of no instrument or apparatus of equivalent scientific value to the foreign article for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 70-6025; Filed, May 15, 1970; 8:45 a.m.]

TULANE UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 70-00395-33-43780. Applicant: Tulane University School of Medicine, 1430 Tulane Avenue, New Orleans, La. 70112. Article: Mark 4 resparameter; helium analyzer; and carbon monoxide analyzer. Manufacturer: P. K. Morgan Ltd., United Kingdom. Intended use of article: The article will be used for the measurement of pulmonary transfer factor (diffusing capacity) and total lung capacity. The purpose of this measurement is to assess damage at the alveolar capillary impairment of the lungs as evidenced by a reduced diffusing capacity.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article is an apparatus for the measurement of various parameters of the respiratory system automatically by means of computer control. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated March 13, 1970, that the ability to provide measurements of the respiratory parameters required for the applicant's research studies automatically is a pertinent characteristic of the foreign article. HEW further advises that comparable domestic instruments are not equipped to provide such measurements automatically.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 70-6026; Filed, May 15, 1970; 8:45 a.m.]

UNIVERSITY OF CHICAGO

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 70-00392-75-40600. Applicant: University of Chicago (Operator of) Argonne National Laboratory, 9700 South Cass Avenue, Argonne, Ill. 60439. Article: Isotope separator. Manufacturer: Danfysik, Denmark. Intended use of article: The article will be used in connection with research on the study of high energy nuclear reactions at the Argonne National Laboratory proton synchrotron. Simple nuclear reactions, nuclear fission, spallation, and fragmentation are under investigation. The separator will also be used to prepare isotopically pure samples for nuclear spectroscopy studies.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article is an isotope separator which is capable of separating singly charged ions over the mass range of zero to greater than 250 with a mass resolution of 1,000, with a separation between the collector plates of at least 25 millimeters (mm.) at mass 100 and 10 mm. at mass 250.

We find that the aforementioned capabilities of the foreign article are pertinent to the purposes for which the foreign article is intended to be used.

We are advised by the National Bureau of Standards (NBS) in a memorandum dated March 26, 1970, that it knows of no domestically manufactured isotope separators which are being manufactured in the United States at this time.

NBS further advises that it knows of no domestic manufacturer with the essential background that would be both willing and able to provide an equivalent domestic isotope separator.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 70-6027; Filed, May 15, 1970; 8:45 a.m.]

UNIVERSITY OF COLORADO

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 70-00400-25-41200. Applicant: University of Colorado, Purchasing Department, Regent Hall—Room 122, Boulder, Colo. 80302. Article: Klystron oscillator, Type VC742C. Manufacturer: Varian Associates of Canada, Ltd., Canada.

Intended use of article: The article will be used in a research effort to develop a 94 GHz Maser receiver that would be useful in radio astronomy applications.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article is a Klystron oscillator which is operable between the frequency range of 92 to 98 Giga-Hertz (GHz) and is mechanically tunable. We find that the frequency range of the foreign article is pertinent to the applicant's research on the development of a 94 GHz Maser receiver.

We are advised by the National Bureau of Standards (NBS) in its memorandum dated April 9, 1970, that it knows of no domestically manufactured Klystron oscillators that can operate in the frequency range required for the applicant's intended purposes. NBS further advises that it knows of no instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 70-6028; Filed, May 15, 1970; 8:46 a.m.]

VIRGINIA POLYTECHNIC INSTITUTE

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69-00708-01-77040. Applicant: Virginia Polytechnic Institute, Blacksburg, Va. 24061. Article: Mass spectrometer, Model RMU-6E. Manufacturer: Hitachi Perkin-Elmer, Japan. Intended use of article: The article will be used for research in the following areas:

A. Quantitative analysis of mixtures.

B. Qualitative identification of organic, inorganic, and organometallic compounds.

C. Study of ionization efficiency curves for singly and multiply charged positive ions.

D. Studies of negative ion formation in unimolecular decomposition reactions.

E. Study of ionization efficiency curves for negative ions.

F. Studies of ion-molecule reactions for positive and negative ions.

G. Lifetimes of metastable ions and "metastable ion mass spectra."

H. Formation of negative ions via surface ionization.

I. Studies of free radicals generated thermally and photochemically.

Comments: Comments were received from Nuclide Corp. (Nuclide), which allege inter alia that the Nuclide Model 12-90-G(ESA) mass spectrometer is of equivalent scientific value to the foreign article for such purposes as the article is intended to be used. Comments were also received from Consolidated Electrodynamics Corp. (CEC), which allege inter alia that the CEC Model 21-110B mass spectrometer is of equivalent scientific value to the foreign article for such purposes as the article is intended to be used.

Decision: Application denied. An instrument of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: This application is a resubmission of Docket No. 69-00074-01-77040 which was denied without prejudice to resubmission on December 31, 1968, because the applicant did not establish that comparable domestic instruments were not of equivalent scientific value to the foreign article for the purposes described in the initial application. In the captioned application, the applicant alleges that the foreign article possesses the following that are not available in the most closely comparable domestic instrument (reply to Question 13):

1. Nier-Johnson ion optical system providing a more intensive concentration of metastable ions than is possible to achieve with a mattauch-Herzog ion optical system, as well as a more accurate metastable mass measurement;

2. Negative ion capability;

3. Ion source allowing the electron energy to be varied to 0 electron volts;

4. Dual inlet system having two compartments, so that a sample in one compartment can be scanned for mass spectrum while the other compartment is being evacuated and prepared for the next sample; and

5. *A scan rate of 1 to 300 atomic mass units (amu) in 3 seconds.* In regard to the foregoing, we are advised as follows by the National Bureau of Standards (NBS) (memorandum dated Oct. 9, 1969):

1. *Nier-Johnson ion optical system.* The Nuclide Model 12-90-G has an ion optical system that is constructed according to the same Nier-Johnson design used in the foreign article.

2. *Negative ion capability.* Providing negative ion capability involves only a reversal of polarity. This can be accomplished in the double-focusing as well as the single-focusing versions of the Nuclide Model 12-90-G by switching the output cable at the terminals on the electrostatic sector. The power supply output floats above ground. This permits a reversal of polarity at the sector without having to perform a similar reversal at the power supply, since the floating ground automatically reverses the direction of the power supply's output. Moreover, the Nuclide 12-90-G has been used for negative ion studies (cf. Nature, 206 611 (1965)).

3. *Electron energy.* The Nuclide Model 12-90-G is available with an ionizing voltage control with a range from 0 to 100 electron volts. Moreover, zero electron volts in practice means simply low electron energies in the order of 0.1 electron volts.

4. *Dual inlet system.* The Nuclide Model 12-90-G can be provided with an inlet sysem that is suitable for the intended use of the foreign article. The applicant in describing this characteristic of the foreign article stated: "Unique in this component is the design for convenience. The turret for introduction and preevacuation of the sample cell has two compartments. Thus, one can be scanning for the mass spectrum of one sample while another is being evacuated." However, § 602.1(b)(7) of above-cited regulations provides in part: "The term [pertinent specifications] does not extend to such characteristics as size, durability, complexity or ease of operations, ease of maintenance and versatility, unless the applicant can demonstrate that they are necessary for accomplishing the purposes for which the article is intended to be used." Nothing in the application suggests the applicant's need for handling samples at any particular rate of speed. In commenting on the applicant's remarks concerning the dual inlet system, Nuclide states that (a) due to the faster pumping system of the Model 12-90-G, one can run samples as fast with its single direct inlet system as with the dual system of the foreign article; (b) if there is any difference in favor of the foreign

article, it could not exceed one minute for every two samples; and (c) the Model 12-90-G can handle both gaseous and liquid samples, as well as solids. (Nuclide, supra page 4)

5. *Scan rate.* The Nuclide Model 12-90-G provides a very fast variable scan system that is actually superior to that of the foreign article. The applicant's supplementary remarks to its answers to Question 13, state that Nuclide's offer was not responsive to the applicant's bid specifications. The applicant in this regard states "The major items in question concern the ion-optical system, negative ion capability, variable electron energy control from 0 (zero) to 100 (one hundred) eV., and scanning rates for the mass spectrometer." Nuclide, however, states that the applicant's specifications described in its answer to Question 11 in the application were not submitted to Nuclide in the applicant's request for quotation. In addition, in referring to the four major characteristics of concern to the applicant, Nuclide asserts "* * * but these concerns were not mentioned as a part of the Applicant's RFQ [request for quotation] which was sent to us or as "major" in our discussions with him. In any case, all of them were available from Nuclide at the time of his purchase, and, finally, we quoted fixed prices on components for all of them, in our first submission to him in 1966." (Nuclide, supra page 5.) In a supplementary memorandum dated March 3, 1970, on the question of Nuclide's capability to furnish the major characteristics with which the applicant is concerned, NBS stated: "With regard to willingness to supply, NBS finds that the extent of modifications required are well within the normal practice of domestic manufacturers of mass spectrometers to meet special requirements of customers."

On the basis of the foregoing, we find that the characteristic of dual inlet system (item 4) is not a pertinent specification within the purview of § 602.1(b)(7) of the regulations. We further find that in regard to the ion-optical system (item 1), the design of the Nuclide 12-90-G is identical to that of the foreign article since both follow the Nier-Johnson design.

With respect to variable voltage control (item 3) and scan rate (item 5) we find that the Nuclide 12-90-G is at least scientifically equivalent. In the matter of negative ion capability (item 2) we concur in the statement of NBS in its memorandum of March 3, 1970, that since Nuclide, in its formal quotation of November 23, 1966, offered to supply the negative ion modification at a quoted price of $650, there is no reason to assume that Nuclide was no longer willing to supply the same modification to the same prospective purchaser in January 1967. We also find that the omission of a quote on negative ion capability, in its second quotation to the applicant (Jan. 27, 1967), is accounted for by the following: (1) the applicant's invitation to bid called for a "mass spectrometer, double focusing, Perkin Elmer Model RMU-6E [the foreign article to which this application relates]"; and (2) the short time allowed by the applicant for the submission of quotations, the invitation being dated January 1, 1967 and opening of bids scheduled January 31, 1967.

We, therefore, find that as of the date on which the applicant purchased the foreign article, an instrument of equivalent scientific value to the article for such purposes as the article is intended to be used was being manufactured in the United States. Accordingly, the application is denied.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 70-6029; Filed, May 15, 1970; 8:46 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[DESI 10410]

CERTAIN NEOMYCIN SULFATE-CONTAINING DRUGS

Drugs for Human Use; Drug Efficacy Study Implementation

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

1. Actol Solution; 65 milligrams neomycin sulfate and 5,000 units polymyxin B sulfate, per 5 milliliters; marketed by The S. E. Massengill Co., 527 Fifth Street, Bristol, Tenn. 37620 (NDA 10-410).

2. Intromycin Powder; 7.5 milligrams neomycin sulfate, 15 milligrams streptomycin, as the sulfate, and 950 milligrams carob powder, per gram of product; marketed by Pitman-Moore Division of The Dow Chemical Co., 1200 Madison Avenue, Box 1656, Indianapolis, Ind. 46206 (NDA 60-340).

The Food and Drug Administration concludes that there is a lack of substantial evidence of effectiveness of these drugs, in that such evidence is lacking to show that each ingredient of the drugs contributes to the total effects which they purport or are represented to have.

Accordingly, the Commissioner of Food and Drugs intends to initiate proceedings to amend the antibiotic drug regulations (21 CFR Parts 146 and 148) where necessary to delete from the list of drugs acceptable for certification those that contain the above-listed combinations intended for human use.

Prior to initiating such action, however, the Commissioner invites all interested persons who might be adversely affected by removal of these drugs from the market to submit pertinent data bearing on the proposal within 30 days following the date of publication of this announcement in the FEDERAL REGISTER. The only material which will be considered acceptable for review must be well organized and consist of adequate and well-controlled studies bearing on the efficacy of the products, and not previously submitted. Such data should be identified with the reference number DESI 10410 and be addressed to the Special Assistant for Drug Efficacy Study Implementation (BD-201), Bureau of Drugs, Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852.

