

FEDERAL REGISTER

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Agricultural Research Service
Atomic Energy Commission
Business and Defense Services Administration
Civil Aeronautics Board
Commodity Credit Corporation
Consumer and Marketing Service
Federal Aviation Administration
Federal Communications Commission
Federal Insurance Administration
Federal Maritime Commission
Federal Power Commission
Federal Railroad Administration
Federal Reserve System
Federal Trade Commission
Fish and Wildlife Service
Food and Drug Administration
Hazardous Materials Regulations Board
Indian Affairs Bureau
Interagency Textile Administrative Committee
Interstate Commerce Commission
Land Management Bureau
Oil Import Administration
Securities and Exchange Commission
Small Business Administration

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(Revised as of January 1, 1970)

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Title 7—AGRICULTURE

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

PART 68—REGULATIONS AND STANDARDS FOR INSPECTION AND CERTIFICATION OF CERTAIN AGRICULTURAL COMMODITIES AND PRODUCTS THEREOF

Fees and Charges for Inspection of Certain Agricultural and Vegetable Seeds for Quality

Pursuant to sections 203 and 205 of the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1622, 1624), the schedule of maximum fees in 7 CFR 68.42b is amended as provided below.

Statement of considerations. The Agricultural Marketing Act of 1946 provides for the collection of fees which are reasonable and cover the cost of the service rendered. A recent general salary increase of classified Civil Service employees averages approximately 6 percent for employees at the average level performing these services. Per diem rates, rent, utilities, supplies, and other related costs have increased an aggregate total of about 3 percent of the base cost of the service. The base rates are therefore increased by 9 percent. It should be noted that the schedule of fees given below shows the maximum fees for each test of each kind. If less time is required for such tests, a smaller fee will be charged, but not less than the minimum fee will be charged for any service.

Section 68.42b is amended to read:

§ 68.42b Fees and charges for the inspection of agricultural and vegetable seeds.

(a) The fee for each germination, purity, and noxious-weed seed test shall be at the rate of \$9.60 per hour, in increments of 15 minutes or any part thereof, but not less than \$4.80 for any test and not more than the maximum fee as specified in the following table, except that no maximum is applicable to especially difficult tests such as 400-seed separations for kind or variety; mottled seed counts of sweetclover; or noxious-weed seed examinations of bluegrasses for annual bluegrass, wheatgrasses for quackgrass, and sudangrass for Johnson-grass; or to tests of certain kinds or varieties of seeds as indicated in the table.

Name of seed	MAXIMUM FEES					
	Germination	Purity	Purity and germination	Noxious-weed seeds	Purity and noxious-weed	Germination, purity and noxious-weeds
AGRICULTURAL SEEDS						
Alfalfa.....	\$9.60	\$7.20	\$14.40	\$9.60	\$14.40	\$21.60
Alfalfa.....			\$9.60 per hour			
Alyceclover.....	9.60	12.00	19.20	9.60	19.20	26.40
Bahia grass.....			\$9.60 per hour			
Barley.....	9.60	9.60	18.80	9.60	16.80	24.00
Barre clover.....	9.60	7.20	14.40	9.60	16.80	21.60
Bean:						
Adzuki.....	9.60	7.20	14.40	4.80	9.60	16.80
Field.....	12.00	4.80	14.40	4.80	7.20	16.80
Mung.....	9.60	7.20	14.40	4.80	9.60	16.80
Beet:						
Field.....	12.00	7.20	16.80	4.80	9.60	19.20
Sugar.....	12.00	7.20	16.80	4.80	9.60	19.20
Sugarweed.....	12.00	9.60	19.20	7.20	14.40	24.00
Benigrass:						
Colonial.....	9.60	14.40	21.60	9.60	21.60	28.80
Creeping.....	9.60	14.40	21.60	9.60	21.60	28.80
Velvet.....	9.60	14.40	21.60	9.60	21.60	28.80
Bermudagrass:						
Common.....	12.00	19.20	28.80	9.60	26.40	36.00
Giant.....	12.00	19.20	28.80	9.60	26.40	36.00
Bluegrass:						
Bulbous.....	12.00	12.00	21.60	9.60	19.20	28.80
Canada.....	9.60	14.40	21.60	14.40	26.40	33.60
Glaucantha.....	9.60	14.40	21.60	14.40	26.40	33.60
Kentucky.....	9.60	14.40	21.60	14.40	26.40	33.60
Nevada.....	9.60	12.00	19.20	9.60	19.20	26.40
Rough.....	9.60	14.40	21.60	14.40	31.20	38.40
Texas.....	9.60	9.60	16.80	9.60	16.80	24.00
Wood.....	9.60	14.40	21.60	14.40	26.40	33.60
Bluestem:						
Big.....			\$9.60 per hour			
Little.....			9.60 per hour			
Sand.....			9.60 per hour			
Yellow.....			9.60 per hour			
Brome:						
Field.....	9.60	12.00	19.20	9.60	19.20	26.40
Mountain.....	12.00	9.60	19.20	7.20	14.40	24.00
Smooth.....	9.60	12.00	19.20	9.60	19.20	26.40
Broomcorn.....	9.60	7.20	16.80	7.20	12.00	21.60
Buckwheat.....	9.60	7.20	16.80	7.20	12.00	21.60
Buffalograss.....			\$9.60 per hour			
Buffelgrass.....			9.60 per hour			
Bur-clover:						
California.....	9.60	7.20	14.40	9.60	14.40	21.60
Spotted.....	9.60	7.20	14.40	9.60	14.40	21.60
Burnet, little.....	9.60	7.20	14.40	7.20	12.00	19.20
Buttonclover.....	9.60	7.20	14.40	9.60	14.40	21.60
Canarygrass.....	9.60	7.20	14.40	7.20	12.00	19.20
Canarygrass, reed.....	9.60	14.40	21.60	7.20	19.20	26.40
Carpetgrass.....	9.60	12.00	19.20	12.00	21.60	28.80
Castorbean.....	12.00	4.80	14.40	4.80	7.20	16.80
Chess, soft.....	9.60	12.00	19.20	9.60	19.20	26.40
Chickpea.....	12.00	4.80	14.40	4.80	7.20	16.80
Clover:						
Alsike.....	9.60	9.60	16.80	7.20	14.40	21.60
Berseem.....	9.60	7.20	14.40	7.20	12.00	19.20
Cluster.....	9.60	9.60	16.80	9.60	16.80	24.00
Crimson.....	9.60	7.20	14.40	9.60	14.40	21.60
Hop, large.....	9.60	9.60	16.80	9.60	16.80	24.00
Hop, small.....	9.60	7.20	14.40	9.60	14.40	21.60
Kenya.....	9.60	7.20	14.40	7.20	12.00	19.20
Ladino.....	9.60	7.20	14.40	9.60	14.40	21.60
Lappa.....	9.60	7.20	14.40	7.20	12.00	19.20
Persian.....	9.60	9.60	16.80	7.20	14.40	21.60
Red.....	9.60	7.20	14.40	9.60	14.40	21.60
Rose.....	9.60	7.20	14.40	7.20	12.00	19.20
Strawberry.....	9.60	7.20	14.40	7.20	12.00	19.20
Sub.....	9.60	7.20	14.40	7.20	12.00	19.20
White.....	9.60	9.60	16.80	9.60	16.80	24.00
Corn:						
Field.....	9.60	7.20	14.40	4.80	9.60	16.80
Pop.....	9.60	7.20	14.40	4.80	9.60	16.80
Cotton.....	9.60	7.20	14.40	7.20	12.00	19.20
Cowpea.....	12.00	9.60	16.80	4.80	12.00	19.20
Crested dogtail.....	9.60	9.60	16.80	9.60	16.80	24.00
Crotalaria:						
Lance.....	12.00	7.20	16.80	7.20	12.00	24.00
Showy.....	12.00	7.20	16.80	7.20	12.00	24.00
Slender leaf.....	12.00	7.20	16.80	7.20	12.00	24.00
Striped.....	12.00	7.20	16.80	7.20	12.00	24.00
Sun.....	12.00	7.20	16.80	7.20	12.00	24.00
Crownvetch.....	9.60	7.20	16.80	7.20	12.00	24.00
Dallisgrass.....	12.00	19.20	28.80	9.60	26.40	36.00
Dichondra.....	9.60	9.60	16.80	9.60	16.80	24.00
Droopseed, sand.....	9.60	7.20	16.80	9.60	14.40	21.60
Emmer.....	9.60	7.20	14.40	7.20	12.00	19.20

MAXIMUM FEES

MAXIMUM FEES

Name of seed	Germi- nation	Purity	Purity and notio- nous- weed seeds	Purity and notio- nous- weed seeds	Name of seed	Germi- nation	Purity	Purity and notio- nous- weed seeds	Purity and notio- nous- weed seeds	Name of seed	Germi- nation	Purity	Purity and notio- nous- weed seeds	Purity and notio- nous- weed seeds
Fescue	9.00	12.00	19.20	19.20	Saliforeg	9.00	4.80	12.00	4.80	Saltwort	9.00	9.00	12.00	14.40
Chewings	9.00	12.00	19.20	19.20	Sainfoin	9.00	7.20	16.80	7.20	Sambon	9.00	9.00	12.00	21.00
Half	9.00	12.00	19.20	19.20	Sesban	9.00	7.20	16.80	7.20	Sesban	9.00	9.00	12.00	21.00
Hard	9.00	12.00	19.20	19.20	Smile	9.00	7.20	16.80	7.20	Smile	9.00	9.00	12.00	21.00
Meadow	9.00	12.00	19.20	19.20	Sorghum	9.00	7.20	16.80	7.20	Sorghum	9.00	9.00	12.00	21.00
Red	9.00	12.00	19.20	19.20	Sorghum-sodagrass hybrid	9.00	7.20	16.80	7.20	Sorghum-sodagrass hybrid	9.00	9.00	12.00	21.00
Sheep	9.00	12.00	19.20	19.20	Sorghum alatum	9.00	9.00	16.80	9.00	Sorghum alatum	9.00	9.00	12.00	21.00
Tall	9.00	12.00	19.20	19.20	Sorghum	9.00	9.00	16.80	9.00	Sorghum	9.00	9.00	12.00	21.00
Flax	8.50	9.00	16.80	16.80	Soyabean	9.00	7.20	14.40	7.20	Soyabean	9.00	9.00	12.00	18.00
Gramma	9.00	9.00	18.00	18.00	Soyabean	9.00	7.20	14.40	7.20	Soyabean	9.00	9.00	12.00	18.00
Blue	9.00	9.00	18.00	18.00	Speltz	9.00	7.20	14.40	7.20	Speltz	9.00	9.00	12.00	18.00
Side-seeds	9.00	9.00	18.00	18.00	Sodagrass	9.00	9.00	16.80	9.00	Sodagrass	9.00	9.00	12.00	21.00
Guar	9.00	9.00	18.00	18.00	Sodagrass	9.00	9.00	16.80	9.00	Sodagrass	9.00	9.00	12.00	21.00
Guineagrass	9.00	9.00	18.00	18.00	Sunflower	9.00	4.80	12.00	4.80	Sunflower	9.00	9.00	12.00	18.00
Hardinggrass	9.00	9.00	18.00	18.00	Sweetclover	9.00	9.00	16.80	9.00	Sweetclover	9.00	9.00	12.00	21.00
Ramp	9.00	4.80	12.00	7.20	White	9.00	9.00	16.80	9.00	White	9.00	9.00	12.00	21.00
Luzerne	9.00	9.00	18.00	18.00	Yellow	9.00	9.00	16.80	9.00	Yellow	9.00	9.00	12.00	21.00
Indigo, hairy	9.00	7.20	14.40	12.00	Sweet vernalgrass	9.00	9.00	16.80	9.00	Sweet vernalgrass	9.00	9.00	12.00	21.00
Indigo, hairy	9.00	7.20	14.40	12.00	Switgrass	9.00	9.00	16.80	9.00	Switgrass	9.00	9.00	12.00	21.00
Japanese leaved grass	12.00	9.00	18.00	18.00	Timothy	9.00	7.20	14.40	7.20	Timothy	9.00	9.00	12.00	21.00
Japanese leaved grass	12.00	9.00	18.00	18.00	Tobacco	9.00	9.00	16.80	9.00	Tobacco	9.00	9.00	12.00	21.00
Kudzu	9.00	7.20	14.40	12.00	Trefol	9.00	9.00	16.80	9.00	Trefol	9.00	9.00	12.00	21.00
Kudzu	9.00	7.20	14.40	12.00	Big	9.00	9.00	16.80	9.00	Big	9.00	9.00	12.00	21.00
Lespedeza	9.00	9.00	18.00	18.00	Birdfoot	9.00	9.00	16.80	9.00	Birdfoot	9.00	9.00	12.00	21.00
Lespedeza	9.00	9.00	18.00	18.00	Visaygrass	9.00	9.00	16.80	9.00	Visaygrass	9.00	9.00	12.00	21.00
Korosen	9.00	14.40	21.60	21.60	Veldgrass	9.00	9.00	16.80	9.00	Veldgrass	9.00	9.00	12.00	21.00
Korosen	9.00	14.40	21.60	21.60	Veldgrass	9.00	9.00	16.80	9.00	Veldgrass	9.00	9.00	12.00	21.00
Siberia	9.00	9.00	18.00	18.00	Vetiver	9.00	9.00	16.80	9.00	Vetiver	9.00	9.00	12.00	21.00
Siberia	9.00	9.00	18.00	18.00	Common	9.00	9.00	16.80	9.00	Common	9.00	9.00	12.00	21.00
Siberia	9.00	9.00	18.00	18.00	Heavy	9.00	9.00	16.80	9.00	Heavy	9.00	9.00	12.00	21.00
Siberia	9.00	9.00	18.00	18.00	Hungarian	9.00	9.00	16.80	9.00	Hungarian	9.00	9.00	12.00	21.00
Siberia	9.00	9.00	18.00	18.00	Manilla	9.00	9.00	16.80	9.00	Manilla	9.00	9.00	12.00	21.00
Siberia	9.00	9.00	18.00	18.00	Narrow-leaf	9.00	9.00	16.80	9.00	Narrow-leaf	9.00	9.00	12.00	21.00
Siberia	9.00	9.00	18.00	18.00	Purple	9.00	9.00	16.80	9.00	Purple	9.00	9.00	12.00	21.00
Siberia	9.00	9.00	18.00	18.00	Woollytop	9.00	9.00	16.80	9.00	Woollytop	9.00	9.00	12.00	21.00
Siberia	9.00	9.00	18.00	18.00	Wheat	9.00	9.00	16.80	9.00	Wheat	9.00	9.00	12.00	21.00
Siberia	9.00	9.00	18.00	18.00	Common	9.00	9.00	16.80	9.00	Common	9.00	9.00	12.00	21.00
Siberia	9.00	9.00	18.00	18.00	Clubb	9.00	9.00	16.80	9.00	Clubb	9.00	9.00	12.00	21.00
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Siberia	9.00	9.00	18.00	18.00	Common	9.00	9.00	16.80	9.00	Common	9.00	9.00	12.00	21.00
Siberia	9.00	9.00	18.00	18.00	Clubb	9.00	9.00	16.80	9.00	Clubb	9.00	9.00	12.00	21.00
Siberia	9.00	9.00	18.00	18.00	Common	9.00	9.00	16.80	9.00	Common	9.00	9.00	12.00	21.00
Siberia	9.00	9.00	18.00	18.00	Clubb	9.00	9.00	16.80	9.00	Clubb	9.00	9.00	12.00	21.00
Siberia	9.00	9.00	18.00	18.00	Common	9.00	9.00	16.80	9.00	Common	9.00	9.00	12.00	21.00
Siberia	9.00	9.00	18.00	18.00	Clubb	9.00	9.00	16.80	9.00	Clubb	9.00	9.00	12.00	21.00
Siberia	9.00	9.00	18.00	18.00	Common	9.00	9.00	16.80	9.00	Common	9.00	9.00	12.00	21.00
Siberia	9.00	9.00	18.00	18.00	Clubb	9.00	9.00	16.80	9.00	Clubb	9.00	9.00	12.00	21.00
Siberia	9.00	9.00	18.00	18.00	Common	9.00	9.00	16.80	9.00	Common	9.00	9.00	12.00	21.00
Siberia	9.00	9.00	18.00	18.00	Clubb	9.00	9.00	16.80	9.00	Clubb	9.00	9.00	12.00	21.00
Siberia	9.00	9.00	18.00	18.00	Common	9.00	9.00	16.80	9.00	Common	9.00	9.00	12.00	21.00
Siberia	9.00	9.00	18.00	18.00	Clubb	9.00	9.00	16.80	9.00	Clubb	9.00	9.00	12.00	21.00
Siberia	9.00	9.00	18.00	18.00	Common	9.00	9.00	16.80	9.00	Common	9.00	9.00	12.00	21.00
Siberia	9.00	9.00	18.00	18.00	Clubb	9.00	9.00	16.80	9.00	Clubb	9.00	9.00	12.00	21.00
Siberia	9.00	9.00	18.00	18.00	Common	9.00	9.00	16.80	9.00	Common	9.00	9.00	12.00	21.00
Siberia	9.00	9.00	18.00	18.00	Clubb	9.00	9.00	16.80	9.00	Clubb	9.00	9.00	12.00	21.00
Siberia	9.00	9.00	18.00	18.00	Common	9.00	9.00	16.80	9.00	Common	9.00	9.00	12.00	21.00
Siberia	9.00	9.00	18.00	18.00	Clubb	9.00	9.00	16.80	9.00	Clubb	9.00	9.00	12.00	21.00
Siberia	9.00	9.00	18.00	18.00	Common	9.00	9.00	16.80	9.00	Common	9.00	9.00	12.00	21.00
Siberia	9.00	9.00	18.00	18.00	Clubb	9.00	9.00	16.80	9.00	Clubb	9.00	9.00	12.00	21.00
Siberia	9.00	9.00	18.00	18.00	Common	9.00	9.00	16.80	9.00	Common	9.00	9.00	12.00	21.00
Siberia	9.00	9.00	18.00	18.00	Clubb	9.00	9.00	16.80	9.00	Clubb	9.00	9.00	12.00	21.00
Siberia	9.00	9.00	18.00	18.00	Common	9.00	9.00	16.80	9.00	Common	9.00	9.00	12.00	21.00
Siberia	9.00	9.00	18.00	18.00	Clubb	9.00	9.00	16.80	9.00	Clubb	9.00	9.00	12.00	21.00
Siberia	9.00	9.00	18.00	18.00	Common	9.00	9.00	16.80	9.00	Common	9.00	9.00	12.00	21.00
Siberia	9.00	9.00	18.00	18.00	Clubb	9.00	9.00	16.80	9.00	Clubb	9.00	9.00	12.00	21.00
Siberia	9.00	9.00	18.00	18.00	Common	9.00	9.00	16.80	9.00	Common	9.00	9.00	12.00	21.00
Siberia	9.00	9.00	18.00	18.00	Clubb	9.00	9.00	16.80	9.00	Clubb	9.00	9.00	12.00	21.00
Siberia	9.00	9.00	18.00	18.00	Common	9.00	9.00	16.80	9.00	Common	9.00	9.00	12.00	21.00
Siberia	9.00	9.00	18.00	18.00	Clubb	9.00	9.00	16.80	9.00	Clubb	9.00	9.00	12.00	21.00
Siberia	9.00	9.00	18.00	18.00	Common	9.00	9.00	16.80	9.00	Common	9.00	9.00	12.00	21.00
Siberia	9.00	9.00	18.00	18.00	Clubb	9.00	9.00	16.80	9.00	Clubb	9.00	9.00	12.00	21.00
Siberia	9.00	9.00	18.00	18.00	Common	9.00	9.00	16.80	9.00	Common	9.00	9.00	12.00	21.00
Siberia	9.00	9.00	18.00	18.00	Clubb	9.00	9.00	16.80	9.00	Clubb	9.00	9.00	12.00	21.00
Siberia	9.00	9.00	18.00	18.00	Common	9.00	9.00	16.80	9.00	Common	9.00	9.00	12.00	21.00
Siberia	9.00	9.00	18.00	18.00	Clubb	9.00	9.00	16.80	9.00	Clubb	9.00	9.00	12.00	21.00
Siberia	9.00	9.00	18.00	18.00	Common	9.00	9.00	16.80	9.00	Common	9.00	9.00	12.00	21.00</

MAXIMUM FEES

Name of seed	Germination	Purity	Purity and germination	Noxious-weed seeds	Purity and noxious-weed	Germination, purity and noxious-weeds
Cantaloupe (see muskmelon)						
Cardoon	9.60	9.60	16.80	7.20	14.40	21.60
Carrot	9.60	9.60	16.80	9.60	16.80	24.00
Cauliflower	9.60	7.20	14.40	7.20	12.00	19.20
Celery	9.60	9.60	14.40	7.20	16.80	19.20
Chard, Swiss	12.00	7.20	16.80	7.20	12.00	21.60
Chicory	9.60	9.60	16.80	9.60	16.80	24.00
Chives	9.60	7.20	14.40	9.60	14.40	21.60
Citron	9.60	4.80	12.00	4.80	7.20	14.40
Cullards	9.60	7.20	14.40	7.20	12.00	19.20
Corn, sweet	12.00	4.80	14.40	4.80	7.20	16.80
Corn salad	9.60	9.60	16.80	9.60	16.80	24.00
Cowpea	12.00	7.20	16.80	4.80	9.60	19.20
Cress						
Garden	9.60	7.20	14.40	9.60	14.40	21.60
Upland	9.60	7.20	14.40	9.60	14.40	21.60
Water	9.60	9.60	16.80	9.60	16.80	24.00
Cucumber	9.60	4.80	12.00	4.80	7.20	14.40
Dandelion	9.60	9.60	16.80	9.60	16.80	24.00
Eggplant	9.60	7.20	16.80	7.20	12.00	21.60
Endive	9.60	9.60	16.80	9.60	16.80	24.00
Kale	9.60	7.20	14.40	7.20	12.00	19.20
Kale, Chinese	9.60	7.20	14.40	7.20	12.00	19.20
Kale, Siberian	9.60	7.20	14.40	7.20	12.00	19.20
Kohlrabi	9.60	7.20	14.40	7.20	12.00	19.20
Leek	9.60	7.20	14.40	9.60	14.40	21.60
Lettuce	9.60	7.20	14.40	7.20	12.00	19.20
Muskmelon	9.60	4.80	12.00	4.80	7.20	14.40
Mustard, India	9.60	7.20	14.40	7.20	12.00	19.20
Mustard, spinach	9.60	7.20	16.80	7.20	12.00	19.20
Okra	9.60	7.20	16.80	7.20	12.00	21.60
Onion	9.60	7.20	14.40	9.60	14.40	21.60
Onion, Welsh	9.60	7.20	14.40	9.60	14.40	21.60
Pak-choi	9.60	7.20	14.40	7.20	12.00	19.20
Parsley	9.60	9.60	16.80	9.60	16.80	24.00
Parsnip	9.60	9.60	16.80	9.60	16.80	24.00
Pea	12.00	4.80	14.40	4.80	7.20	16.80
Pepper	9.60	7.20	16.80	7.20	12.00	21.60
Pumpkin	9.60	4.80	12.00	4.80	7.20	14.40
Radish	9.60	7.20	16.80	7.20	12.00	21.60
Rhubarb	12.00	4.80	14.40	4.80	7.20	16.80
Rutabaga	9.60	7.20	14.40	7.20	12.00	19.20
Salsify	9.60	7.20	16.80	7.20	12.00	21.60
Sorrel	9.60	7.20	16.80	7.20	12.00	21.60
Soybean	12.00	4.80	14.40	4.80	7.20	16.80
Spinach	9.60	7.20	14.40	4.80	9.60	16.80
Spinach, New Zealand	12.00	7.20	16.80	4.80	9.60	19.20
Squash	9.60	4.80	12.00	4.80	7.20	14.40
Tomato	9.60	7.20	16.80	7.20	12.00	21.60
Tomato, hunk	9.60	7.20	16.80	7.20	12.00	21.60
Turnip	9.60	7.20	14.40	7.20	12.00	19.20
Watermelon	9.60	4.80	12.00	4.80	7.20	14.40

(b) Sampling, sealing, checkweighing, checkloading, inspection of condition of containers, and any similar services shall be at the rate of \$9.60 per hour, with a 2-hour minimum commencing when the official sampler or inspector arrives at the inspection point on or after the appointed time and terminating when the sampler or inspector leaves the premises. This same rate applies regardless of the hour of the day or the location of the plant where the service is rendered.

(Secs. 203, 205, 60 Stat. 1087, 1090, as amended; 7 U.S.C. 1622, 1624; 29 F.R. 16210, as amended, 33 F.R. 10750)

The facts needed to establish these fees and charges for services are known by the Consumer and Marketing Service. It is therefore determined that public hearing and other rule making procedures are not necessary under the provisions of 5 U.S.C. 553.

These amendments shall become effective 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 12th day of June 1970.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 70-7642; Filed, June 19, 1970; 8:45 a.m.]

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

[Valencia Orange Reg. 317, 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), 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 provisions in paragraph (b) (1) (i), (ii), and (iii) of § 908.617 (Valencia Orange Reg. 317, 35 F.R. 9011) are hereby amended to read as follows:

§ 908.617 Valencia Orange Regulation 317.

- (b) **Order.** (1) * * *
- (i) District 1: 252,000 cartons;
 - (ii) District 2: 301,000 cartons;
 - (iii) District 3: 147,000 cartons.

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

Dated: June 17, 1970.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable
Division, Consumer and Marketing Service.

[F.R. Doc. 70-7831; Filed, June 19, 1970; 8:49 a.m.]

[Lemon Reg. 432]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.732 Lemon Regulation 432.

(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 June 17, 1970.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period June 21, 1970, through June 27, 1970, are hereby fixed as follows:

- (i) District 1: Unlimited;
- (ii) District 2: 325,500 cartons;
- (iii) District 3: Unlimited.

(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: June 18, 1970.

ARTHUR E. BROWNE,
Deputy Director, Fruit and
Vegetable Division, Consumer
and Marketing Service.

[F.R. Doc. 70-7844; Filed, June 19, 1970;
8:50 a.m.]

PART 966—TOMATOES GROWN IN FLORIDA

Limitation of Shipments; Termination

Findings. (a) Pursuant to Marketing Agreement No. 125 and Order No. 966, both as amended (7 CFR Part 966), regulating the handling of tomatoes grown in the production area, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Florida Tomato Committee, established pursuant to said marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments regulation, § 966.307, should be terminated. As the marketing

season for Florida production area tomatoes is almost over, continuation of this regulation beyond the date specified herein would no longer tend to effectuate the declared policy of the Act.

(b) It is hereby found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice and engage in public rule making procedure, and that good cause exists for not postponing the effective date of this termination until 30 days after its publication in the FEDERAL REGISTER (5 U.S.C. 553) in that: (1) this termination relieves restrictions on the handling of tomatoes grown in the production area; (2) information regarding the committee's recommendation has been made available to producers and handlers in the production area; and (3) this termination will not require any special preparation by handlers which cannot be completed by the effective date.

Termination of regulation. The provisions of § 966.307 (34 F.R. 18090, 19746; 35 F.R. 3159, 3798, 4546, 7003, 9011) are hereby terminated as of June 20, 1970.

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

Dated: June 17, 1970, to become effective June 20, 1970.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable
Division, Consumer and Mar-
keting Service.

[F.R. Doc. 70-7832; Filed, June 19, 1970;
8:49 a.m.]

PART 980—VEGETABLES; IMPORT REGULATIONS

Tomato Import Regulation; Termination

Pursuant to the requirements of section 8e-1 of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 608e-1), Tomato Import Regulation § 980.204 (34 F.R. 18091; 35 F.R. 3160, 3799, 4547, 9012) is hereby terminated.

It is hereby found that good cause exists for not postponing the effective date of this termination beyond that herein specified (5 U.S.C. 553) in that (1) the requirements of section 8e-1 of the act make such termination mandatory upon termination of the corresponding regulation applicable to shipments of domestic tomatoes; (2) this termination corresponds with the termination of regulations on shipments of domestic tomatoes under Marketing Order No. 966, as amended (7 CFR Part 966); and (3) this termination relieves restrictions on the importation of tomatoes.

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

Dated: June 17, 1970, to become effective June 20, 1970.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable
Division, Consumer and Mar-
keting Service.

[F.R. Doc. 70-7833; Filed, June 19, 1970;
8:49 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[CCC Grain Price Support Regs., 1970 Crop Dry Edible Bean Supp.]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1970 Crop Dry Edible Bean Loan and Purchase Program

Correction

In F.R. Doc. 70-7306 appearing at page 9012 in the issue for Thursday, June 11, 1970, under § 1421.143(b) the heading reading "Costs per 100 pounds" should read "Cents per 100 pounds".

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, in paragraph (e) (8) relating to the State of Mississippi, a new subdivision (ix) relating to Lafayette County is added to read:

(8) *Mississippi.* * * *

(ix) That portion of Lafayette County bounded by a line beginning at the junction of State Highway 7 and the Lafayette-Yalobusha County line; thence, following State Highway 7 in a northeasterly direction to State Highway 6; thence, following State Highway 6 in a westerly direction to State Highway 314; thence, following State Highway 314 in a northwesterly direction to the Sardis Lake; thence, following the east bank of the Sardis Lake in a generally southwesterly direction to the Lafayette-Panola County line; thence, following the Lafayette-Panola County line in a southerly direction to the Lafayette-Yalobusha County line; thence, following the Lafayette-Yalobusha County line in an easterly direction to its junction with State Highway 7.

In § 76.2, in paragraph (e) (17) relating to the State of Virginia, subdivision (xiv) relating to Nansemond and Isle of Wight Counties is amended to read:

(17) *Virginia.* * * *

(xiv) The adjacent portions of Nansemond and Isle of Wight Counties

bounded by a line beginning at the junction of U.S. Highway 17 and the west bank of the Nansemond River; thence, following the west bank of the Nansemond River in a southwesterly direction to Primary Highway 125; thence, following Primary Highway 125 in a southeasterly direction to Primary Highway 337; thence, following Primary Highway 337 in a southeasterly direction to the Nansemond-Chesapeake County line; thence, following the Nansemond-Chesapeake County line in a southwesterly direction to the Washington Ditch; thence, following Washington Ditch in a northwesterly direction to Secondary Highway 642; thence, following Secondary Highway 642 in a northerly direction to Secondary Highway 674; thence, following Secondary Highway 674 in a generally westerly direction to Secondary Highway 646; thence, following Secondary Highway 646 in a northerly direction to U.S. Highway 13; thence, following U.S. Highway 13 in a northeasterly direction to Secondary Highway 646; thence, following Secondary Highway 646 in a northwesterly direction to U.S. Highway 58; thence, following U.S. Highway 58 in a northeasterly direction to Primary Highway 337; thence, following Primary Highway 337 in a southeasterly direction to Primary Highway 32, 10; thence, following Primary Highway 32, 10 in a northerly direction to the Nansemond River; thence, following the west bank of the Nansemond River in a generally northeasterly direction to the north bank of Western Branch; thence, following the north bank of Western Branch in a northwesterly direction to Secondary Highway 603; thence, following Secondary Highway 603 in a northeasterly direction to Secondary Highway 602; thence, following Secondary Highway 602 in a northeasterly direction to Secondary Highway 600; thence, following Secondary Highway 600 in a southeasterly direction to Primary Highway 32, 10; thence, following Primary Highway 32, 10 in a southerly direction to the Nansemond-Isle of Wight County line; thence, following the Nansemond-Isle of Wight County line in a northeasterly direction to U.S. Highway 17; thence, following U.S. Highway 17 in a southeasterly direction to its junction with the west bank of the Nansemond River.

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

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

The amendments quarantine a portion of Lafayette County, Miss., and portions of Nansemond and Isle of Wight 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 the quarantined areas designated herein.

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

Done at Washington, D.C., this 16th day of June 1970.

F. R. MANGHAM,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 70-7801; Filed, June 19, 1970; 8:46 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 70-80-37]

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

Designation of Transition Area

On May 9, 1970, a notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 7304), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Allendale, S.C., transition area.

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

Subsequent to publication of the notice, the geographic coordinate (lat. 35°59'30" N., long. 81°16'05" W.) for Allendale County Airport was obtained from Coast and Geodetic Survey. It is necessary to alter the description by inserting the geographic coordinate for the airport. Since this amendment is editorial in nature, notice and public procedure hereon are unnecessary and action is taken herein to amend the description accordingly.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., August 20, 1970, as hereinafter set forth.

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

ALLEDALE, S.C.

That airspace extending upward from 700 feet above the surface within a 6-mile radius of Allendale County Airport (lat. 35°59'30" N., long. 81°16'05" W.); within 2.5 miles each side of Allendale VOR 329° radial, extending from the 6-mile radius area to 8.5 miles northwest of the VOR.

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

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

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

[F.R. Doc. 70-7798; Filed, June 19, 1970; 8:46 a.m.]

[Airspace Docket No. 69-80-146]

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

Alteration of Control Zone and Transition Area

On May 9, 1970, a notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 7304), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Montgomery, Ala., control zone and transition area.

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

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., August 20, 1970, as hereinafter set forth.

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

MONTGOMERY, ALA.

Within a 5-mile radius of Dannelly Field (lat. 32°18'00" N., long. 86°23'36" W.); within 1.5 miles each side of Dannelly Field ILS localizer west course, extending from the 5-mile radius zone to 1.5 miles east of the LOM; within 2.5 miles each side of Montgomery VORTAC 311° radial, extending from the 5-mile radius zone to 15.5 miles northwest of the VORTAC; within a 5-mile radius of Maxwell AFB (lat. 32°22'48" N., long. 86°21'55" W.); within 2 miles each side of Maxwell TACAN 333° radial, extending from the 5-mile radius zone to 8.5 miles northwest of the TACAN.

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

MONTGOMERY, ALA.

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Dannelly Field (lat. 32°18'00" N., long. 86°23'36" W.); within 4.5 miles north and 9.5 miles south of Dannelly Field ILS localizer west course, extending from the 8.5-mile radius area to 18.5 miles west of the LOM; within 2.5 miles each side of Montgomery VORTAC 311° radial, extending from the 8.5-mile radius area to 23 miles northwest of the VORTAC; excluding the portion within the Selma, Ala., transition area; within a 9-mile radius of Maxwell AFB (lat. 32°22'48" N., long. 86°21'55" W.); within 3 miles each side of Maxwell VOR 328° radial, extending from the 9-mile radius area to 8.5 miles northwest of the VOR.

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

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

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

[F.R. Doc. 70-7799; Filed, June 19, 1970; 8:46 a.m.]

[Docket No. 10381; Amdt. 707]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES**Miscellaneous Amendments**

This amendment to Part 97 of the Federal Aviation Regulations incorporates by reference therein changes and additions to the Standard Instrument Approach Procedures (SIAP's) that were recently adopted by the Administrator to promote safety at the airports concerned.

The complete SIAP's for the changes and additions covered by this amendment are described in FAA Forms 3139, 8260-3, 8260-4, or 8260-5 and made a part of the public rule making dockets of the FAA in accordance with the procedures set forth in Amendment No. 97-696 (358 F.R. 5610).

SIAP's are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20590. Copies of SIAP's adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAP's may be purchased from the FAA Public Document Inspection Facility, HQ-405, 800 Independence Avenue SW., Washington, D.C. 20590, or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft, or postal money order payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of \$125 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

Since a situation exists that requires immediate adoption of this amendment, I find that further notice and public procedure hereon is impracticable and good cause exists for making it effective in less than 30 days.

In consideration of the foregoing, Part 97 of the Federal Aviation Regulations is amended as follows, effective on the dates specified:

Section 97.11 is amended by establishing, revising or canceling the following L/MF-ADF(NDB)-VOR SIAP's, effective July 16, 1970.

Du Bois, Pa.—Du Bois-Jefferson County Airport; ADF 1, Admt. 4; Canceled.

Section 97.23 is amended by establishing, revising, or canceling the following VOR-VOR/DME SIAP's, effective July 16, 1970.

Augusta, Ga.—Daniel Field; VOR-1, Amdt. 8; Revised.

Newark, N.J.—Newark Airport; VOR Runway 11, Amdt. 1; Revised.

Parkersburg, W. Va.—Wood County Airport; VOR Runway 21, Amdt. 8; Revised.

Port Clinton, Ohio—Carl R. Keller Field; VOR-1, Amdt. 2; Revised.

Augusta, Ga.—Bush Field; VOR/DME-1, Amdt. 12; Revised.

Section 97.25 is amended by establishing, revising or canceling the following LOC-LDA SIAP's, effective July 16, 1970.

Parkersburg, W. Va.—Wood County Airport; LOC Runway 3, Orig.; Established.

Section 97.27 is amended by establishing, revising or canceling the following NDB/ADF SIAP's, effective July 16, 1970.

Morganton, N.C.—Morganton-Lenoir Airport; NDB (ADF)-1, Amdt. 1; Revised.

Newark, N.J.—Newark Airport; NDB (ADF) Runway 4L, Admt. 1; Revised.

Newark, N.J.—Newark Airport; NDB (ADF) Runway 22R, Amdt. 1; Revised.

Parkersburg, W. Va.—Wood County Airport; NDB (ADF) Runway 3, Orig.; Established.

Section 97.29 is amended by establishing, revising, or canceling the following ILS SIAP's, effective July 16, 1970.

Columbus, Ga.—Columbus Metropolitan Airport; ILS Runway 5, Amdt. 12; Revised.

Newark, N.J.—Newark Airport; ILS Runway 4L, Amdt. 1; Revised.

Newark, N.J.—Newark Airport; ILS Runway 22R, Amdt. 1; Revised.

(Secs. 307, 313, 601, 1110, Federal Aviation Act of 1958; 49 U.S.C. 1354, 1421, 1438, 1510; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c), 5 U.S.C. 552(a)(1))

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

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

NOTE: Incorporation by reference provisions in §§ 97.10 and 97.20 (35 F.R. 5610) approved by the Director of the Federal Register on May 12, 1969.

[F.R. Doc. 70-7749; Filed, June 19, 1970; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES**Chapter I—Federal Trade Commission****SUBCHAPTER A—PROCEDURES AND RULES OF PRACTICE****PART 2—NONADJUDICATIVE PROCEDURES****Subpart A—Investigations****REQUEST FOR COMMISSION ACTION**

The Commission announces the following amendment in Part 2 of Chapter I of Title 16 of the Code of Federal Regulations. This amendment shall become effective on the date of its publication in the FEDERAL REGISTER.

Section 2.2(d) of Subpart A of Part 2 is amended to read as follows:

§ 2.2 Request for Commission action.

(d) It is the general Commission policy not to publish or divulge the name of an applicant or complaining party except as required by law or by the Commission's rules. Where a complaint is by a consumer or consumer representative concerning a specific consumer product or service, the Commission, in the course of a referral of the complaint or of an investigation, may disclose the identity of the complainant or complainants. In referring any such consumer complaint, the Commission specifically retains its right to take such action as it deems appropriate in the

public interest and under any of the statutes which it administers.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46)

Issued: June 12, 1970.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 70-7803; Filed, June 19, 1970; 8:47 a.m.]

Title 21—FOOD AND DRUGS**Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare****SUBCHAPTER B—FOOD AND FOOD PRODUCTS****PART 121—FOOD ADDITIVES****Subpart C—Food Additives Permitted in Feed and Drinking Water of Animals or for the Treatment of Food-Producing Animals****SUBCHAPTER C—DRUGS****PART 135e—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS****Decoquinatone and 3-Nitro-4-Hydroxyphenylarsonic Acid**

Acting on new animal drug applications (39417V, 40-435V) filed by Hess & Clark, Division of Richardson-Merrell, Inc., Ashland, Ohio 44805, the Food and Drug Administration published an order in the FEDERAL REGISTER of February 19, 1970 (35 F.R. 5162), permitting use of decoquinatone alone or in combination with 3-nitro-4-hydroxyphenylarsonic acid in feed of broiler chickens. On the basis of additional available information and as a completion of promulgatory action regarding said applications, the Commissioner of Food and Drugs concludes that the regulations should be further amended to provide (1) that feed containing decoquinatone shall not also contain bentonite and (2) that the labeling of feeds containing decoquinatone and 3-nitro-4-hydroxyphenylarsonic acid bear the statement "as sole source of organic arsenic."

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic 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), Parts 121 and 135e are amended as follows:

1. In § 121.262 3-Nitro-4-hydroxyphenylarsonic acid, paragraph (c), table 1, item 1.13 is amended by adding to the text under "Limitations" the following: "; as sole source of organic arsenic."

2. In § 135e.51 Decoquinatone:
a. Paragraph (f) is redesignated as paragraph (g) and a new paragraph (f) is added, as follows:

(f) *Special considerations.* Bentonite should not be used in decoquinatone feeds.
b. The table in redesignated paragraph (g) is amended in item 2 by adding to the text under "Limitations" the following: "; as sole source of organic arsenic."

Effective date. This order is effective on publication in the FEDERAL REGISTER. (Sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(1))
Dated: June 12, 1970.

SAM D. FINE,
Acting Associate Commissioner
for Compliance.

[F.R. Doc. 70-7808; Filed, June 19, 1970; 8:47 a.m.]

PART 146—ANTIBIOTIC DRUGS; PROCEDURAL AND INTERPRETATIVE REGULATIONS

Fees

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), § 146.8 Fees is amended in the fee schedule in paragraph (b)(1) by changing the item "Gas chromatograph (lincomycin)" to read "Gas chromatography".

This order merely makes a change in the antibiotic drug certification fee schedule to permit the subject item to apply to more than one substance; therefore, notice and public procedure and delayed effective date are not prerequisites to this promulgation.

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

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

Dated: June 12, 1970.

SAM D. FINE,
Acting Associate Commissioner
for Compliance.

[F.R. Doc. 70-7809; Filed, June 19, 1970; 8:47 a.m.]

Title 22—FOREIGN RELATIONS

Chapter II—Agency for International Development, Department of State

[A.I.D. Reg. 1]

PART 201—RULES AND PROCEDURES APPLICABLE TO COMMODITY TRANSACTIONS FINANCED BY A.I.D.

Charter Party as Document Required for Payment

Part-201 of Chapter II, Title 22 (A.I.D. Reg. 1) is revised to read as follows:

In § 201.52 the first sentence of paragraph (a)(3) is revised to read as follows:

§ 201.52 Required documents.

(a) *Commodities and commodity-related services.* * * *

(3) *Charter party.* A copy (or photostat) of any charter party under which shipment is made, submitted (i) by the commodity supplier whenever A.I.D. finances any portion of the dollar price of a commodity sale under C. & F. or C.I.F. delivery terms, or (ii) by the supplier of ocean transportation whenever A.I.D. finances the freight under any freight reimbursement arrangement. * * *

This amendment will become effective upon publication in the FEDERAL REGISTER.

Dated: June 12, 1970.

JOHN A. HANNAH,
Administrator.

[F.R. Doc. 70-7815; Filed, June 19, 1970; 8:48 a.m.]

[A.I.D. Reg. 8]

PART 208—SUPPLIERS OF COMMODITIES AND COMMODITY-RELATED SERVICES INELIGIBLE FOR A.I.D. FINANCING

Failure To Disclose Records as Cause for Debarment

Part 208 of Chapter II, Title 22 (A.I.D. Reg. 8) is revised to read as follows:

Paragraph (d) of § 208.5 is redesignated as paragraph (e) and a new paragraph (d) is added to read as follows:

§ 208.5 Causes for debarment.

A supplier may be debarred for any of the following causes:

(d) Failure to furnish information to A.I.D. in accordance with contractual undertakings to A.I.D.

(e) Acting in any other manner which shows a lack of integrity or honesty in connection with any transaction financed with funds made available under the Act or with funds made available under other legislation by any other agency of the United States.

This amendment will become effective upon publication in the FEDERAL REGISTER.

Dated: June 12, 1970.

JOHN A. HANNAH,
Administrator.

[F.R. Doc. 70-7816; Filed, June 19, 1970; 8:48 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

Chapter VII—Federal Insurance Administration, Department of Housing and Urban Development

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

List of Designated Areas

Section 1914.4 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:
§ 1914.4 List of designated areas.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
Alaska	Greater Anchorage Borough	Chester and Campbell Creeks	E 02 020 0130 01 E 02 020 0130 02 E 02 020 0130 03 E 02 020 0130 04	Local Affairs Agency, Office of the Governor, State of Alaska, Juneau, Alaska 99801. Director of Insurance, State of Alaska, Ponce D, Juneau, Alaska 99801.	Planning Department, Greater Anchorage Area Borough, 104 West Northern Lights Blvd., Anchorage, Alaska 99503.	June 19, 1970.
Florida	Monroe		E 12 087 0000 01 E 12 087 0000 02 E 12 087 0000 03	Department of Community Affairs, 225 West Jefferson St., Tallahassee, Fla. 32303. State of Florida Insurance Department, Treasurer's Office, State Capitol, Tallahassee, Fla. 32303.	Office of the Zoning Director, Monroe County Courthouse, Key West, Fla. 33040.	Do.
Do.	do.	Key Colony Beach	E 12 087 1569 01	do.	Office of the City Clerk, City of Key Colony Beach, Key Colony Beach, Fla. 33061.	Do.
Do.	do.	Key West	E 12 087 1880 01	do.	Office of the City Manager, City of Key West, City Hall, Key West, Fla. 33040.	Do.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
Kansas	Johnson	Fairway	E 20 001 1770 01 E 20 001 1770 02	Kansas Water Resources Board, 1134-S State Office Bldg., Topeka, Kans. 66612. Kansas Insurance Department, 1st Floor, Statehouse, Topeka, Kans. 66612.	Fairway City Hall, 5244 Norwood Road, Shawnee Mission, Kansas 66205.	Do.
Louisiana	Cameron (Parish)		E 22 023 0000 01 E 22 023 0000 02 E 22 023 0000 03 E 22 023 0000 04	Louisiana Department of Public Works, Baton Rouge, La. 70804. Commissioner of Insurance, State of Louisiana, Box 44214, Capitol Station, Baton Rouge, La. 70804.	Office of the Parish Treasurer, Police Jury Annex, Cameron, La. 70631.	Do.
Do.	East Baton Rouge (Parish)	Baton Rouge and Vicinity	E 22 033 0150 01 E 22 033 0150 16	do.	Office of the Chief Engineer, Room 405, Municipal Bldg., Baton Rouge, La. 70821.	Do.
Massachusetts	Bristol	Swansea	E 25 005 1268 01 E 25 005 1268 02 E 25 005 1268 03 E 25 005 1268 04	Division of Water Resources, Massachusetts Water Resources Commission, State Office Bldg., Government Center, 100 Cambridge St., Boston, Mass. 02202. Division of Insurance, 100 Cambridge St., Boston, Mass. 02202.	Office of the Board of Selectmen, Town Hall, Main St., Swansea, Mass. 02777.	Do.
North Carolina	New Hanover	Wrightsville Beach	E 37 179 5180 01 E 37 179 5180 02	North Carolina Department of Water and Air Resources, Post Office Box 9392, Raleigh, N.C. 27603. North Carolina Insurance Department, Post Office Box 351, Raleigh, N.C. 27602.	Town Hall, Town of Wrightsville Beach, 400 Waynick Blvd., Post Office Box 626, Wrightsville Beach, N.C. 28480.	Do.
North Dakota	Pembina	Pembina	E 38 067 2500 01	State Water Commission, Bismarck, N. Dak. 58501. State Insurance Commission, State Capitol, Bismarck, N. Dak. 58501.	City Hall, City of Pembina, Pembina, N. Dak. 58271.	Do.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 F.R. 17804, Nov. 23, 1968), as amended (secs. 408-410, Public Law 91-152, Dec. 24, 1969), 42 U.S.C. 4001-4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 F.R. 2680, Feb. 27, 1969); Secretary's designation of Acting Federal Insurance Administrator, 35 F.R. 5570, Apr. 3, 1970)

Issued: June 19, 1970.

CHARLES W. WIECKING,
Acting Federal Insurance Administrator.

[F.R. Doc. 70-7781; Filed, June 19, 1970; 8:45 a.m.]

PART 1915—IDENTIFICATION OF FLOOD-PRONE AREAS List of Flood Hazard Areas

Section 1915.3 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

§ 1915.3 List of flood hazard areas.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Alaska	Greater Anchorage Borough	Chester and Campbell Creeks	H 02 020 0130 01 H 02 020 0130 02 H 02 020 0130 03 H 02 020 0130 06	Local Affairs Agency, Office of the Governor, State of Alaska, Juneau, Alaska 99801. Director of Insurance, State of Alaska, Pouch D, Juneau, Alaska 99801.	Planning Department, Greater Anchorage Area Borough, 104 West Northern Lights Blvd., Anchorage, Alaska 99503.	June 19, 1970.
Florida	Monroe		H 12 087 0000 01 H 12 087 0000 02 H 12 087 0000 03	Department of Community Affairs, 225 West Jefferson St., Tallahassee, Fla. 32303. State of Florida Insurance Department, Treasurer's Office, State Capitol, Tallahassee, Fla. 32303.	Office of the Zoning Director, Monroe County Courthouse, Key West, Fla. 33040.	Do.
Do.	do	Key Colony Beach	H 12 087 1599 01	do.	Office of the City Clerk, City of Key Colony Beach, Key Colony Beach, Fla. 33051.	Do.
Do.	do	Key West	H 12 087 1580 01	do.	Office of the City Manager, City of Key West, City Hall, Key West, Fla. 33040.	Do.
Kansas	Johnson	Fairway	H 20 001 1770 01 H 20 001 1770 02	Kansas Water Resources Board, 1134 S State Office Bldg., Topeka, Kans. 66612. Kansas Insurance Department, 1st Floor, Statehouse, Topeka, Kans. 66612.	Fairway City Hall, 5244 Norwood Road, Shawnee Mission, Kans. 66205.	Do.
Louisiana	Cameron (Parish)		H 22 023 0000 01 H 22 023 0000 02 H 22 023 0000 03 H 22 023 0000 04	Louisiana Department of Public Works, Baton Rouge, La. 70804. Commissioner of Insurance, State of Louisiana, Box 44214, Capitol Station, Baton Rouge, La. 70804.	Office of the Parish Treasurer, Police Jury Annex, Cameron, La. 70631.	Do.
Do.	East Baton Rouge (Parish)	Baton Rouge and Vicinity	H 22 033 0150 01 H 22 033 0150 16	do.	Office of the Chief Engineer, Room 405, Municipal Bldg., Baton Rouge, La. 70821.	Do.
Massachusetts	Bristol	Swansea	H 25 005 1268 01 H 25 005 1268 02 H 25 005 1268 03 H 25 005 1268 04	Division of Water Resources, Massachusetts Water Resources Commission, State Office Bldg., Government Center, 100 Cambridge St., Boston, Mass. 02202. Division of Insurance, 100 Cambridge St., Boston, Mass. 02202.	Office of the Board of Selectmen, Town Hall, Main St., Swansea, Mass. 02777.	Do.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
North Carolina	New Hanover	Wrightsville Beach	H 37 179 5180 01... H 37 179 5180 02	North Carolina Department of Water and Air Resources, Post Office Box 9392, Raleigh, N.C. 27603.	Town Hall, Town of Wrightsville Beach, 400 Waynick Blvd., Post Office Box 626, Wrightsville Beach, N.C. 28480.	Do.
North Dakota	Pembina	Pembina	H 38 067 2900 01...	North Carolina Insurance Department, Post Office Box 351, Raleigh, N.C. 27602. State Water Commission, Bismarck, N. Dak. 58501. State Insurance Commission, State Capitol, Bismarck, N. Dak. 58501.	City Hall, City of Pembina, Pembina, N. Dak. 58271.	Do.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 F.R. 17804, Nov. 28, 1968), as amended (secs. 408-410, Public Law 91-152, Dec. 24, 1969), 42 U.S.C. 4001-4127; and Secretary's delegation of authority to Federal Insurance Administrator (34 F.R. 2680, Feb. 27, 1969); Secretary's designation of Acting Federal Insurance Administrator, 35 F.R. 5570, Apr. 3, 1970)

Issued: June 19, 1970.

CHARLES W. WIECKING,
Acting Federal Insurance Administrator.

[F.R. Doc. 70-7782; Filed, June 19, 1970; 8:45 a.m.]

Title 49—TRANSPORTATION

Chapter II—Federal Railroad Administration, Department of Transportation

[Docket No. FRA-SA-1]

PART 231—RAILROAD SAFETY APPLIANCE STANDARDS

Miscellaneous Amendments

By order in Docket No. FRA-SA-1, effective June 1, 1970, the United States Safety Appliance Standards were amended as follows:

Amendments to § 231.10. 1. Add at end of paragraphs (b), (c), (d), and (e) the following words: "See note below."

2. Add the following note to § 231.10:

Note: Running boards may be omitted from Caboose Cars with platforms built after June 1, 1970, when each of the following conditions have been met:

(1) That ladders, roof handholds (including ladder extensions) and cupola handholds as specified in paragraphs (c), (d), and (e) of this § 231.10 are also omitted.

(2) That an appropriate notice be posted in protective manner or stenciled on interior of caboose stating "operating employees are prohibited under all conditions from occupying the roof of this caboose."

(3) That a safe means must be provided to assure the safety of an operating employee when required to clean or maintain windows of a caboose without running boards.

(4) That the following additional safety appliances as specified be securely installed at the outer edge of each platform:

(a) Safety railing

(i) Number:
Horizontal—Four (4), two (2) upper and two (2) lower.

Vertical—Four (4).

(ii) Dimensions:
Minimum diameter—One (1) inch wrought iron, steel, or other material of equivalent strength.

Minimum clearance—Four (4), preferably six (6) inches except at brace and fastening locations.

(iii) Location.

Vertical—One (1) at each corner of car extending from platform end sill to level of lower horizontal safety railing or to suitable bracket at roof.

Horizontal—Upper: Across each end of car near outer edge securely braced with vertical supports not less than 48 nor more than 54 inches above top of platform extending not less than full width of platform excluding hand brake stanchion area.

Horizontal—Lower: Across each end of car near outer edge securely braced with vertical supports not less than 36 nor more than 42 inches above top of platform excluding hand brake stanchion area. An opening may be provided near center. Such opening shall be provided with a secure safety chain(s) not less than 1/4-inch diameter wrought iron, or steel, or other secure suitable closure.

(iv) Manner of application:
Safety railing shall be securely fastened with 1/2-inch bolts or rivets when possible and securely supported. A weld at connection of vertical and horizontal safety railing and vertical supports is permissible when those appliances are fabricated as a single unit.

(b) Kick plates

(i) Number: Four (4).

(ii) Dimensions:

Minimum thickness 10-gauge wrought iron, steel or other material of equivalent strength.

Width—Minimum 24 inches.

Height—Minimum 24 inches.

(iii) Location: One near each side on each end. Outer edge not more than 12 inches from adjacent vertical safety railing with bottom edge near top of platform. Hand brake stand may serve as part of kick plate.

(iv) Manner of application: Securely fastened with 1/2-inch bolts or rivets, or weld.

(v) Vertical hand rail supports spaced not more than eighteen (18) inches apart may be used in lieu of kick plates.

(5) That stove pipe shall be secured to prevent turning.

(6) That windows shall be laminated safety-type glass or equivalent.

Existing caboose cars with platforms.

Running boards may be removed from Caboose Cars with Platforms built or under construction on or before June 1, 1970, when each of the following conditions have been met:

(1) That ladder treads above safety railing, roof handholds including ladder extensions, and cupola handholds specified in paragraphs (c), (d), and (e) of this § 231.10 are removed.

(2) That an appropriate notice be posted in protective manner or stenciled in interior of caboose stating "operating employees are prohibited under all conditions from occupying the roof of this caboose."

(3) That a safe means must be provided to assure the safety of an operating employee when required to clean or maintain windows of a caboose without running boards.

(4) That end platform safety railing and handhold arrangement will be deemed to meet requirements except as to upper safety railing and kick plates, when those appliances are not provided. When vertical supports are not more than twenty-four (24) inches apart, such supports may be used in lieu of kick plates.

(5) That the following additional safety appliances (when not so provided) shall be securely installed at outer edge of each platform:

(a) Safety railing.

(i) Number:
Horizontal upper—Two (2).

(ii) Dimensions:

Minimum diameter—One (1) inch wrought iron, steel, or other material of equivalent strength.

Minimum clearance—Four (4), preferably six (6) inches except at brace and fastening locations.

(iii) Location:

Horizontal—Upper: Across each end of car near outer edge securely braced with vertical supports not less than 48 nor more than 54 inches above top of platform extending not less than full width of platform excluding hand brake stanchion area. Ladder tread not more than two (2) inches below level of upper safety railing may serve as a portion of said safety railing.

(b) Kick plates or vertical supports—Same as provided for caboose cars with platforms built after June 1, 1970, this note. See above.

(6) That stove pipe should be secured to prevent turning.

(7) Cupola or bay windows shall be laminated safety-type glass or equivalent and all other caboose windows shall be so provided on or before June 1, 1975.

3. Add as a footnote to § 231.10:

1. The term "bottom of car" as used in § 231.10 is construed to mean "bottom of side-sill or sheathing over side-sill."

2. The term "corner of car" as used in § 231.10 is construed to mean the "line at inner edge of platform formed by the intersection of the side and end of car."

4. Add as a footnote to Part 231:

Where rivets or bolts are required in this Part 231 a two-piece steel rivet may be used consisting of:

(a) A solid shank of one-half (½) inch minimum diameter steel or material of equal or greater strength having cold forged head on one end, a shank length for material thickness fastened, locking grooves, break-neck groove and pull grooves (all annular grooves) on the opposite end.

(b) A collar of similar material which is cold swaged into the locking grooves forming a head for the opposite end of item (a) after the pull groove section has been removed.

Issued in Washington, D.C., on June 16, 1970.

ROBERT R. BOYD,
Director, Office of
Hearings and Proceedings.

[P.R. Doc. 70-7834; Filed, June 19, 1970;
8:49 a.m.]

Chapter X—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Rev. S.O. 1041]

PART 1033—CAR SERVICE

Distribution of Boxcars

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 11th day of June 1970.

It appearing, that an acute shortage of certain plain boxcars exists on the railroads named in paragraph (a) (1) herein; that shippers located on the lines of these carriers are being deprived of such cars required for loading, resulting in a severe emergency and causing grain elevators to be unable to accept newly harvested grain, or to store grain on the ground, thus creating economic loss; that present rules, regulations, and practices with respect to the use, supply, control, movement, distribution, exchange, interchange, and return of boxcars owned by these railroads are ineffective. It is the opinion of the Commission that an emergency exists requiring immediate action to promote car service in the interest of the public and the commerce of the people. Accordingly, the Commission finds that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this order effective upon less than 30 days' notice.

It is ordered, That:

§ 1033.1041 Service Order No. 1041.

(a) *Distribution of boxcars.* Each common carrier by railroad subject to the Interstate Commerce Act shall observe, enforce, and obey the following rules, regulations, and practices with respect to its car service:

(1) Return to owners empty, except as otherwise authorized in subparagraphs (2) and (3) of this paragraph, all plain boxcars which are listed in the Official Railway Equipment Register, ICC R.E.R. 375, issued by E. J. McFarland, or reissues thereof, as having mechanical designation XM, with inside length 44 feet 6 inches or less and equipped with doors less than 9 feet wide, owned by the following railroads: The Atchison, Topeka and Santa Fe

Railway Co.; Chicago, Rock Island and Pacific Railroad Co.; Missouri-Kansas-Texas Railroad Co.; Missouri Pacific Railroad Co.; St. Louis-San Francisco Railway Co.

(2) Boxcars described in subparagraph (1) of this paragraph, may be loaded to stations on the lines of the car owning railroad. After unloading at

a junction with the car owner, such cars shall be delivered to the car owner at that junction, either loaded or empty.

(3) Boxcars described in subparagraph (1) of this paragraph, owned by the carriers listed and located in States other than those listed under the name of the owning carrier, may be loaded to any station in such States:

ATSF	CRIP	MKT	MP	SL&F
Colorado Illinois Kansas Missouri Oklahoma Texas	Arkansas Colorado Illinois Iowa Kansas Missouri Nebraska Oklahoma Texas	Kansas Missouri Oklahoma Texas	Arkansas Illinois Kansas Missouri Nebraska Texas	Arkansas Kansas Missouri Oklahoma Texas

(4) No common carrier by railroad subject to the Interstate Commerce Act shall accept from shipper any loaded boxcar for movements contrary to the provisions of subparagraphs (2) and (3) of this paragraph.

(b) *Application.* The provisions of this order shall apply to intrastate, interstate, and foreign commerce.

(c) *Effective date.* This order shall become effective at 12:01 a.m., June 13, 1970.

(d) *Expiration date.* This order shall expire at 11:59 p.m. June 30, 1970, unless otherwise modified, changed, or suspended by order of this Commission.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies secs. 1(10-17), 15(4), and 17(2), 40 Stat. 101, as amended 54 Stat. 911, 49 U.S.C. 1(10-17), 15(4), and 17(2))

It is further ordered, That a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL]

H. NEIL GARSON,
Secretary.

[P.R. Doc. 70-7828; Filed, June 19, 1970;
8:49 a.m.]

[S.O. 1042]

PART 1033—CAR SERVICE

Chicago and North Western Railway Co. Authorized To Operate Over Tracks of Chicago, Rock Island and Pacific Railroad Co.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 16th day of June 1970.

It appearing, that because of track damage from flooding, the Chicago, Rock

Island and Pacific Railroad Co. is unable to serve shippers located on its line at Sioux Falls, S. Dak.; that the Chicago and North Western Railway Co. has agreed to serve industries located on the Chicago, Rock Island and Pacific Railroad Co. at Sioux Falls, S. Dak.; that the Commission is of the opinion that operation by the Chicago and North Western Railway Co. over tracks of the Chicago, Rock Island and Pacific Railroad Co. at Sioux Falls, S. Dak., is necessary in the interest of the public and the commerce of the people; that notice and public procedure herein are impractical and contrary to the public interest; and that good cause exists for making this order effective upon less than 30 days' notice.

It is ordered, That:

§ 1033.1042 Service Order No. 1042.

(a) *Chicago and North Western Railway Co. authorized to operate over tracks of the Chicago, Rock Island and Pacific Railroad Co.* The Chicago and North Western Railway Co. be, and it is hereby, authorized to operate over tracks of the Chicago, Rock Island and Pacific Railroad Co. at Sioux Falls, S. Dak.

(b) *Application.* The provisions of this order shall apply to intrastate and foreign traffic, as well as to interstate traffic.

(c) *Rates applicable.* Inasmuch as this operation by the Chicago and North Western Railway Co. over tracks of the Chicago, Rock Island and Pacific Railroad Co. is deemed to be due to carrier's disability, the rates applicable to traffic moved by the Chicago and North Western Railway Co. over these tracks of the Chicago, Rock Island and Pacific Railroad Co. shall be the rates which were applicable on the shipments at the time of shipment as originally routed.

(d) *Effective date.* This order shall become effective at 12:01 a.m., June 18, 1970.

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., September 30, 1970, unless otherwise modified, changed, or suspended by order of this Commission.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies secs. 1(10-17), 15(4), and 17(2), 40 Stat. 101, as amended 54 Stat. 911; 49 U.S.C. 1(10-17), 15(4), and 17(2))

It is further ordered, That copies of this order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] H. NEIL GARSON,
Secretary.

[P.R. Doc. 70-7829; Filed, June 19, 1970;
8:49 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter II—Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior

SUBCHAPTER F—AID TO FISHERIES

PART 258—FISHERMEN'S PROTECTIVE ACT PROCEDURES

Provision for Fees

JUNE 17, 1970.

Section 7 of the Fishermen's Protective Act of 1967 (Public Law 90-482; 22 U.S.C. 1977), authorized the Secretary of the Interior to set fees to be charged

for the furnishing of a guarantee agreement. The Fishermen's Protective Act Procedures, which became effective February 9, 1969, established fees, based on anticipated losses, to provide for payment of the administrative costs and one-third of the estimated claims to be paid from the Fishermen's protective fund. Experience to date in the payment of claims under this program indicates that a change in the fee schedule on a fiscal-year basis is not warranted at this time. However, to avoid the necessity for issuing two guarantee agreements within a period of 4 months with the consequent additional costs to the owners an optional fee is authorized for any guarantee agreements effected between March 1, 1970, and June 30, 1970, in the event the owner desires to have the guarantee agreement extend through June 30, 1971.

This amendment relates to matters which are exempt from the rule making requirements of the Administrative Procedures Act (5 U.S.C. 1003). Furthermore this amendment has the effect of relaxing previous restrictions and so should be made effective immediately. This amendment is hereby adopted and will become effective on the date of its publication in the FEDERAL REGISTER.

Section 258.5 is hereby amended as follows:

§ 258.5 Fees.

(a) The fees during the period ending on June 30, 1970, are established to provide for payment of the administrative costs and one-third of the estimated claims to be paid from the fund. They will be set based on anticipated losses

and prior experience. The fee schedule may be increased or decreased by amendment to this part at any time, if warranted by changed conditions; and if this change takes place prior to the end of a fiscal year it will be applicable to all contracts executed after the effective date of the amendment.

(b) The fees to be paid by an applicant during the fiscal year ending June 30, 1971, shall be as follows: For each vessel \$60 plus \$1.80 per gross ton as listed on the vessel's documents. Fractions of a ton are not included.

(c) The fees will cover the guarantee agreement for a fiscal year ending on June 30, or any part of that fiscal year. No return of a fee or portion of a fee will be made after an agreement is executed by the Secretary.

(d) The fees to be paid by an applicant to cover a guarantee agreement executed between March 1 and June 30, 1970, in the event said applicant desires to have the guarantee agreement extend through June 30, 1971, shall be as follows: For each vessel \$90 plus \$2.70 per gross ton as listed on the vessel's documents. Fractions of a ton are not included.

(e) A guarantee agreement may, with the consent of the Secretary, be assigned to a new owner of a vessel if the ownership of the vessel is transferred during the period in which the agreement is in force.

PHILIP M. ROEDEL,
Director,
Bureau of Commercial Fisheries.

[P.R. Doc. 70-7821; Filed, June 19, 1970;
8:48 a.m.]

Proposed Rule Making

FEDERAL POWER COMMISSION

[18 CFR Part 2]

[Docket No. R-389]

NATURAL GAS IN PERMIAN BASIN

Initial Rates for Future Sales

JUNE 17, 1970.

Notices of investigation, proposed rule-making, and statement on new applications for certificates for sale of Permian Basin area natural gas.

1. Notice is hereby given, that pursuant to the Administrative Procedure Act, 5 U.S.C. 551 et seq. (1967) and sections 4, 5, 7, 8, 14, 15, and 16 of the Natural Gas Act (52 Stat. 822, 823, 824, 825, 828, 829, 830; 56 Stat. 83, 84; 61 Stat. 459; 76 Stat. 72; 15 U.S.C. 717c, 717d, 717f, 717g, 717m, 717o) and upon an investigation to be conducted in this docket, the Commission proposes to issue rules fixing the terms and conditions under which it will issue permanent certificates for, and will otherwise regulate, new sales of natural gas subject to the Commission's jurisdiction in the Permian Basin area, under contracts dated after the date of issuance of a rule herein. The rates to be set pursuant to this rulemaking will be firm rates, not subject to refund obligation. However, any rate set will be subject to prospective modification at the conclusion of the new Permian Basin area rate proceeding which we have today instituted by separate order in Docket No. AR70-1, 35 F.R. 10180.

Data available to the Commission indicates that interstate pipelines are unable to procure contracts for new supplies of gas, on a spot or long-term basis, at the same relative rate as heretofore, and that this does not appear to represent any decline in the productivity of the area below earlier estimates. Recently significant pipeline capacity for intrastate transportation and sales has been put into operation.

2. We do not propose any specific terms and conditions in this notice. Rather, we will rely in making that determination on the responses to be filed herein. We propose to amend § 2.56 *Area price levels for natural gas sales by independent producers*, as amended, in Part 2—General Policy and Interpretations, Chapter I, Title 18 of the Code of Federal Regulations.

3. As an aid to interested parties (hereinafter "parties") in preparing responses, and as notice to those who may be examined in this investigation, we set forth specific areas of inquiry, the purpose of which is to determine the terms and conditions which will result in an adequate supply of natural gas for consumers at the lowest rate consistent with maintaining an industry structure capable of providing, and motivated to

provide, service with its attendant risks. See Permian Basin Area Rate Cases, 390 U.S. 747 (1968) (hereinafter "Permian"); *Austral Oil Co. v. F.P.C.*, — F.2d — (Fifth Circuit 1970, slip opinion dated Mar. 19, 1970, No. 27492, et al.) (hereinafter "Austral").

4. First, we call on all parties including staff to submit an estimate of the current, nationwide cost of finding and producing nonassociated natural gas. This estimate should be made using as far as possible the costing methods set forth in Commission Opinions Nos. 468 (34 FPC 191-207) and 546 (40 FPC 556-589). An explanation of the methods used in estimating current cost, together with all supporting calculations, shall be attached to the response. New gas cost estimates should be determined at the indicated 12 percent rate of return for purposes of responding to this paragraph 4. However, in their responses to the paragraph 5, the parties will have an opportunity to state any alternative rates of return which they deem more appropriate. The Bureau of Natural Gas has made a preliminary estimate which indicates cost increases in the range of 3-5 cents per Mcf exclusive of any modification in rate of return.

5. Second, we call on all parties to respond on rate of return and other factors discussed by the Supreme Court in *Permian*, supra, and the U.S. Court of Appeals for the Fifth Circuit in *Austral*, supra.

6. Third, we call on parties to respond on the question of the weight to be given to gas contract prices, terms, and inducements or commodity value, in considering producer rates and on the question of whether the market mechanism in the light of pipeline regulation will adequately protect consumer interests. See *Permian*, supra, p. 795. Any party responding to this issue should either include any information he may have concerning prices and other relevant terms applicable to contracts dated on or after January 1, 1966, for the intrastate sale of natural gas in the Permian Basin and any information he may have concerning prices and other relevant terms offered (or demanded), but not accepted, for contracts for interstate sale of natural gas in the Permian Basin (together with the factors believed to be the cause of the failure to contract) or state that no such information is available to him or state the reason or reasons why the information is withheld. Nothing herein shall limit investigation by the staff (pursuant to paragraph 11, infra), independent of any responses which may be filed.

7. A public hearing will be held in this proceeding commencing on July 29, 1970, for the purpose of allowing a number of persons such as small producers to state their views in lieu of filing written comments. This hearing will be held in Mid-

land High School Auditorium, Midland, Tex., commencing at 10 a.m. and thence from day to day until recessed by an officer designated by paragraph 11, infra.

Any statements taken at a public hearing announced by the Commission or its Secretary will be reduced to written form and will be considered together with the filed comments in this docket. Any party who wishes to make an oral statement in lieu of filing written comments should file a request with the Secretary on or before July 10, 1970. The request shall state the name, title, and mailing address of the person, the interest he has or represents in this proceeding, and a waiver of the right to file written comments pursuant to paragraph 10, infra. Denial of an oral presentation means only that the person should file written comments if he wishes to be heard. Persons whose request is granted will be notified by mail of the date and time allotted. Additional hearings may be held upon notice from the Secretary.

8. This rulemaking proceeding shall encompass Texas Railroad Commission Districts 7-B, 7-C, 8, and 8-A; Val Verde, Edwards, Real, Bandera, Kerr, Kendall, Comal, Gillespie, Mason, Llano, Blanco, Hays, Travis, Burnet, Williamson, Milam, and Bell Counties located in Texas Railroad Commission District 1; and Chaves, Eddy, Lea, and Roosevelt Counties, N. Mex.

9. All statements and submittals in response to this notice shall be under oath, acknowledged by a notary public or comparable official, as follows:

----- being duly
(Name)

sworn, deposes and says that he is (title and organization, if filing in a representative capacity); that he is authorized to verify and file this document, that he has examined the statements contained in the submittal and that all such statements are true and correct to the best of his knowledge, information, and belief.

10. Any interested person may become a party to this proceeding by filing with the Secretary, on or before July 10, 1970, a notice of intention to respond pursuant to this paragraph. (All requests to be heard orally pursuant to paragraph 7, supra, will be deemed to be notice pursuant to paragraph 10.) The Secretary will thereupon prepare and publish a list of all parties. Parties shall certify that all other parties have been served with a copy of any subsequent filing. Responses in writing concerning this proposed rulemaking (hereinafter "original submittal") shall be filed with the Secretary at the Federal Power Commission, Washington, D.C. 20426, by July 31, 1970. Any submittal shall state the name, title, mailing address of the person or persons to whom communications concerning this matter should be addressed, the interest in this proceeding, and whether the person filing them requests a con-

ference at the Federal Power Commission. An original and 14 copies of all submittals shall be filed. Responses to the submittals may be filed not later than September 1, 1970, in the same form and number as the original submittals (hereafter "reply submittals"). The Commission will consider all such written submittals, responses, and statements taken pursuant to paragraph 7, supra, and any report filed by an officer pursuant to paragraph 11, infra, before issuing an order in this proceeding.

11. For the purpose of the aforesaid investigation John W. Williams and E. B. Blackmon, staff attorneys, are each hereby designated an officer of this Commission and empowered to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant and material to the inquiry, and to perform all other duties in connection therewith as prescribed by law. These officers, or either of them, will preside at hearings provided for in paragraph 7, supra, unless otherwise provided by Commission order. However, nothing in paragraph 7, supra, shall limit the investigatory power delegated in this paragraph 11 or require that all depositions or other information obtained by subpoena duces tecum be publicly conducted or filed as a submittal in this docket. See 15 U.S.C. 717g. Any report to the Commission made by an officer prior to the Commission's decision in this rulemaking will be filed as a submittal pursuant to paragraph 10, supra.

12. Statement on new applications for certificates for sale of Permian Basin area natural gas. Effective on the date of this order the Commission will accept for consideration applications by independent producers requesting issuance of a certificate of public convenience and necessity for sales of natural gas from the Permian Basin area notwithstanding that the stated rate may be in excess of the applicable Permian Basin area ceiling rates established in Opinions Nos. 468 and 468-A (34 FPC 159 and 1068). Applications requesting issuance of certificates of public convenience and necessity authorized herein shall be processed in accordance with the procedural requirements, including those relating to notice, intervention and hearing, set out in Part 157 of the Commission's regulations under the Natural Gas Act.

Applicants shall state the grounds for claiming that the present or future public convenience and necessity requires issuance of a certificate on the terms proposed in the application.

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 before the Commission without further notice on all applications for certificates in which no petition to intervene in opposition is filed within the time required if the Commission on its own review of the matter believes that a grant of a certificate is required by the public

convenience and necessity. Where a petition for leave to intervene in opposition is timely filed or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

13. Notice of investigation, of rule-making, and statement on new applications for certificates for sale of Permian Basin area gas in this docket are separable. Termination or stay of any one by order of this Commission or otherwise shall not affect any other proceeding incorporated herein.

14. The Secretary shall cause prompt publication of this notice to be made in the FEDERAL REGISTER.

By direction of the Commission,¹

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-7836; Filed, June 19, 1970; 8:45 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[43 CFR Part 5430]

TIMBER SALE

Newspaper Advertisement

The purpose of this amendment is to simplify the newspaper advertisement of timber to be auctioned by the Bureau of Land Management.

The Bureau of Land Management advertises for public auction between 450-500 timber sales each year. Prospective purchasers receive detailed sale brochures on each tract of timber to be offered. Bids are determined from on-the-ground inspections, information contained in sale brochures and presale reviews of the proposed timber sale contracts. The need no longer exists for lengthy newspaper legal notices containing bidding procedures, timber recovery tabulations and appraisal data, since such information is now mailed to each prospective bidder in advance of the sale.

This amendment will reduce the number of mandatory items to be included in a legal newspaper notice.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested parties may submit written comments, suggestions, or objections with respect to the proposed rules to the Director (210), Bureau of Land Management, Washington, D.C. 20240, within 30 days of the publication of this notice in the FEDERAL REGISTER.

Section 5430.1 is amended to read as follows:

§ 5430.1 Requirements.

The advertisement of sale shall state the location by county, section, township, range, meridian, of the tract or

¹Chairman Nassikas, while out of the country when these notices were issued, participated in earlier deliberations concerning their contents and concurred in their issuance.

tracts on which timber or other vegetative resources are being offered, the estimated total quantity, the unit of measure, the total appraised value, the minimum deposit, time and place for receiving bids, the office where additional information may be obtained, and such additional information as the authorized officer may deem necessary.

WALTER J. HICKEL,
Secretary of the Interior.

JUNE 15, 1970.

[F.R. Doc 70-7791; Filed, June 19, 1970; 8:46 a.m.]

Oil Import Administration

[32A CFR Ch X]

[Oil Import Reg. 1 (Rev. 5)]

ALLOCATIONS TO MARKETERS OF NO. 2 FUEL OIL; DISTRICT I

Notice of Proposed Rule Making

There is set forth below, in the form of a section of Oil Import Regulation 1, a proposal for the making of allocations of imports of No. 2 fuel oil to marketers of No. 2 fuel oil in District I subject to the concurrence by the Director of the Office of Emergency Preparedness. Interested persons are invited to submit written comments upon the proposal to the Administrator, Oil Import Administration, Department of the Interior, Washington, D.C. 20240, within a period of 30 days from the date of publication of the notice in the FEDERAL REGISTER. Each person who submits comments is asked to provide 10 copies.

J. J. SIMMONS III,
Administrator,
Oil Import Administration.

JUNE 18, 1970.

Sec. -- Allocations to marketers of No. 2 fuel oil—District I.

(a) For the purpose of this section, "No. 2 fuel oil" means an oil which is manufactured from crude oil and which has the following physical and chemical characteristics:

Closed Cup Flash point, degrees Fahrenheit.....	Minimum 100.
Pour point, degree Fahrenheit	Maximum 20.
Water and sediment, percent	Maximum 0.10.
Carbon residue on 10 percent residuum percent....	Maximum 0.35.
Distillation temperature, Fahrenheit 90 percent point	Maximum 640. Minimum 540.
Viscosity, Saybolt Universal seconds at 100° F....	Maximum 37.93. Minimum 32.6.
Gravity degrees API.....	Minimum 30.9.

(b) For the period July 1, 1970, through December 31, 1970, 40,000 B/D of imports of No. 2 fuel oil are available for allocation in District I to eligible persons having qualified terminal inputs of No. 2 fuel oil in this district.

(c) (1) Except as provided in subparagraph (2) of this paragraph, a person shall be eligible for an allocation of imports into District I of No. 2

fuel oil under paragraph (e) of this section:

(i) If he is in the business in District I of selling No. 2 fuel oil and has under his management and operational control a deep water terminal located in District I into which there has been delivered No. 2 fuel oil which he owned at the time of delivery, such delivery being the first delivery of that oil into a deep water terminal in District I; or

(ii) if he is in the business in District I of selling No. 2 fuel oil and has a throughput agreement (warehouse agreement) with a deep water terminal operator in District I who does not have a crude oil import allocation in Districts I-IV under which agreement the person has delivered to the terminal No. 2 fuel oil which he owned when it was so delivered, such delivery being the first delivery of that oil into a deep water terminal in District I. For the purposes of this section, "throughput agreement" means an agreement which provides for the delivery to a deep water terminal by a person of No. 2 fuel oil which he owns and for a right in such person to withdraw on call an identical quantity of such oil from the terminal. A qualifying throughput agreement will be deemed to exist only (1) if the person operating under the agreement owned

the oil at the time it was delivered to the terminal and only if that delivery was the first delivery of that oil into a deep water terminal in District I; and (2) if the person has delivered at least 100,000 barrels of No. 2 fuel oil into the terminal under the agreement during the 12-month period ending March 31, 1970. Any transaction between persons involving sales, purchases, or exchanges of No. 2 fuel oil which were designed to gain allocation benefits to otherwise ineligible persons shall not be deemed a qualifying throughput agreement.

(2) No person who has an allocation of imports into Districts I-IV of crude oil under section 9, 10, or 25 of this regulation shall be eligible for an allocation under paragraph (e) of this section.

(d) A person seeking an allocation under paragraph (e) of this section must file an application with the Administrator no later than 10 days after the promulgation of the regulation. The application shall disclose in detail such information as the Administrator may require.

(e) (1) Except as provided in subparagraph (2) of the paragraph, each applicant eligible under this section shall receive an allocation of imports of No. 2 fuel oil into District I computed according to the following formula:

$$\frac{\text{Applicant's qualified terminal inputs Avg B/D}}{\text{Avg B/D of all qualified terminal inputs (Apr. 1, 1969-Mar. 31, 1970)}} \times \frac{40,000 \text{ Avg B/D of No. 2 fuel oil}}{2 \text{ fuel oil}}$$

(2) If an applicant eligible under this section has an allocation under section 13 of this regulation of imports into Districts I-IV of finished products, the allocation computed under subparagraph (1) of this paragraph shall be reduced by the amount of the allocation of imports of finished products. The Administrator shall allocate the quantity of imports resulting from reductions under this subparagraph (2) according to the following formula:

$$\frac{\text{Total reductions}}{\text{Total of Actual Allocations}} \times \frac{\text{Applicant's Allocation}}{\text{Allocation}}$$

(f) (1) Only those inputs of No. 2 fuel oil which were made as provided in this paragraph (f) are qualified terminal inputs for the purposes of allocations under paragraph (e) of this section. The terminal input is designed to measure an eligible person's bona fide business done through deep water terminal facilities. Any inputs resulting from sales, purchases, or exchanges which were made for the purpose of increasing the terminal input base disproportionately to bona fide business sales shall not constitute qualified terminal inputs.

(2) In order to constitute a qualified terminal input, a delivery of No. 2 fuel oil into a deep water terminal must have been made during the period of 12 months ending March 31, 1970.

(3) An eligible applicant may count as qualified terminal inputs a quantity of No. 2 fuel oil which was delivered into a deep water terminal in District I under his management and operational control or into a deep water terminal with which

the eligible applicant had a throughput agreement, if he owned the oil when it was placed in the terminal and if the delivery constituted the first delivery of that oil to a deep water terminal in District I.

(4) An eligible applicant may count as qualified terminal inputs a quantity of No. 2 fuel oil which the applicant (i) owned and (ii) sold to a person who was not in the business of selling No. 2 fuel oil, and (iii) delivered to a deep water terminal in District I under the management and operational control of the buyer, if such delivery constituted the first delivery of that oil to a deep water terminal in District I.

(5) An eligible applicant may count as qualified terminal inputs a quantity of No. 2 fuel oil which the applicant (i) owned, (ii) sold to a Federal agency, or to an agency of a State or a political subdivision of a State, and (iii) delivered to a deep water terminal in District I for the account of such agency, if such delivery constituted the first delivery of that oil to a deep water terminal in District I.

(6) For the purposes of this paragraph (f), delivery of No. 2 fuel oil produced in a refinery and placed in storage at that refinery shall not be deemed to be a delivery to a deep water terminal.

(g) No allocation made pursuant to this section may be sold, assigned, or otherwise transferred. All No. 2 fuel oil which is imported under an allocation made pursuant to this section must be manufactured in the Western Hemisphere from crude oil produced in the Western Hemisphere (North America,

Central America, South America, and the West Indies), and shall be sold for use as fuel in District I.

(h) As used in this section, "deep water terminal" means a permanent land installation which (1) consists of bulk storage tanks having not less than 140,000 barrels of operational capacity, pumps, and pipelines used for the storage, transfer and handling of No. 2 fuel oil, and (2) is adjacent to waterways that permit the safe passage to the installation of a tanker rated 16,500 cargo dead weight tons, drawing not less than 30 feet of water, and moored in the berth. Cargo dead weight tons represent the carrying capacity of a tanker in tons of 2,240 pounds, less the weight of fuel, water, stores, and other items necessary for use on a voyage.

[P.R. Doc. 70-7850; Filed, June 18, 1970; 12:15 p.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Parts 1032, 1050]

[Dockets Nos. AO-355-A8, AO-313-A19]

MILK IN CENTRAL ILLINOIS AND SOUTHERN ILLINOIS MARKETING AREAS

Notice of Partial Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreements and to Orders

Notice is hereby given of the filing with the Hearing Clerk of this partial recommended decision with respect to proposed amendments to the tentative marketing agreements and orders regulating the handling of milk in the Central Illinois and Southern Illinois marketing areas.

Interested parties may file written exceptions to this decision with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, by the 5th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The above notice of filing of the decision and opportunity to file exceptions thereto are issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

PRELIMINARY STATEMENT

The hearing on the record of which the proposed amendments, as herein-after set forth, to the tentative marketing agreements and to the orders as

amended, were formulated, was conducted at Peoria, Ill., May 13, 1970, pursuant to notices thereof which were issued April 8, 1970 (35 F.R. 6009), April 23, 1970 (35 F.R. 6712), and April 30, 1970 (35 F.R. 7082).