This announcement of the proposed action and implementation of the NAS-NRC reports of the drugs is made to give notice to persons who might be adversely affected by removal of these drugs from the market.

The firms listed above have been mailed a copy of the NAS-NRC report. Any interested person may obtain a copy of the reports on these drugs by writing to the Food and Drug Administration, Press Relations Staff (CE-200), 200 C Street SW., Washington, D.C. 20204:

This notice is issued pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 507, 52 Stat. 1050-51, as amended, 59 Stat. 463, as amended; 21 U.S.C. 352, 357) and under the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: May 1, 1970.

CHARLES C. EDWARDS,
Commissioner of Food and Drugs.

[F.R. Doc. 70-6073; Filed, May 15, 1970; 8:49 a.m.]

MERCK & CO., INC.

Notice of Withdrawal of Petition for Food Additive Ronidazole

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), Merck Sharp & Dohme Research Laboratories, Division of Merck & Co., Inc., Rahway, N.J. 07065, has withdrawn its petition (P39-247V), notice of which was published in the FEDERAL REGISTER of May 14, 1968 (33 F.R. 7128), proposing the issuance of a food additive regulation (21 CFR Part 121) to provide for the safe use of ronidazole ((1-methyl-5-nitroimidazol-2-yl) methyl carbamate) in turkey feed as an aid in the prevention of blackhead (histomoniasis).

Dated: May 7, 1970.

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

[F.R. Doc. 70-6071; Filed, May 15, 1970; 8:49 a.m.]

MONSANTO CO.

Notice of Filing of Petition for Food Additives

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP OA2523) has been filed by Monsanto Co., 800 North Lindbergh Boulevard, St. Louis, Mo. 63166, proposing the issuance of a food additive regulation (21 CFR Part 121) to provide for the safe use of glutaric acid as an acidulant, buffer, and neutralizing agent in foods for which standards of identity established under section 401 of the act do not preclude such use.

Dated: May 5, 1970.

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

[F.R. Doc. 70-6072; Filed, May 15, 1970; 8:49 a.m.]

[Docket No. FDC-D-158; NADA No. 6-516V]

WHITMOYER LABORATORIES, INC.

Vermex Powder and Poultry Tablets; Notice of Withdrawal of Approval of New Animal Drug Application

A notice of opportunity for hearing on the proposed withdrawal of approval of new animal drug application No. 6-516V and all amendments and supplements thereto held by Whitmoyer Laboratories, Inc., Myerstown, Pa. 17067, for the drugs Vermex Powder and Poultry Tablets was published in the FEDERAL REGISTER of February 26, 1970 (35 F.R. 3767). Whitmoyer Laboratories, Inc., has waived opportunity for a hearing on the proposed withdrawal of approval of said application.

The Commissioner of Food and Drugs, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(e), 82 Stat. 345-47; 21 U.S.C. 360b(e)) and under authority delegated to him (21 CFR 2.120), finds on the basis of new information before him evaluated together with evidence available to him when the application was approved, that there is lack of substantial evidence that the drug will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in its labeling.

Therefore, pursuant to the foregoing finding, approval of new animal drug application No. 6-515V and all amendments and supplements thereto applying to Vermex Powder and Poultry Tablets is withdrawn effective on the date of signature of this document.

Dated: May 12, 1970.

CHARLES C. EDWARDS,
Commissioner of Food and Drugs.

[F.R. Doc. 70-6074; Filed, May 15, 1970; 8:49 a.m.]

Office of Education

NATIONALLY RECOGNIZED ACCREDITING ASSOCIATIONS AND AGENCIES

List

For the purposes of determining eligibility for Federal assistance, pursuant to Public Law 82-550 and subsequent legislation, the U.S. Commissioner of Education hereby publishes a list of nationally recognized accrediting associations and agencies which he determines to be reliable authority as to the quality of training offered by educational institutions either in a geographical area or in a specialized field, and the general scope of recognition granted to the accrediting bodies.

This list supersedes the list previously promulgated by the Commissioner of Education on May 6, 1969, 34 F.R. 7550.

ASSOCIATIONS AND AGENCIES RECOGNIZED FOR THEIR GENERAL ACCREDITATION OF COLLEGES AND UNIVERSITIES

Commission on Institutions of Higher Education, Middle States Association of Colleges and Secondary Schools.

Commission on Institutions of Higher Education, New England Association of Colleges and Secondary Schools.

Commission on Colleges and Universities, North Central Association of Colleges and Secondary Schools.

Commission on Higher Schools, Northwest Association of Secondary and Higher Schools.

Commission on Colleges and Universities, Southern Association of Colleges and Schools.

Accrediting Commission for Senior Colleges and Universities, Accrediting Commission for Junior Colleges, Western Association of Schools and Colleges.

Board of Regents (for higher institutions within New York State), University of the State of New York.

ASSOCIATIONS AND AGENCIES RECOGNIZED FOR THEIR SPECIALIZED ACCREDITATION OF SCHOOLS OR PROGRAMS

ALLIED MEDICAL HEALTH EDUCATION

Accrediting Bureau for Medical Laboratory Schools (medical laboratory technician education).

Council on Medical Education, American Medical Association (programs in medical technology, occupational therapy, physical therapy, medical record librarianship, medical record technology, and radiologic technology).

ANESTHESIOLOGY

American Association of Nurse Anesthetists (professional schools).

ARCHITECTURE

National Architectural Accrediting Board, Inc. (5-year programs leading to a professional degree).

ART

National Association of Schools of Art (professional programs at the baccalaureate and graduate levels).

BIBLE COLLEGE EDUCATION

Accrediting Association of Bible Colleges (3-year institutes and 4- and 5-year colleges).

BUSINESS

Accrediting Commission for Business Schools (private junior and senior colleges of business, and 1- and 2-year private schools of business).

American Association of Collegiate Schools of Business (baccalaureate and master's degree programs).

CHEMISTRY

Committee on Professional Training, American Chemical Society (baccalaureate professional programs).

CLINICAL PASTORAL EDUCATION

National Certification and Accreditation Committee, Association for Clinical Pastoral Education, Inc. (professional training centers).

COSMETOLOGY

Cosmetology Accrediting Commission (private cosmetology schools).

DENTISTRY

Council on Dental Education, American Dental Association (programs leading to DDS or DMD degrees, and professional programs in dental hygiene, dental assisting and dental technology).

ENGINEERING

Engineers' Council for Professional Development (first professional degree curricula in engineering and 2-year programs in engineering technology).

FORESTRY

Society of American Foresters (professional schools).

HOME STUDY EDUCATION

Accrediting Commission, National Home Study Council (private correspondence schools).

JOURNALISM

American Council on Education for Journalism (baccalaureate professional programs).

LAW

American Bar Association (professional schools).

LIBRARIANSHIP

Committee on Accreditation, American Library Association (5-year programs leading to the master's degree).

MEDICINE

Liaison Committee on Medical Education representing the Council on Medical Education of the American Medical Association and the Executive Council of the Association of American Medical Colleges (professional programs leading to M.D. degree).

MUSIC

National Association of Schools of Music (baccalaureate and graduate degree programs).

NURSING

Board of Review, National League for Nursing, Inc. (professional and practical nurse programs).

Accrediting Review Board, National Association for Practical Nurse Education and Service, Inc. (practical nurse programs).

OCCUPATIONAL, TRADE AND TECHNICAL EDUCATION

Accrediting Commission, National Association of Trade and Technical Schools (private trade and technical schools).

Committee on Occupational Education, Southern Association of Colleges and Schools (noncollegiate postsecondary schools).

OPTOMETRY

Council on Optometric Education, American Optometric Association (professional schools).

OSTEOPATHY

American Osteopathic Association (programs leading to D.O. degree).

PHARMACY

American Council on Pharmaceutical Education (professional schools).

PODIATRY

Council on Education, American Podiatry Association (baccalaureate and graduate degree programs).

PSYCHOLOGY

American Psychological Association (doctoral and internship programs in clinical and counseling psychology).

PUBLIC HEALTH

Committee on Professional Education, American Public Health Association, Inc. (master's degree programs in community health education and graduate professional schools of public health).

SOCIAL WORK

Committee on Accreditation, Council on Social Work Education (graduate professional schools).

SPEECH PATHOLOGY AND AUDIOLOGY

American Boards of Examiner in Speech Pathology and Audiology, American Speech and Hearing Association (master's degree programs).

TEACHER EDUCATION

National Council for the Accreditation of Teacher Education (baccalaureate and graduate degree programs).

THEOLOGY

Commission on Accrediting, American Association of Theological Schools (graduate professional schools).

VETERINARY MEDICINE

Council on Education, American Veterinary Medical Association (programs leading to DVM or VMD degrees).

Dated: May 6, 1970.

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

[F.R. Doc. 70-6085; Filed, May 15, 1970; 8:50 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-261]

CAROLINA POWER & LIGHT CO.

Notice of Proposed Issuance of Facility Operating License

The Atomic Energy Commission (the Commission) is considering the issuance of a facility operating license which would authorize Carolina Power & Light Co. to possess, use, and operate the H. B. Robinson Unit No. 2, a closed cycle, pressurized water nuclear reactor, on the applicant's site in Darlington County, S.C., about 4.5 miles west-northwest of Hartsville. Construction of the facility was authorized by Provisional Construction Permit No. CPPR-26 issued by the Commission on April 13, 1967.

The H. B. Robinson Unit No. 2 is designed to operate at 2,200 megawatts thermal; however, until the Commission has reviewed the seismic analysis of certain Class I piping and equipment to be provided by the Carolina Power & Light Co., the power level will be restricted to 5 megawatts thermal. Upon satisfactory completion of the review and upon written notification from the Commission, Carolina Power & Light Co. will be authorized to operate the facility at steady state power levels not to exceed 2,200 megawatts thermal, in accordance with the provisions of the license and the Technical Specifications appended thereto.

In the event that other construction matters have not been completed to permit full power operation, the Commission may issue a facility operating license consistent with the level of construction completed to permit initial fuel loading and low power testing prior to the issuance of the full power license.

The Commission has found that the application for the facility license, as amended, complies with the requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations published in 10 CFR Chapter I.

Prior to issuance of the operating license, the facility will be inspected by the Commission to determine whether it has been constructed in accordance with the application, as amended, and the provisions of Provisional Construction Permit No. CPPR-26. The license will be issued after the Commission makes the findings, relating to its review of the application, which are set forth in the proposed license, and concludes that the issuance of this license will not be inimical to the common defense and security or to the health and safety of the public. Upon issuance of the license Carolina Power & Light Co. will be required to execute an indemnity agreement as required by section 170 of the Act and 10 CFR Part 140 of the Commission's regulations.

Within thirty (30) days from the date of publication of this notice in the FEDERAL REGISTER, the applicant may file a request for a hearing and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the Commission's rules of practice in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or appropriate order.

For further details with respect to this proposed facility operating license, see (1) the application for construction permit and facility license dated July 12, 1966, as amended (Amendment Nos. 8 through 21), (2) the report of the Advisory Committee on Reactor Safeguards on the application for the H. B. Robinson Unit No. 2 facility license, dated April 16, 1970, (3) the proposed facility operating license, including Technical Specifications attached thereto as Appendix A, (4) a related safety evaluation prepared by the Division of Reactor Licensing, and (5) a document entitled "Statement on the Environmental Considerations Relating to the Proposed Operation by Carolina Power & Light Co. of the H. B. Robinson Unit No. 2," all of which will be available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Copies of items (2), (4), and (5) above may be obtained at the Commission's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 14th day of May 1970.

For the Atomic Energy Commission.

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

[F.R. Doc. 70-6148; Filed, May 15, 1970; 8:53 a.m.]

[Docket No. 50-263]

NORTHERN STATES POWER CO.

Order Scheduling Resumption of Hearing

In the matter of Northern States Power Co. (Monticello Nuclear Generating Plant Unit 1); Docket No. 50-263.

It is hereby ordered, That the hearing in the subject matter shall be resumed in the U.S. Federal Courthouse, 316 North Roberts Street, St. Paul, Minn., at Courtroom 4 (seventh floor), commencing at 10 a.m., local time, Monday, June 15, 1970.