This decision deals only with the issues relating to the handling of milk in the Southern Illinois marketing area. All other issues are reserved for later decision.

The material issues on the record of the hearing relating to the Southern Illinois marketing area concern:

1. Diversions of producer milk; and
2. Location adjustments.

FINDINGS AND CONCLUSIONS

The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Diversions of producer milk.* The provision relating to the diversion of producer milk should be revised to permit diversions in the month of July on the same basis as now provided for May and June.

Presently, the order permits unlimited diversions of producer milk to nonpool plants that are not other order plants only during the months of May and June. During each of the other months, diversions to such plants are limited to 8 days. Diversions between pool plants and to other order plants are allowed each month for not more days of production of a producer than they are physically received at the pool plant from which diverted.

Three cooperative associations proposed that the month of July be added to the months of unlimited diversions to nonpool plants that are not other order plants. They testified that it has been necessary each year since the Southern Illinois order was promulgated on January 1, 1967, to suspend the 8-day limit for the month of July. There was no opposition to this proposal.

The provisions for diversion of producer milk should be related to the reserve needs of the market. Nearly 1,000 of the 2,429 producers delivering to pool plants regulated under the Southern Illinois order in December 1969 live in the States of Iowa, Minnesota, and Wisconsin. When milk is not needed at pool plants from these distant producers, it is more efficient to divert their milk to manufacturing plants located near their farms.

May and June are the months of highest milk production for the Southern Illinois market. This causes the percentage of producer milk classified as Class II during these 2 months to be among the highest of the year. However, due to the relatively low volume of Class I sales during July which is attributable, in part, to the closing of schools and factories, the percentage that Class II milk is of total producer receipts in July is higher than it is in May and not significantly lower than it is in June. For example, in 1969 the annual percentage of Class II utilization was 36 while in May it was 43.7, in June 49.8, and in July 44.4. Comparable patterns also existed in 1967 and

1968. May, June, and July are the 3 months of the year when the proportions of producer milk that must be utilized in Class II outlets are the greatest.

For the reasons set forth above, it is appropriate to include the month of July along with May and June as a month of unlimited diversions of producer milk to nonpool plants that are not other order plants.

In the briefs filed by several cooperative associations, unlimited diversions were requested also for the months of August and December. No testimony was presented at the hearing which would support this request. The record evidence does not indicate that the same situation exists in these two months as was described previously with respect to May, June, and July. The proportions of milk utilized as Class II milk in August and December are significantly lower than in May-July. In fact, during August and December the Class II utilization percentages are as low or lower than the yearly average. Thus, the months of unlimited diversions should not be extended to include August and December and the request is denied.

An alternative provision to allow diversions of producer milk during the months of August through April on a percentage basis was suggested at the hearing. However, proponents did not offer any specific examples to demonstrate the need for this type of provision in the Southern Illinois order. Accordingly, the suggestion is denied at this time.

Another change in the provisions relating to transfers and diversions was proposed by cooperatives. Presently, the order provides for automatic Class I classification of fluid milk products transferred or diverted to nonpool plants located more than 500 miles from the city hall of Vandalia, Ill. Although this provision has not interfered with the diversion of producer milk to nonpool plants, it could affect the orderly disposition of reserve milk supplies in the future, especially in view of the substantial number of producers delivering to the market who are located in the States of Iowa, Minnesota, and Wisconsin.

Milk must be classified and priced on the basis of the form in which, or the purpose for which, used or disposed of by handlers. Originally, it was considered economically feasible to move milk beyond the 500-mile limit only if it were intended for Class I use. Because Class II milk brings the same price at all locations, it was uneconomical to transport it long distances for Class II use. However, under today's marketing conditions milk associated with this market might be handled at manufacturing plants located more than 500 miles from the basing point of Vandalia, Ill.

Also, limiting such transfers or diversions to Class I earlier tended to save some administrative costs. The cost involved in checking utilization at distant plants is less today because the Federal order system is extensive. The 68 Federal milk orders are located throughout the continental United States with exception of a few States, and arrangement for

checking utilization at distant nonpool plants is feasible through the facilities of neighboring market administrators' offices.

Accordingly, the order should be amended to remove the automatic Class I classification of fluid milk products transferred or diverted to nonpool plants located more than 500 miles from Vandalia, Ill.

2. *Location adjustments.* The provisions which establish a location adjustment on Class I milk received at plants located outside the marketing area, and to the uniform price for milk received at such plants, should be revised. The Class I and uniform prices should be reduced 7 cents for milk received at a plant that is located in the Indiana counties of Fountain, Parke, Vermillion, and Warren. No change would be made with respect to the proviso that milk received at a plant located outside the marketing area but in the State of Illinois south of the northernmost boundaries of Adams and Schuyler Counties, Ill., shall be subject to the prices applicable in the northern zone.

Presently, the order provides for 15-cent location adjustment on milk received at plants located 100 miles or more from the nearest of the three basing points, plus an additional 1.5 cents for each 10 miles or fraction thereof that such distance exceeds 110 miles. Also, there are three pricing zones established under the Southern Illinois order. The announced Class I and producer blend prices apply to milk received at pool plants located in the base zone. The southern zone Class I and producer blend prices are 7 cents higher than prices in the base zone, while the northern zone Class I and producer blend prices are 7 cents lower than prices in the base zone.

Producer milk has been diverted in the past from a pool plant located in the northern zone to a manufacturing plant located outside the marketing area but in a county adjacent to the northern zone. Such milk was subject to the base zone blend price because the receiving plant is within 100 miles of the nearest of the three basing points described in the order, all three of which are located in the base zone. The diverted milk therefore was priced at the 7-cent higher base zone price even though the receiving plant was located in an area adjacent to the northern zone.

Two cooperative associations proposed that the pricing of diverted milk should be at the location of the plant to which delivered, except that such price should not exceed the price applicable at the pool plant from which diverted. This proposal was made to prevent the payment from the pool plant at the higher blend price now payable to the producers whose milk was diverted for manufacturing use. There was no opposition to this proposal.

While the proposal made would accommodate the specific situation described on the record, there is a more appropriate method which would have general application. The problem which proponents sought to remedy through a

change in the diversion rules arises because the present location adjustment as it applies in the particular area to which this milk has been diverted is no longer appropriate.

Class I and producer blend prices at plants located just outside the northern zone should be at the same level as at plants located within such zone rather than 7 cents higher. There is insufficient distance involved to warrant different prices between such locations. The present price relationship can be corrected by revising the location adjustment provisions to include the territory in Fountain, Parke, Vermillion, and Warren Counties, Ind., in the same location price adjustment zone as now applies in the northern zone. This change will complement the present provision which establishes the same price as the northern zone price in the Illinois counties that are just west of the northern zone. Accordingly, the order should be so amended.

RULINGS ON PROPOSED FINDINGS AND CONCLUSIONS

Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

GENERAL FINDINGS

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

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and

will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

RECOMMENDED MARKETING AGREEMENT AND ORDER AMENDING THE ORDER

The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended. The following order amending the order, as amended, regulating the handling of milk in the Southern Illinois marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out:

1. In § 1032.14(b) subparagraph (2) is revised as follows:

§ 1032.14 Producer milk.

(b) * * *

(2) Milk of a producer diverted from a pool plant to a nonpool plant(s) at which the handling of milk is not fully subject to the pricing and pooling provisions of another order issued pursuant to the Act on any day during the months of May, June, and July and in any other month for not more than 8 days of production of producer milk by such producer;

2. In § 1032.43 paragraph (d) is deleted and the introductory text of paragraph (e) preceding paragraph (1) is revised as follows:

§ 1032.43 Transfers and diversions.

(d) [Reserved]

(e) As Class I milk, if transferred or diverted in bulk to a nonpool plant that is neither an other order plant nor a producer handler plant unless the requirements of subparagraphs (1) and (2) of this paragraph are met, in which case the skim milk and butterfat so transferred or diverted shall be classified in accordance with the assignment resulting from subparagraph (3) of this paragraph, except that cream so transferred may be classified as Class II, if the handler claims Class II use and establishes that such cream was transferred to a nonpool plant without Grade A certification and that each container was labeled or tagged to indicate that the contents were for manufacturing use and that the shipment was so invoiced:

3. In § 1032.53 paragraph (a) is revised as follows:

§ 1032.53 Location adjustment to handlers.

(a) For producer milk and other source milk which is classified as Class I at a plant located outside the marketing area, the price specified in § 1032.51 (a) (1) for the base zone shall be reduced 15 cents if such plant is 100 or more miles by the shortest highway distance, as determined by the market administrator

from the nearer of the city or village limits of Alton, Robinson, or Vandalia, Ill., plus an additional 1.5 cents for each 10 miles or fraction thereof that such distance exceeds 110 miles: *Provided*, That the Class I price at a plant outside the marketing area and in the State of Illinois south of the northernmost boundaries of the Illinois counties of Adams and Schuyler and at a plant in the Indiana counties of Fountain, Parke, Vermillion, and Warren shall be the Class I price applicable at a pool plant located in the northern zone; and

4. In § 1032.82 paragraph (a) is revised as follows:

§ 1032.82 Location differentials to producers and on nonpool milk.

(a) The uniform price for producer milk, received at a pool plant located outside the marketing area, shall be reduced according to the location of the pool plant at the rates set forth in § 1032.53: *Provided*, That the uniform price at a plant outside the marketing area and in the State of Illinois south of the northernmost boundaries of the Illinois counties of Adams and Schuyler and at a plant in the Indiana counties of Fountain, Parke, Vermillion, and Warren shall be the uniform price applicable at a pool plant located in the northern zone;

Signed at Washington, D.C., on June 17, 1970.

G. R. GRANGE,
Acting Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 70-7830; Filed, June 19, 1970; 8:49 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 70-WE-45]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

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

Interested persons may participate in the proposed rulemaking by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace and Program Standards Branch, Federal Aviation Administration, 5651 West Manchester Avenue, Post Office Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed

amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the 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, 5651 West Manchester Avenue, Los Angeles, Calif. 90045.

The instrument approach and departure procedures have been reviewed in accordance with U.S. Standard for Terminal Instrument Procedures (TERPS). The proposed amendments are required to provide controlled airspace protection for prescribed instrument procedures.

In consideration of the foregoing, the FAA proposes the following airspace actions.

In § 71.171 (35 F.R. 2054) the description of the Sheridan, Wyo., control zone area is amended to read as follows:

SHERIDAN, WYO.

Within a 5-mile radius of the Sheridan County Airport (latitude 44°46'25" N., longitude 106°58'15" W.); within 4 miles each side of the Sheridan VORTAC 312° and 327° radials, extending from the 5-mile radius zone to 11.5 miles northwest of the VORTAC, and within 3.5 miles each side of the Sheridan VORTAC, 139° radial extending from the VORTAC to 23 miles southeast of the VORTAC.

In § 71.181 (35 F.R. 2134) the description of the Sheridan, Wyo., transition area is amended to read as follows:

SHERIDAN, WYO.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Sheridan County Airport (latitude 44°46'25" N., longitude 106°58'15" W.); that airspace extending upward from 1,200 feet above the surface within 7 miles southwest and 10 miles northeast of the Sheridan VORTAC 138° and 318° radials, extending from 18.5 miles northwest to 34 miles southeast of the VORTAC.

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

Issued in Los Angeles, Calif., on June 10, 1970.

LEE E. WARREN,

Acting Director, Western Region.

[F.R. Doc. 70-7795; Filed, June 19, 1970; 8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 70-WE-46]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of

the Federal Aviation Regulations that would alter the description of the Colorado Springs, Colo., transition area.

Interested persons may participate in the proposed rulemaking by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace and Program Standards Branch, Federal Aviation Administration, 5651 West Manchester Avenue, Post Office Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the 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, 5651 West Manchester Avenue, Los Angeles, Calif. 90045.

A review of the controlled airspace requirements for Colorado Springs, Colo., has indicated a need for redesignation of the airspace in the Canon City, Colo. area. That airspace currently floored at 10,700 is proposed to be amended to a floor of 1,200 feet above the surface. The portion in the vicinity of Canon City is proposed to be floored at 11,700 feet MSL. These alterations are necessary to provide maximum radar capability and vectoring at the lowest available altitudes in the Canon City area for arriving/departing aircraft in the Colorado Springs terminal area.

In consideration of the foregoing, FAA proposes the following airspace action.

In § 71.181 (35 F.R. 2134) the description of the Colorado Springs, Colo., transition area is amended as follows:

In the 10th line delete all after " * * * 307° radial;" and substitute therefor "that airspace southwest of Colorado Springs bounded on the north by a line beginning at latitude 38°35'00" N., longitude 105°10'00" W. to latitude 38°40'00" N., longitude 104°52'00" W., on the east by longitude 104°52'00" W., on the south by the north edge of V-244 and on the west by longitude 105°10'00" W.; that airspace southwest and northwest of Colorado Springs extending upwards from 11,700 feet MSL bounded on the north by a line beginning at latitude 38°30'00" N., longitude 105°27'00" W., to latitude 38°35'00" N., longitude 105°10'00" W.; on the east by longitude 105°10'00" W., on the south by the north edge of V-244 and on the west by longitude 105°27'00" W. and that airspace bounded on the north by latitude 39°05'00" N., on the northeast by a line 5 miles southwest of and parallel to the Colorado

Springs VORTAC 307° radial on the east by longitude 104°52'00" W., on the south by latitude 38°55'00" N., and on the west by longitude 105°20'00" W."

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

Issued in Los Angeles, Calif., on June 10, 1970.

LEE E. WARREN,

Acting Director, Western Region.

[F.R. Doc. 70-7796; Filed, June 19, 1970; 8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 70-SW-38]

TRANSITION AREAS

Proposed Designation, Alteration, and Revocation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to redesignate, alter, revoke, and designate controlled airspace within the State of New Mexico by designating the New Mexico transition area.

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

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

There are many areas of uncontrolled airspace, ranging from very small to large, and several segments of controlled airspace with floors higher than 1,200 feet above the surface within the State of New Mexico. These areas are surrounded by or they are adjacent to either Federal airways or transition areas with floors of 1,200 feet above the surface. Because of the increasing traffic volume and the demand for air traffic control services, there is a need to include many of these areas within the proposed New Mexico transition area. More efficient

air traffic services, including radar in some areas, could be provided without the restrictions imposed by small irregular areas of uncontrolled airspace which cannot be easily discerned on essential aeronautical charts. Inclusion of these areas within the proposed New Mexico transition area would, in fact, lessen the burden on the public and it would incur no apparent derogation to VFR operations.

To simplify airspace descriptions, provide continuity of the floors of controlled airspace, and to improve chart legibility, the following airspace actions are proposed:

1. Designate the New Mexico transition area as follows:

New Mexico

That airspace extending upward from 1,200 feet above the surface within the boundary of the State of New Mexico, excluding that airspace north of a line beginning on the Arizona/New Mexico State line at lat. 35°31'00" N., thence to lat. 35°52'00" N., long. 108°47'00" W., to lat. 35°47'30" N., long. 108°34'00" W., thence along long. 108°34'00" W., to and along the north boundary of V-291N to and clockwise along the arc of a 46-mile radius circle centered at the Albuquerque VORTAC to lat. 35°37'35" N., long. 106°24'48" W., to lat. 35°47'00" N., long. 106°15'00" W., to lat. 35°47'00" N., long. 105°50'00" W., thence along long. 105°50'00" W., to and along the north boundary of V-19 to long. 105°16'30" W., to lat. 36°00'00" N., long. 105°07'00" W., thence along lat. 36°00'00" N., to and along the north boundary of V-190 to the New Mexico/Texas State line, excluding R-5101, R-5107B, R-5107C and the portion of R-5107A north of lat. 32°18'00" N., excluding that airspace bounded by a line beginning

on the Arizona/New Mexico State line at lat. 34°18'00" N., thence to the south boundary of V-264 at long. 108°54'00" W., thence along the south boundary of V-264 to and south along long. 107°00'00" W., to and along the northwest boundary of V-19 to lat. 33°35'00" N., to lat. 33°35'00" N., long. 107°20'00" W., to the northwest boundary of V-202 at long. 107°25'00" W., thence along the northwest boundary of V-202 to lat. 32°59'00" N., to lat. 32°35'00" N., long. 108°37'00" W., to the Arizona/New Mexico State line at lat. 32°25'00" N., thence along the State line to point of beginning, excluding that airspace south of V-66, and excluding that airspace below 11,500 feet MSL bounded by a line beginning at lat. 33°43'30" N., long. 105°09'00" W., thence to lat. 33°17'10" N., long. 105°09'00" W., to lat. 33°10'20" N., long. 105°38'00" W., thence counterclockwise along the arc of a 35-mile radius circle centered at lat. 32°51'04" N., long. 106°06'05" W., to and along long. 106°04'00" W., to and along the south boundary of V-264 to long. 105°50'30" W., thence to point of beginning.

2. The following transition areas would be revoked:

Columbus, N. Mex.	Otto, N. Mex.
Corona, N. Mex.	

3. The 1,200-foot portions of the following transition areas would be revoked:

Alamogordo, N. Mex.	Silver City, N. Mex.
Albuquerque, N. Mex.	Truth or Consequences, N. Mex.
Las Vegas, N. Mex.	Tucumcari, N. Mex.
Roswell, N. Mex.	
Santa Fe, N. Mex.	

4. The 1,200-foot portions of the following transition areas would be amended to exclude the portions within the State of New Mexico. There is a separate proposal to designate a Texas

transition area which would encompass the remainder of the 1,200-foot portions of these transition areas; therefore, the 1,200-foot portions would be revoked if the Texas proposal is adopted:

Carlsbad, N. Mex.	Lubbock, Tex.
Clovis, N. Mex.	Midland, Tex.
Hobbs, N. Mex.	Wink, Tex.

5. Amend the following transition areas as indicated:

Deming, N. Mex. The 1,200- and 8,500-foot portions would be revoked.

El Paso, Tex. The 1,200- and 2,000-foot portions would be amended to exclude the portions within the State of New Mexico. The Texas proposal would encompass the remainder of the 1,200- and 2,000-foot portions; therefore, these portions would be revoked if the Texas proposal is adopted.

Gallup, N. Mex. and San Simon, Ariz. The 1,200-foot portions would be amended to exclude the portions within the State of New Mexico.

St. Johns, Ariz., and Zuni, N. Mex. These transition areas would be amended to exclude the portions within the State of New Mexico.

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 Fort Worth, Tex., on June 11, 1970.

A. L. COULTER,
Acting Director, Southwest Region.
[F.R. Doc. 70-7797; Filed, June 19, 1970;
8:46 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[Portland Area Office Redelegation Order 3, Amdt. 1]

AREA PROPERTY AND SUPPLY OFFICER

Redelegation of Buy Indian Act Authority

MAY 26, 1970.

Beginning on page 15813 of the FEDERAL REGISTER of October 14, 1969 (34 P.R. 15813), was published Portland Area Office Redelegation Order 3. This amendment adds a section delegating Buy Indian Act authority to the Area Property and Supply Officer and, with limitations, to the Acting Area Property and Supply Officer.

This notice is published in the exercise of the authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2 (32 F.R. 13938).

Part 3 of Portland Area Redelegation Order 3 is amended to add the following heading and section:

FUNCTIONS RELATING TO BUY INDIAN ACT

Sec. 3.30 *Buy Indian Act*. The Area Property and Supply Officer is redelegated all the authority of the Area Director under the Buy Indian Act (section 23 of the Act of June 25, 1910, Public Law 313, 61st Cong., second session; 36 Stat. 861 as amended; 25 U.S.C. 47). In the absence of both the Assistant Area Director for Administration and the Area Property and Supply Officer, the Acting Area Property and Supply Officer may exercise the Buy Indian Act authority of the Area Property and Supply Officer.

Effective date. This delegation of authority is effective upon date of publication in the FEDERAL REGISTER.

DALE M. BALDWIN,
Area Director.

Approved: June 11, 1970.

HAROLD D. COX,
Acting Commissioner
of Indian Affairs.

[F.R. Doc. 70-7792; Filed, June 19, 1970;
8:46 a.m.]

Bureau of Land Management OUTER CONTINENTAL SHELF OFF LOUISIANA

Oil and Gas Lease Sale

Pursuant to section 8 of the Outer Continental Shelf Lands Act (67 Stat. 462; 43 U.S.C. 1331 et seq.) and the regulations issued thereunder (43 CFR Part 3300) sealed bids addressed to the Manager, New Orleans Outer Continental

Shelf Office, Bureau of Land Management, T-9003 Federal Office Building, 701 Loyola Avenue, New Orleans, La., or Post Office Box 53226, New Orleans, La. 70150, will be received until 9:30 a.m., c.s.t., on July 21, 1970, for the lease of oil and gas in certain areas of the Outer Continental Shelf adjacent to the State of Louisiana. Bids will be opened on that date at 10 a.m., c.s.t., in the Claiborne Room, Sheraton Charles Hotel, 211 St. Charles Street, New Orleans, La., for the group of tracts designated herein. The opening of bids is for the sole purpose of publicly announcing and recording bids received, and no bids will be accepted or rejected at that time.

Bidders are notified that leases issued pursuant to this notice will be on revised Form 3380-1 (October 1969). Copies of the revised lease form are available from the above listed Manager or the Manager, Eastern States Land Office, 7981 Eastern Avenue, Silver Spring, Md. 20910.

On July 21, 1970, bids may be delivered in person to the Manager, New Orleans Outer Continental Shelf Office, Bureau of Land Management, only at the Claiborne Room in the Sheraton Charles Hotel between 8:30 a.m., c.s.t., and 9:30 a.m., c.s.t. Bids delivered by mail or in person after 9:30 a.m., c.s.t., on that date will be returned to the bidders unopened.

All bids must be submitted in accordance with applicable regulations, particularly 43 CFR 3302.2, 3302.4, and 3302.5. Each bidder must submit the certification required by 41 CFR 60-1.7 (b) and Executive Order No. 11246 of September 24, 1965, on Form 1140-1, November 1969. Bidders are advised that all leases granted pursuant to this notice will include in their provisions a "Certification of Non-segregated Facilities", and that, in submitting their bids, bidders are deemed to have agreed to the inclusion of this certification in any lease issued to them hereunder.

Bids may not be modified or withdrawn unless written modifications or withdrawals are received prior to the end of the period fixed for the filing of bids. Bidders are warned against violation of section 1860 of title 18 U.S.C. prohibiting unlawful combination or intimidation of bidders. Attention is directed to the nondiscrimination clauses in section 3(h) and 3(i) of the lease agreement, Form 3380-1 (October 1969). Bidders must submit with each bid one-fifth of the amount bid, in cash or by cashier's check, bank draft, certified check or money order, payable to the order of the Bureau of Land Management.

Bidders are notified that any cash, checks, drafts, or money orders submitted with their bids may be deposited in an unearned escrow account in the Treasury during the period their bids are being considered, and that such deposit does not constitute, and shall not be con-

strued as, acceptance of any bid on behalf of the United States. The leases will provide for a royalty rate of one-sixth, and a yearly rental or minimum royalty of \$10 per acre or fraction thereof. The successful bidder will be required to pay the remainder of the bid and the first year's rental of \$10 per acre or fraction thereof and furnish an acceptable surety bond as required in 43 CFR 3304.1 prior to the issuance of each lease.

Bids will be considered on the basis of the highest cash bonus offered for a tract. The United States reserves the right and discretion to reject any and all bids, regardless of the amount offered. Oil payment, overriding royalty, logarithmic or sliding scale bids will not be considered. No bid for less than a full tract, as listed below, will be considered.

A separate bid, in a separate envelope, must be submitted for each tract. The envelope should be endorsed "Sealed bid for oil and gas lease, Louisiana (insert number of tract) not to be opened until 10 a.m., c.s.t., July 21, 1970".

Official leasing maps in a set of 25, which contains the maps for the areas in which the tracts being offered for lease may be located, can be purchased for \$5 per set. The official leasing maps and copies of the Compliance Report Certification (Form 1140-1, Nov. 1969) may be obtained from the above listed Manager or the Manager, Eastern States Land Office, 7981 Eastern Avenue, Silver Spring, Md. 20910.

Operations under leases which may be issued pursuant to this sale will be subject to provisions for the protection of fishing operations and aquatic values.

The tracts offered for bid are as follows:

LOUISIANA

OFFICIAL LEASING MAP, LOUISIANA MAP NO. 1

(Approved June 8, 1954; Revised July 22, 1954; Apr. 28, 1966)

West Cameron Area

Tract No.	Block	Description	Acreage
La. 2064	28	N $\frac{1}{2}$; N $\frac{1}{2}$ N $\frac{1}{2}$ S $\frac{1}{4}$ 1 $\frac{1}{2}$	2,630
La. 2065	132	N $\frac{1}{2}$	2,500
La. 2066	151	E $\frac{1}{2}$	2,500

OFFICIAL LEASING MAP, LOUISIANA MAP NO. 2

(Approved June 8, 1954; Revised Apr. 28, 1966)

East Cameron Area

La. 2067	33	NE $\frac{1}{4}$	1,250
La. 2068	117	W $\frac{1}{2}$	2,500
La. 2069	118	N $\frac{1}{2}$	2,500

OFFICIAL LEASING MAP, LOUISIANA MAP NO. 3

(Approved June 8, 1954; Revised June 25, 1954; July 22, 1954; Apr. 28 1966)

Vermilion Area

La. 2070	189	N $\frac{1}{2}$	2,500
La. 2071	199	All.....	5,000
La. 2072	207	SE $\frac{1}{4}$	3,750
	208	S $\frac{1}{2}$	

See footnotes at end of table.

OFFICIAL LEASING MAP, LOUISIANA MAP NO. 3B
(Approved Sept. 8, 1959; Revised Apr. 28, 1966)
Vermilion Area—South Addition

La. 2073	267 N1/4	2,500
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OFFICIAL LEASING MAP, LOUISIANA MAP NO. 3A
(Approved Aug. 7, 1959; Revised Apr. 28, 1966)
South Marsh Island Area

La. 2074	20 S1/4	2,500
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OFFICIAL LEASING MAP, LOUISIANA MAP NO. 3C
(Approved Sept. 8, 1959; Revised Apr. 28, 1966)
South Marsh Island Area—South Addition

La. 2075	107 E1/4	2,500
La. 2076	114 NE1/4	1,250

OFFICIAL LEASING MAP, LOUISIANA MAP NO. 4
(Approved June 8, 1954; Rev. July 22, 1954; Apr. 28, 1966)

Eugene Island Area

La. 2077	229 SE1/4	1,250
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OFFICIAL LEASING MAP, LOUISIANA MAP NO. 4A
(Approved Sept. 8, 1959; Revised Apr. 28, 1966)
Eugene Island Area—South Addition

La. 2078	270 N1/4	2,500
La. 2079	287 S1/4, S1/4N1/2	3,750
La. 2080	307 W1/2	2,500
La. 2081	314 N1/4	2,500
La. 2082	315 N1/4	2,500

OFFICIAL LEASING MAP, LOUISIANA MAP NO. 5
(Approved June 8, 1954; Revised Apr. 28, 1966; July 22, 1968)

Ship Shoal Area

La. 2083	13 S1/4SW1/4	625
La. 2084	14 N1/4SW1/4	625
La. 2085	15 All	1,355
La. 2086	16 S1/4SW1/4	1,267.71
	26 W1/2SW1/4	
La. 2087	37 S1/4NE1/4	936.5
	38 S1/4NW1/4	
La. 2088	94 N1/4SE1/4; S1/4NE1/4	998
La. 2089	187 W1/2	2,502.23
La. 2090	211 SE1/4	2,530.705
	212 NE1/4	
La. 2091	225 N1/4	2,500

OFFICIAL LEASING MAP, LOUISIANA MAP NO. 5A
(Approved Sept. 8, 1959; Revised Apr. 28, 1966)
Ship Shoal Area—South Addition

La. 2092	291 SW1/4	1,250
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OFFICIAL LEASING MAP, LOUISIANA MAP NO. 7
(Approved June 8, 1954; Revised Apr. 28, 1966)
Grand Isle Area

La. 2093	78 SW1/4	2,500
	81 NW1/4	
La. 2094	82 NE1/4	1,250

OFFICIAL LEASING MAP, LOUISIANA MAP NO. 8
(Approved June 8, 1954; Revised Apr. 28, 1966)
West Delta Area

La. 2096	36 E1/4	1,769
La. 2097	80 NE1/4SW1/4; SE1/4NW1/4; S1/4NE1/4; N1/4SE1/4	1,875

See footnotes at end of table.

OFFICIAL LEASING MAP, LOUISIANA MAP NO. 10
(Approved June 8, 1954; Revised July 22, 1954; Apr. 28, 1966)

Main Pass Area

La. 2098	7 N1/4SW1/4; S1/4S1/2	1,067.56
La. 2099	96 S1/4	2,497.275
La. 2100	102 N1/4	2,497.275

¹ Portion in Zone 2 only, as that zone is defined in the agreement between the United States and the State of Louisiana, Oct. 12, 1956.

² Portion in Zone 3 only, as that zone is defined in the agreement between the United States and the State of Louisiana, Oct. 12, 1956.

³ That portion of the S1/4S1/2 more than 3 geographical miles seaward of the line described in paragraph 1 of the supplemental decree of the U.S. Supreme Court entered Dec. 13, 1965 in United States v. Louisiana No. 9 Original (328 U.S. 288) and that portion of the N1/4SW1/4 tracts in Zone 1 in that zone was defined in the agreement between the United States and the State of Louisiana, dated Oct. 12, 1956, that is more than 3 geographical miles seaward of the line described in paragraph 1 of said supplemental decree.

⁴ This tract is within the area of the Ship Shoal Block 113 Unit agreement (No. 14-08-001-2931), approved by the Acting Director of the Geological Survey on June 6, 1956. Ocean Drilling and Exploration Co. is the approved unit operator. The unit agreement prescribes the conditions for joinder and may be inspected in the offices of the U.S. Geological Survey, Washington, D.C., and Metairie, La.

⁵ This tract is within the area of the Vermilion Block 203 unit agreement (No. 14-08-001-8894), approved by the Acting Director of the Geological Survey on Aug. 5, 1966. Forest Oil Corp. is the approved unit operator. The unit agreement prescribes the conditions for joinder and may be inspected in the offices of the U.S. Geological Survey, Washington, D.C. and Metairie, La.

⁶ Any lease issued for this tract will contain the following special provision:

"No fixed structure may be erected within the leased area until the Director, Geological Survey, has found that the structure is necessary on a geologic and engineering basis for the proper development and production of the tract by the lessee."

This provision is being added to the lease for the purpose of restricting the number of fixed structures.

Some of the tracts offered for lease may fall in fairway areas (including the

prolongations thereof) or anchorage areas, or both, as designated by the District Engineer, New Orleans District, Corps of Engineers, U.S. Army. For the location of these areas and for operational restrictions imposed by the Agency, the District Engineer should be consulted.

Leases issued pursuant to this notice for lands which are on the date of their issuance, or are thereafter adjudicated to be, subject to the exclusive jurisdiction and control of the United States, will be subject to all rules and regulations which the Secretary of the Interior is authorized to prescribe and administer under the Outer Continental Shelf Lands Act (43 U.S.C. secs. 1331-1343) including rules and regulations for the prevention of waste and for conservation of the natural resources of the Outer Continental Shelf. The protection of correlative rights therein will be administered by the Secretary of the Interior in accordance with such rules and regulations.

In the event a cooperative agreement is concluded between the Secretary and the Conservation Agency of the State of Louisiana with respect to enforcement of conservation laws, rules, and regulations pursuant to section 5 of the Act, the lessee will be given notice thereof by publication in the FEDERAL REGISTER.

It is suggested that bidders submit their bids in the following form:

Manager, Bureau of Land Management, Department of the Interior, Post Office Box 53226, T-9003 Federal Office Building, New Orleans, La. 70150.

OIL AND GAS BID

The following bid is submitted for an oil and gas lease on land of the Outer Continental Shelf specified below:

Area	Official Leasing Map No.	Total amount bid	Amount per acre	Amount submitted with bid
Track No.				

(Signature)

(Please type signer's name under signature)

N. O. Misc. No. percent

(Company)

(Address)

IMPORTANT

The bid must be accompanied by one-fifth of the total amount bid. This amount may be cash, money order, cashier's check, certified check, or bank draft. A separate bid must be made for each tract.

JOHN O. CROW,
Acting Director,
Bureau of Land Management.

Approved: June 18, 1970.

HARRISON LOESCH,
Assistant Secretary of the Interior.

[F.R. Doc. 70-7838; Filed, June 19, 1970; 8:49 a.m.]

DEPARTMENT OF COMMERCE

Business and Defense Services
Administration

BATTELLE MEMORIAL 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. 70-00458-33-11700. Applicant: Battelle-Northwest, Battelle Memorial Institute, Pacific Northwest Laboratory, Post Office Box 999, Richland, Wash. 99352. Article: Ten each modified type Hamburg 2 smoking machines, each machine containing one each vacuum pump. Manufacturer: Heinrich Borgwaldt, West Germany.

Intended use of article: The smoking machines will be used to simulate the conditions under which smoke is inhaled by human cigarette smokers.

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 programmed to simulate human smoking patterns. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated May 11, 1970, that the foregoing characteristic is pertinent to the applicant's research studies. HEW further advises that it knows of no smoking machine being manufactured in the United States which provides this pertinent characteristic.

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 Admin-
istration.

[P.R. Doc. 70-7784; Filed, June 19, 1970;
8:45 a.m.]

NEW YORK UNIVERSITY 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. 70-00619-33-28500. Applicant: New York University, Biology Department, 100 Washington Square East, New York, N.Y. 10003. Article: Microelectrophoresis apparatus. Manufacturer: Rank Bros., United Kingdom. Intended use of article: The article will be used for research involving electrophoresis of whole, in tact cells in an electrophoretic tube of 2cc capacity. Application received by the Commissioner of Customs: April 16, 1970.

Docket No. 70-00620-33-46060. Applicant: Kensington Hospital, 136 West Diamond Street, Philadelphia, Pa. 19122. Article: Otological operation microscope and movable floor stand. Manufacturer: Zeiss Optical Co., West Germany. Intended use of article: The article will be used in a planned program of education in otology, in conjunction with training of interns, residents, and nurses. Application received by the Commissioner of Customs: April 16, 1970.

Docket No. 70-00675-33-46040. Applicant: Wayne State University School of Medicine, 1400 Chrysler Freeway, Detroit, Mich. 48207. Article: Electron microscope, Model EM 9S. Manufacturer: Carl Zeiss, Inc., West Germany. Intended use of article: The article will be used by faculty and students from the Department of Anatomy for studies of a variety of animal materials and anatomical and physiological phenomena. One project concerns the study of visual cells in normal and carotenoid-deprived birds in order to determine the normal fine structure of the photoreceptors and the ultrastructural alterations caused by the absence of oil droplet pigments. The article will also be used in graduate and medical school in courses concerned with the application of electron microscopy to an understanding of cell and tissue ultrastructure. Application received by Commissioner of Customs: May 6, 1970.

Docket No. 70-00676-33-46500. Applicant: Indiana University, Purchasing Department, 1000 East 17th Street,

Bloomington, Ind. 47401. Article: Ultramicrotome, Model OmU2. Manufacturer: C. Reichert Optische Werke A.G., Austria. Intended use of article: The article will be used on ciliate Protozoans, *Opalina* and *Paramecium*. The mechanism that controls the direction of ciliary beat will be investigated. The aim is to test the theory that the orientation of the central pair of fibrils determines the direction of bending. Application received by Commissioner of Customs: May 6, 1970.

Docket No. 70-00677-33-46040. Applicant: University of Chicago, Operator of Argonne National Laboratory, 9700 South Cass Avenue, Argonne, Ill. 60439. Article: Electron microscope, Model Elmiskop 101. Manufacturer: Siemens A.G., West Germany. Intended use of article: The article will be used in the Division of Biological and Medical Research for projects concerned with the ultrastructure of cells and cellular components. Specific programs in fine structure are studies of intracellular organelle differentiation following induction; effect of ionizing radiation on development; correlation of biochemical and morphological effects of radiation on postdiapausal development of grasshopper eggs; and electronmicroscopic examination of proteins. Application received by Commissioner of Customs: May 6, 1970.

Docket No. 70-00678-33-46500. Applicant: University of Pittsburgh, Department of Anatomy and Cell Biology, 863B Scaife Hall, Terrace and De Soto Streets, Pittsburgh, Pa. 15213. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter A.B., Sweden. Intended use of article: The article will be used in an investigation of the fine structure of tissues from patients with Progressive Systemic Sclerosis (PSS). The tissue most accessible for biopsy from these patients is the skin, which will be embedded in a relatively soft resin of epon in order to obtain the best blocks for sectioning. Application received by Commissioner of Customs: May 6, 1970.

Docket No. 70-00660-01-77040. Applicant: University of Missouri—St. Louis, 8001 Natural Bridge Road, St. Louis, Mo. 63121. Article: Mass spectrometer, Model MS-1201. Manufacturer: Associated Electrical Industries, Ltd., United Kingdom. Intended use of article: The article will be used for a project involving the study of intermediates formed in the oxidation of the lower boron hydrides and alkyl boranes; for research in the area of organo-sulfur and carbocyclic systems; and for a kinetic and mechanistic study of the reactions of hydrocarbons with methylene and deuterio-methylene. Chemistry majors will use the article in chemistry courses, Instrumental Analysis and Chemistry Research. Application received by Commissioner of Customs: May 1, 1970.

Docket No. 70-00674-33-46040. Applicant: University of California, San Diego, Post Office Box 109, La Jolla, Calif. 92037. Article: Electron microscope, Model EM 9S. Manufacturer: Carl Zeiss, Inc., West Germany. Intended use of article: The article will be used to investigate diseases of the lungs and brain

in man and in experimental animals. Tissue from the respective organs will be embedded in small resin blocks. The lesions to be studied are scattered about the organs without precise localization, necessitating the sampling of large quantities of tissue. Medical students and residents in pathology will use the article in courses on "submicroscopic pathology" and "introduction to electron microscopy." Application received by Commissioner of Customs: May 5, 1970.

Docket No. 70-00680-33-46500. Applicant: State University of New York, Downstate Medical Center, 450 Clarkson Avenue, Brooklyn, N.Y. 11203. Article: Ultramicrotome, Model OmU2. Manufacturer: C. Reichert Optische Werke, A.G., Austria. Intended use of article: The article will be used for investigations concerning high resolution analysis of intracellular membranes; nuclear envelope of oocytes by high resolution analysis of ultrathin serial sections; platelet formation in megakaryocytes by serial sections analysis; and ramifications of small nerve cells of the substantia gelatinosa by serial section analysis. Application received by Commissioner of Customs: May 6, 1970.

Docket No. 70-00682-88-74000. Applicant: New York State Museum and Science Service—Geological Survey, Room 973, State Education Building Annex, Albany, N.Y. 12224. Article: Portable seismograph, shot box, battery recharger, and cable reel, Models PS-3. Manufacturer: Huntco, Ltd. Canada. Intended use of article: The article will be used for a continuing study of the preglacial drainage patterns in the Hudson-Mohawk Lowlands. The study attempts to locate buried stream and river channels beneath glacial overburden. A network of points in the area has been established and seismic bedrock data has been obtained. For the next two seasons, the buried preglacial drainage systems in the Hudson Basin will be traced. Application received by Commissioner of Customs: May 6, 1970.

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

[F.R. Doc. 70-7785; Filed, June 19, 1970; 8:45 a.m.]

NATIONAL INSTITUTES OF HEALTH

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 Scien-

tific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 70-00532-33-46500. Applicant: National Institutes of Health, 9000 Rockville Pike, Building 10, Room 8B14, Bethesda, Md. 20014. Article: Ultramicrotome, Model LKB 8800. Manufacturer: LKB Produkter A.B., Sweden.

Intended use of article: The article will be used for the study of biological specimens of tumor and animal origin, virus particles, and membrane structures. The development of tumor cells and the development of viruses in mammalian tissues will also be studied. Since the applicant's research deals with tissue cultures and surgical materials, section thickness of 50-100 angstroms and a wide range of cutting speeds are important.

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, was being manufactured in the United States at the time the applicant placed the order for the foreign article.

Reasons: We note that captioned application is a resubmission of Docket No. 70-00030-33-46500 which was received on July 10, 1969, at which time the applicant indicated that it had already placed an order for the foreign article. The most closely comparable domestic instrument available when the original application was received, was the Model MT-2 ultramicrotome which is being manufactured by Ivan Sorvall, Inc. (Sorvall). The foreign article provides a specified minimum thickness capability of 50 angstroms, whereas the Sorvall Model MT-2 provides a specified minimum thickness capability of 100 angstroms. The thinner the section, the more is it possible to take advantage of the utmost resolving capability of the electron microscope under which the specimen will be examined. The ability to achieve the highest possible resolution is necessary to accomplishing the purposes for which the specimens will be prepared and, consequently, the lower minimum thickness capability of the foreign article is a pertinent characteristic. We, therefore, find that the Sorvall MT-2 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 was being manufactured in the United States at the time the applicant placed the order for the article.

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

[F.R. Doc. 70-7786; Filed, June 19, 1970; 8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

CANNED PEACHES, CANNED PEARS, AND CANNED FRUIT COCKTAIL DEVIATING FROM IDENTITY STANDARDS

Temporary Permit for Market Testing

Pursuant to § 10.5 (21 CFR 10.5) concerning temporary permits for market testing food deviating from the requirements of standards of identity promulgated pursuant to section 401 (21 U.S.C. 341) of the Federal Food, Drug, and Cosmetic Act, notice is given that a temporary permit has been issued to Libby, McNeill, and Libby, Chicago, Ill. 60604. This permit covers interstate marketing tests of canned peaches, canned pears, and canned fruit cocktail that deviate from their standards of identity (21 CFR 27.2, 27.20, and 27.40) in that they will be packed in a medium consisting of a blend of apple, grapefruit, and pineapple juices.

The juices used will be prepared from concentrates and reconstituted to equivalent single strength juices. The combined Brix of the blend of juices will be less than 14° but not less than 10°.

The principal display panel of the label on each container will bear the statement "in a blend of fruit juices from concentrates" and the names of the individual juices used will appear on an appropriate information panel.

This temporary permit expires June 12, 1971.

Dated: June 12, 1970.

SAM D. FINE,
Acting Associate Commissioner
for Compliance.

[F.R. Doc. 70-7804; Filed, June 19, 1970; 8:47 a.m.]

[DESI 2-0038 NV]

CHLORTETRACYCLINE WITH VITAMINS FOR WATER MEDICATION

Drugs for Veterinary Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on Purina Boost-R-Aid marketed by Ralston Purina Co., 835 South Eighth Street, St. Louis, Mo. 63199. The product contains various vitamins together with 5 grams of chlortetracycline hydrochloride per pound and is intended for use in poultry drinking water to prevent and treat certain respiratory diseases in chickens and turkeys under normal conditions and also during periods of stress.

The Academy evaluated this preparation as probably not effective as antibiotic-vitamin fortification for use in the presence of diseases during periods of

stress such as chilling, moving, vaccination, and debarking.

The Academy further stated:

1. The effectiveness of the recommended dosage schedule has not been adequately documented.

2. Administration of the drug via drinking water for severely ill animals is questioned.

3. Information is needed to document the value of vitamins in the preparation.

4. Dose response curves are needed for many of the recommended uses.

5. Each disease claim should be properly qualified as "appropriate for use in (name of disease) caused by pathogens sensitive to (name of drug)." If the disease cannot be so qualified the claim must be dropped.

6. Claims made regarding "for prevention of" or "to prevent" should be replaced with "as an aid in the control of" or "to aid in the control of".

7. The label should carry a warning statement that treated animals must actually consume enough medicated water to provide a therapeutic dose under the conditions that prevail and as a precaution, state the desired oral dose per unit of animal weight per day for each species as a guide to effective use of the preparation in drinking water.

8. Substantial evidence was not presented to establish that each ingredient designated as active makes a contribution to the total effect claimed for the drug combination.

The Food and Drug Administration concurs in the Academy's evaluation and recommendations.

This evaluation is concerned only with the drug's effectiveness and safety to the animal to which administered. It does not take into account the safety for food use of food derived from drug-treated animals. Nothing in this announcement will constitute a bar to further proceedings with respect to questions of safety of the drug or its metabolites as residues in food products derived from treated animals.

This announcement is published (1) to inform the holders of new animal drug applications of the findings of the Academy and of the Food and Drug Administration and (2) to inform all interested persons that such articles to be marketed must be the subject of approved new animal drug applications and otherwise comply with all other requirements of the Federal Food, Drug, and Cosmetic Act.

Holders of new animal drug applications are provided 6 months from the publication hereof in the FEDERAL REGISTER to submit adequate documentation in support of the labeling used.

Written comments regarding this announcement, including requests for an informal conference, may be addressed to the Bureau of Veterinary Medicine, Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852.

Each holder of a "deemed approved" new animal drug application (i.e., an application which became effective on the basis of safety prior to Oct. 10, 1962) for such drugs is requested to submit updating information as needed to make the application current with regard to

manufacture of the drug including information on drug components and composition, and also including information regarding manufacturing methods, facilities, and controls, in accordance with the requirements of section 512 of the act.

The holder of the application for the subject drug has been mailed a copy of the NAS-NRC report. Any manufacturer, packer, or distributor of a drug of similar composition and labeling to it or any other interested person may obtain a copy by writing to the Food and Drug Administration, Press Relations Staff, 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, 512, 52 Stat. 1050-51, 82 Stat. 343-51; 21 U.S.C. 352, 360b) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: June 12, 1970.

SAM D. FINE,
Acting Associate Commissioner
for Compliance.

[F.R. Doc. 70-7806; Filed, June 19, 1970;
8:47 a.m.]

[DESI 10079V]

DRUG CONTAINING ERYTHROMYCIN THIOCYANATE AND ARSANILIC ACID

Drugs for Veterinary Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on Gallimycin-TF each pound of which contains erythromycin thiocyanate equivalent in activity to 9.25 grams of erythromycin, and 13.5 grams of arsanilic acid and which is marketed by Abbott Laboratories, 14th and Sheridan Road, North Chicago, Ill. 60064.

The Academy evaluated this preparation as probably not effective for use in chickens and turkeys for the following claims:

1. Respiratory disease (complicated by nonspecific enteritis).

2. Chronic respiratory disease (CRD), air-sac infection, and infectious coryza.

3. As an aid in the management of outbreaks of complex disease syndromes such as blue comb and synovitis (caused by PPLO and coccid organisms).

4. As an aid in the management of respiratory outbreaks and syndrome resulting from the stresses of vaccination, debarking, and movement of birds.

The Academy further stated:

1. The label should warn that treated animals must actually consume enough medicated feed to provide a therapeutic dose under the conditions that prevail. As a precaution, the label should state the desired oral dose of drug per unit of animal weight per day for each species as a guide to effective use of the preparation in feed.

2. Substantial evidence was not presented to establish that each ingredient

designated as active makes a contribution to the total effect claimed for the drug combination.

3. Each disease claim should be properly qualified "appropriate for use in (name of disease) caused by pathogens sensitive to (name of drug)." If the disease cannot be so qualified the claim must be dropped.

4. Noninfectious disease claims (for stress conditions) should not be allowed.

5. The effectiveness of the concurrent use of erythromycin thiocyanate and arsanilic acid has not been adequately documented.

The Food and Drug Administration concurs in the Academy's findings.

This evaluation is concerned only with the drug's effectiveness and safety to the animal to which administered. It does not take into account the safety for food use of food derived from drug-treated animals. Nothing herein will constitute a bar to further proceedings with respect to questions of safety of the drug or its metabolites as residues in food products derived from treated animals.

This announcement is published (1) to inform the holders of new animal drug applications of the findings of the Academy and the Food and Drug Administration and (2) to inform all interested persons that such articles to be marketed must be the subject of approved new animal drug applications and otherwise comply with all other requirements of the Federal Food, Drug, and Cosmetic Act.

Holders of the new animal drug applications are provided 6 months from the date of publication of this announcement in the FEDERAL REGISTER to submit adequate documentation in support of the labeling used.

Each holder of a "deemed approved" new animal drug application (i.e., an application which became effective on the basis of safety prior to Oct. 10, 1962) for such drugs is requested to submit updating information as needed to make the application current with regard to manufacture of the drug including information on drug components and composition, and also including information regarding manufacturing methods, facilities, and controls, in accordance with the requirements of section 512 of the act.

Written comments regarding this announcement including requests for an informal conference may be addressed to the Bureau of Veterinary Medicine, Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852.

The holder of the new animal drug application for the listed drug has been mailed a copy of the NAS-NRC report. Any other interested person may obtain a copy by writing to the Food and Drug Administration, Press Relations Staff, 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, 512, 52 Stat. 1050-51, 82 Stat. 343-51; 21 U.S.C. 352, 360b) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: June 12, 1970.

SAM D. FINE,
Acting Associate Commissioner
for Compliance.

[F.R. Doc. 70-7805; Filed, June 19, 1970;
8:47 a.m.]

[Docket No. FDC-D-168; NADA No. 8-177V,
9-206V]

JENSEN-SALSBERY LABORATORIES

Cycloderm Creme and Cycloderm Lotion; Notice of Opportunity for Hearing

An announcement published in the FEDERAL REGISTER of February 14, 1969 (34 F.R. 2211), invited Jensen-Salsbery Laboratories, Division of Richardson-Merrell Inc., 520 West 21st Street, Kansas City, Mo. 64141, holder of new animal drug application No. 8-177V for Cycloderm Creme (a drug containing 42.3 percent boric acid, 49.2 percent cyclohexanol, and 0.5 percent copper-8-quinolinolate) and new animal drug application No. 9-602V for Cycloderm Lotion (a drug containing 1.0 percent copper-8-quinolinolate and 0.5 percent boric acid), and any other interested person, to submit adequate documentation in support of the claims made in the drugs' labeling. The response to the announcement did not contain information to fully support the label claims, and available information still fails to provide substantial evidence of effectiveness of the drugs for their recommended use in the treatment of dermatomycosis and nonspecific dermatitis in small and large animals.

Therefore, notice is given to Jensen-Salsbery Laboratories, and to any interested person who may be adversely affected, that the Commissioner of Food and Drugs proposes to issue an order under the provisions of section 512(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b(e)) withdrawing approval of new animal drug applications Nos. 8-177V and 9-602V and all amendments and supplements thereto held by Jensen-Salsbery Laboratories for the drugs Cycloderm Creme and Cycloderm Lotion on the grounds that:

Information before the Commissioner with respect to the drugs, evaluated together with the evidence available to him when the applications were approved, does not provide substantial evidence that the drugs have the effect they purport or are represented to have under the conditions of use prescribed, recommended, or suggested in their labeling.

In accordance with the provisions of section 512 of the act (21 U.S.C. 360b), the Commissioner will give the applicant, and any interested person who would be adversely affected by an order withdrawing such approval, an opportunity for a hearing at which time such persons may produce evidence and arguments to show why approval of new animal drug applications No. 8-177V and 9-602V should not be withdrawn. Promulgation

of the order will cause any drug similar in composition to and recommended for the same conditions of use as Cycloderm Creme and Cycloderm Lotion to be a new animal drug for which an approved new animal drug application is not in effect. Any such drug then on the market would be subject to regulatory proceedings.

Within 30 days after publication hereof in the FEDERAL REGISTER, such persons are required to file with the Hearing Clerk, Department of Health, Education, and Welfare, Office of General Counsel, Food, Drug, and Environmental Health Division, Room 6-62, 5600 Fishers Lane, Rockville, Md. 20852, a written appearance electing whether:

1. To avail themselves of the opportunity for a hearing; or
2. Not to avail themselves of the opportunity for a hearing.

If such persons elect not to avail themselves of the opportunity for a hearing, the Commissioner without further notice will enter a final order withdrawing the approval of the new animal drug applications.

Failure of such persons to file a written appearance of election within 30 days following date of publication of this notice in the FEDERAL REGISTER will be construed as an election by such persons not to avail themselves of the opportunity for a hearing.

The hearing contemplated by this notice will be open to the public except that any portion of the hearing that concerns a method or process which the Commissioner finds is entitled to protection as a trade secret will not be open to the public, unless the respondent specifies otherwise in his appearance.

If such persons elect to avail themselves of the opportunity for a hearing,

they must file a written appearance requesting the hearing and giving the reasons why approval of the new animal drug application should not be withdrawn, together with a well-organized and full-factual analysis of the clinical and other investigational data they are prepared to prove in support of their opposition. A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. When it clearly appears from the data in the application and from the reasons and factual analysis in the request for the hearing that there is no genuine and substantial issue of fact which precludes the withdrawal of approval of the application, the Commissioner will enter an order on these data, making findings and conclusions on such data. If a hearing is requested and is justified by the response to the notice of hearing, the issues will be defined, a hearing examiner will be named, and he shall issue a written notice of the time and place at which the hearing will commence, not more than 90 days after the expiration of such 30 days unless the hearing examiner and the applicant otherwise agree.

This notice is issued pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512, 82 Stat. 343-51; 21 U.S.C. 360b) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: June 12, 1970.

SAM D. FINE,
Acting Associate Commissioner
for Compliance.

[F.R. Doc. 70-7807; Filed, June 19, 1970;
8:47 a.m.]

DEPARTMENT OF TRANSPORTATION

Hazardous Materials Regulations Board SPECIAL PERMITS ISSUED

JUNE 15, 1970.

Pursuant to Docket No. HM-1, Rule-making Procedures of the Hazardous Materials Regulations Board, issued May 22, 1968 (33 F.R. 8277), 49 CFR Part 170, following is a list of new DOT Special Permits upon which Board action was completed during May 1970:

Special permit No.	Issued to—Subject	Mode or modes of transportation
6219	Shippers upon specific registration with this Board, for the shipment of nonflammable and nonpoisonous compressed gas mixtures, in maximum 1526 cubic inch capacity aluminum cylinders, having a service pressure of not over 500 psig.	Water, Cargo-only aircraft, Highway, and Rail.
6227	U.S. Atomic Energy Commission and its contractors, for the shipment of fissile radioactive material, n.o.s., in a Union Carbide Corporation Model DT-2 packaging.	Passenger-carrying aircraft, Cargo-only aircraft, Highway, and Rail.
6229	Indus Sales Company, for the shipment of compressed air, argon, helium, hydrogen, nitrogen, oxygen, and mixtures thereof in DOT-3A and 3AA cylinders having a 10-year hydrostatic retest period.	Highway and Rail.
6230	Shippers upon specific registration with this Board, for the shipment of helium in large non-DOT specification cylinders having a 2400 psig service pressure.	Water and Highway.
6231	Shippers upon specific registration with this Board, for the shipment of liquefied ethane or liquefied ethylene in a DOT proposed Specification 113C69W or 113C129W tank car tanks.	Rail.

Special permit No.	Issued to—Subject	Mode or modes of transportation
6232	Shippers upon specific registration with this Board, for the shipment of Survival Kits F/RF-4C or F-4D.	Cargo-only aircraft and Highway.
6233	Flight Dynamics Research Corporation and the Department of Defense for the shipment of liquefied anhydrous ammonia in a small non-DOT specification two-piece molded plastic pressure vessel.	Cargo-only aircraft, Highway, and Rail.
6235	Shippers upon specific registration with this Board, for the shipment of large quantities of radioactive materials, n.o.s., in the Model HAPO-1B Fission Products Shipping Cask.	Rail.
6236	Dallas Welding Equipment Company for the shipment of oxygen in DOT-3A and 3AA cylinders having a 10-year hydrostatic retest period.	Highway and Rail.
6237	Shippers upon specific registration with this Board, for the shipment of dichlorobutene in a DOT Specification 105A300W or 112A340W tank car tank.	Rail.
6238	Shippers upon specific registration with this Board, for the shipment of potassium nitrate in a DOT Specification 44P plastic bag of not over 81 pounds net weight.	Highway and Rail.
6239	Shippers upon specific registration with this Board, for the shipment of hydrazine mixtures in an auxiliary hydraulic power unit.	Cargo-only aircraft, Highway, and Rail.
6241	Shippers upon specific registration with this Board, for the shipment of large quantities of radioactive materials, special form, in the Transnuclear, Incorporated Model F-77 packaging.	Water and Highway.
6243	Liquid Carbonic Corporation for the shipment of liquefied carbon monoxide in a steel, specially designed and insulated, 7300-gallon capacity cargo tank.	Highway.
6244	Shippers upon specific registration with this Board, for the shipment of large quantities of radioactive materials, n.o.s., in the Chem-Nuclear Service's Model CT-60 Spent Resins Shipping Cask.	Highway.
6245	Shippers upon specific registration with this Board, for the shipment of Type B quantities of radioactive materials, n.o.s., in the General Electric Company Design No. A US/S/A/600 packaging.	Passenger-carrying aircraft, and Motor Vehicle.
6248	PPG Industries, Incorporated, for the temporary shipment of hypochlorite solutions containing more than 7% available chlorine, in a DOT Specification 103W and a 111A100W1 tank car tank.	Rail.
6251	Hooker Chemical Corporation, for the shipment of liquid caustic potash or caustic soda, in one DOT Specification MC-307 of a particular design.	Highway.
6252	Shippers upon specific registration with this Board, for the shipment of dry organic peroxides in the U.S. Steel Corporation "Samson" open-head plastic pail.	Highway and Rail.
6254	Detroit Gas Products Company, for the shipment of argon, oxygen, and nitrogen in DOT Specification 3A and 3AA cylinders having a 10-year hydrostatic retest period.	Highway and Rail.
6255	Butler Cylinder Gas Company, for the shipment of oxygen, nitrogen, argon, helium, and nitrous oxide in DOT-3A and 3AA cylinders having a 10-year hydrostatic retest period.	Highway and Rail.
6256	General Welding Supply, for the shipment of argon, compressed air, helium, hydrogen, nitrogen, nitrous oxide, oxygen, and mixtures thereof in DOT-3A and 3AA cylinders having a 10-year hydrostatic retest period.	Highway and Rail.
6257	Piedmont Welding Supply Company, for the shipment of argon, compressed air, cyclopropane, ethylene, helium, hydrogen, Krypton, neon, nitrogen, nitrous oxide, oxygen, oxygen-carbon dioxide mixtures (not over 10% CO ₂ by volume), xenon, and mixtures thereof, in DOT-3A and 3AA cylinders having a 10-year hydrostatic retest period.	Highway and Rail.
6258	Shippers upon specific registration with this Board, for the shipment of acetone in DOT-2E bottles overpacked in a DOT-12A fiberboard box.	Highway and Rail.
6259	Stauffer Chemical Company, for the temporary shipment of sulfuric acid in three DOT Specification 111A100W1 tank car tanks.	Rail.
6261	United States Steel Corporation, for the shipment of not over 40% concentration hydrofluosulfic acid in certain modified DOT Specification 111A100W1 tank car tanks.	Rail.

WILLIAM K. BYRD,
Acting Chairman,

Hazardous Materials Regulations Board.

[F.R. Doc. 70-7820; Filed, June 19, 1970; 8:48 a.m.]

ATOMIC ENERGY COMMISSION

DRAFT ENVIRONMENTAL STATEMENT, CANNIKIN

Notice of Availability and Request for Comments From State and Local Agencies

Pursuant to the National Environmental Policy Act of 1969 and the Atomic Energy Commission General Manager's Interim Procedures implementing section 102(2)(C) of the Act, notice is hereby given that a document entitled "Draft Environmental Statement, CANNIKIN," is being placed in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and in the Commission's Nevada Operations Office, 2753 South Highland, Las Vegas, Nev. 89102; the San Francisco Operations Office, 2111 Bancroft Way, Berkeley, Calif. 94704; and the office of Holmes & Narver, Inc., Suite 208, 2550 Spennard Road, Anchorage, Alaska 99503. This statement involves a proposed underground nuclear

test to be conducted on Amchitka Island, Alaska, in the fall of 1971.

The Commission requests, within 60 days of publication of this notice with the FEDERAL REGISTER, comments on the Draft Environmental Statement from State and local agencies of any affected State (with respect to matters within their jurisdiction) which are authorized to develop and enforce environmental standards. If any such State or local agency fails to provide the Commission with comments within 60 days of publication of this notice in the FEDERAL REGISTER, it will be presumed that the agency has no comments to make. Copies of the Draft Environmental Statement and the comments thereon of Federal agencies whose comments have been requested by the Commission will be supplied to such State and local agencies upon request addressed to the General Manager, U.S. Atomic Energy Commission, Washington, D.C. 20545.

Dated at Washington, D.C., this 17th day of June 1970.

For the Atomic Energy Commission.

W. B. McCool,
Secretary.

[F.R. Doc. 70-7822; Filed, June 19, 1970; 8:48 a.m.]

[Docket No. 50-363]

JERSEY CENTRAL POWER AND LIGHT CO.

Notice of Receipt of Application for Construction Permit and Facility License

The Jersey Central Power and Light Co., 260 Cherry Hill Road, Parsippany, N.J. 07054, pursuant to section 104(b) of the Atomic Energy Act of 1954, as amended, has filed an application, dated June 1, 1970, for authorization to construct and operate a pressurized water nuclear reactor designated as the Forked River Nuclear Generating Station, Unit 1, on the company's site located in Ocean County, N.J.

The site is located on the Atlantic coast, approximately 2 miles south of the community Forked River, 1½ miles inland from the shore of Barnegat Bay, about 7 miles west-northwest of Barnegat Light, and is adjacent to the Oyster Creek Nuclear Generating Station site in Lacey Township, Ocean County, N.J.

The proposed nuclear power plant is designed for initial operation at approximately 3,390 thermal megawatts with a net electrical output of approximately 1,129 megawatts.

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

Dated at Bethesda, Md., this 15th day of June 1970.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,

Division of Reactor Licensing.

[F.R. Doc. 70-7745; Filed, June 19, 1970; 8:45 a.m.]

GENERAL MANAGER AND ASSISTANT TO GENERAL MANAGER

Notice of Delegation of Authority

Notice is hereby given that the authority of the Atomic Energy Commission to provide, pursuant to § 4.64 of the Commission's regulations on Nondiscrimination in Federally Assisted Commission Programs (10 CFR 4.64), by agreement with other Federal departments or agencies, for the conduct of consolidated or joint hearings, has been delegated to the General Manager and to the Assistant to the General Manager. The text of the delegations is contained in the Atomic Energy Commission Manual which is available for public inspection and copying at the Public Document Room, 1717 H Street NW., Washington, D.C., and at each of the Field Offices.

Dated at Washington, D.C., this 16th day of June 1970.

For the U.S. Atomic Energy Commission.

W. B. McCool,
Secretary.

[F.R. Doc. 70-7802; Filed, June 19, 1970;
8:47 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 22214]

INTERAMERICAN AIRFREIGHT CO.

Notice of Cancellation of Prehearing Conference

Notice is hereby given that the prehearing conference in the above entitled matter assigned to be held on June 16, 1970, is cancelled until further notice.

[SEAL] WILLIAM J. MADDEN,
Hearing Examiner.

JUNE 16, 1970.

[F.R. Doc. 70-7823; Filed, June 19, 1970;
8:48 a.m.]

[Docket No. 20274, etc.; Order 70-6-68]

ROSS AVIATION, INC.

Order To Show Cause

Issued under delegated authority June 10, 1970.

Final service mail rates established by Order 70-4-139 for the transportation of mail by aircraft are currently in effect for Ross Aviation, Inc. (Ross), an air taxi operator under 14 CFR Part 298.

On May 5, 1970, the Postmaster General filed a petition on behalf of Ross asking for increased rates for routes in the above dockets. The Postmaster General stated that he was in agreement with Ross that the present rates are no longer fair and reasonable because of increased costs experienced by Ross which were not known or reasonably foreseeable at the time the rates were set.

The Postmaster General, and Ross, agree that the rates should be increased in the amount as shown in the following table, and that the increased rates are fair and reasonable rates of compensation:

Docket No.	Route	Cents per mile	
		Present rate	Increased rate
20274	Reno and Winnemucca via Lovelock, Nev.	48.72	52.32
20275	Reno and Las Vegas, Nev.	26.19	31.02
20276	Ely and Reno via Elko, Nev.	26.19	30.97

The Board finds it is in the public interest to determine, adjust and establish the fair and reasonable rates of compensation to be paid by the Postmaster General for the transportation of mail by aircraft, between the aforesaid points. Upon consideration of the petitions and other matters officially noticed,

it is proposed to issue an order¹ to include the following findings and conclusions:

On and after May 5, 1970, the fair and reasonable final service mail rates per great circle aircraft mile to be paid in their entirety by the Postmaster General to Ross Aviation, Inc., pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therewith, and the services connected therewith, between the following points shall be as follows:

Docket No.	Route	Cents per mile
20274	Reno and Winnemucca via Lovelock, Nev.	52.32
20275	Reno and Las Vegas, Nev.	31.02
20276	Ely and Reno via Elko, Nev.	30.97

Accordingly, pursuant to the Federal Aviation Act of 1958 and particularly sections 204(a) and 406 thereof, and the Board's regulations, 14 CFR Part 302, 14 CFR Part 298 and the authority duly delegated by the Board in its organization regulations 14 CFR 385.14(f):

It is ordered, That:

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

2. Further procedures herein shall be in accordance with 14 CFR Part 302, as specified below; and

3. This order shall be served upon Ross Aviation, Inc., and the Postmaster General.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

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

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

3. If answer is filed presenting issues for hearing, the issues involved in determining

¹ This order to show cause is not a final action and is not regarded as subject to the review provisions of 14 CFR Part 385. These provisions will be applicable to final action taken by the staff under authority delegated in § 385.14(g).

the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307).

[F.R. Doc. 70-7824; Filed, June 19, 1970;
8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 18875; FCC 70-620]

LICENSING OF FACILITIES FOR OVERSEAS COMMUNICATIONS

Notice of Inquiry

1. By separate letters of August 5, 1969 to American Telephone and Telegraph Company (A.T. & T.) and to Communications Satellite Corp. (Comsat), the Commission, noting the rapid developments in overseas communications and the ever-growing demand for facilities, requested certain information as to each company's present and planned activities regarding research and development with respect to cables (A.T. & T.) and satellites (Comsat). By reply of August 22, A.T. & T., among other things "strongly urged that the Commission consider the practicability of devising new procedures for granting preliminary approval" of new cable requests "so that the carriers may proceed with some assurance in working out the myriad of details which are necessary before formal requirements for authorizations can be filed." Similarly, Comsat, in its reply of September 4, 1969, endorsed an early consideration of the issues involved in the establishment of a U.S. policy for the assignment of total traffic between cables, satellites, and other overseas communications facilities.

2. Thereafter, by letter of September 18, 1969, to A.T. & T. we noted that both replies raised substantial questions of policy requiring careful consideration, and indicated that we intended to initiate action looking to a resolution of those questions. We are now prepared to take such action, and are therefore initiating this inquiry pursuant to the Communications Act, sections 403, 4(i), 214, and Title III, Part I, and the Communications Satellite Act, section 201(c).

3. We think that, to the extent possible, we should formulate a policy which will govern our future licensing in the field of overseas communications and which will enable interested carriers to plan their own actions accordingly. Such action, rather than separate actions on an ad hoc basis, will be more conducive to the effective discharge of our statutory responsibilities, set out in the Communications Act, which, among other things, are designed to make available, so far as possible, to all the people of the United States a rapid, efficient, worldwide wire and radio communication service with adequate facilities at reasonable charges; and at the same time effectuate our responsibilities under the Communications Satellite Act in light of the objectives and policies set out in that Act.

4. In this connection, we note that the pace of technological progress in overseas communications has increased in recent years and promises to continue without abatement. These advances have been evidenced by the introduction in the mid-1950's of high-capacity long-distance submarine cables, and the introduction in the mid-1960's of the first commercial communications satellite. Improvements in submarine cables have resulted in successive increases in capacity, so that the most recent cable we authorized has a capacity of some 800 voice-circuits as compared to a 36 voice-circuit capacity in the first such cable. Progress in the development of communications satellites has been even more rapid—from a nominal 240 voice-circuit capacity in the first generation—Intelsat I—satellite, there is now a capacity of over 1,000 voice-circuits in Intelsat III satellite now in use, with the expectation of over 5,000 circuits in the next series of satellites scheduled for operation in 1971. Moreover, in 1965 we had satellite coverage on a two-point basis over the Atlantic Basin in the northern hemisphere whereas today, with several satellites providing Atlantic, Pacific, and Indian Ocean basin coverage to numerous earth stations in each ocean basin on a multiple access basis, there is the true global coverage contemplated by the Communications Satellite Act.

5. Increases in the use of overseas communications services have, of course, accompanied technical progress. The use of high-capacity transatlantic cables has increased from some 36 voice-circuits in 1956 to over 700 circuits in 1970, and Atlantic basin satellite use has increased from less than 100 voice-circuits in 1965 to over 800 circuits today. Similar increases have occurred in other areas. Demand for conventional services is expected to continue to grow at at least the same very rapid rate, and with the increasing use of new overseas services such as television and real-time high-speed data, the requirements for capacity are expected to in the future increase even more sharply.

6. The increasing complexity of communications underscores the need for a Commission review of facilities planning. We recognize that the U.S. carriers are aware of their obligations to the public and continually review the adequacy of existing facilities and the desirability or need to either replace such facilities with more modern facilities or to supplement them with additional facilities. We think our present inquiry can provide a perspective for such planning through the next decade to 1980, and we propose to employ our licensing process in such manner as to be conducive to efficient planning by the carriers, including Comsat, and their foreign correspondents.

7. A.T. & T., in its letter of August 22, has indicated it proposes a policy of diversification in facilities and routing. It believes that the development of high-capacity cables and satellites has reduced per circuit costs to the point where it will soon be feasible to provide needed

capacity to meet unexpected peak demands, growth, and to restore circuits lost because of facilities failures. Noting the transatlantic communications growth is such that, without additional cables, an imbalance between satellite and cable circuits will develop after the next few years, it proposes that a 720-circuit cable be installed with France as soon as practicable, i.e., 1972-73. It also proposes a similar cable between the mainland and Hawaii in the early 1970's with extensions to Australia and the western Pacific thereafter. It also points out that larger-capacity cables will be available in the mid-1970's at which time it proposes to add a new cable to Europe about 1976, and may add cables to the Caribbean and Pacific in 1980. In its letter it points out that it is developing a 3,000-circuit cable for use in the mid-1970's, and that the United Kingdom has developed an 1,800-circuit cable which, with appropriate modification, might be available for transatlantic use by the mid-1970's.

8. Comsat, in its September 4 reply, indicated that the Intelsat consortium undertakes technological investigations so as to be able to take advanced steps whenever they are justified by the quantity of traffic, the type of traffic, or the status of new developments, and that a new generation of satellites available in the later 1970's may be capable of providing 20,000 to 30,000 circuits, with a maximum degree of redundancy to achieve the highest standards of reliability and useful lifetime. Comsat states that research is being conducted which will result in tremendous gains in the refinement of operational techniques, qualitative extension and diversification of service, increases in reliability and consequent significant financial savings to users. In commenting on the A.T. & T. reply, Comsat noted its disagreement with the proposed A.T. & T. program, and suggested that a review be made of the various viewpoints and a policy be established for the assignment of total traffic between cables, satellites, and other international communications facilities. Specifically, Comsat alleged that A.T. & T. did not deal with the economic considerations basic to the definition of a "reasonable balance" between cables and satellites, e.g., whether investment in cables is justified if there is excess satellite capacity, the extent to which cables on high-density routes will increase satellite costs on routes to the rest of the world, the need for diversity of cable and satellite facilities, and the relative economies of cables and satellites. It also raised questions as to the need for sustaining A.T. & T. cable manufacturing capability, and the relationship of any licensing policy to the U.S. objectives for the global satellite system.

9. By letter of November 14, 1969, the Office of Telecommunications Management (OTM), commented on this matter, stressing that reliability of service is vital to the Government in time of crisis, and essential to the commercial interests and the general public. OTM advocated an approach which would regard cables

and satellites as complementary rather than competitive as recognized by the Commission and incorporated in the TAT-5 and Virgin Islands-Puerto Rico arrangements. OTM felt that the wisdom of such approach was demonstrated by restoration activities occasioned by recent cable and satellite failures. It felt that the respective qualities of satellites and cables required their use in balanced quantities for maximum availability and reliability of service, and to afford adequate restoration capability in event of failure of either media.

10. As may be seen, there are a number of factors which must be evaluated in the formation of an appropriate policy. In particular, consideration must be given to the following:

(a) That there is a growing need for new and expanded overseas communications facilities and services;

(b) That cable and satellite technology may each be expected to develop new and improved applications with substantial public benefits in the form of improved and expanded service at lower costs and that any policy must be sufficiently flexible to accommodate unforeseen developments;

(c) That this nation is committed by the Communications Satellite Act to a policy establishing and maintaining a global communications satellite system as part of improved global communications network and in implementing this commitment through participation in the International Telecommunications Satellite Consortium;

(d) That the Communications Satellite Act states the intent of Congress that Comsat be so organized and operated as to maintain and strengthen competition in the provision of communication services to the public; and

(e) That the touchstone for Commission licensing actions is the mandate set out in section 1 of the Communications Act of 1934 to make available, so far as possible, to all the people of the United States a rapid, efficient, nationwide and worldwide wire and radio communication service with adequate facilities at reasonable charges.

11. In the context of the foregoing factors, and for the guidance of those concerned with this inquiry, we are setting out below the areas in which we seek specific information and comment. To the extent applicable, each carrier participating in overseas communications should address itself to those items applicable to it. Such carriers, as well as any other person commenting herein, may of course address any other area of relevance, and we encourage such comment. We shall undertake to promptly review comments and replies and as soon thereafter as possible indicate our next step in this matter, so as to avoid any undue delay in the addition of needed facilities.

12. In reaching a determination the Commission may take into consideration any other relevant information before it. Comments should be filed by August 16, 1970, with replies thereto being filed by September 21, 1970. An

original and 14 copies should be filed. Carrier providing overseas communications, including Communications Satellite Corp., American Telephone & Telegraph Co., Hawaiian Telephone Co., ITT World Communications, Inc., RCA Global Communications, Inc., Tropical Radic Telegraph Co., and Western Union International, Inc., should each furnish the other listed carriers with copies of their comments and replies.

Adopted: June 10, 1970.

Released: June 16, 1970.

FEDERAL COMMUNICATIONS
COMMISSION,²

[SEAL] BEN F. WAPLE,
Secretary.

A. Present use of facilities. Indicate, as of May 30, 1970, the number of equivalent voice circuits (i.e., of voice-grade bandwidth) in use for service to each point served as of such date from (separately) the mainland (including Alaska), Hawaii, and the Puerto Rico-Virgin Islands area. Such data should be presented in a form as will show the facilities used (satellite, cable, high-frequency radio, etc., or combination thereof) with each point, the number of voice circuits with each point over each facility, and the type of service provided over each voice circuit. In addition, indicate idle voice circuits in each facility, voice circuits in each facility being used for non-U.S. traffic, and show TASI circuits separately.

B. Demand. Indicate expected demand (by your company) for equivalent voice circuits as of yearend 1970, 1971, 1972, 1973, 1974, 1975, 1977, and 1980, for each point expected to be served as of such yearend, from (separately) the mainland (including Alaska), Hawaii, and the Puerto Rico-Virgin Islands area. Present such data in a form to show for each point the expected routing of such voice circuits and the number of voice circuits expected to be used for each service (message, telex, leased voice channel, television, etc.), to be provided. Explain the basis (including your estimates of total industry demand) and methodology used in making such estimates.

Indicate, as to each service to be provided, the media (satellite cable, high-frequency radio, etc.) which may be used, and the advantages or disadvantages, if any, of a particular medium for such service; and the use which can be made of TASI and other techniques for more efficient operation and use of circuits.

C. Present and authorized facilities. Indicate, as of yearend 1970, 1971, 1972, 1973, 1974, 1975, 1977, and 1980, etc., for each facility (individual satellite, cable, etc.) expected to be operational at that time which is now operational or under construction, its capacity, expected remaining life, original investment cost, depreciated investment cost, maintenance, and operating costs, and the points which it is intended to serve. Indicate the portion of its capacity, if any, that will be used for non-U.S. traffic.

Indicate, for each point of communication, the numbers of voice-circuits which will be available in each of the above facilities for traffic with (separately) the mainland (including Alaska), Hawaii, and Puerto Rico-Virgin Islands area, as of yearend 1970, 1971, 1972, 1973, 1974, 1975, etc., specifically

¹ Chairman Burch absent.

indicating when a facility shortage will develop with each point.

In supplying the above information, indicate the use which can be made of TASI, demand assignment, and other new operating techniques to each point.

D. Additional facilities which could be available in the 1970-80 time frame. Describe in detail each specific facility (types of cables, satellites, etc.) which can be made available for service in the next decade, including the extent of any further research and development work which needs to be done, the earliest date at which construction can begin, the time required for construction, the earliest operational date, the estimated service life; the estimated capital and operating costs (separately showing research and development costs, and satellite launch cost; the voice circuit capacity; type of services which it will be capable of handling; and overseas points which it can serve. Where facilities can be also used for non-U.S. traffic, indicate the extent to which such use is anticipated and the effect on revenue requirements for that portion that may be used for U.S. traffic.

Describe in detail any concomitant investment which may be required to construct additional or modify associated facilities such as earth stations, landlines, terminal equipment, cables, etc.

E. Techniques for increasing basic facility capacity. Describe in detail the extent to which capacity of any presently authorized facility, or any facility capable of being available for service within the next decade may be augmented by the use of TASI technique, or techniques such as variable assignment PCM/TDMA or demand assignment single channel per carrier PCM/FDMA systems, etc. Give estimated dates at which such techniques will be available, the specific facilities to which they are capable of being applied, their costs (investment and operating), methods of operation, any costs of necessary modification to associated facilities, and the extent to which use of such technique is incompatible with the provision of particular services.

Specify the extent to which such techniques may be used instead of new facilities to replace or supplement existing facilities, and the effect on average annual revenue requirements per circuit.

F. Need for redundancy and diversity of facilities. Describe extent to which there should be a diversity of media and the rationale underlying your comments.

Describe the need for redundant capacity, either in the same or other facilities, to meet failures in operational facilities. Specify the outages (cable, satellite, other radio) in 1969 and 1970 and their causes and duration.

Set forth the various ways in which such redundancy and diversity may be provided; the advantages and disadvantages of each way; and the relative effect of each on investment, revenue requirements, and charges to the public.

Indicate the appropriate manner in which the costs of redundancy and diversity should be apportioned among users in light of the needs shown (e.g., defense needs).

Describe in full detail plans now in effect for restoration of service in the event of failure of any present cable, satellite or other media. Are existing plans adequate? Explain what changes should be made. Describe the efforts and progress now being made to revise, or to establish plans for restoration of presently authorized cables or satellites.

G. Global communications satellite system. Comment on the extent to which the licensing of facilities other than satellites may be

inconsistent with the objectives set out in the Communications Satellite Act with respect to the establishment of a commercial satellite system, as part of an improved global communications network, and the goals of the U.S. Government in implementing such objectives.

To what extent and in what manner will the authorization of facilities other than satellite affect the provision of services to economically less developed countries, efficient and economical use of the electromagnetic spectrum, and the quality of service and charges to the public, as compared to the authorization of satellite facilities.

H. Research and development. Comment on the extent to, and the manner in which any licensing policy should be designed to encourage research and development in particular communications media. Indicate the possible technological or other improvements which can result from, and the costs of, such research and development. Indicate the amounts spent on research and development in each of the last 10 years on cables, and on satellites.

I. Competition between satellites and other media. Comment as to the desirability of encouraging competition between Comsat and carriers providing service through media other than satellite, and the manner in which such competition may be encouraged, including customer choice of media (see section 102(c) of the Communications Satellite Act). Should the Commission modify its authorized user policy? If so, give reasons therefor, and the modifications which should be made. Should Comsat serve the public directly for television, leased line, and broadband services? Any other services? If so, should such services be provided only on routes which have both satellite and other media? Should there be any effect on earth station ownership policy? Discuss the effect on reliability, quality, efficiency, and cost of service, responsiveness to customer needs, etc.

Assuming additional cables are authorized, to what extent should the Commission require that carriers other than Comsat meet their service needs through satellites. Describe in detail the nature of such a requirement and its rationale (or alternatively the rationale for not imposing such requirement), including effects on revenue requirements.

J. Policy recommendations. On the basis of the above considerations, and such others as may be relevant, indicate in detail the nature of the policy which the Commission, in your opinion, should adopt to govern licensing of overseas media in the next decade, and the specific manner in which such policy should be implemented, e.g., the specific facilities which should be used during the next decade in each ocean basin—Atlantic, Pacific, Caribbean, the timing of additions, the effect on existing facilities, the use to be made of such facilities. Explain reasoning in full, and to the extent not indicated elsewhere in comments, show in detail the investment and operating costs of such configuration and changes therein (including average cost per circuit, with associated facilities—see D above), as well as the effect on charges for services provided to the public. Show how such a policy would encourage the expansion of present services and the introduction of new services.

Answer the above questions on the following assumptions: A policy of cables only, satellites only, and an equal mix of cables and satellites.

[F.R. Doc. 70-7810; Filed, June 19, 1970; 8:47 a.m.]

[Dockets Nos. 18826, 18827; FCC 70R-207]

**DAY-NITE RADIO MESSAGE SERVICE
CORP. AND RADIO BROADCAST-
ING CO.**

**Memorandum Opinion and Order
Enlarging and Modifying Issues**

In re applications of Day-Nite Radio Message Service Corp., Docket No. 18826, File No. 731-C2-R-69, for renewal of license of domestic public land mobile radio station KGA-593, Philadelphia, Pa.; and Radio Broadcasting Co., Docket No. 18827, File No. 439-C2-P-(2)-70, for new facilities in the domestic public land mobile radio service in Philadelphia, Pa.

1. This proceeding involves the application of Day-Nite Radio Message Service Corp. (Day-Nite) for renewal of license of domestic public land mobile radio station KGA-593, Philadelphia, Pa., and the mutually-exclusive application of Radio Broadcasting Co. (RBC) for new facilities in Philadelphia, Pa. RBC is presently a licensee of station KGB-874 and is seeking additional facilities operating on the frequencies now assigned to KGA-593. By memorandum opinion and order, FCC 70-340, 22 FCC 2d 270, released April 7, 1970, the Commission designated the applications for hearing on the following three issues:

(1) To determine with respect to Day-Nite's renewal application:

(a) The nature and extent of the services currently offered by Day-Nite, including rates, practices, personnel, and facilities available.

(b) Whether, in light of (a), Day-Nite has and is conducting its operation efficiently, and if not, whether there are any future plans to develop the potentiality of the facility.

(c) Whether Day-Nite violated any of the requirements of the Commission's rules, specifically with respect to §§ 21.109(b), 21.120(a), 21.200, 21.201(a), 21.205(m), 21.208 (e) and (g), 21.213, 21.515(b) and, if so, the impact of such violations on the qualifications of Day-Nite to be a DPLMRS licensee.

(d) Whether any changes requiring Commission authorization were made without first securing such authorization.

(2) To determine with respect to the application filed by RBC:

(a) The nature and extent of the service proposed to be offered by RBC including rates, practices, personnel, and facilities to be made available.

(b) Whether RBC, in keeping with the provisions of § 21.516 of the rules, has evidenced sufficient need for the additional frequency.

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

Presently before the Review Board is a motion for enlargement of issues, filed Apr. 27, 1970, by RBC¹ seeking the modi-

fication of issues 1(c) and 2(b), and the addition of a character qualifications issue against Day-Nite.

Modification of issue 1(c). 2. RBC states that, as a result of inspections of Day-Nite's station by the Commission's Field Engineering Bureau, official notices were issued indicating possible violations of 11 of the Commission's rules. Paragraph 5 of the designation order states this fact and lists the 11 possible rules violations. RBC notes, however, that the issue pertaining to the matter (Issue 1(c)) lists only nine of the rules allegedly violated, omitting Rules 21.107(c) and 21.205(o). RBC maintains that both of these possible violations are serious and, accordingly, that Issue 1(c) should be drawn broadly enough to permit inquiry into these infractions, as well as those listed. The Common Carrier Bureau, in its comments, indicates that it has no objection to a grant of the request. Day-Nite, in opposition, argues that "not one fact" is offered in support of the requested modification, and that RBC contents itself with conclusory assertions. Day-Nite further states that RBC has not contended that the Commission was unaware of the relevant circumstances, nor has it shown any new facts. Moreover, Day-Nite asserts, not only is there no basis for adding the issues requested, but the Review Board is affirmatively precluded from specifying such new issues, citing Atlantic Broadcasting Co., 5 FCC 2d 717, 8 RR 2d 991 (1966). In reply, RBC argues that the listing of the possible violations of Rules 21.107(c) and 21.205(o) by the Commission in the designation order is a sufficient basis for "broadening the issue" to permit an inquiry into "all possible violations" of the Commission's rules disclosed by the Commission's inspections.