It is further ordered, That this order shall be published in the FEDERAL REGISTER.

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

ATOMIC SAFETY AND LICENSING BOARD,
VALENTINE B. DEALE,
Chairman.

[F.R. Doc. 70-6149; Filed, May 15, 1970; 8:53 a.m.]

CIVIL SERVICE COMMISSION

COUNCIL ON ENVIRONMENTAL QUALITY

Notice of Grant of Authority To Make Noncareer Executive Assignments

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Council

on Environmental Quality to fill by noncareer executive assignments in the excepted service the position of General Counsel and two positions of Senior Staff Member.

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

[F.R. Doc. 70-6110; Filed, May 15, 1970; 8:52 a.m.]

DEPARTMENT OF AGRICULTURE

Notice of Title Change in Noncareer Executive Assignment

By notice of November 17, 1967, F.R. Doc. 67-13608, the Civil Service Commission authorized the departments and agencies to fill by noncareer executive assignment, certain positions removed from Schedule C of Civil Service Rule VI by 5 CFR 213.3301a on November 17, 1967. This is notice that the title of one such position so authorized to be filled by noncareer executive assignment has been changed from Administrative Officer (Assistant to the Secretary) to Assistant to the Secretary for Public Affairs.

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

[F.R. Doc. 70-6109; Filed, May 15, 1970; 8:52 a.m.]

DEPARTMENT OF COMMERCE

Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Commerce to fill by noncareer executive assignment in the excepted service the position of Deputy Assistant Secretary for Economic Affairs, Office of the Assistant Secretary for Economic Affairs.

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

[F.R. Doc. 70-6111; Filed, May 15, 1970; 8:52 a.m.]

DEPARTMENT OF COMMERCE

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Commerce to fill by noncareer executive assignment in the excepted service the position of Special Assistant to the Secretary, Office of the Secretary.

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

[F.R. Doc. 70-6112; Filed, May 15, 1970; 8:52 a.m.]

DEPARTMENT OF COMMERCE

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Commerce to fill by noncareer executive assignment in the excepted service the position of Executive Director, National Industrial Pollution Control Council, Office of the Assistant Secretary for Domestic and International Business.

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

[F.R. Doc. 70-6113; Filed, May 15, 1970; 8:52 a.m.]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Housing and Urban Development to fill by noncareer executive assignment in the excepted service the position of General Deputy, Housing Assistance Administration.

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

[F.R. Doc. 70-6114; Filed, May 15, 1970; 8:52 a.m.]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Housing and Urban Development to fill by noncareer executive assignment in the excepted service the position of Deputy Director, Office of Housing Management, Renewal and Housing Management.

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

[F.R. Doc. 70-6115; Filed, May 15, 1970; 8:52 a.m.]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Housing and Urban Development to fill by noncareer executive assignment in the excepted service the position of Deputy Assistant Secretary, Renewal and Housing Assistance.

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

[F.R. Doc. 70-6116; Filed, May 15, 1970; 8:53 a.m.]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Housing and Urban Development to fill by noncareer executive assignment in the excepted service the position of Director, Office of Housing Management, Renewal and Housing Management.

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

[F.R. Doc. 70-6117; Filed, May 15, 1970; 8:53 a.m.]

POST OFFICE DEPARTMENT

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Post Office Department to fill by noncareer executive assignment in the excepted service the position of Deputy Special Assistant to the Postmaster General

(Special Projects and Philatelic Affairs), Office of the Postmaster General.

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

[F.R. Doc. 70-6118; Filed, May 15, 1970; 8:53 a.m.]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGFR 70-52]

EQUIPMENT, CONSTRUCTION, AND MATERIALS

Termination of Approval Notice

Correction

In F.R. Doc. 70-5621 appearing on page 7196 in the issue for Thursday, May 7, 1970, in the second line of the paragraph following the heading "Boilers Auxiliary * * *", insert the word "Box" preceding the number "550".

[CGFR 70-68]

SAN FRANCISCO BAY

Security Zone

By virtue of the authority vested in me as Commandant, U.S. Coast Guard, by Executive Order 10173, as amended (33 CFR Part 6), sec. 6(b)(1), 80 Stat. 937, 49 U.S.C. 1655(b)(1), and 49 CFR 1.46 (b), I hereby affirm for publication in the FEDERAL REGISTER the order of C. F. Scharfenstein, Jr., Captain, U.S. Coast Guard, Acting Commander, Twelfth Coast Guard District, who has exercised authority as District Commander, such order reading as follows:

SAN FRANCISCO BAY

SECURITY ZONE

Under the present authority of section 1 of title II of the Espionage Act of June 15, 1917, 40 Stat. 220, as amended, 50 U.S.C. 191, and Executive Order 10173, as amended, I declare that due to the launching of the "USS Drum" (SSN 677), the following area is a security zone and I order it to be closed to any person or vessel from 1630 P.d.t. on May 23, 1970, until after the "USS Drum" (SSN 677) takes the water and is alongside the seawall at Mare Island Naval Shipyard.

The waters of Mare Island Strait, Napa River, California, between the Mare Island Causeway (38°06'44" N., 122°16'14.5" W. to 38°06'36" N., 122°16'32" W.) and a line extending in the direction 245° true from the end of the Naval Reserve Pier, Vallejo, Calif. (38°05'36.5" N., 122°15'22" W.) to the opposite shore of the Napa River (38°05'32" N., 122°15'35" W.).

No person or vessel shall remain in or enter this security zone without permission of the Captain of the Port, San Francisco.

The Captain of the Port, San Francisco, Calif., shall enforce this order. In the enforcement of this order, the Captain of the Port may utilize, by appropriate agreement, personnel and facilities of any other Federal agency, or of any State or political subdivision thereof.

For violation of this order, section 2 of title II of the Espionage Act of June 15, 1917 (40 Stat. 220 as amended, 50 U.S.C. 192), provides:

"If any owner, agent, master, officer, or person in charge, or any member of the crew of any such vessel fails to comply with any regulation or rule issued or order given under the provisions of this chapter, or obstructs or interferes with the exercise of any power conferred by this chapter, the vessel, together with her tackle, apparel, furniture, and equipment, shall be subject to seizure and forfeiture to the United States in the same manner as merchandise is forfeited for violation of the customs revenue laws; and the person guilty of such failure, obstruction, or interference shall be punished by imprisonment for not more than 10 years and may, in the discretion of the court, be fined not more than $10,000.

"(a) If any other person knowingly fails to comply with any regulation or rule issued or order given under the provisions of this chapter, or knowingly obstructs or interferes with the exercise of any power conferred by this chapter, he shall be punished by imprisonment for not more than 10 years and may, at the discretion of the court, be fined not more than $10,000."

Dated: May 11, 1970.

W. J. SMITH,
Admiral, U.S. Coast Guard, Commandant.

[F.R. Doc. 70-6049; Filed, May 15, 1970; 8:47 a.m.]

National Transportation Safety Board

[Docket No. SA-419]

AIRCRAFT ACCIDENT AT BINGHAMTON, N.Y.

Notice of Investigation Hearing

In the matter of investigation of aircraft accident involving Commuter Airlines (Air Taxi), Beech 18, N497DM, at Broome County Airport, Binghamton, N.Y., on Mar. 22, 1970.

Notice is hereby given that an Accident Investigation Hearing on the above matter will be held commencing at 9:30 a.m. (local time) on June 17, 1970, in the Endicott Room, of the Treadway Inn, Binghamton, N.Y.

Dated this 12th day of May 1970.

[SEAL] WILLIAM R. HENDRICKS,
Hearing Officer.

[F.R. Doc. 70-6094; Filed, May 15, 1970; 8:51 a.m.]

DELAWARE RIVER BASIN COMMISSION

COMPREHENSIVE PLAN

Notice of Public Hearing

Notice is hereby given that the Delaware River Basin Commission will hold a public hearing on Thursday, May 21, 1970, in the South Auditorium of the American Society for Testing and Materials Building, 1916 Race Street, in Philadelphia, beginning at 2 p.m. The subject of the hearing will be proposals to amend the Comprehensive Plan so as to include therein the following three projects:

1. *Borough of Mount Pocono.* A sewage collection and treatment system to serve the Borough of Mount Pocono, Monroe County, Pa. The proposed treatment plant will remove 90 percent of BOD (organic wastes) and suspended solids, and 85 percent of phosphate from a waste water flow of 400,000 gallons per day. Treated effluent will discharge to Forest Hills Run, a tributary of the Brodhead Creek.

2. *U.S. Army Corps of Engineers.* A flood protection project for the Borough of Tamaqua, Schuylkill County, Pa. A 2,400-foot tunnel will divert high flows of Wabash Creek into the Little Schuylkill River. The tunnel will have a capacity of 1,500 cfs (cubic feet per second).

3. *Town of Thompson.* A project to improve and enlarge the Kiamesha Lake Sewer District's treatment plant in the town of Thompson, Sullivan County, N.Y. The capacity of the existing sewage treatment plant will be increased to 1.2 million gallons per day. Waste water will receive secondary treatment and disinfection prior to discharge into Kiamesha Creek.

Documents relating to the items listed for hearing may be examined at the Commission's offices. All persons wishing to testify are requested to register in advance with the Secretary to the Commission (Telephone (690) 883-9500).

W. BRINTON WHITALL,
Secretary.

MAY 8, 1970.

[F.R. Doc. 70-6036; Filed, May 15, 1970; 8:46 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RI70-1592 etc.]

SHELL OIL CO. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

MAY 8, 1970.

The respondents named herein have filed proposed increased rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

[1] Does not consolidate for hearing or dispose of the several matters herein.

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before June 24, 1970.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI70-1592	Shell Oil Co., 50 West 50th St., New York, N.Y. 10020.	297	8	South Texas Natural Gas Gathering Co. (McAllen Ranch, Hidalgo County, Tex.) (RR. District No. 4).	(2)	4-13-70	[3] 5-14-70	10-14-70	[4] 16.0	[4] [5] 18.0675	
RI70-1593	Pan American Petroleum Corp., Post Office Box 3092, Houston, Tex. 77001.	54	9	Natural Gas Pipeline Co. of America (Urbana Field, San Jacinto County, Tex.) (RR. District No. 3).	$10,220	4-14-70	[3] 5-15-70	10-15-70	14.0	[4] [7] 16.0	RI70-1445.
	Pan American Petroleum Corp., Post Office Box 1410, Fort Worth, Tex. 76101.	404	5	Natural Gas Pipeline Co. of America (Mobeetie Field, Wheeler County, Tex.) (RR. District No. 10).	20,000	4-16-70	[3] 5-21-70	10-21-70	[4] 17.0637	[4] [5] 18.0667	RI70-697.
	do	487	[4] 7	Arkansas Louisiana Gas Co. (Red Oak Field, Latimer County, Okla.) (Panhandle Area).	20	4-16-70	[3] 5-17-70	10-17-70	15.0	[4] [5] 16.015	
RI70-1594	Humble Oil & Refining Co., Post Office Box 2180, Houston, Tex. 77001.	371	2	Natural Gas Pipeline Co. of America (Laura Thomson Field, Bee County, Tex.) (RR. District No. 2).	4,934	4-16-70	[3] 6- 1-70	11- 1-70	16.06	[4] [7] 17.0638	RI70-426.
RI70-1595	Shell Oil Co. (Operator) et al., 50 West 50th St., New York, N.Y. 10020.	359	2	Texas Eastern Transmission Corp. (Sheridan Field, Colorado County, Tex.) (RR. District No. 3).	38,837	4-17-70	[3] 5-18-70	10-18-70	17.0744	[4] [10] 18.0788	RI70-347.
RI70-1596	Helmerich & Payne, Inc., Utica at 21st, Tulsa, Okla. 74114.	13	7	Panhandle Eastern Pipe Line Co. (Southeast Liberal Field, Seward County, Kans.).	1,135	4-13-70	[3] 5-14-70	10-14-70	[4] 16.0	[4] [5] 17.0	RI70-411.
RI70-1597	American Petrofina Co. of Texas, Post Office Box 2159, Dallas, Tex. 75221.	43	2	Transwestern Pipeline Co. (Red Deer Field, Roberts County, Tex.) (RR. District No. 10).	146	4-13-70	[11] 5-14-70	10-14-70	[4] 16.07	[4] [5] 17.074375	RI70-412.
RI70-1598	Thomas E. Berry (Operator) et al., Post Office Box 111, Stillwater, Okla. 74074.	6	7	El Paso Natural Gas Co. (Mocane Field, Beaver County, Okla.) (Oklahoma "Other" Area).	20,952	4-13-70	[3] 5-14-70	10-14-70	17.0	[4] [5] 23.015	
RI70-1599	Burk Gas Corp., 800 Oil & Gas Bldg., Wichita Falls, Tex. 76301.	13	5	Northern Natural Gas Co., (Ochiltree County, Tex.) (RR. District No. 10).	3,504	4-10-70	[11] 5-11-70	10-11-70	[4] 17.0	[4] [5] 18.0	
RI70-1600	Signal Oil and Gas Co. et al., 1101 Wilshire Bldg., Los Angeles, Calif. 90017.	26	2	Panhandle Eastern Pipe Line Co. (Northeast Trail Field, Dewey County, Okla.) (Oklahoma "Other" Area).	50,400	4-10-70	[11] 5-11-70	10-11-70	[12] 15.0	[4] [11] [13] 18.0	
RI70-1601	do	27	3	Panhandle Eastern Pipe Line Co. (Aline Plant, Alfalfa, Major, and Woods Counties, Okla.) (Oklahoma "Other" Area).	108,000	4-10-70	[11] 5-11-70	10-11-70	[11] 15.0	[4] [11] [13] 18.0	
RI70-1602	The Bradley Producing Corp., 313 North Main St., Wellsville, N.Y. 14895.	1	10	Natural Gas Pipeline Co. of America (Camrick Field, Beaver County, Okla.) (Panhandle Area).	1,247	4-13-70	[11] 5-14-70	10-14-70	[4] 17.8	[4] [5] 18.615	RI65-546.
	do	2	10	do	33	4-13-70	[11] 5-14-70	10-14-70	[4] 17.8	[4] [5] 18.615	RI65-546.
	do	3	10	do	174	4-13-70	[11] 5-14-70	10-14-70	[4] 17.8	[4] [5] 18.615	RI65-546.
	do	8	3	Michigan Wisconsin Pipe Line Co., (Laverne Area, Harper County, Okla.) (Panhandle Area).	72	4-13-70	[11] 5-14-70	10-14-70	[11] [14] 17.72	[4] [11] [14] 20.235	
	do	9	1	Northern Natural Gas Co. (Como Field Area, Beaver County, Okla.) (Panhandle Area).	122	4-13-70	[11] 5-14-70	10-14-70	[4] 17.0	[4] [5] 18.0 15	
	do	11	5	Michigan Wisconsin Pipe Line Co. (Northeast Cedardale Field, Major County, Okla.) (Oklahoma "Other" Area).	1,905	4-13-70	[11] 5-14-70	10-14-70	[11] [14] 15.84	[4] [11] [13] 20.355	
RI70-1603	Cotton Petroleum Co., 2121 South Columbia, Tulsa, Okla. 74114.	1	2	Transwestern Pipeline Co. (Hansford County, Tex.) (RR. District No. 10).	15,840	4-13-70	[11] 5-14-70	10-14-70	[11] 17.0	[4] [11] 18.0	
RI70-1604	Kingwood Oil Co., 100 Park Avenue Bldg., Oklahoma City, Okla. 73102.	10	8	Michigan Wisconsin Pipe Line Co. (Laverne Field, Beaver County, Okla.) (Panhandle Area).	1,765	4-13-70	[3] 5-14-70	10-14-70	[11] [17] 19.5	[4] [11] [17] 22.0	RI66-387.
	do	10	9	do	2,821	4-13-70	[3] 5-14-70	10-14-70	[11] [16] 19.5	[4] [11] [16] 22.0	RI66-387.
RI70-1605	Sierra Petroleum Co., Inc., 211 North Broadway, Wichita, Kans. 67202.	1	1	Panhandle Eastern Pipe Line Co. (Boaldin Field, Texas County, Okla.) (Panhandle Area).	5,000	4-14-70	[3] 5-15-70	10-15-70	16.0	[4] 18.0	

See footnotes at end of table.

APPENDIX A—Continued

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI70-1606..	Walter Duncan (Operator) et al., Post Office Box 211, La Salle, Ill.	8	2	Michigan Wisconsin Pipe Line Co. (Woodward Area, Major County, Okla.) (Oklahoma "Other" Area).	$48,600	4-13-70	[11] 5-14-70	10-14-70	[11] 15.0	[11][18] 19.5	
RI70-1607..	Reading & Bates Production Co. (Operator) et al., 1100 Philtower Bldg., Tulsa, Okla. 74103.	2	3	Panhandle Eastern Pipe Line Co. (South Teegarden Field, Woods County, Okla.) (Oklahoma "Other" Area).	1,476	4-16-70	[2] 5-17-70	5-17-70	[17][21] 15.105	[17][20][21] 18.105	RI68-617.
RI70-1608..	Ben F. Brack (Operator) et al., 2420 North Dellrose, Wichita, Kans.	4	5	Cities Service Gas Co. (Aetna-Mississippi Gas Pool, Barber County, Kans.).	1,080	4-13-70	[11] 5-14-70	10-14-70	[4][11] 12.0	[4][11] 15.0	
RI70-1609..	Texaco, Inc., Post Office Box 2420, Tulsa, Okla. 74102.	195	8	Natural Gas Pipeline Co. of America (Southeast Camrick Field, Texas County, Okla.) (Panhandle Area).	12	4-3-70	[2] 5-13-70	10-13-70	[2] 18.6	[4][11] 18.8	RI70-792.

[2] Not stated.
[3] The stated effective date is the effective date requested by respondent.
[4] Periodic rate increase.
[5] Pressure base is 14.65 p.s.i.a.
[6] Pertains only to acreage added by Supplement No. 7. Permanently certificated rate.
[7] Ex parte rate increase.
[8] Subject to a downward B.t.u. adjustment.
[9] Applicable only to Supplement No. 4.
[10] Respondent is filing up to contract rate.
[11] The stated effective date is the first day after expiration of the statutory notice period.
[12] Filing from certificated rate to initial contract rate.
[13] Subject to upward and downward B.t.u. adjustment.
[14] Includes 0.72 cent upward B.t.u. adjustment.
[15] Filing to initial contract rate plus tax reimbursement plus upward B.t.u. adjustment.
[16] Includes 0.84 cent upward B.t.u. adjustment.
[17] For production from Canfield and Berends Units.
[18] For production from Shephard Unit.
[19] Filing from certificated rate to initial contract rate.
[20] Filing from certificated rate plus tax reimbursement to first periodic increase plus tax reimbursement.
[21] Includes 0.15 cent tax reimbursement and 0.09 cent upward B.t.u. adjustment.
[22] Rate of 13 cents is effective subject to refund in RI62-198, but rate is not being collected because no refund assurance has been filed.

American Petrofina Company of Texas and Ben F. Brack (Operator) et al., request that their proposed rate increases be permitted to become effective as of May 8, 1970. Burk Gas Corp. requests an effective date of April 1, 1970. Signal Oil & Gas Co. and the Bradley Producing Corp. request that their proposed rate increases be permitted to become effective as of May 10, 1970. Cotton Petroleum Co. requests an effective date of May 12, 1970, for its proposed rate increase and Walter Duncan (Operator) et al., requests a retroactive effective date of January 28, 1970, for their rate increase. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit earlier effective dates for the aforementioned producers' rate filings and such requests are denied.

Humble Oil & Refining Co. (Humble) requests that should the Commission suspend its proposed rate filing that the suspension period with respect thereto be limited to 1 day, or as short a period as possible. Good cause has not been shown for limiting to 1 day the suspension period with respect to Humble's rate filing and such request is denied.

All of the producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's statement of general policy No. 61-1, as amended (18 CFR 2.56).

[F.R. Doc. 70-5997; Filed, May 15, 1970; 8:45 a.m.]

[Docket No. CP70-267]

ARKANSAS LOUISIANA GAS CO.

Notice of Application

MAY 11, 1970.

Take notice that on May 4, 1970, Arkansas Louisiana Gas Co. (applicant), Post Office Box 1734, Shreveport, La. 71102, filed in Docket No. CP70-267 an application pursuant to section 7(c) of the Natural Gas Act authorizing the construction during 1970-74, 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 to public inspection.

Applicant proposes to construct and operate in interstate commerce gas supply facilities it states are necessary to continue to serve existing markets, including 298 miles of 24-inch and 30-inch pipeline from Hemphill County, Tex., to applicant's existing Wilburton Compressor Station in Oklahoma, 33 miles of 12-inch and 8-inch lateral line to connect its Lawton System, along with compressor stations, gas treating facilities, gathering facilities, and other facilities necessary to deliver additional volumes of natural gas to five of applicant's existing systems from the Deep Anadarko Basin Area of West Oklahoma and the Texas Panhandle to replace declining supply. The application also requests an order authorizing the operation in interstate commerce of applicant's existing Lawton, Ada, and McAlister Systems in Oklahoma which will be subject to the jurisdiction of the Commission after those presently intrastate systems are connected to the pipeline proposed.

The total estimated cost of the proposed facilities is $105,085,460, which will be financed by short-term loans to be converted to long-term debt in due course.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 2, 1970, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

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

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

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-6064; Filed, May 15, 1970; 8:49 a.m.]

[Docket No. RI66-335]

ASHLAND OIL & REFINING CO.

Order Accepting Decreased Rate Filings Subject to Refund in Exisiting Rate Suspension Proceeding

MAY 7, 1970.

Ashland Oil & Refining Co. (Ashland) on April 10, 1970, submitted two proposed rate decreases from 11.7526 cents to

11.4780 cents (Rate Schedule No. 117) and 11.0182 cents to 10.7607 cents (Rate Schedule No. 118) for sales to Phillips Petroleum Co. (Phillips) from the Hugoton Field, Sherman and Hansford Counties, Tex. (Railroad District No. 10). The proposed decreases reflect a change in Phillips' resale rates used in the formula to compute Ashland's rates and the recent change in Texas taxes.[1] Ashland's base rates are adjusted by a factor which is derived by dividing Phillips' resale rate to Michigan Wisconsin Pipe Line Co. (Mich.-Wis.) by the base rate under the Phillips-Mich.-Wis. contract. The current base and resale rates under the Phillips-Mich.-Wis. contract changed on August 1, 1969, resulting in a reduced factor in the Ashland formula. Phillips filed a notice of change which was suspended until January 1, 1970, and then placed into effect subject to refund. Ashland is requesting that its rate decreases be made effective retroactive to January 1, 1970.

Ashland's proposed rate decrease contained in Supplement No. 6 to its FPC Gas Rate Schedule No. 117 exceeds the area increased rate ceiling for Texas Railroad District No. 10, as did the previously suspended rate in said docket. Even though Ashland's proposed rate decrease contained in Supplement No. 5 to Ashland's FPC Gas Rate Schedule No. 118 does not exceed the 11.0 cents per Mcf increased rate ceiling for Texas Railroad District No. 10 as announced in the Commission's statement of general policy No. 61–1, as amended, it is based on Phillips' resale rates which are in effect subject to refund. In these circumstances, we conclude that it would be in the public interest to waive the 30-day notice requirement and accept for filing Ashland's proposed decreased rates to become effective as of January 1, 1970, the proposed effective date, subject to the existing rate proceeding in Docket No. RI66–335.

The Commission finds: Good cause exists for accepting for filing Ashland's proposed rate decreases, as set forth in Appendix A hereof, effective as of January 1, 1970, subject to refund in the existing rate suspension proceeding in Docket No. RI66–335.