3. The Review Board agrees with RBC and the Common Carrier Bureau that Issue 1(c) should be modified as requested. The failure of the Commission to list the above-mentioned rules in Issue 1(c) appears to have been merely an oversight, especially in light of the fact that the rules were specified with particularity in paragraph 5 of the designation order. The omission is not fatal to RBC's request, as Day-Nite argues. Since there is no indication in the designation order of why the Commission listed the possible rule violations in the body of the designation order, but did not include them in the specified issues, the Board does not believe that the rationale of the Atlantic case, supra, is applicable here. Since Issue 1(c) is designed to inquire into the requisite qualifications of Day-Nite to be a Commission licensee, it would, in the Board's opinion, be appropriate to add the omitted sections of the rules so that all necessary information will be obtained at the hearing.

Modification of issue 2(b). 4. RBC contends that Issue 2(b), as presently framed, appears to limit the needs inquiry to the showing required by Commission Rule 21.516 only. In movant's view, the basic question in this proceeding is the broader one encompassed by Item 52 of the FCC Form

401, which seeks facts showing how the proposal will be in the public interest and how it will satisfy the need for the proposed service. RBC argues that such a showing should include, but should not be limited to, the specific elements listed in Rule 21.516. Petitioner submits that Rule 21.516 contemplates showings as to need beyond the traffic study specifically required by § 21.516, that the Bureau accepts such showings of need, and that the hearing orders which involve questions of need are drawn with sufficient breadth to permit need showings beyond the mere traffic study (citing Able Paging Service, 3 FCC 2d, 412, 10 RR 2d 167 (1967); and Long Island Paging, 20 FCC 2d 519 (1969)). RBC therefore urges that Issue 2(b) be redrawn to permit a full comparison of the need for the services of the respective applicants, and that an appropriate issue be added to permit it to show the areas and populations which it proposes to serve within its service contours. The Common Carrier Bureau does not oppose the requested modification of Issue 2(b), and supports the addition of issues which would permit showings of areas and populations presently, or proposed to be, served by both applicants. In opposition, Day-Nite alleges that RBC did not make an effective showing that the Commission failed to consider the matters now urged or that new facts exist which would justify altering the Commission's judgment. RBC's mere disagreement with the Commission's formulation of Issue 2(b), Day-Nite asserts, is an insufficient basis for the Board to modify the Commission's designation order in any respect, and, in the absence of the type of showing required by Atlantic Broadcasting, supra, there are no grounds for radically redesigning a purposely narrow "need" issue into the broad comparative issue requested. In reply, RBC argues that a broadly framed needs issue is "absolutely essential to a full, fair adjudication of the ultimate question whether to award the channel to RBC or Day-Nite." The requested areas and populations issue, states movant, is ancillary to the requested broadened issue.

5. In the Review Board's opinion, Issue 2(b) should be modified as requested by RBC. In Atlantic Broadcasting Co., supra, 5 FCC 2d at 721, 8 RR 2d at 996, the Commission held, with regard to requests to enlarge or modify issues, that "where the designation order contains no reasoned analysis with respect to the merits of that particular matter, the subordinate official should make such an analysis and rule on the merits of the petition so that the hearing may be conducted in an orderly and expeditious manner." A reading of the designation order in this proceeding reveals no "reasoned analysis" of the matter raised by RBC in its motion (i.e., a broadly framed "needs" issue). Rather, in our opinion, Issues 1(a), 2(a), and 3, when read together, indicate that a full comparative analysis of both proposals is what the Commission intended. To alleviate any doubts, however, we will modify the

¹ Also before the Review Board are: (a) Common Carrier Bureau's comments, filed May 8, 1970; (b) opposition, filed May 12, 1970, by Day-Nite; and (c) reply, filed May 21, 1970, by RBC.

issue in line with RBC's request. Modifying the issue thusly would not, as Day-Nite argues, be contrary to the intent of the Commission; it would be consistent with our view of that intent, and would best serve the public interest by permitting a complete determination of "which, if either, of the applications should be granted." Issue 3. Thus, it would be desirable to elicit evidence at the hearing which would permit a full comparison of the competing proposals in assessing the need for the best possible service to the public. Cf. Able Paging Service, supra. In this regard, additional issues will be added to permit the applicants to show the areas and populations presently served by Day-Nite and proposed to be served by RBC, pursuant to the provisions of Rule 21.504.

Character qualifications issue. 6. RBC states that, in its July 30, 1969, petition to deny Day-Nite's application, it (RBC) charged that Day-Nite, in an effort to conceal its failure to properly monitor its control point, as required by the Commission's rules, sought to persuade others to make fraudulent log entries; and that RBC had substantiated this charge in two affidavits submitted to the Commission, one by letter dated June 26, 1969, and the other in a reply pleading filed on November 14, 1969. Movant further claims that the Commission, in dispensing with further consideration of RBC's charge, relied upon Day-Nite's affidavit by letter dated July 17, 1969. RBC avers that, from the Commission's recital of facts in paragraph 5 of the designation order, "it almost appears that the Commission was unaware of [RBC's] last affidavit." RBC argues that the truth of the accusation is in part corroborated by the Commission's own inspections which apparently revealed failures to log and failures to monitor. RBC thus urges that an issue be added to determine whether Mrs. Markovitz, Day-Nite's principal owner, sought others to make fraudulent log entries. Day-Nite, in opposition, alleges that both documents alluded to by RBC were offered to the Commission before, and that the Commission specifically rejected RBC's arguments and the import of those affidavits in the designation order. Day-Nite contends that since RBC has shown neither that the Commission did not fully consider the matter nor any new facts in this regard, a grant of the requested issue is barred by Atlantic Broadcasting supra. The Common Carrier Bureau, in its comments, states that the contents of both affidavits were duly considered by the Commission, as was the information contained in the affidavit submitted on behalf of Day-Nite, and that, on the basis of all of the information contained in all of these documents, it was determined that any further consideration of this contention was unwarranted. Sufficient latitude exists, the Bureau declares, under Issues 1(c), as modified, and 1(d) to permit the necessary and appropriate inquiry to be made concerning any possible failure by Day-Nite to log and/or to monitor its existing facility.

7. RBC's request for a character issue against Day-Nite will be denied. The matter was fully considered by the Commission in the designation order, Atlantic Broadcasting, supra, and movant has presented no new allegations to substantiate its request for a disqualifying issue. At footnote one to the designation order, the Commission listed the pleadings under consideration by it; included were RBC's petition to deny, filed August 29, 1969, and RBC's reply, filed November 14, 1969. Thus, there is no basis for RBC's statement that the Commission was unaware of all of its allegations and supporting affidavits. In this regard, it has recently been held that the Commission need not mention each and every fact considered by it in reaching a conclusion. DuPage County Broadcasting, Inc., FCC 70-492, released May 15, 1970, 35 FR 8320, 8321. Further, at paragraph 5 of the designation order the Commission stated that: "On the basis of an affidavit submitted on behalf of Day-Nite on July 17, 1969, we find unwarranted any further consideration of RBC's claim that Day-Nite attempted to persuade others to falsify records." The fact that the Commission rejected Day-Nite's allegations with respect to this matter in spite of the conflicting affidavits does not necessarily indicate that the Commission overlooked the conflict, as RBC suggests in its reply. Finally, as the Bureau states, there is sufficient latitude under Issue 1(c), as modified, and Issue 1(d), to permit an inquiry into the alleged failure of Day-Nite to log and/or monitor its station.

8. Accordingly, it is ordered, That the motion for enlargement of issues, filed April 27, 1970, by Radio Broadcasting Co. is granted to the extent indicated below and is denied in all other respects; and

9. It is further ordered, That the hearing issues are enlarged by addition of the following issue:

1(e) The areas and populations now served by Day-Nite in accordance with § 21.504 of the rules and the need and demand for the service of Station KGA-593.

10. It is further ordered, That Issues 1(c) and 2(b), as specified in the designation order herein, are modified to read as follows:

1(c) Whether Day-Nite violated any of the requirements of the Commission's rules, specifically with respect to §§ 21.107(c), 21.109(b), 21.120(a), 21.200, 21.201(a), 21.205(m), 21.205(o), 21.208(e), 21.208(g), 21.213, 21.515(b) and, if so, the impact of such violations on the qualifications of Day-Nite to be a DPLMRS licensee.

2(b) The present and proposed areas and populations within RBC's present and proposed contours in accordance with § 21.504 of the rules, and the needs and demands for the service on the present and additional frequency in said proposed areas.

11. It is further ordered, That Day-Nite Radio Message Service Corp. shall have the burdens of proceeding and proof with respect to Issue 1(e).

Adopted: June 10, 1970.

Released: June 12, 1970.

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

[F.R. Doc. 70-7811; Filed, June 19, 1970;
8:47 a.m.]

[Dockets Nos. 18640, 18641; FCC 70R-303]

**HOME SERVICE BROADCASTING
CORP. AND NATICK BROADCAST
ASSOCIATES, INC.**

**Memorandum Opinion and Order
Enlarging Issues**

In regard applications of Home Service Broadcasting Corp., Natick, Mass., Docket No. 18640, File No. BP-16478; Natick Broadcast Associates, Inc., Natick, Mass., Docket No. 18641, File No. BP-18012; for construction permits.

1. The above-captioned applications, each for an authorization to construct a new standard broadcast station at Natick, Mass., were designated for hearing by memorandum opinion and order, 18 FCC 2d 911, 16 RR 2d 1045, released August 19, 1969 (34 F.R. 13566, Aug. 22, 1969), on certain specified issues. Now before the Review Board are two additional motions to enlarge issues,¹ a supplementary motion to enlarge issues, filed by Natick Broadcast Associates, Inc. (Natick), on October 10, 1969,² and a further motion to enlarge issues, filed January 9, 1970, by Home Service.³ Natick, in its motion, requests the addition of issues to determine whether a principal of Home Service showed to

¹ The Board will consider these motions together since they are interrelated, concern the same issues and arise out of the same factual allegations.

² Pleadings related to this motion before the Board are: (a) Comments, filed Nov. 7, 1969, by the Bureau; (b) opposition, filed Nov. 7, 1969, by Home Service Broadcasting Corp. (Home Service); (c) reply, filed Nov. 28, 1969, by Natick. Additional pleadings concerning Natick's motion before the Board include: (a) Motion for leave to file supplement and supplement to Natick's supplementary motion to enlarge issues, filed Dec. 3, 1969, by Natick; (b) opposition, filed Dec. 12, 1969, by Home Service; (c) motion for leave to file supplemental opposition and supplemental opposition, filed Jan. 7, 1970, by Home Service; and (d) response, motion for leave to file reply to supplemental opposition, and reply to supplemental opposition, filed Jan. 16, 1970, by Natick. These additional pleadings, although untimely, will be accepted by the Board since they have a direct bearing on the matters in dispute and since the Board has decided to treat the merits of the requests made by Natick.

³ Related items before the Board concerning Home Service's motion are: (a) Opposition, filed Jan. 20, 1970, by Natick; (b) comments, filed Jan. 21, 1970, by the Broadcast Bureau; (c) reply, filed Feb. 6, 1970, by Home Service. The further motion is timely filed since it is based on facts that were not available until Dec. 31, 1969, following the presentation by Natick of the initial affidavits, dated Nov. 21, 1969, and Nov. 28, 1969, respectively.

male minors in August of 1966, allegedly obscene moving pictures and whether such event led to the issuance of a search warrant on or about August 29, 1966, to search that principal's home, and whether that principal made improper sexual advances or otherwise acted improperly with respect to male minors visiting his house on or about August 17, 1966; to determine whether Home Service has misrepresented its programming plans to the Commission with respect to the use of automated programming; to determine whether Home Service engaged in further construction of its proposed station after the Commission had stayed the effectiveness of the construction permit previously issued to Home Service; and to determine whether the rate card proposed to be issued by Home Service was deceptive as to prospective advertisers and unfair as to other local broadcast stations. Home Service, in its motion to enlarge issues, requests the addition of the following issue against Natick:

To determine the facts and circumstances surrounding the preparation and execution of affidavits by [Affiant A] dated November 21, 1969 and by [Affiant B] dated November 28, 1969 and filed with the Commission by Natick Broadcast Associates, Inc., and to determine, based on these facts and circumstances, whether Natick Broadcast Associates, Inc., and its principal Leon M. Fox possess the requisite character qualifications to be a licensee of the Commission.

Timeliness of Natick's motion to enlarge issues. 2. Natick concedes that its motion to enlarge does not comply with the time limitation set forth in § 1.229 (b) of the Commission's rules. However, Natick asserts that its tardiness was unavoidable since Mr. Leon M. Fox did not learn of the existence of the search warrant that prompted this request until May or June of 1969, and since he was unable to read the written affidavit supporting the search warrant until September 26, 1969. This delay, Natick contends, was due to Fox's unfamiliarity with procedures in criminal cases—he had never, prior to May or June of 1969, read a search warrant and did not know that an affidavit was required in support thereof. In further support of Natick's contention that good cause for late filing

* This issue differs from the issue originally requested by Natick; it was revised and expanded by Natick's supplement to its motion to enlarge issues, filed Dec. 3, 1969. This issue, as well as the other issues requested by Natick, also requires a determination of the effect of the evidence adduced on the basic or comparative qualifications of Home Service to be a licensee.

† In view of the fact that two of the affiants herein appear to have been minors at the time of the alleged incident to which they affirm, the Board is of the view that it would be appropriate to refer to these persons merely as Affiants A and B. Also, in light of the nature of the allegations, the Board has seen fit not to divulge the identity of Home Service's principal.

‡ Leon M. Fox is a stockholder and clerk (secretary) of Natick, and is general counsel for Natick; he has held these positions since the corporation's inception.

is present, it points to recent changes in its communications counsel. Finally, Natick submits that, even if good cause for the late filing is not found, it would be in the public interest for the Board to consider the merits of the proposed issues, in light of the "graveness" of the matters raised, citing *The Edgefield-Saluda Radio Co.*, 5 FCC 2d 148, 8 R.R. 2d 611 (1966).

3. Home Service counters that all the facts on which the pleading is based were known to, or should have been known by, Natick through the exercise of even a modicum of diligence and that the retention of different communications counsel is not an adequate basis for considering these tardy requests. Home Service contends that it is "incredible" that Fox, a practicing lawyer for over 18 years, did not know that an affidavit is required in support of a search warrant in Massachusetts; that Natick has failed to meet Rule 1.229(c) requisites; and, finally, that the *Edgefield-Saluda* doctrine is not applicable here since there is no "substantial likelihood" that any of the allegations have any bearing on the character qualifications of Home Service or of its principals. The Broadcast Bureau, although not convinced that Natick exercised "reasonable diligence" in the filing of its request, is of the opinion that, under *Edgefield-Saluda*, it is appropriate to consider the public interest questions raised. In reply, Natick reasserts that it acted with all due diligence and that, in any event, the motion should be considered pursuant to the mandate of *Edgefield-Saluda*.

4. The Review Board is of the opinion that no persuasive showing of good cause has been made sufficient to justify the untimely filing of Natick's request. We are unconvinced that Natick's general counsel, in practice for over 18 years, was not cognizant of the fact that a search warrant must be supported by an affidavit. Since the existence of the search warrant was discovered in May or June of 1969, Natick had 3 to 4 months, prior to the deadline for filing petitions to enlarge, to timely file the enlargement request. It is apparent that the facts on which the pleadings are based could have been discovered through the exercise of reasonable diligence at a much earlier time. Equally unavailing is Natick's claim concerning the retention of new counsel. Natick has been represented by counsel throughout this proceeding and cannot now avoid the effects of lack of diligence by asserting that it has changed counsel for the third time. The Board also concurs with Home Service that the request for character issues does not meet the test set forth in the *Edgefield-Saluda* case, since the likelihood of proving these allegations are not so substantial as to outweigh the

§ Such an affidavit has apparently been required in support of a search warrant since the adoption of the Massachusetts Constitution in 1780.

¶ These requirements were subsequently met by additional pleadings filed by Natick in support of its requested issues, which included supporting affidavits of those with personal knowledge of the facts.

public interest benefits inherent in the orderly and fair administration of the Commission's business. However, the affidavits attached in support of the applicants' respective pleadings raise serious public interest questions, due to the apparent contradictory statements contained therein, which necessitate our consideration of all matters raised by the pleadings. Although the remaining issues requested by Natick are similarly untimely and involve much less serious public interest questions, we will, nevertheless, consider the merits of these requests in order to avoid any further delay in the prosecution of this proceeding.

Character and misrepresentation issues. 5. A brief summary of the manner in which the issues requested in this proceeding arose may prove useful in placing the instant requests in their proper perspective. The pleadings before us originally arose out of Natick's discovery by Fox of a search warrant issued by the Natick District Court on or about August 29, 1966, which authorized the search of a house occupied by a Home Service principal to discover allegedly obscene pictures. In further support of these issues, Natick filed affidavits of two minors (Affiant A and Affiant B), who were present at the home of Home Service's principal, on August 17, 1966, when these allegedly obscene pictures were shown. This action prompted Home Service to obtain affidavits from the same affiants who repudiated their former affidavits in certain material respects concerning the activities of Home Service's principal and the role of Fox in obtaining the former affidavits.⁹ Since these later affidavits formed the basis for Home Service's request for a character issue as to Fox and Natick (concerning the manner in which the initial affidavits were obtained), the Board has combined this request with Natick's motion to enlarge issues so as to facilitate the disposition of these interrelated matters. However, these matters are further complicated by still another set of affidavits, filed by Fox and Paul G. Murphy,¹⁰ to explain the manner in which they obtained the first set of affidavits and to support Natick's initial request as well as Natick's opposition to Home Service's requested issue. In order to disentangle the facts before us, the Board will first discuss the search warrant¹¹ aspect of this proceeding and then present a detailed analysis of the series of seven affidavits that form the basis of the requested issues.

6. As noted previously, Natick's first requested character issue against Home

⁹ Home Service had previously filed an affidavit of its principal in opposition to Natick's request.

¹⁰ Murphy is an attorney who works as a law associate out of Fox's office. Murphy was present during the taking of the initial affidavits, presumably for the purpose of notarizing the affidavits.

¹¹ Fox also filed an affidavit explaining the circumstances under which he discovered the search warrant and affidavit in support thereof, but this affidavit (attached to Natick's original request), should not be confused with Fox's later affidavit concerning the circumstances surrounding the taking of the affidavits of Affiant A and Affiant B.

Service specified in its motion to enlarge was subsequently revised and expanded in a supplementary pleading, filed December 3, 1969. As originally specified, that issue would inquire into the facts and circumstances surrounding the issuance of the search warrant on August 29, 1966, to search the premises of Home Service's principal and the effect of the evidence so adduced upon Home Service's requisite qualifications. Based on an affidavit of Leon M. Fox and copies of the search warrant and supporting affidavit, Natick points out that the search warrant authorized a search of the principal's premises for allegedly obscene pictures; that the affidavit in support of the warrant indicates that, as the result of a prior investigation, Massachusetts police authorities learned that one Sidney Shulman¹² and several young boys had visited the home of the Home Service principal on August 17, 1966; and that said principal had served beer and had shown allegedly obscene pictures during the course of the visit. Fox, in his affidavit, claims that the local authorities have documentation and other evidence in support of the warrant's affidavit, but that these police files can only be produced pursuant to a valid subpoena.¹³ According to Fox, the same local authorities informed him that at least one of the boys involved in the incident was under 16 and that a number of others were under 18. Natick asserts that the acts reported to have been committed by the principal, i.e., serving beer to minors and showing obscene pictures to minors, "if in fact committed, presumably violated several statutes of the Commonwealth of Massachusetts." These charges, according to Natick, raise serious questions concerning the basic qualifications of Home Service which should be investigated by the Commission. The petitioner also notes that the fact that the search warrant was returned with the notation "In nothing obscene found" is not conclusive, especially since there is documentation supporting the charges made in the warrant's affidavit in Massachusetts police files and since the conduct underlying the charges can be considered by the Commission in passing upon the principal's and ultimately the applicant's qualifications.

7. In opposition to Natick's original request, Home Service asserts that Natick's accusation is baseless since the

¹² Shulman is not a party to the Home Service application. Fox, in his affidavit, explains that Shulman fled the Massachusetts jurisdiction after having been apprehended and released on bail pursuant to indictments returned against him in the Worcester County Superior Court of Worcester, Mass.

¹³ On Dec. 2, 1969, Natick requested the Examiner to issue a subpoena duces tecum to Sergeant Pahey, Chief of the Headquarters Squad of the city of Worcester, Mass., Police Department, to compel production of documents which allegedly support the affidavit filed for the issuance of the search warrant. This motion was denied by the Examiner, FCC 69M-1684, released Dec. 19, 1969.

search warrant¹⁴ was returned with nothing found and since its principal was not charged with any unlawful conduct of any kind as a result of the search. Home Service contends that the presumption of innocence has not been rebutted since there has been no complaint, no prosecution, and no other claimed violations of law by this principal or any other principal of Home Service. In further opposition, Home Service submits a November 4, 1969, affidavit of the principal involved concerning the date in question, who states, inter alia, that: (1) His home was searched, and nothing obscene was found; (2) Shulman came to his house with six or seven other persons; (3) he (the principal) had not previously known these other persons; (4) he told Shulman that he had no beer, whereupon Shulman went out of the house and brought some back; (5) he did not know that any of the boys were minors; and (6) no obscene pictures were shown. The Broadcast Bureau, in its comments, points out that the local authorities, with all of the facts before them, have done nothing to indicate that they believe that Home Service's principal did, in fact, commit a crime. Since the local authorities would have acted if the circumstances warranted such action, the Bureau is of the opinion that Natick has failed to make a persuasive showing.

8. Natick's reply contains the November 28, 1969, affidavit of its communications counsel, in which he states that he was attaching a copy of a "handwritten" affidavit of Affiant A, dated November 21, 1969. Affiant A, one of the minors allegedly present at the home of Home Service's principal during the night in question, states, in his affidavit, inter alia: (1) That the boys knew the principal by another name; (2) that he and two other boys had previously met the principal at Shulman's house in early August; (3) that the principal and Shulman told them at this meeting that they would arrange a party in about a week or so at the principal's home; (4) that, after arriving at the principal's home on August 17, 1966, Shulman went out and brought back beer and that the principal stated he had beer in the house; (5) that Shulman and the principal "broke out some movie films" and the latter put them in his projector and showed them; (6) that the films were "stag movies" of nude muscular men walking through the woods; (7) that, at the time, he was 16, and the other boys were 17, 18, and 19 years old; (8) that he gave a statement a few days later to the Worcester Police Department concerning what took place at the principal's house; (9) that the principal sat in a chair, drank beer and showed the

¹⁴ Home Service also argues that the search warrant was defective under applicable law and that the warrant would have been suppressed had an appropriate motion been made, since it did not contain an adequate description of the objects to be seized.

movies; (10) that the principal said he knew some of the people in the movies and said he was "queer" and he did not want his next door neighbor to see the movies. After noting several inconsistencies between the affidavits of Home Service's principal and Affiant A, which, it is contended, must be explored at hearing, Natick concludes that Affiant A's affidavit alone furnishes sufficient support of the search warrant affidavit to necessitate enlargement of the issues.

9. Natick's supplement to its motion to enlarge issues contains the December 3, 1969, affidavit of its communications counsel, in which he states that he was attaching a copy of a "handwritten" affidavit of Affiant B, dated November 28, 1969. Affiant B, another of the minors allegedly present at the principal's house during the night in question, states, in his affidavit, inter alia: (1) That he and three other boys had previously met the principal at Shulman's house in July of 1966; (2) that the principal brought beer out from his refrigerator during the visit of August, 1966; (3) that the principal brought out the films at Shulman's request, set up the projector and screen, and showed the films; (4) that the movies were of "male nude sex orgies" involving certain sodomous acts; (5) that the principal, as did Shulman, moved among the boys and tried to entice them into the bedroom; and (6) that the principal said he was "queer and gay" and wanted to go to bed with the boys. Natick again points to certain inconsistencies between the affidavits of Home Service's principal and Affiant B which allegedly require further inquiry. In light of Affiant B's statements concerning the principal's actions during the evening of August 17, 1966, Natick suggests a revision and expansion of the issue requested previously in order to embrace all of the events which allegedly occurred at the principal's home on August 17, 1966. See paragraph 1, supra.

10. Subsequent to Natick's submission of the affidavits of Affiants A and B, Home Service allegedly interviewed the same two affiants. The affidavits obtained from these individuals by Home Service were filed as a supplement to its opposition to Natick's motion to enlarge and as support for its requested character issue against Fox and Natick. It is Home Service's contention that these affidavits disclose the manner in which the Natick affidavits were obtained and presented to the Commission, and which "indicates a shocking lack of candor and truth" and an attempt by Natick to misrepresent to the Commission the factual basis for its motion to enlarge issues. In support of these allegations, Home Service relies on copies of "handwritten" affidavits of Affiants A and B, dated December 21, 1969, and December 31, 1969, respectively. Affiant A, when interviewed by Home Service, stated inter alia: (1) That Fox told him they could talk in the car if he didn't want his parents involved; (2) that Fox wrote down what he said; (3) that he thought Fox and

Murphy were lawyers representing Home Service's principal; (4) that he told Fox that Shulman went out to his (Shulman's) car to get the movies; (5) that Shulman threaded the projector and that Affiant A did not know where the projector came from (at this point, Affiant A relates that Fox got mad and said "We are not interested in Shulman, we are interested in [Home Service's principal]."); (6) that he could not remember the principal doing anything wrong (at this point, he stated, Fox hollered at him); (7) that Fox more or less told him what happened during the night at the principal's home; (8) that he told Fox that he did not recall any acts of sodomy in the films—because if there were any he would have remembered; (9) that Fox was rude and he let Fox put down what he wanted, and when he told Fox the information was not true, Fox would start arguing with him; (10) that he told Fox all the principal did was sit in a chair and be quiet; (11) that the principal had beer which Affiant A got himself (although Fox kept insisting that the principal served the beer); (12) that the principal did not touch any of the boys present; (13) that the movies were "muscle type films" not "sex films"; (14) that when he told Fox some parts of the statement were not true, Fox said: "Roughly that is what happened," and Affiant A responded, "yes"; and (15) that the principal did not make any improper suggestions or advances to anyone at the party.

11. Affiant B, when interviewed by Home Service, stated, *inter alia*: (1) That on four occasions during his interview with Fox, Fox stated that the "least he [Affiant B] could get out of this would be an all expense paid trip to Washington for two or three days"; (2) that Fox said he was representing a group opposing the principal for a radio station; (3) that Fox told him that he had a complete statement from Affiant A and that Fox knew all about what happened that night; (4) that Fox talked to him as if Affiant A "had just said all the things he was suggesting to me"; (5) that Fox phrased nearly every question with the words "Didn't this happen and didn't that happen?"; (6) that he went along with what Fox said Affiant A had told Fox; (7) that Fox wrote down what he said; and (8) that he signed the statement just to get the interview over with. Home Service, in support of its request for a character issue against Fox and Natick, asserts that Fox had no intention of presenting accurate statements to the Commission and that Fox's "only interest was obtaining self-serving statements to serve his client of which he is a principal, a patent conflict of interest of the most pernicious sort." In this regard, Home Service avers that the affidavit of Affiant B was merely Fox's statement of what he wanted Affiant B to say and that Fox's statements to Affiant B about what Affiant A told Fox were plainly false. Home Service asserts that Fox has demonstrated a lack of forthrightness and candor, and that, were he practicing before the Commission, his

intentional filing of misleading documents which allegedly misrepresent and distort the facts, would warrant his censure or disbarment by the Commission. Furthermore, Home Service insists that the interrogations of the affiants were conducted in such a manner that only the "preconceived result" desired by Fox would be forthcoming; that such action falls short of the standard of conduct required of Commission applicants; and that, accordingly, a disqualifying issue is required.

12. The Broadcast Bureau, in its comments on Home Service's requested issue, notes that the Commission is now confronted with four affidavits (two affidavits by both Affiant A and Affiant B) which have formed the foundation for requests for the addition of character issues in this proceeding and that Affiants A and B are now retracting their previous affidavits and accusing Fox, a Natick principal, of preparing and submitting false affidavits to the Commission. The Bureau concludes that, since the "affidavits raise very serious questions on all sides," these matters should be fully explored through the hearing process.

13. In opposition to Home Service's request for a character issue, Natick asserts that Home Service acted with a "surprising degree of recklessness" in making its "unprecedented personal attack" upon a respected member of the Massachusetts bar on the sole basis of the affidavits obtained by Home Service from Affiants A and B. In defense of Fox, Natick submits Fox's personal statement of all of his civic, religious, charitable, literary, legal, business, scholastic and governmental accomplishments from the time he was admitted to the bar in 1951 to the present.³³ In addition, Natick attaches affidavits of Fox and Murphy, which describe the manner in which the initial affidavits of Affiants A and B were taken. Fox, in his affidavit of January 10, 1970, first describes the manner in which the affidavit of Affiant A was obtained stating *inter alia*, that: (1) The December 21, 1969, statement of Affiant A taken by Home Service is almost completely false; (2) Affiant A preferred talking in the car so his mother could not see them; (3) he (Fox) told Affiant A of his interest in the matter and that he was being questioned as a disinterested eyewitness to the event; (4) he told Affiant A that he was only interested in Home Service's principal; (5) Affiant A sat in the right-front seat next to the curb and was free to leave at any time; (6) Affiant A at no time appeared nervous or tense;³⁴ (7)

³³ This statement has been admitted into evidence as Exhibit 30 by the Hearing Examiner, except as to the material pertaining to Mr. Fox's wife.

³⁴ Fox also states that he thought "that anyone who met [Affiant A] would quickly conclude that he is not likely to be frightened, tense or nervous at a layman questioning him on any type of level, and does not appear to be the type that would likely to be [sic] intimidated even by a law enforcement official."

Whatever Affiant A said, he wrote down exactly in the speaker's words; (8) he read the statement over line by line to Affiant A, asked if it was all the truth, and that Affiant A responded "yes"; (9) he did not holler, shout, or intimidate Affiant A, nor was he rude to him; and (10) he only questioned him in a direct examination form. With regard to the affidavit of Affiant B, Fox states, *inter alia*, that: (1) Affiant B elected to be interviewed in the car; (2) Fox explained his interest in Natick and that he was a principal; (3) he told Affiant B that the very "worst" that could happen to him would be that he would be subpoenaed to go to Washington to testify and would receive a witness fee and travel expenses as allowed by law; (4) he told Affiant B that he had spoken to Affiant A, but did not discuss with Affiant B any of the contents of the statement he had already obtained from Affiant A; (5) he wrote down exactly what Affiant B told him; (6) he questioned Affiant B in the direct examination form; and (7) he went over the statement line by line with Affiant B, who indicated the statement was all true.

14. Murphy, in his affidavit of January 10, 1970, first describes, as did Fox, the manner in which the affidavit of Affiant A was obtained stating, *inter alia*, that: (1) He went along with Fox to serve as a disinterested witness and as a notary public; (2) the January 5, 1970, affidavit of Affiant A contained many "untrue" statements; (3) Fox made it very clear that he was not the attorney for Home Service's principal; (4) Affiant A, on November 21, 1969, had said that Shulman and the principal "broke" out some films in direct contradiction of his statement of January 5, 1970, wherein Affiant A stated that Shulman went out to his car to get the films; (5) Fox never hollered at Affiant A, nor was he rude, threatening or argumentative; (6) Fox asked no leading questions; and (7) Fox at no time told Affiant A what had happened at the party. With regard to the interview with Affiant B, Murphy's affidavit further states, *inter alia*, that: (1) Fox did not put words in Affiant B's mouth, but merely tried to clarify what Affiant B related when Affiant B made statements that were inconsistent with his prior statements; (2) Affiant B's statement of December 31, 1969, contains several "distortions"; (3) Fox did not tell Affiant B that he had a complete statement from Affiant A; (4) Fox used a direct examination technique in this interview; and (5) at no time was Affiant B the least bit nervous, frightened, or embarrassed.

15. It is Natick's contention that the affidavits of Fox and Murphy clearly establish that:

(1) Both Affiant A and Affiant B willingly granted interviews to Mr. Fox.

(2) During each of the interviews the interviewee was in the right-front seat of Mr. Fox's car and was free and able at any time to leave the car;

(3) Both interviewees volunteered information not previously known to Mr. Fox or Natick;

(4) Mr. Fox did not put words into the interviewees' mouths, and the interviews were conducted in a proper manner; and

(5) Both interviewees specifically stated on a line by line basis, that their statements were true before they executed their respective affidavits.

For these reasons, Natick concludes that there are no substantial and material questions of fact raised which require a hearing on the issue requested by Home Service.

16. In reply, Home Service urges that, if Fox's biographical statement is relevant to the Review Board's consideration of Home Service's motion to enlarge, then the absence of any adverse allegations concerning the life of its principal is similarly relevant to Natick's motion to enlarge issues. With regard to the Fox and Murphy affidavits, Home Service submits that these affidavits establish clear factual disputes with the affidavits of Affiant A and Affiant B obtained by Home Service, and that these differences can only be resolved by evidentiary hearing. In addition, Home Service avers that the issue of Fox's qualifications cannot be decided on the basis of affidavits since credibility is now in issue, particularly in respect to the affidavit of Fox.¹⁷ Furthermore, Home Service argues that Natick cannot have it both ways—that if the Review Board finds that the affidavits given to Home Service by Affiants A and B cannot be credited, then the Review Board may not give credence to the initial affidavits from the same individuals obtained by Natick. If anything, Home Service avers that the affidavits given to Home Service by Affiants A and B must be accepted and those given to Natick must be rejected since both affiants effectively renounced their initial affidavits given to Natick. In reply to Natick's characterization of its pleading, Home Service asserts that there has been no "personal attack" against Fox which would not have been made in the same premises on any other principal of Natick, lawyer or layman; and that the "recklessness" is not that of Home Service but of Natick which filed an "unprecedented personal attack" on one of its principals.

17. Preliminarily, the Board will address itself to the character issues that have been raised by Natick in connection with the allegedly improper activities of Home Service's principal and the issuance of the August 29, 1966, search warrant. We realize that persons holding substantial interests in broadcast companies must be keenly aware of and responsive to rules and regulations of State and Federal jurisdictions as well as observant of those of the Commission. However, the fact that a search warrant had been issued in 1966 for the discovery of allegedly obscene materials at the premises of a Home Service principal

cannot be considered adversely against him, nor affect the comparative consideration of the corporate applicant, especially when the warrant was returned without the discovery of the alleged materials. The Commission has held that criminal prosecution of an applicant which results in acquittal cannot be considered adversely to the applicant nor affect his qualifications to be a licensee. See James A. Noe (WNOE), 13 FCC 799, 4 RR 1441 (1949). In the instant case, the local Massachusetts authorities, with all the relevant facts before them, have done nothing to indicate that Home Service's principal has committed a crime. Since no complaint, indictment, or other action has been brought against the individual, the Board is not convinced that the presumption of innocence that attaches to such an individual has been rebutted. Moreover, we note that the Commission has traditionally declined to interfere in matters of alleged violations of State law where the State officials, themselves, have apparently deemed the allegations to be nonmeritorious. Cf. Home Service Broadcasting Corp., 21 FCC 2d 168, 18 RR 2d 63 (1970); North American Broadcasting Co., Inc., 15 FCC 2d 979, 15 RR 2d 311 (1969). The question, if one exists, as to whether or not there have been violations of State law is initially one for the Commonwealth of Massachusetts, and is not properly the subject of a determination in this proceeding.

18. Although the Board has decided to deny Natick's request for character issues going to the allegedly improper activities of Home Service's principal (paragraph 17, supra), we are of the opinion that serious questions of possible misrepresentation are clearly raised by virtue of the affidavits submitted by the competing applicants. The affidavit of its principal, submitted by Home Service in support of its opposition to Natick's requested character issues, contains many matters that are clearly inconsistent with certain alleged facts that have remained constant in the affidavits of Affiants A and B. In the affidavit of November 4, 1969, Home Service's principal states that he did not previously know any of the minors¹⁸ present at his home during the night in question, whereas both Affiants A and B contend in their affidavits of November 21, 1969, and November 28, 1969, respectively, that they had been introduced to him by Shulman at Shulman's house a week or so earlier.¹⁹ The principal also avers that he had no beer in the house that night, whereas Affiant A claims, in his first affidavit, that the principal offered beer to the visitors, and, in his second affidavit, that Affiant A himself went out and got the beer (from the kitchen); Affiant B, in his first affidavit, avers that

the principal brought out beer for them.²⁰ The Home Service principal further relates that no obscene pictures were shown during the evening, whereas Affiant A states, in both of his affidavits, that the movies were of nude muscular men walking through the woods, and Affiant B alleges, in his first affidavit, that the films depicted male sex orgies.²¹ The conflict of the affidavits here is plain and concise. Therefore, due to these irreconcilable factual inconsistencies, the Board is constrained to specify a misrepresentation issue against Home Service and its principal. As we noted in Five Cities Broadcasting Co., Inc., FCC 62R-153, 24 RR 743, where, as here, we have affidavits, each contradictory of the other, the only appropriate resolution of the conflicts is on the record in hearing. An appropriate issue will be specified.

19. In support of its motion to enlarge, Home Service contends that a character issue is warranted due to the manner in which Fox obtained the affidavits of Affiants A and B. For this reason, Home Service submitted the later affidavits of said affiants, dated December 21, 1969, and December 31, 1969, respectively, describing the manner in which their first set of affidavits was taken by Fox. These affidavits also apparently repudiate the affiants' earlier affidavits given to Fox. In opposition, Natick filed the affidavits of Fox and Murphy in order to give their view of how the affidavits were obtained. Affiant A, in his affidavit taken by Home Service, states that he got the impression that Fox represented Home Service's principal, since Fox was only interested in what the principal had done wrong, whereas Fox and Murphy relate in their respective affidavits that Fox specifically apprised both affiants of his interest in the matter. Affiant A states that Fox on a few occasions got angry, hollered and was generally rude to him, whereas Fox and Murphy state that Fox did not holler, shout or otherwise intimidate either of the affiants. Both affiants A and B allege that Fox more or less told them what had happened and that he asked leading questions, whereas Fox and Murphy claim that Fox only wrote down what the affiants told him and that he only questioned the affiants by the direct examination technique. Affiant A also states that he told Fox at the end of the interview that not all of the information in the statement was true, and that Fox remarked that it was "roughly" what happened. However, Fox and Murphy allege in their affidavits that, in each instance, Fox read the statement back to the particular affiant on a line by line basis and that each swore that it was completely true. Affiant B contends, in his affidavit, that, on four separate occasions, Fox remarked that "the least he could get out of this would

¹⁷ Home Service further alleges that, insofar as the Fox and Murphy affidavits are directed to the states of mind of Affiant A and Affiant B, they are not affidavits of persons with personal knowledge and cannot be considered as proper rebuttal of affiants' second affidavits.

¹⁸ The principal also contends that he did not know that any of the boys present were minors, whereas Affiant A stated he was 16 years old at that time and the other boys present were 17, 18, and 19. See paragraph 8, supra.

¹⁹ This matter was not repudiated by either Affiant A or B in their subsequent affidavits.

²⁰ There was no mention of the principal's offering or serving beer in Affiant B's second affidavit.

²¹ Affiant B did not discuss the subject matter of the movies in his second affidavit.

be an all expense paid trip to Washington for two or three days," whereas Fox and Murphy affirm that Fox stated that that was the "worst" that could happen. Affiant B also states that he informed Fox that he had forgotten most of what went on that night and that Fox stated he had a complete statement from Affiant A and that Fox knew all about what happened. In response, Fox replies that he did not discuss with Affiant B any of the contents of Affiant A's statement, and Murphy supports this statement. Affiant B also states that he merely went along with what Fox said occurred on the night in question. Fox states that Affiant A's affidavit of December 21, 1969, is "almost completely false," and Murphy claims that it contained many untrue statements. Murphy describes Affiant B's December 31, 1969, affidavit as containing "several distortions."

20. Based on these later affidavits of Affiants A and B, Home Service contends that Fox had no intention of presenting to the Commission factually accurate statements, and that he intentionally filed misleading documents and misrepresentations with the Commission. The Review Board, on the basis of the pleadings before it, is of the belief that the allegations are sufficient to raise a substantial question as to whether Fox did, in fact, wrongfully influence the affiants, and therefore to warrant the addition of an issue to permit the parties to adduce the requisite record in hearing to determine what actually occurred. The affidavits of Fox and Murphy clearly conflict with those of Affiants A and B in many material respects. This alone would ordinarily dictate the addition of the requested issue. However, in addition to the conflicts, there is raised, by the affidavits of Affiants A and B, a strong inference that Fox may have wrongfully or unduly influenced the affiants or otherwise misrepresented their statements. Furthermore, the Board notes that the affidavits of said affiants (obtained by Natick) are remarkably similar in phraseology, and that, as indicated in Fox's affidavit, they are definitely not the "handwritten" affidavits of the affiants as represented by Natick's communications counsel.²³ These discrepancies, coupled with the conflicting affidavits, raise serious questions which require the addition of an appropriate issue against Fox and thus Natick, so that the matter may be appropriately resolved in an evidentiary proceeding.

Lack of candor issue. 21. Natick contends that an issue is required to resolve the discrepancy between the Home Service application, which proposes a large quantity of local live programming, and statements of a Home Service principal reported in a newspaper article to the effect that Home Service's station will use automated programming. Natick claims that it is extremely doubtful that Home Service could use automated pro-

²³ Home Service's communications counsel also represented that the affidavits obtained from Affiants A and B were "handwritten" by said affiants when apparently they were not.

gramming in view of the amount and frequency of the local live programming proposed by Home Service. Natick asserts that, since Home Service never informed the Commission of its intention to use automated programming, the public interest requires full inquiry into whether Home Service has acted with candor in its representations to the Commission. Home Service, in opposition, charges that Natick's request is based on a "complete misconception" of what automated equipment entails. Home Service points out that the possession of automated equipment by a station does not necessarily result in 100 percent automated programming, and that, in fact, live broadcasts on automated stations are commonplace. In conclusion, Home Service contends that this new equipment would free station personnel from routine operations to devote more time to the preparation of live programming and to the gathering and editing of news, all of which can readily be broadcast between automated segments. The Broadcast Bureau is of the opinion that automated programming is in no way inconsistent with Home Service's programming representations and that there is no basis for adding the requested issue.

22. The Review Board is in accord with the views espoused by Home Service and the Bureau. The issue requested by Natick is not warranted. The request is clearly deficient; it cites no figures to demonstrate the amount of time that Home Service proposes to devote to live broadcasts, and it fails to assess the specific impact upon Home Service's program proposal that would result from the utilization of automated equipment; in other words, it lacks any specific allegations of fact. In our view, live broadcasting does not, as a matter of course, cease with the acquisition of automated equipment by a station. Indeed, there is virtually no distinction between live broadcasts and programs taped on the premises of a local station for later broadcast. Moreover, the use of taped programs can be successfully integrated with live programs so as not to affect the character of the program material. Since the two methods of broadcasting are not necessarily mutually exclusive, the issue will not be specified.

Construction issue. 23. On July 6, 1967, the Commission announced the grant without hearing of the Home Service application. However, upon Natick's appeal to the U.S. Court of Appeals for the District of Columbia Circuit, the case was remanded to the Commission for its further consideration. Natick Broadcast Associates, Inc. v. FCC, 128 U.S. App. D.C. 203, 385 F.2d 985, 11 RR 2d 2065 (1967). Subsequently, by order, dated December 6, 1967, the Commission stayed the construction permit previously granted Home Service pending further proceedings before the Commission. Now, Natick claims that Home Service continued construction of its facility after December 6, 1967, by painting the trim on its transmitter shack and by the installation of a "protective" fence around the base of the tower. In spite of the fact that Home Service was notified of the

Court's decision by Natick via telegram, dated November 7, 1967, Natick contends, Home Service did not cease construction, and blatantly disregarded the Commission's order by continuing construction beyond December 6, 1967. Natick alleges that such conduct calls into question the basic character qualifications of Home Service and requires the addition of an appropriate issue.

24. Home Service, in its opposition, asserts that Natick's request is clearly frivolous since constructing a safety fence and painting the trim on a building do not amount to construction under any test, but merely involve the maintenance of an existing structure.²⁴ The Bureau, in opposing the issue, claims that Home Service did not act improperly in continuing construction until ordered to cease by the Commission. The fact that Natick requested Home Service to cease construction is not controlling in the Bureau's view since the governing date is the date the Commission ordered construction to cease. The Bureau recognizes that the stay order must be read with a modicum of reasonableness, and contends that, if a dangerous condition exists at the construction site, the permittee can take such measures as are necessary to protect itself and the public from the potentially dangerous condition. Therefore, the Bureau concludes that there is clearly no violation of the Commission's stay order and that these actions of Home Service were clearly not "construction of broadcast facilities."

25. The Review Board agrees with Home Service and the Broadcast Bureau that the requested issue is not warranted. The erection of a protective fence around a transmitter tower and the painting of the trim on a transmitter shack amount to no more than protective maintenance of the existing structure; in no sense can such actions be deemed further construction of buildings or facilities necessary for the operation of a broadcast station. Indeed, a permittee would be remiss in its obligation to the public as well as to the Commission if it were to leave its construction site in an inherently precarious state. Since Home Service was under a continuing obligation to construct its facility until notified by the Commission to cease such construction and since Home Service's actions thereafter did not constitute violations of the stay order or amount to further construction of the Home Service facility, the requested issue will not be specified.

Rate card issue. 26. Natick contends that Home Service's proposed rate card for Station WGTR violates Commission rules in two respects; first, Natick alleges the portrayal of the 0.1 mv./m. contour on the face of the card is "grossly misleading" to advertisers, who might be led to believe that their messages will reach listeners farther away than will actually be the case; and second, it urges

²⁴ Home Service also points out that at the time the stay was issued, it informed the Commission that it was constructing a fence around its tower for safety and that it would engage in no other construction.

that the representation in the rate card that the station is on "Clear Channel 1060AM" is deceptive since the Home Service facility is a Class II station, not a Class I "Clear Channel station." In opposition to the requested issue, Home Service attacks Natick's allegations as being "naive in the extreme." In this regard, Home Service points out that Natick does not allege that the WGTR contours are incorrectly depicted on the rate card, and cites no authority that distinctions must be made between Class I and Class II stations on rate cards. Home Service emphasizes that it specifically labels its 0.1 mv./m. contour as "intermittent" and that there can be no dispute that 1060 kc. is a "Clear Channel" frequency under § 73.25(b) of the Commission's rules.²⁴ That the 0.1 mv./m. contour is referred to as intermittent, Home Service claims, recognizes the fact that the intermittent service area may be limited or destroyed by interference. Therefore, Home Service asserts, there are no misrepresentations on the face of its rate card, and no issue should be added. The Broadcast Bureau agrees with Home Service that there is nothing deceptive about the rate card and that Home Service has made full disclosure to anyone who reads it.

27. The Review Board shares the views of Home Service and the Broadcast Bureau that the requested issue should be denied. Rule 73.25(b) designates the frequency of 1060 kc/s. as a clear channel, assigned for use by both a Class I and a Class II station; therefore, Home Service's representation in this regard is correct. Section 73.11(c) of the Commission's rules defines intermittent service area as the "area receiving service from the groundwave but beyond the primary service area and subject to some interference and fading." Thus, Home Service, by labeling its 0.1 mv/m contour as intermittent, makes an express representation that service which it may provide between this contour and its normally protected 0.5 mv/m contour may be materially limited or destroyed due to interference from other stations or fading. Thus, we do not believe that prospective advertisers would be misled by the rate card. For these reasons, the requested issue is not warranted.

Letter request of May 1, 1970. 28. As a final matter, we note that Natick and Home Service filed a letter request on May 1, 1970, for our consideration. In the letter, the parties disclose that they are presently engaged in settlement discussions which could simplify this proceeding and expedite the inauguration of a broadcast service to Natick. They, therefore, request that the Board withhold further action on the motions to enlarge issues already referenced in paragraph 1, supra, and on a further motion to en-

large issues, filed on March 12, 1970, by Natick, for a period of 30 days to "enable the parties to determine whether a settlement can be worked out and, if so, to prepare and make an appropriate filing with the Board." The Broadcast Bureau, by letter, dated and filed May 4, 1970, opposes the request on the ground that any settlement agreement pursuant to § 1.525 of the rules could not be considered by the Board until outstanding motions to enlarge seeking character qualifications issues are considered and issues, if added to the proceeding, are resolved. The Board, of course, agrees with the Bureau's position. Any request for approval of a settlement agreement which the parties may subsequently file cannot be considered until the outstanding motions to enlarge issues which request character qualifications are disposed of and such issues, if specified by the Board, are resolved. With our action here, we note that several character qualifications issues are outstanding against the applicants and that the resolution of these matters must precede the approval of the reimbursement aspect of any settlement agreement. Moreover, we do not look with favor upon the parties' use of the informal technique of a letter request; a formal request consistent with applicable procedures is to be preferred. For these reasons, the request for a delay in our consideration of pending motions to enlarge in this proceeding will be denied.

29. Accordingly, it is ordered, That the motion for leave to file supplement to Natick's supplementary motion to enlarge issues, filed December 3, 1969, by Natick Broadcast Associates, Inc.; the motion for leave to file supplemental opposition, filed January 7, 1970, by Home Service Broadcasting Corp.; and the motion for leave to file reply to supplemental opposition, filed January 16, 1970, by Natick Broadcast Associates, Inc., are granted, and the pleadings attached thereto are accepted; and

30. It is further ordered, That the supplementary motion to enlarge issues, filed October 10, 1969, by Natick Broadcast Associates, Inc., is granted to the extent herein indicated, and is denied in all other respects, and that the issues in this proceeding are enlarged to include the following issue:

(a) To determine the facts and circumstances surrounding the filing of a principal's affidavit, dated November 4, 1969, with the Commission by Home Service Broadcasting Corp., and to determine, in light of the evidence adduced pursuant to this issue, whether Home Service Broadcasting Corp. or its principal has made misrepresentations to the Commission or has, in any manner, attempted to deceive or mislead the Commission, and, if so, to determine the effect of such conduct on the applicant's basic and/or comparative qualifications to be a Commission licensee.

31. It is further ordered, That the further motion to enlarge issues, filed January 9, 1970, by Home Service Broadcasting Corp., is granted to the extent herein indicated, and is denied in all other respects; and that the issues in this proceeding are enlarged to include the following issue:

(b) To determine the facts and circumstances surrounding the preparation and execution of affidavits by certain minors, dated November 21, 1969, and November 28, 1969, respectively, and filed with the Commission by Natick Broadcast Associates, Inc., and to determine, in light of the evidence adduced pursuant to this issue, whether Natick Broadcast Associates, Inc., or its principal has made misrepresentations to the Commission or has, in any manner, attempted to deceive or mislead the Commission, and, if so, to determine the effect of such conduct on the applicant's basic and/or comparative qualifications to be a Commission licensee.

32. It is further ordered, That the burden of proceeding with the introduction of evidence under issue (a) added herein shall be on Natick Broadcast Associates, Inc., and that the burden of proof under said issue shall be on Home Service Broadcasting Corp.; and that the burden of proceeding with the introduction of evidence under issue (b) added herein shall be on Home Service Broadcasting Corp., and that the burden of proof under said issue shall be on Natick Broadcast Associates, Inc.

33. It is further ordered, That the letter request for delay in the Board's consideration of pending motions, filed May 1, 1970, by Natick Broadcast Associates, Inc. and Home Service Broadcasting Corp., is denied.

Adopted: June 8, 1970.

Released: June 10, 1970.

FEDERAL COMMUNICATIONS
COMMISSION,²⁵

[SEAL] BEN F. WAFLE,
Secretary.

[F.R. Doc. 70-7812; Filed, June 19, 1970;
8:47 a.m.]

[Docket No. 18710; FCC 70R-209]

VOICE OF REASON, INC. (KICM)

Memorandum Opinion and Order Enlarging Issues

In regard application of Voice of Reason, Inc. (KICM), Golden, Colo., for construction permit; Docket No. 18710, File No. BP-18553.

1. The application of Voice of Reason, Inc. (Voice of Reason), for a construction permit to build a daytime only standard broadcast station in Golden, Colo., was designated for hearing under an unauthorized transfer of control issue by Commission Order, FCC 69-1158, released October 27, 1969. The Review Board now has before it the Broadcast Bureau's petition to enlarge issues, filed May 1, 1970,¹ seeking the addition of

²⁵ Review Board Member Nelson not participating; Board Member Stone concurring; Board Member Kessler concurring and voting for an additional issue on abuse of Commission processes with respect to both applicants.

¹ Good cause has been shown for the Bureau's late filing and the petition will therefore be considered on its merits.

²⁴ Rule 73.25 reads in pertinent part:

The frequencies in the following tabulations are designated as clear channels and assigned for use by the classes of stations given:

(b) To each of the following channels there may be assigned Class I and Class II stations: * * * 1060 * * * kc./s.

misrepresentation, § 1.65 and availability of funds issues against Voice of Reason.²

2. In its petition, the Bureau alleges sufficient facts, adequately supported, to warrant the addition of the requested issues. As to the first requested issue, the Bureau avers that Voice of Reason misrepresented on its February 28, 1969, balance sheet that it owned, without encumbrance, a Youth Ranch in Missouri, when in fact the applicant had substantially encumbered this property in July 1968. The Youth Ranch, alleges the Bureau, was deemed as security for a \$60,430.59 loan which has yet to be repaid, and Voice of Reason has recently been sued for \$58,423.15, the outstanding balance on the loan. Failure to inform the Commission of this substantial and significant change in its financial status, i.e., the pending civil action, is the basis for the Bureau's requested § 1.65 issue. Petitioner then questions Voice of Reason's financial ability to meet its construction and first year operating costs; while acknowledging the applicant's assurance that it would sell or encumber any of its assets to meet its costs, the Bureau believes, especially in light of the alleged default on the loan secured by the Missouri Youth Ranch, that Voice of Reason's balance sheet does not demonstrate that it will be able to raise the necessary funds. The Bureau points out that Voice of Reason, in its application, estimates that first year operating costs and the purchase of necessary equipment will require funds in an amount of approximately \$113,000; initially, Voice of Reason showed only \$40,000 in liquid assets, but, the Bureau notes, the applicant was found financially qualified because of its large net worth. However, the Bureau asserts, the inability to rely on the full value of the Youth Ranch results in a substantial decrease in that net worth: Voice of Reason's equity in its fixed assets totals \$97,000.³ Thus, if full credit is assigned to all nonliquid assets and all assets were to be encumbered, Voice of Reason shows an excess of only \$24,000 to meet estimated costs and unexpected expenses; this, maintains petitioner, coupled with the applicant's default on another loan, is sufficient to warrant an evidentiary hearing on the applicant's financial qualifications. The Bureau's allegations are, in our opinion, adequate to raise a substantial question as to whether Voice of Reason has available sufficient funds to meet its estimated costs, as well as whether the applicant misrepresented facts to the Commission and complied with the requirements of section 1.65 of the rules. Appropriate issues will therefore be specified.

3. Accordingly, it is ordered, That the petition to enlarge issues, filed May 1, 1970, by the Broadcast Bureau is granted; and

4. It is further ordered, That the issues in this proceeding are enlarged by the addition of the following issues:

² No opposition to the instant petition has been filed and the time for filing has expired.
³ This includes \$40,000 of the remaining value of the Youth Ranch.

(a) To determine whether Voice of Reason, Inc., has made misrepresentations to the Commission as regards its assets and liabilities in its balance sheet filed with its application on April 2, 1969.

(b) To determine whether sufficient funds are available to Voice of Reason, Inc., to construct and to operate its proposed station for 1 year without revenue.

(c) To determine whether Voice of Reason, Inc., has complied with the provisions of § 1.65 of the Commission's rules by keeping the Commission advised of substantial changes.

(d) To determine, in light of the facts adduced pursuant to the foregoing issues, whether Voice of Reason has the requisite qualifications to be a Commission licensee.

5. It is further ordered, That the burden of proceeding with the evidence on issues (a) and (c) above shall be on the Broadcast Bureau, the burden of proceeding with the introduction of evidence on issue (b) above shall be on Voice of Reason, Inc., and the burden of proof under all of the issues added herein shall be on Voice of Reason, Inc.

Adopted: June 10, 1970.

Released: June 11, 1970.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 70-7813; Filed, June 19, 1970;
8:47 a.m.]

FEDERAL MARITIME COMMISSION

AMERICAN EXPORT ISBRANDTSEN
LINES, INC., AND TRANSOCEAN
GATEWAY CORP.

Notice of Agreement Filed

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

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

to constitute such violation or detriment to commerce.

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

Notice of agreement filed for approval by:

Mr. Howard A. Levy, Kurrus and Jacobi, 2000
K Street NW., Washington, D.C. 20006.

Agreement No. T-2122-3 between American Export Isbrandtzen Lines, Inc. (AEIL), and Transocean Gateway Corp. (Transocean) amends the basic agreement which grants AEIL the exclusive use of certain terminal space at or adjacent to Piers 12 and 13, Stapleton (Staten Island), N.Y. The purpose of the amendment is to grant Transocean the option of supplying security or watching service on or for AEIL vessels.

Dated: June 17, 1970.

By order of the Federal Maritime
Commission.

FRANCIS C. HURNEY,
Secretary.

[F.R. Doc. 70-7817; Filed, June 19, 1970;
8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RI70-1690 etc.]

GEORGE A. BERNAT, ET AL.

Order Providing for Hearings on and
Suspension of Proposed Changes in
Rates¹

JUNE 11, 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:

(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

¹ Does not consolidate for hearing or dispose of the several matters herein.

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 dis-

position 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 July 27, 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 subject to refund in dockets Nos.
									Rate in effect	Proposed increased rate	
RI70-1690..	George A. Bernat ¹ (Operator) et al., c/o George H. Pentress, 2335 Webster St., Lakewood, Colo. 80215.	1	7	El Paso Natural Gas Co. (Ballard Pictured Cliffs Field, Rio Arriba County, N. Mex.) (San Juan Basin Area).	\$1,198	5-13-70	* 6-13-70	11-13-70	* 12.2295	** 13.2486	RI64-492.
RI70-1691..	Tenneco Oil Co., Post Office Box 2511, Houston, Tex. 77001.	163	5	El Paso Natural Gas Co. (Blanco Field, San Juan County, N. Mex.) (San Juan Basin Area).	34	5-13-70	* 6-13-70	11-13-70	* 12.2295	** 13.2486	RI64-492.
RI70-1692..	Gulf Oil Corp., Post Office Box 1580, Tulsa, Okla. 74102.	418	7	Transwestern Pipeline Co. (Kermit and South Kermit Fields, Winkler County, Tex.) (RR. District No. 8) (Permian Basin Area).	3,220	5-15-70	* 6-15-70	11-15-70	** 14.80	* 18.08	
RI70-1693..	Sun Oil Co., Post Office Box 2880, Dallas, Tex. 75221.	255	7	Panhandle Eastern Pipe Line Co. (Oshel Unit No. 1, Woods County, Okla.) (Oklahoma "Other" Area).	1,440	5-18-70	* 6-18-70	11-18-70	** 16.005	* 18.806	
RI70-1694..	Amarillo Natural Gas Co. (Operator) et al., c/o Armat, Inc., Arcade Bldg., Room 230, 2000 Classen Center, Oklahoma City, Okla. 73106.	5	3	Cities Service Gas Co. (North Nys Field, Beaver County, Okla.) (Panhandle Area).	540	5-18-70	* 6-18-70	11-18-70	** 17.0	* 18.0	
RI70-1695..	Tenneco, Inc., Post Office Box 52332, Houston, Tex. 77052.	155	** 5	El Paso Natural Gas Co. (East and West Panhandle Field, Wheeler, Collingsworth, and Gray Counties, Tex.) (RR. District No. 10).	74	5-21-70	* 6-21-70	11-21-70	12.0	* 14.0525	
RI70-1696..	Sunset International Petroleum Corp., 2400 Fidelity Union Tower, Dallas, Tex. 75201.	18	4	Northern Natural Gas Co. (Beaver County, Okla.) (Panhandle Area).	5,229	5-22-70	* 7-1-70	12-1-70	** 18.592	* 19.754	RI68-466.
RI70-1697..	Anadarko Production Co. (Operator) et al., Post Office Box 5317, Fort Worth, Tex. 76107.	29	3	Natural Gas Pipeline Co. of America (Pyle 1-17 Gas Unit, Beaver County, Okla.) (Panhandle Area).	270	5-18-70	* 6-18-70	11-18-70	** 17.0	* 18.8	RI61-457.
RI70-1698..	Anadarko Production Co.	80	1	Natural Gas Pipeline Co. of America (Baransy Unit, Woodward County, Okla.) (Panhandle Area).	160	5-18-70	* 6-18-70	11-18-70	** 18.156	* 19.926	
RI70-1699..	Pan American Petroleum Corp., Post Office Box 1419, Fort Worth, Tex. 76101.	310	** 14	Lone Star Gas Co. (Durant Field, Bryan County, Okla.) (Oklahoma "Other" Area).	361	5-19-70	* 6-19-70	11-19-70	15.0	* 19.01556	
RI70-1700..	Mobil Oil Corp., Post Office Box 1774, Houston, Tex. 77001.	429	6	United Gas Pipe Line Co. (Cahoun Field, Ouachita Parish, La.) (North Louisiana Area).	1,564	5-15-70	* 6-15-70	11-15-70	19.6 19.6	* 23.0 * 22.25	RI70-414. RI70-414.
RI70-1701..	Graham-Michaels Drilling Co. (Operator) et al., 211 North Broadway Wichita, Kans. 67202.	33	9	Colorado Interstate Gas Co. (Keyes Field, Texas County, Okla.) (Panhandle Area).	1,228	5-22-70	* 6-22-70	11-22-70	** 17.204	* 18.216	RI64-646.
.....do.....do.....	30	3	Colorado Interstate Gas Co. (Hugoton Field, Stanton County, Kans.).	3,877	5-22-70	* 6-22-70	11-22-70	** 13.5	* 14.5	RI65-559.
RI70-1702..	Ashland Oil, Inc., Post Office Box 18695, Oklahoma City, Okla. 73118.	197	1	Arkansas Louisiana Gas Co. (Northeast Hillsdale Field, Garfield County, Okla.) (Oklahoma "Other" Area).	1,276	5-22-70	* 6-22-70	11-22-70	** 17.665	* 20.0043	
RI70-1703..	Kingwood Oil Co., 100 Park Avenue Bldg., Oklahoma City, Okla. 73102.	24	6	Arkansas Louisiana Gas Co. (Arkoma Area, Le Flore County, Okla.) (Oklahoma "Other" Area).	638	5-19-70	* 6-19-70	11-19-70	** 15.0	* 16.0	

¹ The stated effective date is the first day after expiration of the statutory notice period.

² Periodic rate increase.

³ Pressure base is 15.025 p.s.i.a.

⁴ Includes partial reimbursement for the full 2.55 percent New Mexico Emergency School Tax.

⁵ The stated effective date is the effective date requested by respondent.

⁶ Successor to Sentinel Petroleum Corp.

⁷ Increase to fractured rate. Contract provides for a rate of 27.2 cents plus applicable tax reimbursement.

⁸ Pressure base is 14.65 p.s.i.a.

⁹ Footnotes 8, 11, 12, and 13 not used.

¹⁰ Includes base rate of 15 cents before increase and base rate of 19.5 cents after increase plus upward B.t.u. adjustment.

¹¹ Subject to upward and downward B.t.u. adjustment.

¹² Subject to a downward B.t.u. adjustment.

¹³ Price includes 3 cents paid by buyer to seller for gathering, dehydrating, compressing and delivering gas.

¹⁴ Applicable to acreage added by Supplement No. 7.

¹⁵ Includes base rate of 16 cents before increase and base rate of 17 cents after increase plus upward B.t.u. adjustment.

¹⁶ Includes base rate of 17 cents before increase and base rate of 19.5 cents after increase plus upward B.t.u. adjustment.

¹⁷ For acreage added by Supplement No. 13 only.

¹⁸ Includes 1.5 cents tax reimbursement applicable to high pressure gas.

¹⁹ Includes 0.75 cent tax reimbursement applicable to low pressure all-well gas and low capacity wells (less than 250 Mcf per day).

²⁰ Includes base rates of 15 cents before increase and 18 cents after increase plus upward B.t.u. adjustments.

²¹ Filing from initial certificated rate to initial contract rate.

²² Includes base rates of 15 cents before increase and 17 cents after increase plus upward B.t.u. adjustment.

George A. Bernat (Operator) et al., request a retroactive effective date of January 1, 1969, for their proposed rate increase. Gulf Oil Corp. requests an effective date of June 1, 1970, for its increased rate. Amarillo Natural Gas Co. (Operator) et al., request a June 1, 1970, effective date for their rate filing. Texaco, Inc., requests that its proposed increase be permitted to become effective as of May 21, 1970, and Kingwood Oil Co. requests an effective date of May 7, 1970. 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.

The proposed rate increases filed by George A. Bernat (Operator) et al. (Bernat) and Tenneco Oil Co. (Tenneco) reflect partial reimbursement for the full 2.55 percent New Mexico Emergency School Tax. The buyer, El Paso Natural Gas Co. (El Paso), in accordance with its policy of protesting tax filings proposing reimbursement for the New Mexico Emergency School Tax in excess of 0.55 percent, is expected to file a protest to these rate increases. El Paso questions the right of the producer under the tax reimbursement clause to file a rate increase reflecting tax reimbursement computed on the basis of an increase in tax rate by the New Mexico legislature in excess of 0.55 percent. While El Paso concedes that the New Mexico legislature effected a higher rate of at least 0.55 percent, they claim there is controversy as to whether or not the new legislation effected an increased rate in excess of 0.55 percent. In view of the contractual problem presented, the hearings provided for herein for Bernat and Tenneco's rate filings shall concern themselves the contractual basis for such rate filings, as well as the statutory lawfulness of the proposed increased rates and charges.

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).

[P.R. Doc. 70-7736; Filed, June 19, 1970; 8:45 a.m.]

[Docket No. RI70-1682, etc.]

STOUT GAS CO. ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund¹

JUNE 10, 1970.

The respondents named herein have filed proposed changes in 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:

(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: *Provided, however*, That the supplements to the rate schedules filed

¹ Does not consolidate for hearing or disposal of the several matters herein.

by respondents, as set forth herein, 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 respondents shall each 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 copies thereof upon all purchasers under the rate schedule involved. Unless respondents are advised to the contrary within 15 days after the filing of their respective agreements and undertakings, such agreements and undertakings shall be deemed to have been accepted.²

(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 July 27, 1970.

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

² 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.

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 subject to refund in dockets Nos.
									Rate in effect	Proposed increased rate	
RI70-1682..	Tony Snider, et al., d.b.a. Stout Gas Co., c/o Keith Cribfield, agent, Post Office Box 431, Spencer, W. Va.	* 1	** 2	United Fuel Gas Co. (Contract No. 6903), (Center District, Gilmer County, W. Va.).	\$2,000	5-14-70	* 6-14-70	* 6-15-70	25.0	** 27.0	
RI70-1683..	Mobil Oil Corp., Post Office Box 1774, Houston, Tex. 77001.	* 421		5 United Gas Pipe Line Co. (South El Toro Field, Jackson County, Tex.) (RR. District No. 2).	2,949	5-15-70	** 6-15-70	* 6-16-70	15.192	** 16.0	
RI70-1684..	Pan American Petroleum Co. (Operator), Post Office Box 50879, New Orleans, La. 70150.	* 442		2 Southern Natural Gas Co. (Quitman Bayou Field, Adams County, Miss.).	2,675	5-18-70	** 7-1-70	* 7-2-70	15.0	** 15.0	
RI70-1685..	Sun Oil Co., Post Office Box 2880, Dallas, Tex. 75221.	* 205		3 do.....	3,475	5-15-70	** 7-1-70	* 7-2-70	15.0	** 16.0	
RI70-1686..	Amarillo Natural Gas Co. (Operator) et al., c/o Armax, Inc., Arcade Building, Room 230, 2000 Classen Center, Oklahoma City, Okla. 73106.	* 7		7 Kansas-Nebraska Natural Gas Co., Inc. (Beaver County, Okla.) (Panhandle Area).	1,300	5-18-70	* 6-18-70	* 6-19-70	** 15.0	** 16.0	
RI70-1687..	May Petroleum Inc., et al., 1435 Republic National Bank Bldg., Dallas, Tex. 75201.	* 22		1 Cities Service Gas Co. (Waynoka Area, Woods County, Okla.) (Oklahoma "Other" Area).	1,664	5-18-70	* 6-18-70	6-19-70	** 14.0	** 15.0	
RI70-1688..	H. N. Burnett (Operator) et al., 328 First National Bank Bldg., Amarillo, Tex. 79101.	* 14		2 Phillips Petroleum Co. (West Panhandle Field, Carson County, Tex.) (RR. District No. 10).	1,800 700	5-18-70 5-18-70	* 6-18-70 * 7-1-70	6-19-70 * 7-2-70	** 14.0 ** 13.0	** 15.0 ** 14.0	
	do.....	* 15		2 do.....	410	5-18-70	** 7-1-70	* 7-2-70	** 13.0	** 14.0	

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 subject to refund in docket No.
									Rate in effect	Proposed increased rate	
RI70-1689	Atlantic Richfield Co., Post Office Box 2819, Dallas, Tex. 75221.	56	# 17	Humble Gas Transmission Corp. (Vixen Field, Caldwell Parish, La.) (North Louisiana Area).	\$4,500	5-11-70	# 6-11-70	6-12-70	17.0	# # 18.5	RI68-9.0

¹ Contract dated after Sept. 28, 1960, the date of issuance of the Commission's statement of general policy No. 61-1, and rate does not exceed the initial area rate ceiling.

² Agreement providing for increased rate processed separately and designated as Supplement No. 1.

³ Not applicable to acreage added by Supplement No. 1.

⁴ The stated effective date is the first day after expiration of the statutory notice.

⁵ The suspension period is limited to 1 day.

⁶ Periodic rate increase.

⁷ Pressure base is 15.325 p.s.i.a.

⁸ The stated effective date is the effective date requested by respondent.

⁹ "Fractured" rate increase.

¹⁰ Pressure base is 14.65 p.s.i.a.

¹¹ Contract rate is 17.2185 cents.

¹² Pressure base is 15.025 p.s.i.a.

¹³ Subject to a downward B.T.U. adjustment.

¹⁴ Buyer deducts 0.75 cent from price shown for dehydration.

¹⁵ Subject to a deduction of 0.4466 cent for sour gas.

¹⁶ Applicable only to gas production from reservoirs which were discovered prior to Sept. 28, 1960.

¹⁷ Tax reimbursement increase.

Tony Snider, et al., doing business as Stout Gas Co. (Snider) request that their proposed rate increase be permitted to become effective as of May 1, 1970. Amarillo Natural Gas Co. (Operator) et al. (Amarillo) requests that its proposed rate increase be permitted to become effective "immediately." May Petroleum, Inc., et al. (May), request an effective date of May 18, 1970, for their proposed rate increases. 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.

The contracts related to the proposed rate increases filed by Snider, Mobil Oil Corp., Pan American Petroleum Corp. (Operator), Sun Oil Co., Amarillo, and May were executed subsequent to September 28, 1960, the date of issuance of the Commission's statement of general policy No. 61-1, as amended, and the proposed rates exceed the area increased rate ceilings but do not exceed the initial service ceilings for the areas involved. We believe, in this situation, the aforementioned producers' rate filings should be suspended for 1 day from June 14, 1970 (Snider), June 18, 1970 (Amarillo) and (May), the expiration dates of the statutory notice, and June 15, 1970 (Mobil), July 1, 1970 (Pan American), and (Sun), the proposed effective dates.

Pan American requests that its proposed price increase be accepted without suspension since the gas sales involved herein are marginal. The proposed rate is 4.6 cents below the 20.6-cent initial ceiling rate for the area involved. Opinion No. 567 provides that a producer of gas discovered after September 28, 1960, would be entitled to collect the 20.6-cent price without suspension. Although the gas was discovered after September 28, 1960, Opinion No. 567 is not applicable since the gas involved is casinghead gas. Pan American's proposed price increase is suspended for 1 day from July 1, 1970, the proposed effective date, as stated in the paragraph next above.

The proposed rate increases filed by H. N. Burnett (Operator) et al. (Burnett) from 13 cents to 14 cents per Mcf for wellhead sales of gas to Phillips Petroleum Co. (Phillips) in Texas Railroad District No. 10. Phillips gathers and processes the gas and resells the gas to interstate pipelines at rates which are in effect subject to refund. Burnett's proposed rates exceed the area increased rate ceiling for Texas Railroad District No. 10. Since the buyer's, Phillips, resale rates are in effect subject to refund we conclude that Burnett's proposed rate increases should be suspended for 1 day from July 1, 1970, the proposed effective date.

Atlantic Richfield Co. proposes a tax increase based on partial reimbursement of the Louisiana Severance Tax. Consistent with previous Commission action taken on similar

tax increases, we conclude that Atlantic's tax increase should be suspended for 1 day from June 11, 1970, the proposed effective date.

[P.R. Doc. 70-7738; Filed, June 19, 1970; 8:45 a.m.]

[Docket No. CP61-263]

CITIES SERVICE GAS CO.

Notice of Extension of Time

JUNE 12, 1970.

On May 28, 1970, Mobil Oil Corp. filed a request for an extension of time to and including June 22, 1970, within which to file protests or petitions to intervene pursuant to the notice of petition to amend issued on May 20, 1970, in the above-designated matter. On June 3, 1970, Cities Service Gas Co. filed a letter objecting to the requested extension.

Upon consideration, notice is hereby given that the time is extended to and including June 22, 1970, within which protests or petitions to intervene in the above-designated matter may be filed by any person.

GORDON M. GRANT,
Secretary.

[P.R. Doc. 70-7787; Filed, June 19, 1970; 8:46 a.m.]

[Docket No. AR70-1]

PERMIAN BASIN AREA

Order Instituting Area Rate Proceeding

JUNE 17, 1970.

The original Permian Basin Area Rate Proceeding, Docket No. AR61-1, was instituted on December 23, 1960, and represented the Commission's first step toward establishing producer rates on an area basis following Statement of General Policy 61-1, as amended. Prior to that time, producer regulation had been attempted on an individual company basis. After lengthy hearings, the Commission on August 5 and October 4, 1965, issued Opinions Nos. 468 and 468-A respectively (34 FPC 159, 34 FPC 1068), establishing just and reasonable rates for jurisdictional gas sales in the Permian Basin. These orders were affirmed in their entirety by the Supreme Court on May 1, 1968. Permian Basin Area Rate Cases, 390 U.S. 747.

Data available to the Commission indicates that interstate pipelines are unable to procure contracts for new supplies of gas, on a spot or long-term basis, at the same relative rate as heretofore, and that this does not appear to represent any decline in the productivity of the area below earlier estimates. Recently significant pipeline capacity for intrastate transportation and sales has been put into operation.

It is in the public interest to institute a new proceeding to review rates in the Permian Basin. In order to induce producers to dedicate supplies to the interstate market without waiting for the final price determination of these proceedings, contracts dated after the date of this order will have the same price ceilings as contracts entered into after the date of the final order herein.

The Commission to the maximum extent feasible will utilize the data which has been ordered in the Southern Louisiana area rate proceeding, Docket No. AR69-1.

Attention is called to Docket No. R-389, notice of investigation, proposed rulemaking and statement on new applications for certificates for sale of Permian Basin Area Natural Gas issued concurrently herewith. (35 F.R. 10152)

A prehearing conference for the purpose of developing the issues and procedures to be followed in this proceeding will be ordered at a future date.

The geographical area of the original Permian proceeding was made up of Texas Railroad Commission Districts 7-C and 8 (now 8 and 8-A), plus Chaves, Eddy, and Lea Counties, New Mexico. The present proceeding will be expanded to include Texas Railroad District 7-B, 17 counties in the northern portion of Texas Railroad District No. 1, and Roosevelt County, N. Mex. These additional areas appear to be similar to the original Permian Basin areas not only from the standpoint of geology, but also on the basis of production practices; contract arrangements, and general operating conditions.¹

The Commission finds: It is necessary and appropriate for purposes of carrying out the provisions of the Natural Gas Act, particularly, but not in limitation of

¹ See order issued Apr. 8, 1970, Jack L. Bryant, Trustee, Dockets Nos. RI60-416 and RI65-158.

the foregoing sections 4, 5, 7, 10, 14, 15, and 16 thereof (52 Stat. 822, 823, 824, 825, 826, 828, 829, 830; 56 Stat. 83, 84; 61 Stat. 459; 76 Stat. 72; 15 U.S.C. 717c, 717d, 717f, 717i, 717m, 717n, 717o), that an area rate proceeding be instituted encompassing the Permian Basin Area, as hereinafter ordered.

The Commission orders:

(A) An area rate proceeding is hereby instituted to determine rates for sales of natural gas subject to the jurisdiction of the Commission in the Permian Basin area.

(B) This proceeding shall encompass Texas Railroad Commission Districts 7-B, 7-C, 8, and 8-A; Val Verde, Edwards, Real, Bandera, Kerr, Kendall, Comal, Gillespie, Mason, Llano, Blanco, Hays, Travis, Burnet, Williamson, Milam, and Bell Counties, located in Texas Railroad Commission District 1; and Chaves, Eddy, Lea, and Roosevelt Counties, N. Mex.

(C) All jurisdictional pipelines purchasing, and all producers having jurisdictional sales, in the areas set forth in paragraph (B) above are listed in Appendix A hereto, and are hereby made respondents to this proceeding.

(D) This proceeding shall apply to all section 4 rate suspension proceedings involving gas sales in this hearing area and also to all section 7 certificate proceedings involving sales in the hearing area to which the respondents listed in Appendix A are parties, and to all such proceedings arising during the pendency of this proceeding.

(E) Evidence filed in Phase I of the Southern Louisiana Area Rate Proceeding, Docket No. AR69-1, is hereby incorporated by reference into this proceeding, and will be considered to the extent deemed relevant to the issues in AR70-1. Respondents or interveners in this proceeding who wish to cross-examine or rebut such evidence should do so in the AR69-1 proceeding or show cause by the date set in paragraph I, infra, why such procedure is not appropriate.

(F) The proceeding hereby instituted shall be conducted in two separate phases. Phase I will be confined to evidence relating to price ceilings for contracts entered into after the date of final order herein, including evidence with respect to the adequacy of gas supply and adequacy of service to consumers, the demand for gas, the cause of a gas shortage, if any, the effect of price on gas supply and demand, and other relevant economic evidence, together with data as to the current nationwide cost of finding and producing nonassociated gas. This phasing will facilitate joint hearings with AR69-1, Phase I.

(G) In order to induce producers to dedicate supplies to the interstate market without waiting for the final price determination of these proceedings, contracts dated after the date of this order will have the same price ceilings as contracts entered into after the date of the final order herein.

(H) A presiding Examiner, designated by the Chief Examiner for that purpose [see Delegation of Authority, 18 CFR 3.5

(d)], shall preside at the hearing in this proceeding; shall prescribe relevant procedural matters not herein provided; and shall control this proceeding in accordance with policies expressed in § 2.59 of the Commission's rules of practice and procedure (18 CFR 2.59).

(I) Any person desiring to be heard or to make any protest with reference to said proceeding should, on or before July 10, 1970, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a notice of intervention 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. Persons wishing to become parties to this proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

(J) The Secretary shall cause a copy of this order to be published in the FEDERAL REGISTER and served upon each of the respondents listed in Appendix A, and upon interested State Commissions as is provided for in § 1.19 of the Commission's rules of practice and procedure (18 CFR 1.19).

By the Commission.¹

[SEAL] GORDON M. GRANT,
Secretary.

PRODUCERS SELLING OVER 10 MILLION M.C.F.
PERMIAN BASIN AREA BASED ON FORM 301-A
YEAR 1968

Amerada Hess Corp.
American Petrofina Co. of Texas.
Anadarko Production Co.
Ashland Oil and Refining Co.
Atlantic Richfield Co.
Austral Oil Co., Inc.
Azetec Oil & Gas Co.
CRA Inc.
Cabot Corp.
Champion Petroleum Co.
Chevron Oil Co., Western Division.
Cities Service Oil Co.
Colorado Oil and Gas Corp.
Continental Oil Co.
Dorchester Gas Products Co.
Forest Oil Corp.
Frio Tex Oil and Gas Co.
General American Oil Co. of Texas.
Getty Oil Co.
Gulf Oil Corp.
Helmerich and Payne, Inc.
Humble Oil and Refining Co.
Hassie Hunt Trust.
Hunt Oil Co.
Kerr-McGee Corp.
Mapco Production Co.
Marathon Oil Co.
Mobil Oil Corp.
Monsanto Co.
Northern Natural Gas Production Co.
Pan American Petroleum Corp.
Pennzoil United, Inc.
Phillips Petroleum Co.
Placid Oil Co.
Shell Oil Co.
Signal Oil and Gas Co.
Skelly Oil Co.

¹ Chairman Nassikas, while out of the country when this order was issued, participated in earlier deliberations concerning its contents and concurred in its issuance.

Sohio Petroleum Co.
Southern Union Production Co.
Sun Oil Co.
The Superior Oil Co.
Tenneco Oil Co.
Texaco, Inc.
Texas Pacific Oil Co., Inc.
Transocean Oil Inc.
Union Oil Co. of California.
Union Texas Petroleum, Division of Allied.
Warren Petroleum Corp.

PERMIAN BASIN AREA PRODUCERS SELLING LESS
THAN 10 MILLION M. C.F.
YEAR 1968

Abell, George T.
Abell, Irvin, Jr.
Ackers, Deane E.
Acoma Oil Corp.
Ada Oil Co.
Adams, K. S., Jr., d.b.a. Rio Hondo Oil Co.
Adams Production Co.
Adobe Ltd. No. 1.
Adobe Ltd. No. 2.
Adobe Oil Co.
Adore Investment Corp.
Aikman, Claud E.
Albritton & Meyer.
Ambrose, Z. C.
American Liberty Oil Co.
American Trad & Prod Corp., d.b.a. American & Anco Petr Corp.
Amini, K. K.
Anderson, E. T.
Anderson, J. S., Jr.
An-Son Corp.
Antwell, Morris R., d.b.a. Hobbs Pipe and Supply Co.
Apco Oil Corp.
Appleby, M. P., Jr.
Ard Drilling Co., The
Ares, A. L.
Ares, Sam D.
Argus Production Co.
Ashmun & Hilliard.
Atapaz Petroleum.
August, John J.
Avance Oil & Gas Co., Inc.
Aycock, Wm. P. and Hillin, Robert K., d.b.a. Aycock & Hillin.
Aztec Gas Systems, Inc.
B.B.M. Drilling Co.
B.H. & D. Co.
Bta Oil Producers
B.W.P., Inc.
Bakke, W. E., d.b.a. W. E. Bakke Oil Co.
Bankers Trust Co., Trustee.
Barnes, Florence H., Trustee.
J. C. Barnes Oil Co.
Barnert Serlo Exploration Co.
Barnett, Giadys Lucille.
Barnett, Thomas D.
Barnhart, Paul F.
Barnhart, Paul F., Trustee.
Bartessa Oil Corp.
Bartley, J. H.
Baruch-Foster Corp.
Bass, Perry R.
Bateman, Frank.
Baxter, Murphy H.
Beach, Mrs. R. G.
Beard, Doris A.
Beeler, Phillip.
Beker, Erol.
Bell Petroleum Co.
Benedum-Trees Oil Co.
Bickel, Ross R., Trustee.
Bird, Ethel W.
Henry Black Drilling Co., Inc., Operator.
Blackwood, F. G.
Bogle Farms, Inc.
Bogle, Has, et al.
Boren, Sam.
Boyd, Walter K., Jr.
Boyle, W. Stewart.
Bradley, Albert.
Branum, M. W.
Brokaw, Edwina S.