The Commission orders: The proposed rate decreases contained in Appendix A hereof, are accepted for filing and permitted to become effective as of January 1, 1970, subject to refund in the existing rate suspension proceeding in Docket No. RI66–335.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[1] Previous notices of change to reflect the increase in tax reimbursement were designated as Supplement Nos. 5 and 4 to Ashland's FPC Gas Rate Schedule Nos. 117 and 118, respectively, and made effective subject to refund Oct. 1, 1969. Phillips protested the filings on grounds of misinterpretation of their rates used in computing Ashland's rates and has not made payment of the rates in Supplement Nos. 5 and 4. Ashland has concurrently filed a notice of withdrawal of those rates.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual decrease	Date filing tendered	Effective date		Cents per Mcf: Rate in effect	Cents per Mcf: Proposed decreased rate	Rate in effect subject to refund in dockets Nos.
RI66-335	Ashland Oil & Refining Co., Post Office Box 18695, Oklahoma City, Okla. 73118.	117	6	Phillips Petroleum Co.[2] (Hugoton Field, Hansford and Sherman Counties, Tex.) (R.R. District No. 10).	$2,732	4-10-70	[3] 1-1-70	Accepted subject to refund in RI66-335	11.7526	[4] [5] 11.4780	RI66-335.
.....do.....		118	5	.....do[2].....	366	4-10-70	[3] 1-1-70	Accepted subject to refund in RI66-335	11.0182	[4] [5] 10.7607	RI66-335.

[2] Phillips resells residue gas to Michigan Wisconsin Pipe Line Co. under its FPC Gas Rate Schedule No. 4, at a rate of 16.22 cents which is being collected subject to refund.
[3] The stated effective date is the date Phillips placed its resale rate into effect in Docket No. RI70-28.
[4] Tax reimbursement—Spiral escalation increase.
[5] Pressure base is 14.65 p.s.i.a.
[6] Formula used to compute Ashland's contract rate: Phillips' resale rate to Mich.-Wis., base rate under Phillips-Mich.-Wis., contract X base rate under Phillips-Ashland contract; plus tax reimbursement. Rate under Rate Schedule No. 118 includes sour gas deduction of 0.04466 cent.

[F.R. Doc. 70-6034; Filed, May 15, 1970; 8:46 a.m.]

[Project No. 2708]

CONNECTICUT LIGHT AND POWER CO. ET AL.

Notice of Application for Preliminary Permit for Unconstructed Project; Correction

MAY 5, 1970.

The Connecticut Light and Power Co., The Hartford Electric Light Co., and Western Massachusetts Electric Co., Project No. 2708.

In the notice of application for preliminary permit for unconstructed project, issued April 10, 1970, and published in the FEDERAL REGISTER April 16, 1970 (35 F.R. 6218), first paragraph: Change the last word in the paragraph "Massachusetts," to "Connecticut," so that the last lines should read "Wangum Lake Brook, in the town of Canaan, in Litchfield County, Conn."

GORDON M. GRANT, *Secretary.*

[F.R. Doc. 70-6065; Filed, May 15, 1970; 8:49 a.m.]

[Docket No. CP70-259]

DELTA GAS, INC.

Notice of Application

MAY 7, 1970.

Take notice that on April 27, 1970, Delta Gas, Inc. (applicant), Highway 31, Buras, La. 70014, filed in Docket No. CP70-259 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the continued sale for resale, and transportation, of natural gas in interstate commerce, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

In its Opinion No. 572 the Commission found that because the gas purchased by applicant from Shell Oil Co., Phillips Petroleum Co., and Plaquemines Oil and Gas Co., Inc. (Plaquemines), is transported on its North System in a commingled stream with gas sold by Plaquemines to Tennessee Gas Pipeline Co., a division of Tenneco Inc., such transportation by applicant is jurisdictional. The Commission further concluded that applicant's sales to Plaquemines are sales for resale in interstate commerce and are therefore jurisdictional. The application states that it requests authority to continue both the sale of natural gas for resale on its North System pipeline and the interstate transportation of natural gas on its North System pipeline.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 1, 1970, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party

in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

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

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

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-6030; Filed, May 15, 1970; 8:46 a.m.]

[Docket No. CP70-158]

MISSISSIPPI RIVER TRANSMISSION CORP.

Notice of Petition To Amend

MAY 11, 1970.

Take notice that on May 5, 1970, Mississippi River Transmission Corp. (applicant), 9900 Clayton Road, St. Louis, Mo. 63124, filed in Docket No. CP70-158 a petition to amend the order of the Commission issued on March 20, 1970, to authorize the construction and operation of an additional 5.4 miles of pipeline loop, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Applicant was authorized by the aforementioned order, inter alia, to construct and operate approximately 59.3 miles of 26-inch pipeline loop on its main line system between Perryville, La., and Columbia, Ill. Applicant states that added loop sections totaling 5.4 miles of 26-inch loopline will eliminate a capacity bottleneck between the two points and thus permit applicant to maintain full system deliverability.

The estimated total cost of the additional loop sections will increase the cost of facilities proposed in this docket by $765,000, bringing the total estimated cost to $10,860,000.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 2, 1970, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-6066; Filed, May 15, 1970; 8:49 a.m.]

[Docket No. CP70-268]

NORTHWESTERN PUBLIC SERVICE CO. AND NORTHERN NATURAL GAS CO.

Notice of Application

MAY 11, 1970.

Take notice that on May 5, 1970, Northwestern Public Service Co. (applicant), 400 Northwestern National Bank Building, Huron, S. Dak. 57350, filed in Docket No. CP70-268 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Northern Natural Gas Co. (respondent) to extend its transportation facilities, establish physical connection of its transportation facilities with the facilities proposed to be constructed by applicant, and sell and deliver to applicant natural gas for resale, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes that respondent be directed to construct approximately 65 miles of pipeline from its existing facilities near Huron, S. Dak., to a point near Highmore, S. Dak., and there to interconnect with facilities to be constructed by applicant near Fort Pierce, S. Dak. Applicant further proposes that respondent construct four lateral lines totaling approximately 4 miles, from said 65-mile pipeline to connect with town border stations at Wolsey, Wessington, St. Lawrence, and Miller, and Ree Heights. Gas service to other South Dakota communities of Highmore, Harrold, Blunt, Pierce, and Fort Pierce will be furnished from the aforesaid gas line to be constructed by applicant. The estimated third year peak day and annual natural gas requirements of applicant are 7,736 Mcf and 1,149,333 Mcf, respectively.

The total estimated cost of the proposed facilities to be constructed by applicant is $2,499,623, which will be financed from cash on hand and short-term borrowings or the issuance of first mortgage bonds, or some combination of same.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 2, 1970, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-6067; Filed, May 15, 1970; 8:49 a.m.]

[Project No. 2342]

PACIFIC POWER & LIGHT CO.

Notice of Application for Approval of Exhibit R (Recreation Use Plan) for Constructed Project

MAY 11, 1970.

Public notice is hereby given that application for approval of Exhibit R has been filed under the regulations under the Federal Power Act (16 U.S.C. 791a-825r) by Pacific Power & Light Co. (correspondence to: George L. Beard, Senior Vice President, Pacific Power & Light Co., Public Service Building, Portland, Oreg. 97204) as part of the license for the constructed Condit Project No. 2342, located on White Salmon River, a tributary of the Columbia River, in Skamania and Klickitat Counties, Wash., in the vicinity of White Salmon, Bingen, and Stevenson, Wash., and Hood River and The Dalles, Oreg.

The project's 97-acre reservoir, known as Northwestern Lake, is the focus of the following recreational activities and uses: (1) A wooded 3-acre area, known as Condit Park, located on the west bank about 1⅔ miles upstream from Condit Dam, provides a parking area, picnic tables, fireplaces, spring water, sanitary facilities, a boat house, boat launching ramp and a wharf, and fishing and boating supplies, rental boats and motors are available; (2) licensee administers 72 permits to individuals for cabin sites on or near the Lake, of which 58 sites have dwellings—34 of which are within the project boundary; and (3) future recreation areas for public use include development of a 4½ acre tract about 1 mile upstream from Condit Dam on the east bank and a 4-acre tract about one-third mile upstream from Condit Dam on the east bank where picnicking and small boat launching will be available.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 1, 1970, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a

party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-6068; Filed, May 15, 1970; 8:49 a.m.]

[Docket No. G-3491, etc.]

PHILLIPS PETROLEUM CO. ET AL.

Findings and Order; Correction

APRIL 29, 1970.

Phillips Petroleum Co. and other applicants listed herein, Docket No. G-3491 et al.; Texaco, Inc., Docket No. G-16287.

In the findings and order after statutory hearing issuing certificates of public convenience and necessity, amending orders issuing certificates, permitting and approving abandonment of service, terminating certificates, making successors co-respondents, redesignating proceedings, requiring filing of agreements and undertakings, accepting agreement and undertakings for filing, and accepting related rate schedules and supplements for filing, issued March 27, 1970, and published in the FEDERAL REGISTER April 8, 1970 (35 F.R. 5748), Docket No. G-16287, FPC Rate Schedule to be accepted, Description and Date of Document: Change the descriptions

Supplemental Agreement, 3-9-59.[6]
Supplemental Agreement, 12-3-59.[7]

to read

Supplemental Agreement, 3-9-59.[6a]
Supplemental Agreement, 12-3-59.[7a]

Delete from footnote 6 and add to footnote 7, "Sale being rendered without prior Commission authorization."

Add footnote "6*a* Effective date: 9-26-58."

Add footnote "7*a* Effective date: 12-3-59."

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-6069; Filed, May 15, 1970; 8:49 a.m.]

[Docket No. CP70-260]

PLAQUEMINES OIL AND GAS CO., INC.

Notice of Application

MAY 7, 1970.

Take notice that on April 27, 1970, Plaquemines Oil and Gas Co., Inc. (Applicant), Highway 31, Buras, La. 70014, filed in Docket No. CP70-260 in application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicant to continue its sales of natural gas to Delta Gas, Inc. (Delta) and Tennessee Gas Pipeline Co., a division of Tenneco, Inc. (Tennessee) for resale in interstate commerce, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

In its Opinion No. 572 the Commission found that such sales by applicant to Delta and Tennessee were subject to its jurisdiction. The application states that it is filed in pursuance of a directive of the Commission to apply for a certificate of public convenience and necessity authorizing applicant to continue its sales of natural gas.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 1, 1970, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

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

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

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-6031; Filed, May 15, 1970; 8:46 a.m.]

[Project No. 2150]

PUGET SOUND POWER & LIGHT CO.

Notice of Application for Amendment of License for Constructed Project

MAY 7, 1970.

Public notice is hereby given that application for amendment of license has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by Puget Sound Power & Light Co. (correspondence to: L. E. Karrer, Senior Vice President, Puget Sound Power & Light Co., Puget Power Building, Bellevue, Washington 98004) for constructed Project No. 2150, known as the Baker River Project, located on the Baker River in Whatcom and Skagit Counties, Wash.

The application seeks to amend license Article 24 to specify a more flexible rate of return upon which surplus earnings of the project would be based and upon which amortization reserves would be established and maintained under the provisions of section 10(d) of the Federal Power Act. Licensee seeks to have the rate of return related to the Company's weighted average annual embedded long term debt cost rate times one and one-half, or 6 percent, whichever is greater. This formula is proposed to be substituted for the straight 6 percent rate of return provision presently specified in Article 24.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 1, 1970, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-6032; Filed, May 15, 1970; 8:46 a.m.]

[Docket No. RI70-1591]

SIGNAL OIL AND GAS CO. ET AL.

Order Providing for Hearing on and Suspension of Proposed Change in Rate, and Allowing Rate Change To Become Effective Subject to Refund

MAY 7, 1970.

Respondent named herein has filed a proposed change in rate and charge of a currently effective rate schedule for the sale of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon a hearing regarding the lawfulness of the proposed change, and that the supplement herein be suspended and its use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, a public hearing shall be held concerning the lawfulness of the proposed change.

(B) Pending hearing and decision thereon, the rate supplement herein is suspended and its use deferred until date shown in the "Date Suspended Until"

column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however,* That the supplement to the rate schedule filed by respondent shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order respondent shall execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of a copy thereof upon the purchaser under the rate schedule involved. Unless respondent is advised to the contrary within 15 days after the filing of its agreement and undertaking, such agreement and undertaking shall be deemed to have been accepted.[1]

[1] If an acceptable general undertaking, as provided in Order No. 377, has previously been filed by a producer, then it will not be necessary for that producer to file an agreement and undertaking as provided herein. In such circumstances the producer's proposed increased rate will become effective as of the expiration of the suspension period without any further action by the producer.