- Bronco Oil Corp.
 Brown, Elizabeth M.
 Brown, George R.
 Brown, H. L., Jr.
 Brown, P. F.
 Brown & Key, Inc.
 Tom Brown Drilling Co., Inc.
 Buckles, George L.
 Burk Gas Corp.
 Burk Royalty Co.
 Burleson, Lewis B./Huff, Jack.
 Burns, John J.
 Burrell, Jack L.
 Byrom, W. K.
 Cactus Drilling Co.
 Cahill, John T.
 Cahoon, Frank Kell.
 Calco, Inc.
 F. A. Callery, Inc.
 Calvert Western Exploration Co.
 Campbell, C. G.
 Campbell, David C.
 Cantwell, Dallas.
 Carter Foundation Producing Co.
 Cass, Frank W.
 Cassidy, Mrs. Thomas
 Cenard Oil & Gas Co.
 Chalmers, David B.
 Chambers & Kennedy.
 Chapell, Don O.
 Chapman & Poland.
 Charm Oil Co.
 Cherry, A. W.
 Christmann, John J.
 Clark, E. B., d.b.a. Clark Drilling Co.
 Clark Oil Co.
 Cobb, Dalton H.
 Coll, Max W. II, d.b.a. Estate of James R. Stephens.
 Columbia Oil Corp.
 Cone, J. R.
 Cone, S. E.
 Connally, J. E., d.b.a. Connally Oil Co.
 Conover, Wm. V.
 Constantin, E., Jr.
 Cornell Oil Co.
 Cowper Brothers Production Co.
 Cox, John L.
 Crawford, John L.
 Crone Oil Co.
 Crouch, Louis.
 Cruce, J. L., Jr.
 Culbertson, E. A., Irwin, W. W.
 DSK Exploration Corp.
 Dalco Oil Co.
 Dalport Oil Corp.
 Damsen Exploration Corp.
 Darmac Corp.
 Darnielle, George J.
 Darrow, Ann W.
 Daugherty, J. A.
 David, K. W.
 Davidson, William A.
 Davis, Ethel Jo.
 Davis, Estate of Geraldine Tyson David.
 Davis, K. W., Jr.
 Davis, Rebecca.
 Davison, Leland.
 Davoust, Richard C.
 Dean, Edwin A.
 Dean, Robert A.
 Millard Deck Oil Co.
 Declava, Paul.
 Delta Drilling Co.
 Depco, Inc.
 Derrick, J. Roy.
 Dixilyn Corp.
 Dixon Management Corp.
 Donnell Drilling Co.
 Dual Production Co.
 Duncan Drilling Co.
 Duncan, J. Walter, Jr.
 Duncan, Raymond T.
 Duncan, Vincent J.
 Duncan, Walter.
 Dwyer, Robert F.
 James P. Dunigan Trust.
 Echols, W. H.
 Ege & Crouse.
 Elk Oil Co.
 Elkins, George W., Jr.
 Elliott, L. E.
 Elliott & Hall.
 Elliott Oil, Inc.
 Elliott Production Co.
 Enfield, Robert N.
 Eppenauser, A. R.
 Estrella Oil Co.
 Evmar Oil Corp.
 F.T.P. Gas Corp.
 Farrar, Fletcher F.
 Fasken, David.
 Featherstone, Olen P.
 Fields, Bert, Estate.
 Fikes, Leland,
 d.b.a. Estate/Leland Fikes, Deceased.
 First National Bank of Dallas
 d.b.a. Trustee for P. P. & C. T. Scott.
 Five Resources, Inc.
 Flag Oil Corporation of Delaware.
 Fleet, Howard W.
 Fluor Corp., Ltd.
 Foree Co.
 Foree, R. L.
 Fort Worth National Bank Trust.
 Fowler, Tom D. & McDaniel, R. G.,
 d.b.a. Fowler and McDaniel.
 Fox, James O., Jr.
 Francke, Albert, III.
 Franklin, John M.
 Freeport Oil Co.,
 d.b.a. Division of Freeport Sulphur Co.
 French, L. R., Jr.
 Fuhrman, P. H.
 Gackle, Albert.
 Gallagher, C. R., Jr.
 Garlitz, C. Gary,
 Gates, A. P.
 General Crude Oil Co.
 General Exploration Co., Inc.
 Gentry, James U.
 Gibbins, J. P.
 Gillespie, Charles B., Jr.
 Ginsburg, Arthur I.
 Goldston, Iris and W. J.
 Goodrick, John S.
 Gould, George D., Trustee.
 Grace, Joseph Peter.
 Graham, Bill J.
 Grammer, Jessica.
 Greany, Rosemary H.
 Great Western Drilling Co.
 Greenbrier 64 Limited.
 Grover Macurdy & Hoffacker.
 Gruss, Joseph S.
 Gruy Management Service Co.
 Guffey, A. A.
 Gut, Rainer E.
 Hale, Elwyn C. and Mabel E.
 Hall G. E.
 Hamm, Richard B.
 Hammonds, G. Scott.
 Hamon, Jake L.
 Hanagan Petroleum Corp.
 Hankamer Curtis.
 Hanley Co.
 Harkins, E. T.
 Harper Oil Co.
 Harris, John M.
 Hart, Patricia Ruth Carter.
 Haynes, Charles A.
 Heath, Mary Horne.
 Hendrix, John H.
 Herd, J. H.
 Herd Oil & Gas Co.
 Hernstadt, Wm. L., Deceased Estate.
 Hicks, Paula R.
 Hicks, Robert F.
 Highland Production Co.
 Hill, A. G.
 Hill, J. S.
 Hill, John H.
 Hissom Drilling Co.
 Hitchcock, E. C. and E. S.
 Holton, Walter B.
 Honeyman, Robert B., Jr.
 Hope, Alvin C.
 Howard, Frank A.
 Huber, Fred.
 Hudson, Edwin R., Jr. and Wm. A., II.
 Hudson, Wm. A. and Hudson, E. R., d.b.a.
 William A. and Edward R.
 Hunt, Caroline, Trust Estate.
 Hunt, H. L.
 Hunt Industries.
 Hunt, Lamar.
 Hunt, Lamar, Trust Estate.
 Hunt, N. B.
 Hunt Petroleum Corp.
 Hunt, W. H.
 Hunter, J. D., Trustee.
 Husky Oil Co. of Delaware.
 Ibe Partnership.
 Ideal Basic Industries, Inc.
 Imperial American Management Co.
 Inman, Curtis R.
 International Oil Corp.
 Investors Petroleum Corp.
 Jackson English Inc.
 Jenkins, T. D.
 Jocelyn-Varn Oil Co.
 Johnson & French Oil Co.
 Kaspar, A. G. and Cahoon, F. K.
 Kaspar, Alexander G.
 Kerbs, Jeanne E.
 Kermit Oil Co.
 Kestler, C. M.
 Kewanee Oil Co.
 Kibo Compressor Corp.
 Kimball, Alberta S.
 Miles Kimball Co.
 Kimbell Inc.
 King Resources Co.
 King, Warren and Dye.
 Kimsey, Roy E., Jr.
 Kirby Petroleum Co.
 Kluthe, Joseph G.
 Koch Industries, Inc.
 L & N Production Co.
 Lacy, James W.
 Ladinburg Thalman & Co.
 Laforce, W. Watson.
 Lamb, James L., Jr.
 Lamont, Thomas S.
 Landmark Oil Inc.
 Langham, J. T.
 Lanier, Sid.
 Lario Oil & Gas Co.
 Larue, C. E. and Muncy, B. N., Jr.
 Latch, Leonard.
 Late Oil Co.
 Laughlin, Phil E.
 Lawson, D. J.
 Leede, Edward H.
 Lemmons, Blanche.
 Leonard, J. M.
 Leonard Oil Co.
 Lesh Co.
 Leyhe, Edward F.
 Livermore, George P.
 Loftis, Dr. J. Steward.
 Long, E. C., et al.
 Lowe, Ralph, Estate.
 Lundbeck, G. Hilmer, Jr.
 Lyle, W. M.
 Lynch, Jess, d.b.a. Savage Oil Co.
 Lyons, Richard T.
 M & B Well Service.
 M.E.B. Oil Co.
 M.K.A. Oil Properties.
 M.W.J. Producing Co., Operator.
 MacDonald Oil Corp.
 Macpet.
 McAlester Fuel Co.
 McCall, Jack O.
 McCombs, Barbara B.
 McCulloch O. Corp.
 McDermott, Gerald J.
 McFarlin, E. B. and Ketchum, E. P.
 McGrath and Smith Inc.
 McMillian, John G., Jr.
 Mabee, Joe.
 Macurdy, Malcom R.
 Major, Giebel & Forster.
 Mallard Petroleum Inc.
 Markham, Cone & Redfern.

- Markham, Jack.
 Marrow, N. S.
 Martin Williams.
 Maxwell Oil Co.
 May, John L.
 Meadows, A. H.
 Meadco Properties Ltd.
 Meeker, W. W.
 Melton, M. L.
 Merchantile National Bank of Dallas.
 Meeker, J. J.
 Meeker, L. H.
 Meeker, Wm. Wade, Estate of.
 Meeker & Co.
 Mesa Petroleum Co.
 Me-Tex Supply Co.
 Melbourne Corp.
 Midhurst Oil Corp.
 Midland National Bank Trust.
 Midwest Oil Corp.
 Miles Kimball Co., d.b.a. Kimball Production Co.
 Moberly, George A.
 Moncrief, W. A.
 Moore, J. Hiram.
 Moore, Samuel H.
 Moore, Wayne.
 Morel, W. A.
 Morris, Ann W.
 Ray Morris Exploration Co.
 Moses, H. L., Foundation Trust
 Moses, Lucy G.
 Murphy Oil Corp.
 Muse, Albert C.
 Nassau Oil & Gas Corp.
 National Bank of Tulsa, The d.b.a. Executor of Estate of James A. Chapman.
 National Co-op Ref Association.
 Nearburg, Eugene E., Ingram T.
 Neill, J. P., d.b.a. N & M Co.
 Ne-O-Tex Corp.
 Ni-Gas Supply, Inc.
 Nolan, William C. and T. M., d.b.a. Munoco Co.
 Nordhausen, R. H.
 Norman, D. M., d.b.a. D. M. Norman and D. N. Fitzgerald.
 Norsworthy, Clarence L., Jr.
 North Central Oil Corp.
 Northwest Production Corp.
 Norwood Oil Co. or Drilling Co.
 The Nueces Co.
 O.F. & R. Oil Co.
 O'Briant, James F.
 Odessa Natural Gasoline Co.
 Oehlschlager, Dr. F. Keith.
 Oil & Gas Properties.
 Oil Well Drilling Co.
 Oisen, Howard.
 O'Neill, Joseph I., Jr.
 Owen, A.
 Owen, Robert L.
 Parker & Parsley.
 Parker Drilling Co.
 Parrish, Grace M.
 Paul, C. M., Colonel.
 Pauley Petroleum, Inc.
 Pecos Co.
 Pecos Growers Oil Co.
 Penner, Ted.
 Penrock Oil Corp.
 Penrose, Neveille G.
 Penrose Production Co.
 Permian Corp.
 French Peterson.
 Petroleum Asso., Inc.
 Petroleum Corp. of Texas.
 Petroleum Exploration, Inc. of Texas.
 Pevehouse, B. J.
 Pharaoh, Dr. Richard.
 Phillmore Oil Co., Inc.
 Pioneer Production Corp.
 Polk, Louis.
 Powell, Celestine V., Trust.
 Pulaaki, Dan J.
 Putnam, G. D.
 RPL Oil Co., Inc.
 Rasmussen, James W.
 Ray Bernard A.
 Read, Charles B.
 Read, Thomas A.
 Read & Stevens, Inc.
 Reading & Bates, Inc.
 Redco Corp.
 Redfern Development Corp.
 Redfern Oil Co.
 Register, H. W.
 Reigle, E. E., d.b.a. Richmond Drilling Co.
 Reserve Oil & Gas Co.
 Resler & Sheldon.
 Dr. Louis A. Resznico & Jr.
 Rhodes, A. L.
 Rhodes, J. Cecil.
 Rilan Corp.
 Ritchie, M. H. W.
 Robertson, French M.
 Robinson Bros. Oil Producers.
 Roden Oil Co.
 Rodman, E. G.
 Rodman, E. G. and Noel W. D.
 Rodman Oil Co.
 Rodman Petroleum Corp., d.b.a. Rodman Petr Corp. & Late.
 Rollings, Dr. Harry E.
 Rogers, M. D.
 Rosenthal, Jerome B.
 Ross, Walter M.
 Rudman, M. B.
 Russell, Jack L.
 Rutherford, P. R.
 A. W. Rutter, Jr.
 A. W. Rutter.
 Rutter & Co., Ltd.
 Rutter and Wilbanks Bros.
 Ryan Consolidated Petroleum Corp.
 Samedan Oil Corp.
 Sams Oil Corp.
 Sandlin, Walker P.
 Sands Caroline Hunt.
 Santa Rosa Gas Co.
 Santana Petroleum Corp.
 Scarborough, Warren.
 M & G Schneider Oil Co.
 Schneider, Tom.
 Scope Industries.
 Paul P. Scott Trust.
 Searle, John G.
 Secure Trusts.
 Semple, C. O.
 Semple, C. A.
 Sharples & Co. Properties.
 Shea, Edward L.
 Shea, Peter L.
 Simmons, Jay.
 Slade, Inc.
 Slaughter, William E., Jr.
 Smith, Earl W.
 Floyd W. Smith & Co., Inc.
 Smith, Peter B.
 Socolow, A. Walter, Agent.
 Solar Oil Co.
 Southern Minerals Corp.
 Southern Petroleum Exploration Inc.
 Southland Royalty Co.
 Southwestern Greer ES I LD.
 Southwestern Natural Gas, Inc.
 Speight, June D.
 Spence, Aurelia.
 Spidler, Marion E.
 Stafford, M. N.
 Stafford, M. N., Jr.
 Stanley, Larry.
 Steed, S. D.
 Stetco '68 Ltd.
 Stoltz, Deane H.
 Stoneham, Jack.
 Stout, Billy J.
 Gordon Street, Inc.
 Stringer, J. Frank.
 Suburban Propane Corp.
 Suniland Oil Corp.
 Sunset Intl. Petrol.—Calif.
 Sunshine Royalty Co.
 Tamarack Petro. Co., Inc., Agent.
 Texam Oil Corp.
 Texas American Oil Corp.
 Texas City Refining, Inc.
 Texas Crude Oil Co.
 Clifton Thomas.
 Thompson & Cone.
 Craft Thompson.
 Thompson, J. Cleo O.
 Thornbury, D. H.
 Thornton Petroleum Corp., d.b.a. Thornton Petr Corp. & Late.
 Thornton, Risher M., III.
 Todd, W. L., Jr.
 Trace, Inc.
 Trebol Drilling Co.
 Tri Service Drilling Co.
 Tribune Oil Corp.
 Tucker, R. C.
 Tucker Drilling Co., Inc.
 Turner, Fred, Jr.
 Turner, J. Glen.
 Two States Oil Co.
 Tyra & Tyra.
 Tyrell, W. C. Jr.
 U.S. Smelting Ref. & Min. Co.
 Valley Investment Corp.
 Vaughn, G. H., Jr. and Jack O.
 Vest, Earl, et al. d.b.a. Dorbrandt & Ross.
 Vinson, M. C.
 Walkup, Bruce.
 Wallace, Robert R.
 Wallen Production Co.
 Walters, Carl E.
 Warren, Curtis.
 Warren, Darrell S.
 Watts, Ed E.
 Weaver, Shirley R., Trust.
 Weaver, W. R.
 Webb, Del E.
 Weber, Frederick Palmer.
 Weier, A. D., Jr.
 Weir, Harvey J., Sr., Estate of.
 Weir, Joe R.
 Weiborn, J. M.
 Westates Petroleum Co.
 Westbrook-Thompson Holding.
 Western Oil Fields Inc.
 Western States Producing Co.
 West Lakes Natural Gasoline Co.
 Whitley, Frank J.
 Wilbanks, Bruce A.
 Wilbanks & Rasmussen.
 Williams, Betty M.
 Williams, Clayton W., Jr.
 Williams Brothers Co.
 Williams, John W., d.b.a. J. W. Williams & Commerce Trust Co., d.b.a. Executor Estate of Dorsey A. Williams.
 Williams, Raymond A., Jr.
 Wilshire Oil Co. of Texas.
 Wolfson Oil Co.
 Wood, McShane and Thams.
 Wood, John W., Jr.
 Wray, William R.
 Wrightsman Investment Co.
 Yates, Harvey E.
 Yates, S. P.
 Yates Petroleum Corp.
 Younger, John F.
 Yucca Petroleum Co.
 Yuronks, John.
 Zachary, J. M.
 Zoller, Dorothy Webb.
 Zoller, Victor H.
 Zonne, R. J.

[F.R. Doc. 70-7837; Filed, June 19, 1970; 8:45 a.m.]

[Docket No. CP64-99]

EL PASO NATURAL GAS CO.

Notice of Petition To Amend

JUNE 18, 1970.

Take notice that on June 18, 1970, El Paso Natural Gas Co. (Petitioner), Post Office Box 1492, El Paso, Tex. 79999, filed in Docket No. CP64-99 a petition to amend the certificate of public convenience and necessity issued to it in this

docket on February 18, 1964, as previously amended August 7, 1964, October 21, 1964, December 15, 1964, June 2, 1965, June 27, 1966, April 11, 1967, July 8, 1968, and on July 22, 1969, all as more fully set forth in the petition on file with the Commission and open to public inspection.

The certificate authorizes petitioner, with others, to construct and operate certain facilities for the purpose of testing capability for underground natural gas storage in the Jackson Prairie area of Lewis County, Wash. As amended the testing activities are to cease June 30, 1970, and the total expenditure is limited to \$14,700,000. A volumetric inventory of 12 million Mcf (at 14.73 p.s.i.a.) is authorized.

Petitioner requests that the certificate be further amended so as to authorize El Paso to inject natural gas into the Storage Project during the period commencing on July 1, 1970, and continuing through no later than October 31, 1970. Such extended authorization is required in order to enable completion of the injection cycle for natural gas presently being injected into the storage reservoir preparatory to utilization of the Storage Project on a firm, permanent basis commencing with the forthcoming 1970-71 heating season.

It appears reasonable and consistent with the public interest in this case to prescribe a shortened period for the filing of protests and petitions to intervene. Any person desiring to be heard or to make any protest with reference to said application should on or before June 26, 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.

[P.R. Doc. 70-7922; Filed, June 19, 1970;
10:11 a.m.]

FEDERAL RESERVE SYSTEM FIRST FINANCIAL CORP.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made, pursuant to section 3(a) (3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)), by First Financial Corporation, which is a bank holding company located in Tampa, Fla., for prior approval by the Board of Governors of the acquisition by Applicant of not less than 80 percent of the voting shares of The First National Bank of Kissimmee, Florida.

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

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

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

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

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

By order of the Board of Governors,
June 15, 1970.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[P.R. Doc. 70-7790; Filed, June 19, 1970;
8:46 a.m.]

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE CERTAIN COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN BRAZIL

Entry or Withdrawal From
Warehouse for Consumption

JUNE 16, 1970.

In furtherance of the objectives of, and under the terms of, the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, the U.S. Government on February 27, 1970, requested the Government of Brazil to enter into consultations concerning exports to the United States of cotton textiles in Categories 9 and 19 produced or manufactured in Brazil. In that request the U.S. Government indicated specific levels at which it considered that exports in these categories from Brazil should be restrained for the 12-month period beginning February 27, 1970, and extending through February 26, 1971.

Notice is hereby given that no solution has been mutually agreed upon by the two governments and that imports of cotton textiles from Brazil in these categories, exported from Brazil after February 27, 1970, have exceeded the designated levels. Accordingly, there is published below a directive prohibiting further entry into the United States of cotton textiles in these categories produced or manufactured in Brazil and exported after the date of publication of this notice and the directive in the FEDERAL REGISTER.

STANLEY NEHMER,
Chairman, Interagency Textile
Administrative Committee
and Deputy Assistant Secretary
for Resources.

SECRETARY OF COMMERCE

PRESIDENT'S CABINET TEXTILE ADVISORY
COMMITTEE

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20226.

JUNE 16, 1970.

DEAR MR. COMMISSIONER: Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, including Article 6(c) thereof relating to nonparticipants, and in accordance with the procedures outlined in Executive Order 11052 of September 28, 1962, as amended by Executive Order 11214 of April 7, 1965, you are directed to prohibit, effective as soon as possible and for the period extending through February 26, 1971, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textile products in Categories 9 and 19, produced or manufactured in Brazil, and exported from Brazil on or after the date following the date of publication of this letter in the FEDERAL REGISTER.

A detailed description of Categories 9 and 19, in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on January 17,

1968 (33 F.R. 582), and amendments thereto on March 15, 1968 (33 F.R. 4600).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Brazil and with respect to imports of cotton textiles and cotton textile products from Brazil have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of 5 U.S.C. 553 (Supp. IV, 1965-68). This letter will be published in the FEDERAL REGISTER.

Sincerely,
MAURICE H. STANS,
Secretary of Commerce, Chairman,
President's Cabinet Textile Advisory Committee.

[F.R. Doc. 70-7818; Filed, June 19, 1970;
8:48 a.m.]

CERTAIN COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN ROMANIA

Entry or Withdrawal From Warehouse for Consumption

JUNE 16, 1970.

On March 31, 1970, the U.S. Government requested the Government of the Socialist Republic of Romania to enter into consultations concerning exports to the United States of cotton textile products in Category 53 produced or manufactured in the Socialist Republic of Romania. In that request the U.S. Government indicated the specific level at which it considered that exports in this category from the Socialist Republic of Romania should be restrained for the 12-month period beginning March 31, 1970, and extending through March 30, 1971. Since no solution has been mutually agreed upon the U.S. Government in furtherance of the objectives of, and under the terms of, the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, including Article 3, paragraph 3 and Article 6(c) which relates to nonparticipants, is establishing restraint at the level indicated in that request for the 12-month period beginning March 31, 1970, and extending through March 30, 1971. This restraint does not apply to cotton textile products in Category 53 produced or manufactured in the Socialist Republic of Romania and exported to the United States prior to the beginning of the designated 12-month period.

There is published below a letter of June 15, 1970, from the Chairman of the President's Cabinet Textile Advisory Committee to the Commissioner of Customs, directing that the amount of cotton textile products in Category 53, produced or manufactured in the Socialist Republic of Romania, which may be entered or withdrawn from warehouse for

consumption in the United States for the 12-month period beginning March 31, 1970, be limited to the designated level.

STANLEY NEHMER,
Chairman, Interagency Textile Administrative Committee,
and Deputy Assistant
Secretary for Resources.

SECRETARY OF COMMERCE

PRESIDENT'S CABINET TEXTILE ADVISORY
COMMITTEE

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20226.

JUNE 15, 1970.

DEAR MR. COMMISSIONER: Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, including Article 6(c) thereof relating to nonparticipants, and in accordance with the procedures outlined in Executive Order 11052 of September 28, 1962, as amended by Executive Order 11214 of April 7, 1965, you are directed to prohibit, effective as soon as possible, and for the twelve-month period beginning March 31, 1970, and extending through March 30, 1971, entry into the United States for consumption and withdrawal from warehouse for consumption, of cotton textile products in Category 53, produced or manufactured in the Socialist Republic of Romania, in excess of a level of restraint for the period of 8,023 dozen.¹

In carrying out this directive, entries of cotton textile products in Category 53, produced or manufactured in the Socialist Republic of Romania and which have been exported to the United States from the Socialist Republic of Romania prior to March 31, 1970, shall not be subject to this directive.

Cotton textile products which have been released from the custody of the Bureau of Customs under the provisions of 19 U.S.C. 1448(b) prior to the effective date of this directive shall not be denied entry under this directive.

A detailed description of Category 53, in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on January 17, 1968 (33 F.R. 582), and amendments thereto on March 15, 1968 (33 F.R. 4600).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of the Socialist Republic of Romania and with respect to imports of cotton textile products from the Socialist Republic of Romania have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of 5 U.S.C. 553 (Supp. IV, 1965-68). This letter will be published in the FEDERAL REGISTER.

Sincerely,

MAURICE H. STANS,
Secretary of Commerce, Chairman,
President's Cabinet Textile Advisory Committee.

[F.R. Doc. 70-7819; Filed, June 19, 1970;
8:48 a.m.]

¹This level has not been adjusted to reflect any entries made on or after Mar. 31, 1970.

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3421]

CONTINENTAL VENDING MACHINE CORP.

Order Suspending Trading

JUNE 12, 1970.

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

It is ordered, Pursuant to section 15(c) (5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period June 15, 1970, through June 24, 1970, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 70-7793; Filed, June 19, 1970;
8:40 a.m.]

[File No. 500-1]

INTERNATIONAL SCANNING DEVICES, INC.

Order Suspending Trading

JUNE 12, 1970.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of International Scanning Devices, Inc. (a Delaware corporation), and all other securities of International Scanning Devices, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c) (5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period June 15, 1970, through June 24, 1970, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 70-7794; Filed, June 19, 1970;
8:46 a.m.]

SMALL BUSINESS ADMINISTRATION

MINORITY ASSISTANCE CORP.

Notice of Application for License as Minority Enterprise Small Business Investment Company

Notice is hereby given concerning the filing of an application with the Small Business Administration (SBA) pursuant to § 107.102 of the Regulations Governing Small Business Investment Companies (33 F.R. 326, 13 CFR Part 107) under the name of Minority Assistance Corp., 40 West 40th Street, New York, N.Y. 10018, for license to operate in the States of New York, New Jersey, and Connecticut as a minority enterprise small business investment company (MES-BIC) under the provisions of the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 et seq.) (Act), License No. 02/02-5279.

The proposed officers and directors are as follows:

Name, address, and position

W. D. Eberle, 40 West 40th Street, New York, N.Y. 10018. Chairman of board and director.
Bryce S. Durant, 40 West 40th Street, New York, N.Y. 10018. Director.
David O. Saxton, 40 West 40th Street, New York, N.Y. 10018. President and director.
Richard H. Francis, 40 West 40th Street, New York, N.Y. 10018. Treasurer and director.
Monroe Steinhacker, 40 West 40th Street, New York, N.Y. 10018. Secretary.
Mary W. Moore, 40 West 40th Street, New York, N.Y. 10018. Assistant secretary.
Dale Maycen, 40 West 40th Street, New York, N.Y. 10018. Assistant treasurer.
Stephen Lawry, 40 West 40th Street, New York, N.Y. 10018. Manager and director.
Robert Bell, Piscataway, N.J. Director.

None of the above will be salaried, nor will any one of them own, directly or indirectly, any capital stock or other securities of the Applicant. The company, which will be a wholly owned subsidiary of American Standard Inc., proposes to commence operations with a capitalization of \$250,000. As a MESBIC, the company's investment policy states that its investments will be made solely to small business concerns which will contribute to a well-balanced national economy by facilitating ownership in such small business concerns by persons whose participation in the free enterprise system is hampered because of social or economic disadvantages.

Matters involved in SBA's consideration of the application include the general business reputation and character of the management, and the probability of successful operations of the new company under their management, including adequate profitability and financial soundness, in accordance with the Act and regulations.

Notice is further given that any interested person may, not later than 10 days from the date of this notice, submit to SBA in writing, relevant comments on the proposed company. Any communication should be addressed to: Associate Administrator for Investment, Small Business Administration, 1441 L Street

NW., Washington, D.C. 20416. A copy of this notice shall be published in a newspaper of general circulation in New York, N.Y.

A. H. SINGER,
Associate Administrator
for Investment.

JUNE 9, 1970.

[F.R. Doc. 70-7814; Filed, June 19, 1970;
8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 96]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JUNE 15, 1970.

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

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

MOTOR CARRIERS OF PROPERTY

No. MC 2229 (Sub-No. 154 TA), filed June 5, 1970. Applicant: RED BALL MOTOR FREIGHT, INC., 3177 Irving Boulevard, Post Office Box 47407, Dallas, Tex. 75247. Applicant's representative: J. W. Whittemore (same address as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading, serving from and to the plantsite and facilities of the Lufkins State School at or near Lufkin, Tex., as an off-route point in connection with carrier's regular-route operations at Lufkin, Tex., for 180 days. Note: Applicant intends to tack with authority at Lufkin, Tex. MC 2229. Supporting shippers: Texas Foundries, Inc., Post Office Box 1608, Lufkin, Tex. 75901; Texas Department of Mental Health and Mental Retarda-

tion, Lufkin State School, Drawer 1648, Lufkin, Tex. 75901. Send protests to: E. K. Willis, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 513 Thomas Building, 1314 Wood Street, Dallas, Tex. 75202.

No. MC 2900 (Sub-No. 197 TA), filed June 3, 1970. Applicant: RYDER TRUCK LINES, INC., 2050 Kings Road, Jacksonville, Fla. 32203. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *General commodities* (except commodities in bulk, household goods as defined by the Commission, classes A and B explosives, and commodities requiring special equipment); (1) between Winchester, Va., and Frederick, Md., from Winchester over Virginia Highway 7 to junction U.S. Highway 340, thence over U.S. Highway 340 to Frederick, and return over the same route; (2) between Frederick, Md., and Emmitsburg, Md., over U.S. Highway 15; (3) between Emmitsburg, Md., and junction U.S. Highways 15 and 30 near Gettysburg, Pa., over U.S. Highway 15; (4) between junction U.S. Highways 15 and 30 near Gettysburg, Pa., and Harrisburg, Pa., over U.S. Highway 15; as alternate routes for operating convenience only in (1), (2), (3), and (4) above, serving no intermediate points and serving the termini for purposes of joinder only; for 180 days. Note: Applicant states that tacking or interlining is intended. Send protests to: District Supervisor G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, Fla. 32202.

No. MC 5326 (Sub-No. 11 TA), filed June 9, 1970. Applicant: WILSON B. DILL, CARL M. DILL, SR., AND ARTHUR B. DILL, a partnership, doing business as DILL BROS. COMPANY, Galena, Md. 21635. Applicant's representative: Arthur B. Dill, Galena, Md. 21635. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Prepared animal and poultry feeds*, from Sudlersville, Md., to Wilmington, Del., for 150 days. Supporting shipper: Ralston Purina Co., 35th and Edgemoor Avenue, Wilmington, Del. 19802; C. R. Huhn, Jr., Traffic Manager. Send protests to: Paul J. Lowry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 206 Old Post Office Building, 129 East Main Street, Salisbury, Md. 21801.

No. MC 29120 (Sub-No. 117 TA), filed June 5, 1970. Applicant: ALL-AMERICAN TRANSPORT, INC., Post Office Box 769, Sioux Falls, S. Dak. 57101. Applicant's representative: E. J. Dwyer (same address as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Tire tread or tread stock and/or pneumatic tires and tubes*, from the plantsite and/or warehouse facilities of the Dayton Tire & Rubber Co., located at or near Dayton, Ohio, to Sioux Falls, S. Dak., for 180 days. Note: Applicant intends to tack with present authority in MC 29120 Sub 99 at Cincinnati, Ohio, for 180 days. Supporting shipper: Richard Light, President, Dakota Auto Parts, Inc., 705 East Eighth Street,

Sioux Falls, S. Dak. 57102. Send protests to: J. L. Hammond, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 369, Federal Building, Pierre, S. Dak. 57501.

No. MC 37896 (Sub-No. 23 TA), filed June 9, 1970. Applicant: YOUNGBLOOD TRUCK LINES, INC., Post Office Drawer 38, Fletcher, N.C. 28732. Applicant's representative: H. Charles Ephraim, 1411 K Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Indianapolis, Ind., on the one hand, and on the other, Milwaukee, Wis., and points in the Milwaukee, Wis., commercial zone. Restriction: Restricted to the transportation of traffic moving from, to, or through authorized service points in the States of Georgia, North Carolina, South Carolina, and Tennessee, and serving Indianapolis, Ind., for the purpose of joinder only, for 120 days. Note: The authority described will be tacked at Indianapolis, Ind., to applicant's existing authority to enable service to and from authorized points in Georgia, North Carolina, South Carolina, and Tennessee. Applicant proposes to interline with other carriers at Milwaukee, Wis. Supporting shippers: There are approximately 34 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: Jack K. Huff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 316 East Morehead, Suite 417 (BSR Building), Charlotte, N.C. 28202.

No. MC 69116 (Sub-No. 128 TA), filed June 9, 1970. Applicant: SPECTOR FREIGHT SYSTEM, INC., 205 West Wacker Drive, Chicago, Ill. 60606. Applicant's representative: Edward G. Bazelon, 38 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes; transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Gleason, Wis., as an intermediate point on applicant's regular route between Merrill, Wis., and Rhinelander, Wis., over Wisconsin Highway 17, for 180 days. Note: Applicant intends to tack the authority here applied for with all authority contained in MC 69116 and sub numbers thereunder. Supporting shippers: There are approximately 10 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: Andrew J. Montgomery, District Supervisor, Interstate Commerce Commission,

Bureau of Operations, U.S. Courthouse & Federal Office Building, Room 1086, 219 South Dearborn Street, Chicago, Ill. 60604.

No. MC 77972 (Sub-No. 16 TA), filed June 5, 1970. Applicant: MERCHANTS TRUCK LINE, INC., Post Office Box 908, New Albany, Miss. 38652. Applicant's representative: Donald B. Morrison, Post Office Box 22628, Jackson, Miss. 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, livestock, commodities in bulk and commodities requiring special equipment; (1) between Meridian, Miss., and Brookhaven, Miss., from Meridian over U.S. Highway 45 to Waynesboro, thence over Mississippi Highway 84 to Brookhaven, and return over the same route, serving all intermediate points, restricted against traffic moving between Waynesboro and Meridian for subsequent interchange at either point; (2) between Laurel, Miss., and Collins, Miss., from Laurel over Mississippi Highway 15 to Bay Springs, thence over Mississippi Highway 43 to Mendenhall; thence over U.S. Highway 49 to Collins, and return over the same route, serving all intermediate points and the off-route points of Mize and Taylorsville; (3) between Prentiss and Mendenhall, Miss., over Mississippi Highway 13, serving no intermediate points, as an alternate route for operating convenience only; (4) between Meridian and Laurel, Miss., from Meridian over Interstate 59, serving no intermediate points, as an alternate route for operating convenience only; (5) between Newton and Bay Springs, Miss., over Mississippi Highway 15, serving no intermediate points, as an alternate route for operating convenience only; (6) between Laurel and Hattiesburg, Miss., over U.S. Highway 11 and/or Interstate Highway 59 to Hattiesburg and return over the same route, serving no intermediate points, for 180 days. Note: Applicant intends to tack with authority in MC 77972 and subs thereunder and interline at all gateway points. Supporting shippers: There are approximately 100 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: Floyd A. Johnson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 390 Federal Office Building, 167 North Main Street, Memphis, Tenn. 38103.

No. MC 87088 (Sub-No. 8 TA), filed June 9, 1970. Applicant: SOONER EXPRESS, INC., Post Office Box 1219, Denison, Tex. 75020. Applicant's representative: John Perkins (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, from Carthage, Mo., to points in Texas, California, Washington, Arizona, Louisiana, Oklahoma, Nebraska, Missouri, Oregon, Kansas, Arkansas, Florida, and Alabama, for 180 days.

Note: Carrier does not intend to tack authority. Supporting shipper: L. D. Schreiber Cheese Co., Inc., Post Office Box 610, Green Bay, Wis. 54305. Send protests to: E. K. Willis, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 513 Thomas Building, 1314 Wood Street, Dallas, Tex. 75202.

No. MC 97357 (Sub-No. 32 TA), filed June 9, 1970. Applicant: ALLYN TRANSPORTATION COMPANY, 14011 South Central Avenue, Los Angeles, Calif. 90059. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Catalytic blown asphalts, emulsions, road oils, and asphalt*, from Los Angeles County, Calif., to Silver City, N. Mex., and points within 50 miles radius of Silver City, N. Mex., for 180 days. Supporting shipper: Arizona Refining Co., 1505 North Arco Drive at Six Points, Post Office Box 1453, Phoenix, Ariz. Send protests to: District Supervisor John E. Nance, Bureau of Operations, Interstate Commerce Commission, Room 7708, Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 103993 (Sub-No. 533 TA), filed June 10, 1970. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46802. Applicant's representative: Ralph H. Miller (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Drywall accessories including adhesives, cement, tape, beads, corners, studs, and nails*, from the plant site and warehouse facilities of Supra Corp., of Ohio, at Cleveland, Ohio, to points in Connecticut, Maryland, New Jersey, Rhode Island, West Virginia, Massachusetts, Indiana, south of Highway 40 (except Indianapolis, Columbus, Terre Haute, and Seymore), and points in Illinois south of Highway 24 for 180 days. Supporting shipper: Supro Corp., of Ohio, Cleveland, Ohio. Send protests to: J. H. Gray, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 204, 345 West Wayne Street, Fort Wayne, Ind. 46802.

No. MC 106674 (Sub-No. 73 TA), filed June 5, 1970. Applicant: SCHILLI MOTOR LINES, INC., Post Office Box 122, Delphi, Ind. 46923. Applicant's representative: Thomas R. Schilli (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in tank vehicles, from Joliet, Ill., to points in Indiana, Michigan, and Ohio and from Frankfort, Ind., to points in Illinois, Michigan, and Ohio, for 180 days. Supporting shipper: American Cyanamid Co., Post Office Box 400, Princeton, N.J. Send protests to: District Supervisor J. H. Gray, Interstate Commerce Commission, Bureau of Operations, Room 204, 345 West Wayne Street, Fort Wayne, Ind. 46802.

No. MC 107295 (Sub-No. 388 TA), filed June 2, 1970. Applicant: PRE-FAB TRANSIT CO., a corporation, Post Office Box 146, Farmer City, Ill. 61842. Authority sought to operate as a *common*

carrier, by motor vehicle, over irregular routes, transporting: *Roofing and roofing materials, supplies and accessories incidental thereto*, (1) from the plantsite of the Celotex Corp. located at Camden, Ark., to points in Alabama, Louisiana, Mississippi, Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Montana, Nebraska, New Mexico, North Dakota, Ohio, Texas, Oklahoma, South Dakota, Tennessee, Wisconsin, Wyoming, Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, Vermont, Virginia, and the District of Columbia; (2) from the plantsite of the Celotex Corp. located at Chicago, Ill., to points in Alabama, Louisiana, Mississippi, Arkansas, Colorado, Kansas, Missouri, New Mexico, Texas, Oklahoma, Tennessee, Connecticut, Delaware, Florida, Maine, Maryland, Massachusetts, New Hampshire, New York, New Jersey, Pennsylvania, Rhode Island, Vermont, West Virginia, and the District of Columbia; (3) from the plantsite of the Celotex Corp. located at Lagro, Ind., to points in Alabama, Louisiana, Mississippi, Arkansas, Colorado, Illinois, Iowa, Kansas, Michigan, Minnesota, Missouri (except St. Louis), Montana, Nebraska, New Mexico, North Dakota, Texas, Oklahoma, South Dakota, Tennessee, Wisconsin, Wyoming, Connecticut, Florida, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont (restricted against the transportation of rock wool from Lagro, Ind.), for 180 days. NOTE: Applicant states it intends to tack and interline with other carriers. Supporting shipper: The Celotex Corp., 1500 North Dale Mabry, Tampa, Fla. 33607. Send protests to: Harold Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 476, 325 West Adams Street, Springfield, Ill. 62704.

No. MC 107295 (Sub-No. 391 TA), filed June 9, 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: *Plumber's goods, bathroom or lavatory fixtures, and accessories*, from Mansfield and Shelby, Ohio, to points in Illinois, Iowa, Michigan, Indiana, New York, North Carolina, Pennsylvania, South Carolina, Texas, and Wisconsin, for 180 days. Supporting shipper: Borg-Warner Plumbing Products, 201 East Fifth Street, Mansfield, Ohio 44901. Send protests to: Harold Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 476, 325 West Adams Street, Springfield, Ill. 62704.

No. MC 108207 (Sub-No. 300 TA), filed June 9, 1970. Applicant: FROZEN FOOD EXPRESS, 318 Cadiz Street, Post Office Box 5888, Dallas, Tex. 75222. Applicant's representative: J. B. Ham (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Chickasha, Okla., to points in Kansas, Minnesota, Wisconsin, and to Sioux Falls, S. Dak., for 180 days. NOTE:

Applicant does not intend to tack with existing authority. Supporting shipper: Pet Inc., Frozen Food Division, Pet Plaza, 400 South Fourth Street, St. Louis, Mo. 63166. Send protests to: E. K. Willis, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 513 Thomas Building, 1314 Wood Street, Dallas, Tex. 75202.

No. MC 108207 (Sub-No. 301 TA), filed June 9, 1970. Applicant: FROZEN FOOD EXPRESS, 318 Cadiz Street, Post Office Box 5888, Dallas, Tex. 75222. Applicant's representative: J. B. Ham, (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cheese and cheese products*, from Girard, Kans., to Los Angeles, Calif., for 150 days. NOTE: Carrier does not intend to tack authority. Supporting shipper: Wilson Certified Foods, Inc., 4545 Lincoln Boulevard, Oklahoma City, Okla. 73103. Send protests to: E. K. Willis, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 513 Thomas Building, 1314 Wood Street, Dallas, Tex. 75202.

No. MC 112520 (Sub-No. 218 TA), filed June 6, 1970. Applicant: MCKENZIE TANK LINES, INC., New Quincy Road, Tallahassee, Fla. 32302. Applicant's representative: Sol. H. Proctor, 1729 Gulf Life Tower, Jacksonville, Fla. 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crude tall oil and pulp mill liquid*, in bulk, in tank vehicles, from Mahr, Ala., to Panama City, Fla., for 180 days. Supporting shipper: Arizona Chemical Co., 111 West 50th Street, New York, N.Y. 10020. Send protests to: G. H. Fauss, Jr. District Supervisor, Interstate Commerce Commission, Bureau of Operations, Box 35008, 400 West Bay Street, Jacksonville, Fla. 32202.

No. MC 113158 (Sub-No. 12 TA), filed June 9, 1970. Applicant: TODD TRANSPORT COMPANY, INC., Secretary, Md. 21664. Applicant's representative: Harry Harrington Todd, Secretary, Md. 21664. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Empty containers for agricultural commodities*, from Salisbury, Md., to points in Kent County, Del., for 180 days. Supporting shipper: Olin-kraft, Inc., West Monroe, La. 71291; H. T. Nichols, Manager—Transportation Rates and Research. Send protests to: Paul J. Lowry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 206 Old Post Office Building, 129 East Main Street, Salisbury, Md. 21801.

No. MC 113908 (Sub-No. 206 TA), filed June 8, 1970. Applicant: ERICKSON TRANSPORT CORPORATION, 2105 East Dale Street, Springfield, Mo. 65804. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vinegar*, in bulk, in tank vehicles, from Brooklyn, N.Y., to points in Iowa, Illinois, Minnesota, Missouri, Tennessee, and Wisconsin, for 180 days. NOTE: Applicant will tack with MC 113908 Subs 105, 178, and 193. Supporting shipper: Old Dutch Mustard Co., Inc., 80 Metropolitan Avenue, Brooklyn, N.Y.

11211. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1100 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 115322 (Sub-No. 70 TA), filed June 5, 1970. Applicant: REDWING REFRIGERATED, INC., Post Office Box 1698, Sanford, Fla. 32771. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Humboldt, Tenn., to points in Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Jersey, New York, New Hampshire, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia, for 180 days. Supporting shipper: Ocoma Foods Co., 810 Farnam Street, Omaha, Nebr. 68102. Send protests to: District Supervisor G. H. Fauss, Jr., Interstate Commerce Commission, Bureau of Operations, Box 35008, 400 West Bay Street, Jacksonville, Fla. 32202.