(C) Until otherwise ordered by the Commission, neither the suspended supplement, nor the rate schedule sought to be altered, shall be changed until disposition of this proceeding or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before June 24, 1970.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI70-1691...	Signal Oil & Gas Co. (Operator) et al., 1010 Wilshire Blvd., Los Angeles, Calif. 90017.	20	2	Sea Robin Pipeline Co. (Blocks 194, 195, 204, and 205, East Cameron Area) (Offshore Louisiana).	$22,800	4-14-70	[3] 5-15-70	[4] 5-16-70	[5] [7] 18.5	[6] [8] 20.0	

[3] The stated effective date is the first day after expiration of the statutory notice period, or date of initial delivery, whichever is later.
[4] The suspension period is limited to 1 day.
[5] Filed pursuant to Paragraph (A) of Opinion No. 546-A.
[6] Pressure base is 15.025 p.s.i.a.
[7] Subject to quality adjustments.
[8] Area base rate for third vintage gas well gas as established in Opinion No. 546.
[9] Conditional initial rate for gas well gas pursuant to temporary certificate issued Aug. 1, 1969, in Docket No. CI69-949.

Signal Oil and Gas Co.'s (Operator) et al., (Signal) proposed increase involves the sale of third vintage gas well gas from offshore Louisiana, and was filed pursuant to the Commission's order issued March 20, 1969, in Opinion No. 546-A. Consistent with prior Commission action on similar rate increases, we conclude that Signal's proposed rate increase should be suspended for 1 day from the date of expiration of the statutory notice period, or 1 day from the date of initial delivery, whichever is later. Thereafter, the proposed rate may be placed in effect subject to refund under the provisions of section 4(e) of the Natural Gas Act pending the outcome of the Area Rate Proceeding instituted in Docket No. AR69-1.

[F.R. Doc. 70-6035; Filed, May 15, 1970; 8:46 a.m.]

[Docket No. RP70-32]

VALLEY GAS TRANSMISSION, INC.

Notice of Proposed Change in Rates and Charges

MAY 7, 1970.

Notice is hereby given that Valley Gas Transmission, Inc. (Valley Gas), on April 30, 1970, filed a proposed change in its FPC Gas Tariff, Original Volume No. 1, to be effective as of June 15, 1970. The tender, Second Revised Sheet No. 3-A would increase the level of rate from 18 cents per Mcf to 19 cents for gas delivered to Tennessee Gas Transmission Co. under Rate Schedule No. 1 and would increase jurisdictional revenues by approximately $173,000 based on operations for the 12-month period ended December 31, 1969.

Valley Gas states that the reason for the proposed increase rate results from the increased cost of purchase gas, wages, supplies, and operating expenses, and will result in an earned rate-of-return of 6.5 percent. The company requests that the tendered tariff sheet be permitted to go into effect without suspension. Copies of the filing were served on Tennessee Gas Transmission Co., and interested State commissions.

Any person desiring to be heard or make any protest with refefence to said filing should on or before May 27, 1970, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing herein must file petitions to intervene in accordance with the Commission's rules. The tender is on file with the Commission and is available for public inspection.

GORDON M. GRANT, *Secretary.*

[F.R. Doc. 70-6033; Filed, May 15, 1970; 8:46 a.m.]

FEDERAL RESERVE SYSTEM

FIRST ARKANSAS BANKSTOCK CORP.

Modified Order for Oral Presentation

On April 21, 1970 the Board of Governors of the Federal Reserve System ordered (35 F.R. 6622) a public oral presentation before the Board on May 21, 1970, at the Board's offices in Washington, D.C., with respect to the application of First Arkansas Bankstock Corp., Little Rock, Ark., to become a bank holding company through the acquisition of 80 percent or more of the voting shares of Arkansas First National Bank of Hot Springs, Hot Springs, Ark. Applicant presently owns 99.34 percent of the outstanding voting shares of Worthen Bank and Trust Co., Little Rock, Ark.

On further consideration of the interest shown in this matter, the Board has determined that the convenience of witnesses and other interested persons would best be served by a change in the location and date of the scheduled oral presentation. Accordingly—

It is hereby ordered, That pursuant to § 262.3(f)(3) of the Board's rules of procedure (12 CFR 262.3(f)(3)), the public oral presentation on the said application be held at the Little Rock Branch of the Federal Reserve Bank of St. Louis, 325 West Capitol Avenue, Little Rock, Ark. 72203, commencing at 9:30 a.m. on June 26, 1970, on the third floor .

It is further ordered, That any person

desiring to present comments and views at the June 26 oral presentation should file with the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, no later than June 5, 1970, written notice of intent to appear at the oral presentation in Little Rock, such written notice to contain a brief summary of the statement which will be presented at the oral presentation, and the name of the person who proposes to appear. Persons who file notices of intent to appear will be advised of the time alloted for such appearances.

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

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[F.R. Doc. 70-6037; Filed, May 15, 1970; 8:46 a.m.]

GENERAL SERVICES ADMINISTRATION

[Federal Property Management Reg.; Temp. Reg. F-69]

SECRETARY OF DEFENSE

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent the customer interest of the Federal Government in an electric and gas service rate proceeding.

2. *Effective date.* This regulation is effective immediately.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the interests of the executive agencies of the Federal Government before the New Jersey Board of Public Utility Commissioners in a proceeding (Docket No. 703-105) involving electric and gas service rates of the Public Service Electric & Gas Co. (New Jersey).

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and further, shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

Dated: May 11, 1970.

ROD KREGER,
Acting Administrator of General Services.

[F.R. Doc. 70-6039; Filed, May 15, 1970; 8:46 a.m.]

[Federal Property Management Regs.; Temp. Regulation F-70]

SECRETARY OF DEFENSE

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent the customer interest of the Federal Government in a natural gas service rate proceeding.

2. *Effective date.* This regulation is effective immediately.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the interests of the executive agencies of the Federal Government before the Public Utilities Commission of the State of California in a proceeding (Application No. 51529) involving natural gas service rates of Southwest Gas Corp.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and further, shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

Dated: May 11, 1970.

ROD KREGER,
Acting Administrator of General Services.

[F.R. Doc. 70-6038; Filed, May 15, 1970; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[812-2505]

BALDWIN SECURITIES CORP.

Notice of and Order Rescinding Prior Order and for Hearing on Application for Order Exempting Transactions Between Affiliates

MAY 7, 1970.

Baldwin Securities Corp. (Baldwin), 595 Madison Avenue, New York, N.Y. 10022, registered as a closed-end, nondiversified investment company under the Investment Company Act of 1940 (the Act) has filed an application pursuant to sections 6(c) and 17(b) of the Act for exemptions from certain provisions of the Act of various transactions incident to a proposed merger of Baldwin and Beco Industries Corp. (Beco), an affiliated person of, and a company presumptively controlled by, Baldwin.

On April 7, 1970, the Commission issued a notice of and order for hearing on such application (Investment Company Act Release No. 6021), which provided, among other things, that a hearing on the aforesaid application be held on May 11, 1970 and directed Baldwin to cause a copy of such notice and order to be mailed to each of the stockholders of Baldwin and Beco at least 21 days prior to the date (May 11, 1970) set for the hearing.

Baldwin has not effected the mailing of the notice and order issued by the Commission on April 7, 1970, and has requested that a hearing on the application be rescheduled.

The Commission having considered the request of Baldwin and deeming it appropriate in the public interest and in the interest of investors to rescind the previous order for hearing in this matter and to issue a further notice of and order for hearing on the application heretofore filed by Baldwin.

It is ordered, That the Commission's notice of and order for hearing in this matter (Investment Company Act Release No. 6021) issued on April 7, 1970, is rescinded.

Notice is hereby given that Baldwin has filed an application (1) pursuant to section 17(b) of the Act for an order exempting from the provisions of section 17(a) of the Act certain transactions incident to the proposed merger of Baldwin and Beco, and (2) pursuant to section 6(c) of the Act for an order exempting from the provisions of section 23(b) the proposed issuance by Baldwin of common stock in connection with the merger, to the extent that such issuance may constitute a sale by Baldwin of common stock below the current net asset value thereof. All interested persons are referred to the application, which is on file with the Commission, for a statement of the representations therein, which are summarized below.

At December 31, 1968, Baldwin owned 344,120 shares (54.3 percent) of the outstanding common stock of Beco. Baldwin and Beco, therefore, are each an affiliated person of the other under section 2(a)(3) of the Act.

On December 31, 1969, Baldwin, a Delaware corporation which, as noted above, is a registered closed-end investment company, had issued and outstanding 2,896,208 shares of common stock which are listed on the American Stock Exchange.

Beco, the successor by merger to Best & Co., is a Delaware corporation which is engaged in the operation of women's, girls', and children's retail apparel and specialty stores. Beco also owns a substantial amount of U.S. Government securities as well as investment securities as defined in section 3(a)(3) of the Act. At October 31, 1968, Beco's assets on a consolidated basis totaled $20,632,082. Of this amount $12,858,233 consisted of cash or cash equivalents and $1,224,475 represented the cost of its investment in 70,000 shares of capital stock of Kenton

Corp. (market value at such date $2,791,250). At January 31, 1969, Beco had issued and outstanding 633,661 shares of common stock which are listed on the American Stock Exchange.

In general, the proposed merger provides for the following:

1. On the effective date of the merger, Beco will be merged into Baldwin, the surviving company, and Baldwin will possess all of the assets of the constituent companies and their debts and liabilities will attach to Baldwin.

2. Each issued share of common stock of Baldwin will continue as one share of common stock of Baldwin.

3. Each share of Beco common stock outstanding (except, as noted below, shares held by Baldwin) will be converted into 3.9 shares of the common stock of Baldwin. All shares of Beco common stock held in its treasury and all shares of either constituent corporation held by the other constituent corporation will be surrendered to Baldwin for cancellation, and no securities of Baldwin will be issued or issuable with respect thereto, except that persons entitled after the effective date to receive shares of common stock of Beco under the latter's Deferred Contingent Compensation Plan will have issued to them, at the times specified in such plan, 3.9 shares of Baldwin's common stock in lieu of each share of Beco common stock which they may become entitled to receive under that plan.

4. A holder of a certificate for shares of Beco common stock may surrender the same properly executed in exchange for a certificate representing the number of full shares of Baldwin's common stock to which such holder will be entitled. Until so surrendered such certificate shall be deemed for all corporate purposes to evidence the ownership of full shares of Baldwin common stock to which the holder is entitled, except that any dividends will be credited to, but not paid, on any unexchanged certificate, until such certificate is surrendered and exchanged for Baldwin common stock.

5. No fractional shares of Baldwin common stock will be issued. Persons entitled to a fractional interest may during a limited period instruct an agent, to be designated by Baldwin, to consolidate the fractional interest into one full share or to sell the fractional interest for their account and obtain the proceeds.

6. The merger agreement has been approved by the boards of directors of Baldwin and Beco.

7. Pursuant to the merger agreement, the affirmative vote of the holders of not less than two-thirds of the outstanding shares of common stock of Beco and Baldwin is required for approval of the merger.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors that a hearing be held with respect to the application:

It is ordered, Pursuant to section 40(a) of the Act, that a hearing on the aforesaid application under the applicable provisions of the Act and rules of the Commission thereunder be held on the 23d day of June 1970 at 10 a.m. in the offices of the Commission, 500 North Capitol Street NW., Washington, D.C. 20549. At such time the Hearing Room Clerk will advise as to the room in which such hearing will be held. Any person desiring to be heard or otherwise wishing to participate in this proceeding or proposing to intervene therein shall file with the Secretary of the Commission his application as provided by Rule 9(c) of the Commission's rules of practice, on or before the date provided in said rule, setting forth any issues of law or fact which he desires to controvert or any additional issues which he deems raised by this notice and order or by such application. A copy of such application shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Baldwin at the address noted above, and proof of service (by affidavit, or in case of an attorney at law, by certificate) shall be filed contemporaneously with the request.

It is further ordered, That any officer or officers of the Commission designated by it for that purpose, shall preside at said hearing. The officer so designated is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42(b) of the Investment Company Act of 1940 and to a hearing officer under the Commission's rules of practice.

The Division of Corporate Regulation having advised the Commission that it has made a preliminary examination of the application, and that upon the basis thereof, the following matters are presented for consideration without prejudice to its specifying additional matters upon further examination:

(1) Whether the terms of the proposed transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned;

(2) Whether the proposed transaction is consistent with the policy of the registered investment company as recited in its registration statement and reports filed under the Act;

(3) Whether the proposed transaction, including the proposed issuance of Baldwin common stock in connection with Beco's Deferred Contingent Compensation Plan, is consistent with the general purposes of the Act;

(4) Whether the proposed issuance of common stock by Baldwin involves a sale of such stock below net asset value and, if so, whether the exemption of such proposed sale of Baldwin common stock is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

It is further ordered, That at the aforesaid hearing evidence shall be adduced with respect to the foregoing matters and questions.

It is further ordered, That Baldwin shall cause a copy of this notice and order to be mailed to each of the stockholders of Baldwin and Beco at each stockholder's last known address prior to June 3, 1970.

It is further ordered, That the Secretary of the Commission shall give notice of the aforesaid hearing by mailing a copy of this notice and order by certified mail to Baldwin and Beco and that notice to all other persons be given by publication of this notice and order in the FEDERAL REGISTER, and that a general release of this Commission in respect of this notice and order be distributed to the press and mailed to the mailing list for release.

By the Commission.

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

[F.R. Doc. 70-6044; Filed, May 15, 1970; 8:47 a.m.]

[70-4831]

COLUMBIA GAS SYSTEM, INC., AND NUGASCO, INC.

Notice of Filing and Order for Hearing Regarding Proposed Acquisition of Common Stock of Nonassociate Public-Utility Company in Exchange for Common Stock of Registered Holding Company

MAY 6, 1970.

Notice is hereby given that The Columbia Gas System, Inc. ("Columbia"), a registered holding company, and its newly-organized, wholly owned subsidiary company, Nugasco, Inc. ("Nugasco"), 120 East 41st Street, New York, N.Y. 10017, have filed an application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a), 7, 9(a), 10, and 12 thereof as applicable to the proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

Columbia and Nugasco have entered into agreements dated as of November 3, 1969, with National Gas & Oil Corp. ("National"), a nonassociate gas utility company, providing for the merger of Nugasco into National. National, as the surviving corporation, would continue as a wholly owned subsidiary company of Columbia. The common stockholders of National approved the proposed merger at a special meeting.

Upon the effective date of the merger, (a) the outstanding shares of Nugasco common stock, all held by Columbia, will be exchanged for common stock of National, and (b) each share of National common stock presently outstanding will be exchanged for 0.6 share of Columbia common stock. There are presently outstanding 493,740 shares of National common stock, and these shares would be exchanged for 296,244 shares of Columbia common stock. The agreement provides for adjustment of the exchange ratio if the average market value of Columbia's common stock is above $30 or below $29

per share during a specified period immediately prior to the consummation of the merger. In that event, the ratio will be decreased or increased so that the aggregate market value of the shares of Columbia common stock to be issued in exchange will not exceed $8,887,320 or be less than $8,591,076. No fractional shares of common stock of Columbia will be issued, but each holder of National common stock who would otherwise be entitled to a fractional share of Columbia common stock will be given an opportunity to buy a sufficient additional fractional interest to entitle him to a full share of Columbia common stock, or to sell his fractional interest.

Columbia's consolidated plant account as of September 30, 1969, stated at original cost, amounted to $2,280,171,408, with related reserve for depreciation and depletion of $648,475,440, and its net consolidated income for the 12 months then ended was $79,412,987. The common stock of Columbia ($10 par value; 31,030,612 shares outstanding as of Sept. 30, 1969) is traded on the New York Stock Exchange.

National is engaged in the purchase, production, storage, transmission, distribution and sale of natural gas in a territory of approximately 900 square miles in east-central Ohio. Industrial sales account for a large portion of the revenues of National. During 1968 National's sales of natural gas totaled 9,622,977 Mcf and revenues derived therefrom amounted to $5,519,657, with industrial sales accounting for 78 percent of the total volume of gas sold and 68 percent of total revenues. National also serves approximately 10,245 residential and commercial customers in the cities of Newark and Heath and in the surrounding area including various small communities in Perry, Licking, and Muskingum Counties. National's service area is completely surrounded by territory serviced by Columbia Gas of Ohio, a subsidiary company of Columbia. It is stated that National, as a subsidiary company of Columbia, will be able to render better, more extensive, and more economical service to its customers.

National's plant account at September 30, 1969, at original cost, amounted to $7,385,316, with related reserve for depreciation and depletion of $2,116,188, and its net income for the 12 months then ended was $560,285. At September 30, 1969, National had outstanding first mortgage bonds in the amount of $1,410,000. National has retired all of the outstanding shares of its preferred stock.

The application-declaration states that the Public Utilities Commission of Ohio has jurisdiction over certain phases of the proposed transactions; that a copy of the order of said commission, when issued, will be filed by amendment; and that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions. A statement of estimated fees and expenses related to the proposed transactions is to be filed by amendment.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a public hearing be held with respect to the proposed transactions; that the stockholders of National and other interested persons be afforded an opportunity to be heard in such hearing with respect to the fairness of the proposed exchange offer and other aspects of the proposed transactions; and that the application-declaration should not be granted and permitted to become effective except pursuant to further order of the Commission:

It is ordered, That a hearing be held herein at the office of the Securities and Exchange Commission, 500 North Capitol Street NW., Washington, D.C. 20549, at a date to be specified by the Secretary of the Commission. On such date the Hearing Room Clerk will advise as to the room in which the hearing will be held.

It is further ordered, That a Hearing Examiner, hereafter to be designated, shall preside at said hearing. The officer so designated is hereby authorized to exercise all powers granted to the Commission under section 18(c) of the Act and to a hearing officer under the Commission's rules of practice.

It is further ordered, That particular attention be directed in the hearing to the following matters, without prejudice, however, to the presentation of additional matters upon further examination:

(a) Whether the proposed merger of Nugasco into National and the acquisition by Columbia of the common stock of National meet the standards of section 10 of the Act, and particularly the requirements of sections 10(b)(1), 10(b)(2), and 10(c)(2).

(b) Whether the accounting entries to be made in connection with the proposed transactions are proper and in accord with sound accounting principles.

(c) Whether the fees, commissions, and other expenses to be incurred are for necessary services and reasonable in amount.

(d) What terms or conditions, if any, the Commission's order should contain.

(e) Generally, whether the proposed transactions are in all respects compatible with the provisions and standards of the applicable sections of the Act and of the general rules and regulations promulgated thereunder.

It is further ordered, That any person, other than applicants-declarants, desiring to be heard in connection with this proceeding or proposing to intervene therein shall file with the Secretary of the Commission, on or before June 8, 1970, a written request relative thereto as provided in Rule 9 of the Commission's rules of practice. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Persons filing an application to participate or be heard will receive notice of the date of hearing or any adjournment thereof as well as other actions of the Commission involving the subject matter of these proceedings.

It is further ordered, That the Secretary of the Commission shall give notice of the aforesaid by mailing copies of this notice and order by certified mail to Columbia, National, Nugasco, and the Public Utilities Commission of Ohio, the Federal Power Commission and the U.S. Department of Justice; that Columbia shall mail copies of this notice and order, not later than May 20, 1970, to the stockholders of record of National; and that notice to all other interested persons shall be given by a general release of the Commission and by publication of this notice and order in the FEDERAL REGISTER.

By the Commission.

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

[F.R. Doc. 70-6045; Filed, May 15, 1970; 8:47 a.m.]

[70-4755]

NORTHEAST UTILITIES ET AL.

Notice of Posteffective Amendment Regarding Increase in Authorized Amount of Subordinated Notes and Extension of Time To Issue Notes

MAY 8, 1970.

Notice is hereby given that Northeast Utilities (Northeast), Hartford, Conn., a registered holding company, and The Connecticut Light & Power Co. (CL&P), The Hartford Electric Light Co. (HELCO) and Western Massachusetts Electric Co. (WMECO), each an electric-utility subsidiary company of Northeast, and The Millstone Point Co. (Millstone), a subsidiary company of Northeast, have filed with this Commission a third posteffective amendment to the application-declaration in this proceeding pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6(a), 7, 9(a), and 10 thereof as applicable to the proposed transactions. All interested persons are referred to the amended application-declaration, which is summarized below, for a complete statement of the proposed transactions.

By order dated June 2, 1969 (Holding Company Act Release No. 16389), the Commission, among other things, authorized the transfer and assignment by CL&P, HELCO, and WMECO of their respective interests in a nuclear fuel contract to Millstone Point pursuant to an interim agreement. In their first two posteffective amendments to the application-declaration the companies proposed to amend their interim agreement so as to extend the period for the completion by Millstone Point of satisfactory permanent financing arrangements from 9 to 12 months. The application-declaration as so amended was granted by a supplemental order of the Commission dated March 2, 1970 (Holding Company Act Release No. 16625).

The companies now propose to extend the period for the completion by Millstone Point of satisfactory permanent

financing arrangements from 12 to 24 months. The companies also request that the maximum amount of short-term subordinated notes to Northeast authorized by the Commission be increased from $2,750,000 to $3,500,000. In all other respect the transactions remain unchanged.

No State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than May 29, 1970, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said posteffective amendment to the application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail) if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as now amended or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

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

[F.R. Doc. 70-6046; Filed, May 15, 1970; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

MAY 13, 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. 41960—*Clay, kaolin, or pyrophyllite to Galesburg and Jacksonville, Ill.* Filed by O. W. South, Jr., agent (No. A6172), for interested rail carriers. Rates on clay, kaolin, or pyrophyllite, in carloads, as described in the application, from Aberdeen, Miss., and points taking same rates, to Galesburg and Jacksonville, Ill., and points taking same rates.

Grounds for relief—Rate relationship, short-line distance formula and grouping.

Tariff—Supplement 89 to Southern Freight Association, agent, tariff ICC S-751.

FSA No. 41961—*Fertilizer or fertilizer materials from Laramie, Wyo.* Filed by Union Pacific Railroad Co. (No. 139), for itself and interested rail carriers. Rates on fertilizer or fertilizer materials, dry, in carloads, as described in the application, from Laramie, Wyo., to points in Colorado and Wyoming.

Grounds for relief—Short-line distance formula and grouping.

Tariff—Supplement 74 to Union Pacific Railroad Co. tariff ICC 5606.

FSA No. 41962—*Newsprint cores, compressed paper or pulp, returned, from points in southern territory.* Filed by O. W. South, Jr., agent (No. A6167), for interested rail carriers. Rates on newsprint cores, compressed paper or pulp, returned, in carloads, as described in the application, from points in southern territory, to mill points in eastern Canada.

Gounds for relief—Carrier competition.

Tariff—Canadian Freight Association tariff ICC E. 325.

FSA No. 41963—*Lumber to points in southern territory.* Filed by O. W. South, Jr., agent (No. A6175), for interested rail carriers. Rates on lumber, rough or dressed, in carloads, as described in the application, from Woodstock, New Brunswick, and Yarmouth, Nova Scotia, Canada, to specified points in southern territory.

Grounds for relief—Short-line distance formula and grouping.

Tariff—Supplement 6 to Canadian Freight Association tariff ICC 319.

By the Commission.

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

[F.R. Doc. 70-6097; Filed, May 15, 1970; 8:51 a.m.]

[Notice 77]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MAY 13, 1970.

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

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

MOTOR CARRIERS OF PROPERTY

No. MC 29462 (Sub-No. 2 TA), May 4, 1970. Applicant: LAMOIN D. THOMAS, doing business as THOMAS SUPREME SERVICE, Herculaneum, Mo. 63048. Applicant's representative: Thomas P. Rose, Jefferson Building, Jefferson, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts* as described in section A of appendix I to *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766, except hides and commodities in bulk in tank vehicles, from the storage and distribution facilities of Swift Fresh Meats Co., a division of Swift & Co., and of St. Louis Independent Packing Co., a division of Swift Fresh Meats Co., in St. Clair and Madison Counties, Ill., and St. Louis, Mo., to points in Bollinger, Butler, Cape Girardeau, Dunklin, Madison, Miss.; Scott and Stoddard Counties, Mo.; and *damaged or rejected shipments* on return, for 180 days. Supporting shipper: Swift Fresh Meats Co., 115 West Jackson Boulevard, Chicago, Ill. 60604. Send protests to: District Supervisor J. P. Werthmann, Bureau of Operations, Interstate Commerce Commission, Room 3248, 1520 Market Street, St. Louis, Mo. 63103.

No. MC 107295 (Sub-No. 379 TA), filed May 6, 1970. Applicant: PRE-FAB TRANSIT CO., 100 South Main Street, Farmer City, Ill. 61842. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Guttering systems; ridge roll and caps; pipe and conduit, fittings and accessories therefor; roofing compounds; roofing cement; plates, metal or plastic; vents; metal bars, rods, channels, and angles; fencing, post, gates, and accessories therefor; wire; twisted cable; nails; roofing; siding; insulated panels; closure strips; asphalt products (except in bulk)*, from Houston, Tex., to points in the United States (except Alaska and Hawaii), for 180 days. Supporting shipper: Moncrief-Lenoir Manufacturing Co., Post Office Box 2505, 2103 Lyons Avenue, Houston, Tex. 77001. Send protests to: Harold Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 476, 325 West Adams Street, Springfield, Ill. 62704.

No. MC 112567 (Sub-No. 7 TA), filed May 1, 1970. Applicant: McRAY TRUCK LINE, INC., Post Office Box 329, Springfield, Ky. 40069. Applicant's representative: John R. Bagileo, Munsey Building,

Washington, D.C. 20004. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wire*, (1) from the plantsite of Mid-States Steel and Wire Co. at Crawfordsville, Ind., to points in Alabama (except Birmingham, Ala., and points within 65 miles of Birmingham), Arkansas, Florida, Georgia, Kansas, Kentucky, Louisiana, Maryland, Minnesota, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, and the District of Columbia; (2) from the plantsite of Mid-States Steel and Wire Co. at Jacksonville, Fla., to points in Alabama, Arkansas, Georgia, Illinois, Indiana, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Texas, Virginia, and West Virginia; Restricted to transportation services to be performed under its present continuing contracts with Mid-States Steel and Wire Co., for 180 days. Supporting shipper: Doug Deacon, Traffic Manager; Mid-States Steel and Wire Co., Crawfordsville, Ind. Send protests to: Wayne L. Merilatt, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 426 Post Office Building, Louisville, Ky. 40202.

No. MC 113784 (Sub-No. 38 TA), filed May 6, 1970. Applicant: LAIDLAW TRANSPORT, LIMITED, Box 430, Hagersville, Ontario, Canada. Applicant's representative: William J. Hirsch, 43 Niagara Street, Buffalo, N.Y. 14202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles*, between ports of entry on the international boundary line of the United States and Canada, at or near Windsor, Ontario, (1) and the Detroit, Mich., commercial zone as defined by the Commission restricted to traffic originating at or destined to the plantsites of Dominion Steel Foundaries, Ltd., Slater Steel Industries, Ltd., Steel Company of Canada, Ltd., at or near Hamilton, Ontario, and (2) Woodhaven, Mich., restricted to traffic moving between the plantsite of Ford Motor Co. at or near Woodhaven, Mich., and the plantsites of Dominion Steel Foundaries, Ltd., Slater Steel Industries, Ltd., Steel Company of Canada, Ltd., at or near Hamilton, Ontario, for 120 days. Supporting shippers: Dominion Foundaries and Steel, Ltd., Post Office Box 460, Hamilton, Ontario, Canada; The Steel Company of Canada, Ltd., Wilcox Street, Hamilton 23, Ontario, Canada; Burlington Steel Co., Division of Slater Steel Industries, Ltd., Post Office Box 271, Hamilton, Ontario, Canada. Send protests to: George M. Parker, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 518 Federal Office Building, 121 Ellicott Street, Buffalo, N.Y. 14203.

No. MC 117034 (SubNo. 3 TA), filed May 4, 1970. Applicant: ARTHUR E. OLSEN, doing business as DAWN TRAIL AWAY, 1465 Greenbrae, Post Office Box 386, Sparks, Nev. 89431. Applicant's representative: Richards & Demetras, Suite 1, Richards Building, 248 South Sierra Street, Reno, Nev. 89505. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mobile homes* designed to be drawn by passenger autos, and the transportation of *sectional buildings and camping trailers* on lowboys in loads of one, two, or three units and special equipment trailers, between points in California, Oregon, Idaho, Washington, Utah, Arizona, and Nevada; *mobile homes, special equipment trailers, office trailers, sectional building, modular housing units* all designed to be towed by passenger automobile, and further, *camp trailers* in loads of one, two or three units on a lowboy, all in primary and secondary movement, to, from, and between points in Nevada, California, Idaho, Utah, Arizona, Oregon, and Washington, for 180 days. NOTE: Applicant intends to tack proposed authority at Reno, Nev., with that now held. Supporting shippers: There are approximately 12 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Daniel Augustine, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 222 East Washington Street, Carson City, Nev. 89701.

No. MC 128879 (Sub-No. 11 TA), filed May 6, 1970. Applicant: C-B TRUCK LINES, INC., 1034 Humble Place, Post Office Box 26276, El Paso, Tex. 79915. Applicant's representative: Jerry R. Murphy, 708 La Veta NE., Albuquerque, N. Mex. 87108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal feeds and feedstuffs*, except edible and nonedible meats, in bulk and in bags, to and from all points embraced in the area described as follows; the Lubbock, Tex., commercial zone; points in Texas on or west of Interstate Highway 10 between Fort Hancock, Tex., and the Texas-New Mexico State line; points in New Mexico on or south of Interstate Highway 10; points in Arizona on or south of U.S. Highway 70, including the Phoenix, Ariz., commercial zone; points in Colorado on or south of U.S. Highway 40 between the Kansas-Colorado State line and Denver, Colo., and on or south of U.S. Highway 6 between Denver and the Utah-Colorado State line, including the Denver commercial zone, for 150 days. NOTE: Applicant does not intend to tack authority granted herein with any presently held authority or with any other carrier. Applicant intends to tack all authority herein granted together. Supporting shipper: Billstone Feed & Grain Service, Post Office Box 12401, El Paso, Tex. 79912. Send protests to: Haskell E. Ballard, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 918 Tyler Street, Amarillo, Tex. 79101.

No. MC 134484 (Sub-No. 1 TA), filed May 4, 1970. Applicant: MORGAN G. EDWARDS AND DAVID G. EDWARDS, doing business as EDWARDS BROTHERS, 1875 North Holmes, Post Office Box 2481, Idaho Falls, Idaho 83401. Applicant's representative: Dennis M. Olsen, 485 E Street, Idaho Falls, Idaho 83401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh and frozen meat*, from points in Jefferson and Power Counties, Idaho to Phoenix, Ariz.; Salt Lake City and Box Elder County, Utah; Denver, Greeley, and Fort Morgan, Colo.; Sioux Falls, S. Dak.; Omaha, Grand Island, and Dakota City, Nebr.; Wichita and Topeka, Kans.; Tulsa and Oklahoma City, Okla.; St. Joseph, St. Louis, Kansas City, Kans.; and Trenton, Mo.; Des Moines, Fort Dodge, Sioux City, Council Bluffs, Cedar Rapids, Davenport, Dubuque, and Waterloo, Iowa; Minneapolis, St. Paul, Albert Lea, Austin, Duluth, St. Cloud, and St. James, Minn.; Milwaukee, Green Bay, Eau Claire, Madison, Kenosha and Racine, Wis.; Chicago, Rockford, Elgin, Aurora, Joliet, and Peoria, Ill.; Marion and Indianapolis, Ind.; Detroit, Mich.; Clark County, Douglas County, Washoe and Ormsby Counties, Nev.; Butte, Helena, Great Falls, Mo.; Anaconda and Bozeman, Mont.; and the States of Washington, Oregon, and California, for 180 days. Supporting shipper: Golden Valley Packers, Inc., Post Office Box 208, Roberts, Idaho 83444. Send protests to: C. W. Campbell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 455 Federal Building, and U.S. Courthouse, 550 West Fort Street, Boise, Idaho 83702.

No. MC 134571 TA, filed May 7, 1970. Applicant: RUSSELL L. RIEDER AND RUTH H. REISERER doing business as RIEDER'S MOVING & STORAGE, 939 East California Street, Sunnyvale, Calif. 94086. Applicant's representative: Alan F. Wohlstetter, 1 Farragut Square South, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in Santa Cruz, Santa Clara, San Mateo, Alameda, Contra Costa, San Francisco, and Marin Counties, Calif., restricted to the transportation of traffic having a prior or subsequent movement, in containers, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization, for 180 days. Supporting shipper: Home-Pack Transport, Inc., 57-49th Street, Maspeth, N.Y. 11378. Send protests to: Claud W. Reeves, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 450 Golden Gate Avenue, Box 36004, San Francisco, Calif. 94102.

No. MC 134574 (Sub-No. 1 TA), filed May 7, 1970. Applicant: FIGOL DISTRIBUTORS LIMITED, 9727 110th Street, Edmonton, Alberta, Canada. Applicant's representative: Eldon Johnson, 140 Montgomery Street, San Francisco, Calif. 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting:

Bananas, and bananas in mixed shipments with commodities exempt from economic regulations under the provisions of section 203(b)(6) of the Act, from the commercial zones of San Francisco and Long Beach, Calif., and Seattle, Wash., to points along the United States-Canadian border in Washington, Idaho, and Montana, for 180 days. Supporting shippers: Macdonalds Consolidated Ltd., 14040 125th Avenue, Edmonton, Alberta, Canada; Scott National Co., Ltd., 529 10th Avenue SW., Calgary, Alberta, Canada. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 251 U.S. Post Office Building, Billings, Mont. 59101.

By the Commission.

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

[F.R. Doc. 70-6096; Filed, May 15, 1970; 8:51 a.m.]

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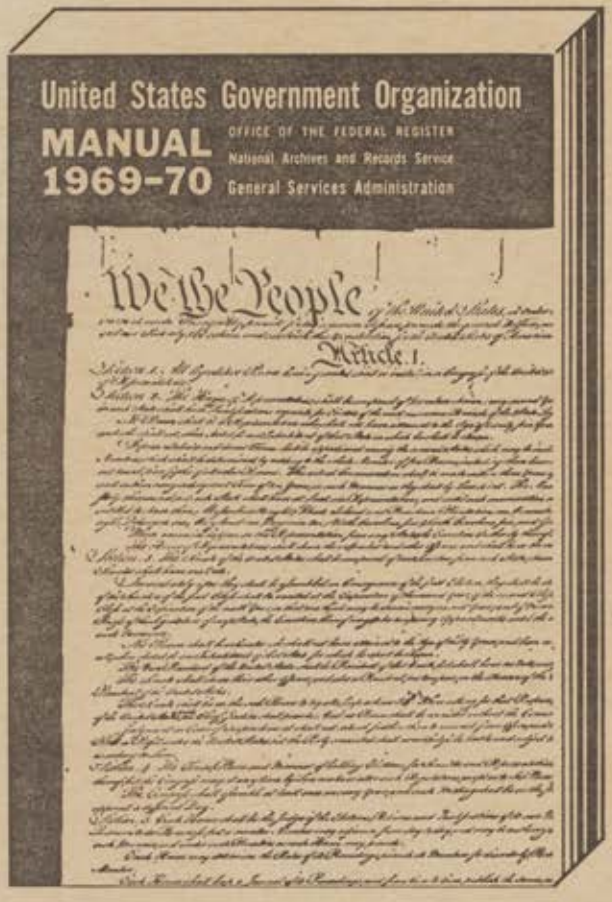

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