No. MC 115322 (Sub-No. 71 TA), filed June 5, 1970. Applicant: REDWING REFRIGERATED, INC., Post Office Box 1698, Sanford, Fla. 32771. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Caribou, Portland, and Presque Isle, Maine, to points in Delaware, District of Columbia, Maryland, New Jersey, New York south of Route 23 and east of Route 30, and Pennsylvania east of Route 15, for 180 days. Supporting Shippers: American Kitchen Foods, Inc., Caribou, Maine 04736; Potato Service, Inc., Post Office Box 809, Presque Isle, Maine 04769. Send protests to: District Supervisor G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, Fla. 32202.

No. MC 115654 (Sub-No. 11 TA), filed June 4, 1970. Applicant: TENNESSEE CARTAGE CO., INC., 813 Ewing Avenue, Post Office Box 1193, Nashville, Tenn. 37203. Applicant's representative: Walter Harwood, Suite 1822, Parkway Towers, 404 James Robertson Parkway, Nashville, Tenn. 37219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, dairy products, and articles distributed by meat packinghouses*, as described in appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, *frozen foods, foodstuffs*, when moving in mechanically refrigerated equipment, except commodities in bulk, from points in Davidson County, Tenn., to points in Jackson, Limestone, and Madison Counties, Ala., Catoosa, Dade, Murray, Walker, and Whitfield Counties, Ga., and Barren, Calloway, Christian, Graves, Logan, McCracken, Muhlenburg, and Warren Counties, Ky., and Bedford, Sumner, and Montgomery Counties, Tenn., and points in that part of Tennessee on and east of U.S. Highway 27; for 180 days. NOTE: Applicant states it does not seek any duplicating authority. Supporting shippers: M & M MARS, High Street, Hackettstown, N.J. 07840; E. J. Brach & Sons, Post Office Box 802,

Chicago, Ill.; Standard Candy Co., 443 Second Avenue North, Nashville, Tenn. 37202; Hershey Foods Corp., Hershey, Pa. 17033. Send protests to: Joe J. Tate, District Supervisor, Bureau of Operations, ICC, Suite 803, 1808 West End Building, Nashville, Tenn. 37203.

No. MC 116273 (Sub-No. 124 TA), filed June 9, 1970. Applicant: D & L TRANSPORT, INC., 3800 South Laramie Avenue, Cicero, Ill. 60650. Applicant's representative: William Lavery (same address as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Special gas for emission testing*, in bulk, in tank vehicles, from Whiting, Ind., to Mesa, Ariz., for 150 days. Supporting shipper: American Oil Co., Post Office Box 5690, Chicago, Ill. 60680. Send protests to: Raymond E. Mauk, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1086 U.S. Courthouse and Federal Office Building, 219 South Dearborn Street, Chicago, Ill. 60604.

No. MC 116778 (Sub-No. 1 TA), filed June 8, 1970. Applicant: FLOYD R. BEARD, Post Office Box 43, Denmark, S.C. 29042. Applicant's representative: Frank A. Graham, Jr., 707 Security Federal Building, Columbia, S.C. 29201. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Highway trailers loaded with a knocked down steel tank consisting of flat and rolled steel plates in various sizes and thicknesses, and miscellaneous contractor's tools necessary for the assembly of the tank* having an immediate prior movement by rail, from Denmark, S.C., to the construction site of said tank at the Savannah River Plant (Atomic Energy Commission), South Carolina; *return of the highway trailer*, from the said construction site to Denmark, S.C., for an immediate subsequent movement by rail for 180 days. Supporting shipper: Nooter Corp., 1400 South Third Street, St. Louis, Mo. 63166. Send protests to: Arthur B. Abercrombie, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 300 Columbia Building, 1200 Main Street, Columbia, S.C. 29201.

No. MC 118263 (Sub-No. 27 TA), filed June 5, 1970. Applicant: COLDWAY CARRIERS, INC., Post Office Box 38, State Highway No. 131, Clarksville, Ind. 47130. Applicant's representative: Alan E. Serby of Watkins & Daniell, Suite 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Frozen foodstuffs*, from Salisbury, Md., to points in Connecticut, Delaware, Maine, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, for 180 days. Supporting shipper: Campbell Soup Co., General Offices, 375 Memorial Avenue, Camden, N.J. 08101. Send protests to: District Supervisor James W. Habermehl, Interstate Commerce Commission, Bureau of Operations, 802 Century Building, 36 South Pennsylvania Street, Indianapolis, Ind. 46204.

No. MC 119767 (Sub-No. 246 TA), filed June 8, 1970. Applicant: BEAVER TRANSPORT CO., 100 South Calumet Street, Burlington, Wis. 53105. Applicant's representative: A. Bryant Torhorst (same address as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, in vehicles, equipped with mechanical refrigeration, from Champaign, Ill., to points in Indiana, Michigan, Ohio, Kentucky, and Sharon, Pa.; *Foodstuffs (except meat and meat products)*, in vehicles equipped with mechanical refrigeration, from Chicago, Ill., to points in Ohio on and south of a line starting at the Indiana-Ohio State line at Delphos, Ohio, thence along U.S. Highway 30 to Marion, thence along Ohio State Highway 95 to Fredericktown, thence along Ohio State Highway 13 to Mount Vernon, thence along U.S. Highway 36 to Cadiz, thence along U.S. Highway 250 to the Ohio-West Virginia State line. Restricted to traffic originating at the plantsite and warehouse facilities of Kraftco in Champaign and Chicago, Ill., and destined to the named territory, for 180 days. Supporting shipper: Kraftco Corp., 505 North Sacramento Boulevard, Chicago, Ill. (A. P. Stefanisin, Supervisor of Transportation). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 123157 (Sub-No. 15 TA), filed June 9, 1970. Applicant: CEMENT TRANSPORTERS, INC., Rillito, Ariz. 85246. Applicant's representative: A. Michael Bernstein, 3550 North Central, 1327 United Bank Building, Phoenix, Ariz. 85012. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Cement*, from Crestmore and Oro Grande, Calif., to points in Arizona except those in Yuma and Mohave Counties, for 180 days. Supporting shipper: American Cement Corp., Riverside Division, 2404 Wilshire Boulevard, Los Angeles, Calif. 90057. Send protests to: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 3427 Federal Building, Phoenix, Ariz. 85025.

No. MC 124211 (Sub-No. 147 TA), filed June 5, 1970. Applicant: HILT TRUCK LINE, INC., Post Office Box H, Council Bluffs, Iowa 51501. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Plumbing fixtures, materials, and supplies, and accessories (except commodities in bulk)*, from points in Armstrong County, Pa., and Columbiana County, Ohio, to points in the United States west of U.S. Highway 61 (except Minnesota, Iowa, Alaska, and Hawaii), for 150 days. Note: Applicant does not intend to tack, however, applicant will interline over origin points named. Supporting shipper: Eljer Plumbingware Division, Wallace-Murray Corp., 3 Gateway Center, Pittsburgh, Pa. 15222. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commis-

sion, Bureau of Operations, 705 Federal Office Building, Omaha, Nebr. 68102.

No. MC 12564 (Sub-No. 12 TA), filed June 5, 1970. Applicant: EVERGREEN FREIGHT LINES, INC., East 5205 Union, Spokane, Wash. 99206. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *General commodities*, except classes A and B explosives, household goods defined by the Commission, commodities in bulk and those requiring special equipment, between Davenport, Wash., and Grand Coulee, Wash., serving all intermediate points, from Davenport over U.S. Highway 2 to Coulee City, Wash.; then from Coulee City over U.S. Highway 2 to its junction with Washington Highway 155; thence over Washington Highway 155 to Grand Coulee, and return over the same route, for 180 days. Note: Applicant proposes to tack authority granted with its present authority at Davenport, Wash., and Grand Coulee, Wash. Supporting shippers: There are approximately 11 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: L. C. Taylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 401 U.S. Post Office, Spokane, Wash. 99201.

No. MC 126038 (Sub-No. 3 TA), filed June 9, 1970. Applicant: PENINSULA PRODUCTS, INC., 47 Northeast Middlefield Road, Portland, Ore. 97211. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (1) *shakes and shingles*, from points in Washington and Oregon, to points in California, limited to contract with International Paper Co. with respect to commodities owned by it; and (2) *grocery products, nonperishable canned goods, packaged bulk commodities, dried and dehydrated fruits, vegetables, and beans*, from points in California and Oregon, to Seattle, Wash., limited to contract with J. C. Wright Sales Co. with respect to commodities owned by it; for 180 days. Supporting shippers: International Paper Co., Long-Bell Division, Box 308, Veneta, Ore. 97487; J. C. Wright Sales Co., 5933 Sixth Avenue South, Seattle, Wash. 98101. Send protests to: District Supervisor A. E. Odoms, Bureau of Operations, Interstate Commerce Commission, 450 Multnomah Building, Portland, Ore. 97204.

No. MC 126102 (Sub-No. 7 TA), filed June 9, 1970. Applicant: ANDERSON MOTOR LINES, INC., 37 Woodruff Road, Walpole, Mass. 02081. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Commodities as are used or sold in Radio Shack retail stores*, (1) between Fort Worth, Tex., and points in Florida, South Carolina, Georgia, Alabama, Mississippi, Tennessee, Kentucky, Louisiana, Arkansas, Missouri, Iowa, Illinois, Minnesota, and Wisconsin, and (2) between Delair, N.J., and points in New Jersey, New York, Pennsylvania, Delaware, District of Columbia, Virginia, West Virginia, North Carolina, and

Maryland, for 180 days. Supporting shipper: Radio Shack, Eastern Regional Warehouse, 58 Irving Street, Watertown, Mass. 02172. Send protests to: Harold G. Danner, Room 2211B John F. Kennedy Government Center Building, Boston, Mass. 02203.

No. MC 127844 (Sub-No. 8 TA), filed June 9, 1970. Applicant: L. B. BARNHILL AND I. S. JOHNSON, JR., a partnership doing business as B & J Transportation, Route 2, Box 162, Mullins, S.C. 29574. Applicant's representative: Henry P. Willimon, Post Office Box 1075, Greenville, S.C. 29602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from Schoolfield Industries plantsite, Mullins, S.C., to points in Alabama, Florida, and Georgia, for 180 days. Supporting shipper: Schoolfield Industries, Mullins, S.C. 29574. Send protests to: Arthur B. Abercrombie, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 300 Columbia Building, 1200 Main Street, Columbia, S.C. 29201.

No. MC 127844 (Sub-No. 9 TA), filed June 9, 1970. Applicant: L. B. BARNHILL AND I. S. JOHNSON, JR., a partnership, doing business as B & J TRANSPORTATION, Route 2, Box 162, Mullins, S.C. 29574. Applicant's representative: Henry P. Willimon, Post Office Box 1075, Greenville, S.C. 29602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from Dillon, S.C., to points in Alabama, Georgia, and Florida, for 180 days. Supporting shipper: Dillon Furniture Manufacturing Co., Dillon, S.C. 29536. Send protests to: Arthur B. Abercrombie, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 300 Columbia Building, 1200 Main Street, Columbia, S.C. 29201.

No. MC 127844 (Sub-No. 10 TA), filed June 9, 1970. Applicant: L. B. BARNHILL AND I. S. JOHNSON, JR., a partnership, doing business as B & J TRANSPORTATION, Route 2, Box 162, Mullins, S.C. 29574. Applicant's representative: Henry P. Willimon, Post Office Box 1075, Greenville, S.C. 29602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from points in Horry County, S.C., to points in Georgia, Alabama, and Florida, for 180 days. Supporting shipper: Frank & Son, Inc., 470 Park Avenue South, New York, N.Y. 10016. Send protests to: Arthur B. Abercrombie, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 300 Columbia Building, 1200 Main Street, Columbia, S.C. 29201.

No. MC 127844 (Sub-No. 11 TA), filed June 9, 1970. Applicant: L. B. BARNHILL AND I. S. JOHNSON, JR., a partnership, doing business as B & J TRANSPORTATION, Route 2, Box 162, Mullins, S.C. 29574. Applicant's representative: Henry P. Willimon, Post Office Box 1075, Greenville, S.C. 29602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Voting machines*, electrically and mechanically activated, and *component parts thereof* (uncrated), from the

plantsite in Marion County, S.C., to points in Florida, for 180 days. Supporting shipper: Marion Metal Corp., Post Office Box 190, Marion, S.C. 29571. Send protests to: Arthur B. Abercrombie, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 300 Columbia Building, 1200 Main Street, Columbia, S.C. 29201.

No. MC 127844 (Sub-No. 12 TA), filed June 9, 1970. Applicant: L. B. BARNHILL AND I. S. JOHNSON, JR., a partnership, doing business as B & J TRANSPORTATION, Route 2, Box 162, Mullins, S.C. 29574. Applicant's representative: Henry P. Willimon, Post Office Box 1075, Greenville, S.C. 29602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from Nichols, S.C., to points in Georgia, Florida, and Alabama, for 180 days. Supporting shipper: Unagusta Manufacturing Corp., Unagusta of South Carolina, Inc., Post Office Box 268, Nichols, S.C. Send protests to: Arthur B. Abercrombie, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 300 Columbia Building, 1200 Main Street, Columbia, S.C. 29201.

No. MC 128763 (Sub-No. 6 TA), filed June 8, 1970. Applicant: K. H. TRANSPORT, INC., R.F.D. 2, Ellicott City, Md. 21043. Applicant's representative: Chester A. Zyblut, 1522 K Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foodstuff*, from Salisbury, Md., to points in Connecticut, Delaware, Maine, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, for 180 days. Supporting shipper: Albin J. Budash, Manager—Transportation Cost Analyses, Campbell Soup Co., 375 Memorial Avenue, Camden, N.J. 08101. Send protests to: William L. Hughes, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1125 Federal Building, Baltimore, Md. 21201.

No. MC 129625 (Sub-No. 4 TA), filed June 9, 1970. Applicant: ROBERT J. COLE, doing business as ROBERT COLE TRUCKING, Rural Delivery No. 3, Indiana, Pa. 15701. Applicant's representative: William J. Lavelle, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, in dump vehicles; (1) from points in Huston Township, Clearfield County, Pa., to points in Onondaga County, N.Y., and to points in that part of New York on and west of Interstate Highway 81; and (2) from points in Elk County, Pa., to points in Onondaga County, N.Y., and to points in that part of New York east of U.S. Highway 15 and on and west of Interstate Highway 81 for 180 days. Supporting shipper: Coal Hill Mining Co., Inc., Du Bois, Pa. 15801. Send protests to: Frank L. Calvary, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 2111 Federal Build-

ing, 1000 Liberty Avenue, Pittsburgh, Pa. 15222.

No. MC 134282 (Sub-No. 1 TA) (Correction), filed May 20, 1970, published in the FEDERAL REGISTER issue of May 28, 1970, and republished in part, as corrected, this issue. Applicant: ENNIS TRANSPORTATION CO., INC., Post Office Box 447, Dallas, Tex. 75119. Applicant's representative: William D. White Jr., 2505 Republic National Bank Tower, Dallas, Tex. 75201. Note: The purpose of this partial republication is to reflect the name and address of the supporting shipper as follows: "The Celotex Corp., 1500 North Dale Mabry, Tampa, Fla. 33607." The rest of the application remains as previously published.

No. MC 134460 (Sub-No. 1 TA), filed June 9, 1970. Applicant: AMERICAN TRANSPORT SYSTEM, INC., 871 Charter Street, Redwood City, Calif. 94061. Applicant's representative: E. H. Griffiths, 433 Turk Street, San Francisco, Calif. 94102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Yeast, margarine, vegetable oil, shortening, and baker's supplies* in temperature-controlled equipment, from San Francisco, Oakland, and Los Angeles, Calif., to points within 100 miles of Phoenix, Ariz., with interline privileges to other Arizona points beyond, for 180 days. NOTE: Applicant states to interline with carriers for points over 100 miles from Phoenix, Ariz. Supporting shipper: Standard Brands Inc., 300 Paul Avenue, San Francisco, Calif. 94124. 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 134496 TA (Correction), filed April 13, 1970, published in the FEDERAL REGISTER, issues of April 22, 1970, and May 27, 1970, and republished in part, as corrected, this issue. Applicant: A & B EXPRESS COMPANY, a corporation, 6314 Dewey Avenue, West New York, N.J. 07093. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. The sole purpose of this partial republication is to reflect the correct docket number assigned as MC 134496 TA, inadvertently shown as MC 134494 TA in the publication of May 27, 1970. The rest of the application remains as previously published.

No. MC 134534 (Sub-No. 1 TA) (Correction), filed May 19, 1970, published in the FEDERAL REGISTER issue of May 27, 1970, and republished in part, as corrected, this issue. Applicant: LUIS BASTERRECHEA, doing business as BASTERRECHEA DISTRIBUTING, 1213 Nevada, Gooding, Idaho 83330. Note: The sole purpose of this partial republication is to reflect the correct docket number assigned as MC 134534 (Sub-No. 1 TA), inadvertently shown as No. MC 13534 (Sub-No. 1 TA) in the previous publication. The rest of the application remains as previously published.

No. MC 134666 TA, filed June 8, 1970. Applicant: LEO HULSHOF, Route No. 5, Holly Grove Road, Lewisburg, Tenn. 37091. Authority sought to operate as a

common carrier, by motor vehicle, over irregular routes, transporting: *Wood chips*, from Lewisburg, Tenn., to Hawesville, Ky., for 180 days. Supporting shipper: C. D. Dalton Lumber Co., Route No. 5, Lewisburg, Tenn. Send protests to: Joe J. Tate, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 803-1808 West End Building, Nashville, Tenn. 37203.

No. MC 134667 TA, filed June 8, 1970. Applicant: AAA FREIGHT COMPANY, INC., Post Office Box 251, St. Ann, Mo. 63074, 10227 Bach Boulevard, St. Louis, Mo. 63132. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Express shipments*, in packages not exceeding 200 pounds per in emergency and/or in expediting service in vehicles not exceeding 2,400 pounds gross weight, between points in Missouri and Illinois, for 180 days. Supporting shippers: Federal Metallurgical Division, Inc., Post Office Box 219, Alton, Ill.; PPG Industries, Inc., Mississippi Avenue, Crystal City, Mo. 63109; United Nuclear Corp., Route 21A, Hematite, Mo. 63047. 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 134668 TA, filed June 8, 1970. Applicant: MARINE TERMINALS, INC., 1040 Biscayne Boulevard, Miami, Fla. 33132. Applicant's representative: Steven A. Schultz, 1301 Alfred I. Du Pont Building, Miami, Fla. 33131. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, and household goods as defined by the Commission), between points in Dade County, Fla., for 180 days; restricted to traffic having a prior or subsequent movement by water. The authority sought is limited to transportation of trailers or semitrailers already laden with such general commodities. Note: Applicant states it does not intend to load or unload such trailers. Supporting shippers: Marina Mercante Nicaraguense, Managua, D. N. Nicaragua; Pan American Mail Line, Inc., Apartado 4369, Panama 5, Republic of Panama; Atlantic Lines, Ltd., 1040 Biscayne Boulevard, Miami, Fla. 33132. Send protests to: District Supervisor Joseph B. Teichert, Interstate Commerce Commission, Bureau of Operating Rights, 5720 Southwest 17th Street, Room 105, Miami, Fla. 33155.

No. MC 134671 TA, filed June 9, 1970. Applicant: BEE-LINE DISTRIBUTORS LTD., 27 Haliburton Bay, Winnipeg 22, Manitoba, Canada. Applicant's representative: T. C. Eaton (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh and frozen meats, and smoked, cooked, cured, and canned meats*, requiring controlled refrigeration, from ports of entry on the international boundary line between the United States and Canada at or near Pembina, N. Dak., and Noyes, Minn., to points in California,

Nevada, and Arizona, restricted to traffic originating in Canada, for 180 days. Supporting shipper: (1) Jack Forgan Wholesale Meats Ltd., 500 Dawson Road, St. Boniface 6, Manitoba, Canada; (2) O. K. Packers, 505 Dawson Road, St. Boniface 6, Manitoba, Canada; (3) Canada Packers Ltd., St. Boniface, Manitoba, Canada; and (4) Burns Foods Ltd., Post Office Box 70, Winnipeg 1, Manitoba, Canada. Send protests to: J. H. Ambbs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Post Office Box 2340, Fargo, N. Dak. 58102.

MOTOR CARRIER OF PASSENGERS

No. MC 1515 (Sub-No. 152 TA), filed June 1, 1970. Applicant: GREYHOUND LINES, INC., 1400 West Third Street, Cleveland, Ohio 44113. Applicant's representative: J. E. Adkins (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and express and newspapers*, in the same vehicle with passengers; (1) between College Park, Ga., and Hapeville, Ga., from College Park over Virginia Avenue to its junction with Central Avenue, thence over Central Avenue to Hapeville, and return over the same route, serving all intermediate points; and (2) between College Park, Ga., and Macon, Ga., from College Park over Interstate Highway 85 to junction Interstate Highway 285, thence over Interstate Highway 285 to junction Interstate Highway 75, thence over Interstate Highway 75 to Macon, and return over the same route, serving all intermediate points; for 180 days. Applicant states that tacking is intended. Supporters: Ford Motor Co., 1122 Milledge Drive, Post Office Box 107, East Point, Ga. 30044; South Fulton Chamber of Commerce, Post Office Box 90726, East Point, Ga. 30044; R. E. Brown, Mayor, City of East Point, Ga. 30044; Jet Air Freight, 750 Lairport, El Segundo, Calif.; Woodward Academy, Post Office Box 190, College Park, Ga. 30022; City of College Park, College Park, Ga. 30022 (Ralph L. Presley, Mayor); Emery Air Freight Corp., Post Office Box 20714, Municipal Airport, Atlanta, Ga. 30320; Stith Equipment Co., Post Office Box 677, Municipal Airport Station, Atlanta, Ga. 30320. Send protests to: G. J. Baccel, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 181 Federal Office Building, 1240 East Ninth Street, Cleveland, Ohio, 44199.

By the Commission,

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 70-7625; Filed, June 19, 1970;
8:49 a.m.]

[Notice 97]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JUNE 17, 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 112538 (Sub-No. 16 TA), filed June 11, 1970. Applicant: RUSSELL TRUCKING LINE, INC., 2011 Cleveland Road, Sandusky, Ohio 44870. Applicant's representative: Wm. E. Kocher (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paint, paint products, plasterboard joint system, plasterboard joint compound, and plasterboard tape*, from the plantsite of United States Gypsum Co. at Gypsum, Ohio; to points in Illinois, for 180 days. Supporting shipper: United States Gypsum Co., 101 South Wacker Drive, Chicago, Ill. 60606. Send protests to: Keith D. Warner, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 5234 Federal Office Building, 234 Summit Street, Toledo, Ohio 43604.

No. MC 115295 (Sub-No. 11 TA), filed June 11, 1970. Applicant: BOB UTGARD, doing business as UTGARD TRUCKING, Route 3, New Richmond, Wis. 54017. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry mink feed*, from Abbotsford, Wis., to points in Connecticut, Illinois, Indiana, Iowa, Massachusetts, Michigan, Minnesota, Nebraska, North Dakota, South Dakota, and Wisconsin, and Montana, for 180 days. Supporting shipper: Wisco Milling Co., Menomonie, Wis. Send protests to: District Supervisor A. E. Rathert, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn. 55401.

No. MC 124701 (Sub-No. 6 TA), filed June 11, 1970. Applicant: HAYWARD TRANSPORTATION, INC., Main Street, Fairlee, Vt. 05045. Applicant's representative: Frederick T. O'Sullivan, 372 Granite Avenue, Milton, Mass. 02186. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, from Boston and

Braintree, Mass., to Burlington, Barre, Bradford, St. Johnsbury, and Montpelier, Vt., and Berlin, N.H., for 180 days. Supporting shipper: Bradford Oil Co., Inc., Bradford, Vt. 05033. Send protests to: Martin P. Monaghan, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 52 State Street, Room 5, Montpelier, Vt. 05602.

No. MC 133231 (Sub-No. 4 TA), filed June 11, 1970. Applicant: ROBERT A. BRINKER, INC., 21 Diaz Street, Iselin, N.J. 08830. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Organs, equipment, and component parts thereof*, between Norwich, Conn., on the one hand, and, on the other, Linden and Woodbridge, N.J., for 150 days. Supporting shipper: Magnus Organ Corp., 1600 West Edgar Road, Linden, N.J. 07036. Send protests to: District Supervisor Robert S. H. Vance, Interstate Commerce Commission, Bureau of Operations, 970 Broad Street, Newark, N.J. 07102.

No. MC 133709 (Sub-No. 2 TA), filed June 11, 1970. Applicant: HIAWATHA PRODUCE COMPANY, 3850 Fourth Street, Winona, Minn. 55987. Applicant's representative: Francis Ciscuski (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fresh or frozen dressed poultry, frozen poultry products, and frozen foods*, from Faribault, Minn., to Manchester, N.H., and Providence, R.I., and points in Connecticut, District of Columbia, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Michigan, Missouri, New Jersey, New York, Ohio, Pennsylvania, Virginia, and West Virginia, for 180 days. Supporting shipper: Doughboy Industries, Inc., New Richmond, Wis. 54017. Send Protests to: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn. 55401.

No. MC 134564 (Sub-No. 1 TA), filed June 11, 1970. Applicant: MORRIS H. GLOVER, doing business as GLOVER FARMS, Holland, Va. 23391. Applicant's representative: Charles Ephraim, 1411 K Street NW., Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic containers*, from Franklin, Va., to Baltimore, Md.; Jersey City, N.J.; Philadelphia, Pa.; Washington, D.C.; Rocky Mount, N.C.; Dunn, Greenville, N.C.; Frederick, Md.; Pittsburgh, Pa.; Catawissa, Pa.; Reading, Pa.; Hoboken, N.J.; Vineland, N.J.; Brooklyn, N.Y.; Atlanta, Ga., and Brundidge, Ala.; and *Plastic raw materials*, from Jersey City, N.J., to Franklin, Va., for 150 days. Supporting shipper: Apollo Plastics, Inc., Post Office Box 621, Franklin, Va. 23851. Send protests to: Robert W. Waldron, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 10-502 Federal Building, Richmond, Va. 23240.

No. MC 134646 TA, filed May 28, 1970. Applicant: L & H TRANSPORT, INC., 12010 North Portland Road, Portland, Oreg. 97203. Applicant's representative: Seymour L. Coblens, 510 Corbett Building, Portland, Oreg. 97204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: 1. *Iron or steel articles*, cast, forged or wrought, rough or machined, painted or unpainted, and *new and used machinery* for the mining and construction industry between places of manufacture, warehousing or disembarkation, from points in Washington, Oregon, California, and Arizona to points in Montana, Idaho, Utah, Nevada, Arizona, and New Mexico, and between points in New York, New Jersey, Illinois, Indiana, Pennsylvania, Ohio, Kentucky, Michigan, Minnesota, Wisconsin, and Missouri to points in Utah, New Mexico, Idaho, Montana, Arizona, California, and Washington, and between each of them. All of the foregoing transportation to be limited to contracts with American-Western Foundries. 2. (a) *Heavy electrical equipment, including transformers, switchgear, motors, and other similar equipment*; (b) (1) between points in each of the following States to points in any one or all of the other States mentioned in this paragraph 2(b)(1): Washington, Oregon, Idaho, California, Arizona, Montana, and Utah; and (2) from manufacturers and dealers located in the States of New York, Illinois, Pennsylvania, Ohio, Michigan, Minnesota, Mississippi, Florida, and North Carolina to Lake Oswego, Oreg., or from such foregoing States to customers located in the States mentioned in paragraph 2(b)(1) above. (c) All of the foregoing transportation in this paragraph 2 to be limited to contracts with Martin Electric Co. 3. *Machinist tools, fabricating equipment and tools for metal fabricating*, between points in Oregon, Washington, Idaho, Montana, California, Texas, North Carolina, Ohio, Indiana, Illinois, Michigan, Wisconsin, and Iowa. All of the foregoing transportation in this paragraph 3 to be limited to contracts with Fahey Machinery Co., Inc., for 180 days. Supporting shippers: Martin Electric Co., Post Office Box 588, Lake Oswego, Oreg. 97034; American-Western Foundries, Post Office Box 1288, Santa Barbara, Calif. 93102; Fahey Machinery Co., Inc., Post Office Box 23393, Portland, Oreg. 97223. Send protests to: District Supervisor W. J. Huetig, Interstate Commerce Commission, Bureau of Operations, 450 Multnomah Building, 120 Southwest Fourth Avenue, Portland, Oreg. 97204.

No. MC 134672 TA, filed June 9, 1970. Applicant: E. N. SCULLY, S. H. SCULLY, L. A. SCULLY AND R. J. SCULLY, Co-partners, doing business as VALENCIA TRUCKING, Valencia, Calif. 91355. Applicant's representative: William Davidson, 2455 East 24th Street, Vernon, Calif. 90058. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, from points within the following described area lying within

the triangle starting with the junction of Interstate Highway 5—Golden State Highway and Sierra Highway, then proceeding north on Interstate Highway 5 to Castaic Junction then east on proposed State Highway 126 to the point where it crosses Soledad Canyon Road, then east on Soledad Canyon Road to its junction with Sierra Highway and south on Sierra Highway to its junction with Interstate Highway 5, and all points within 3 lateral miles of said roads on either side of said roads, to Los Angeles, Montebello, Pico River, and Santa Fe Springs, Calif., for 180 days. Note: Applicant intends to interline at Los Angeles, Montebello, Pico River and Santa Fe Springs, Calif. Supporting shippers: Buchheimer-Clark Leather Goods Corp., 25562 Avenue Stanford, Valencia, Calif. 91355; Eddie Pope & Co., Inc., 25572 Avenue Stanford, Valencia, Calif. 91355; M. W. Sausse & Co., Inc., 25590 West Avenue Stanford, Valencia, Calif. 91355; Associated Water Well Supply, Inc., 17000 Sierra Highway, Suagus, Calif. 91350. Send protests to: District Supervisor Philip Yallowitz, Bureau of Operations, Interstate Commerce Commission, Room 7708, Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 134683 TA, filed June 11, 1970. Applicant: LANDRY TRANSFER, INC., doing business as LANDRY TRANSFER, 2515 23d Avenue South, Minneapolis, Minn. 55404. Applicant's representative: John Landry, Landry Transfer, Inc., 2515 23d Avenue South, Minneapolis, Minn. 55404. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Un-crated and crated metal set up finished burial cases*, from Minneapolis, Minn., to points in Douglas, Burnett, Washburn, Barron, Polk, Buffalo, Dunn, Chippewa, Pierce, Eau Claire, Trempealeau, Pepin, La Crosse, and St. Croix Counties, Wis., for 180 days. Supporting shipper: Batesville Casket Co., Inc., Batesville, Ind. 47006. Send protests to: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn. 55401.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[P.R. Doc. 70-7826; Filed, June 19, 1970;
8:49 a.m.]

[Notice 550]

MOTOR CARRIER TRANSFER PROCEEDINGS

JUNE 17, 1970.

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

As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking

reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-72175. By order of June 12, 1970, the Motor Carrier Board approved the transfer to Carl J. Martin doing business as Carl J. Martin Trucking, Buckhannon, W. Va., of the operating rights in permit No. MC-116369 (Sub-No. 6) issued June 5, 1967, to William Roy Calhoun, Petersburg, W. Va., authorizing the transportation of wood residuals from points in a specified portion of West Virginia, Virginia, Maryland, Pennsylvania, and Ohio to Luke, Md. James H. Coleman, Jr., Coleman & Wallace, Buckhannon, W. Va. 26201, attorney for applicants.

No. MC-FC-72192. By order of June 12, 1970, the Motor Carrier Board approved the transfer to Dennis E. Pierson, doing business as Pierson Trucking, Ivanhoe, Minn., of the operating rights in certificate No. MC-109189 issued December 18, 1963, to Albert Kelm, doing business as Kelm Truck Line, Ivanhoe, Minn., authorizing the transportation of groceries, fruits, and vegetables, from Minneapolis and St. Paul, Minn., to points in Hamlin

County, S. Dak.; general commodities, with the usual exceptions, from Watertown, S. Dak., to Hendricks, Minn.; building materials, from Fort Dodge, Iowa, and points within 5 miles of Fort Dodge, and Sioux Falls and Rapid City, S. Dak., to Hendricks, Minn.; refrigeration equipment and farm machinery parts, from Sioux Falls, S. Dak., to Hendricks, Minn.; agricultural machinery, from Waterloo, Iowa, to Hendricks, Minn.; animal and poultry feed, from Oelwein, Iowa, to points in Lincoln County, Minn., and to those in Brookings, Deuel, and Moody Counties, S. Dak., and from Sioux City and Oelwein, Iowa, to Hendricks, Minn.; livestock, between Hendricks, Minn., and points within 15 miles thereof, on the one hand, and, on the other, Sioux City, Iowa; grain, stoves, twine, furnaces, livestock, and farm machinery, between Hendricks, Minn., and points within 15 miles of Hendricks, on the one hand, and, on the other, Minneapolis, St. Paul, and South St. Paul, Minn., Sioux Falls and Watertown, S. Dak., and points in Brookings and Deuel Counties, S. Dak., and that part of Iowa north of a line beginning at the Iowa-South Dakota State line and extending along Iowa Highway 10 to junction Iowa Highway 17 near Havelock, Iowa, thence along Iowa Highway 17 to junction Iowa Highway 3 at or near Pocahontas, Iowa, thence along Iowa Highway 3 to junction U.S. Highway 169,

and west of U.S. Highway 169 from junction with Iowa Highway 3 to the Iowa-Minnesota State line, including points on the indicated portions of the highways specified; and emigrant movables, between Hendricks, Minn., and points within 15 miles of Hendricks, on the one hand, and, on the other, points in Iowa, South Dakota, and Wisconsin. A. R. Fowler, Registered Practitioner, 2288 University Avenue, St. Paul, Minn. 55114, representative for applicants.

No. MC-FC-72208. By order of June 16, 1970, the Motor Carrier Board approved the transfer to Skellet Moving, Inc., Minneapolis, Minn., of the operating rights in certificate No. MC-74681 issued June 3, 1958, to Skellet Van & Storage Co., a corporation, Minneapolis, Minn., authorizing the transportation of household goods between points in Colorado, Connecticut, Illinois, Indiana, Iowa, Kentucky, Maryland, Michigan, Minnesota, Missouri, Nebraska, New Jersey, New York, North Dakota, Ohio, Pennsylvania, South Dakota, Tennessee, Virginia, Wisconsin, West Virginia, and the District of Columbia. Donald A. Morken, 1000 First National Bank Building, Minneapolis, Minn. 55402, attorney for applicants.

[SEAL]

H. NEIL GARSON,
Secretary.

[P.R. Doc. 70-7827; Filed, June 19, 1970;
8:49 a.m.]

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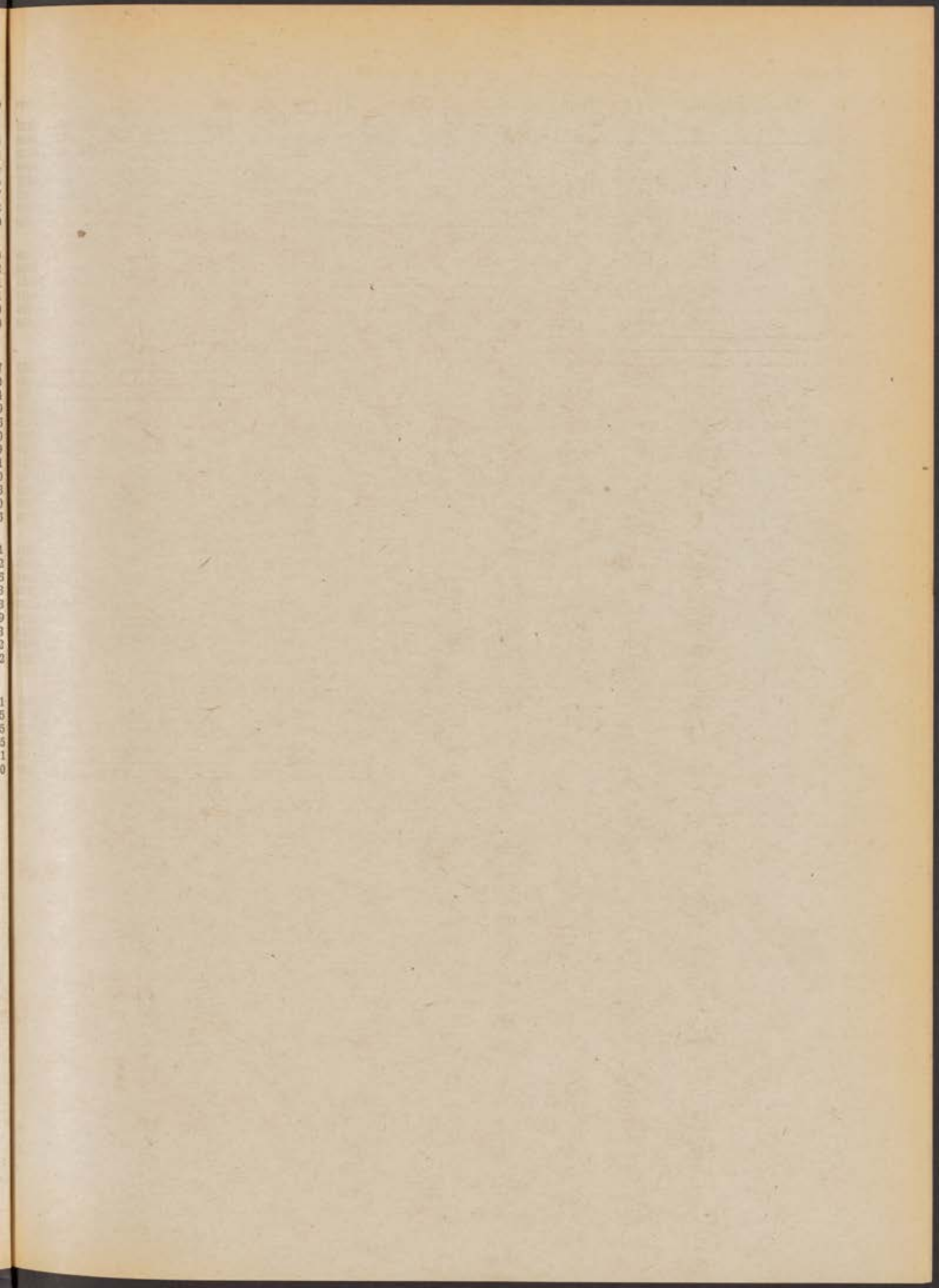
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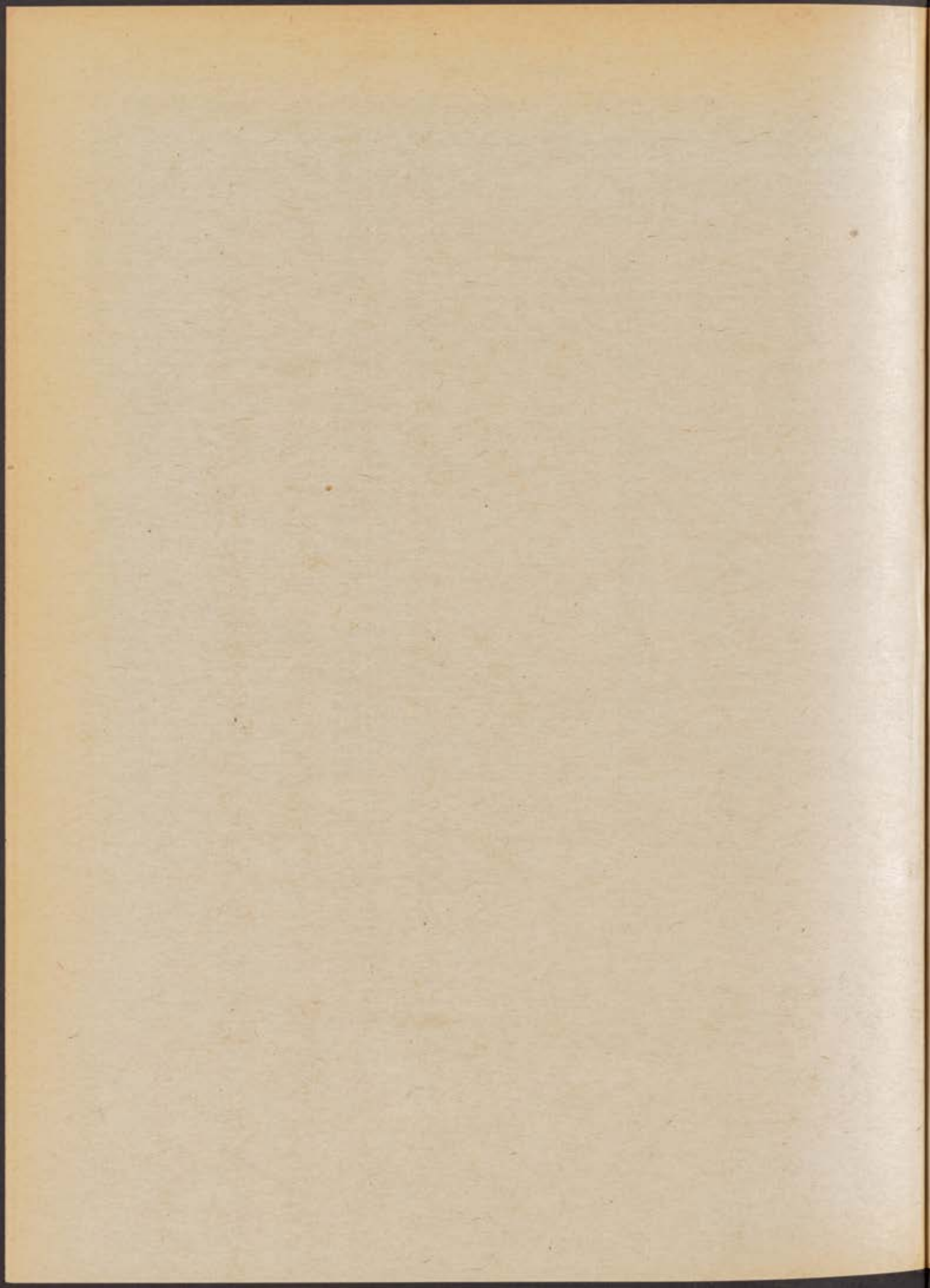
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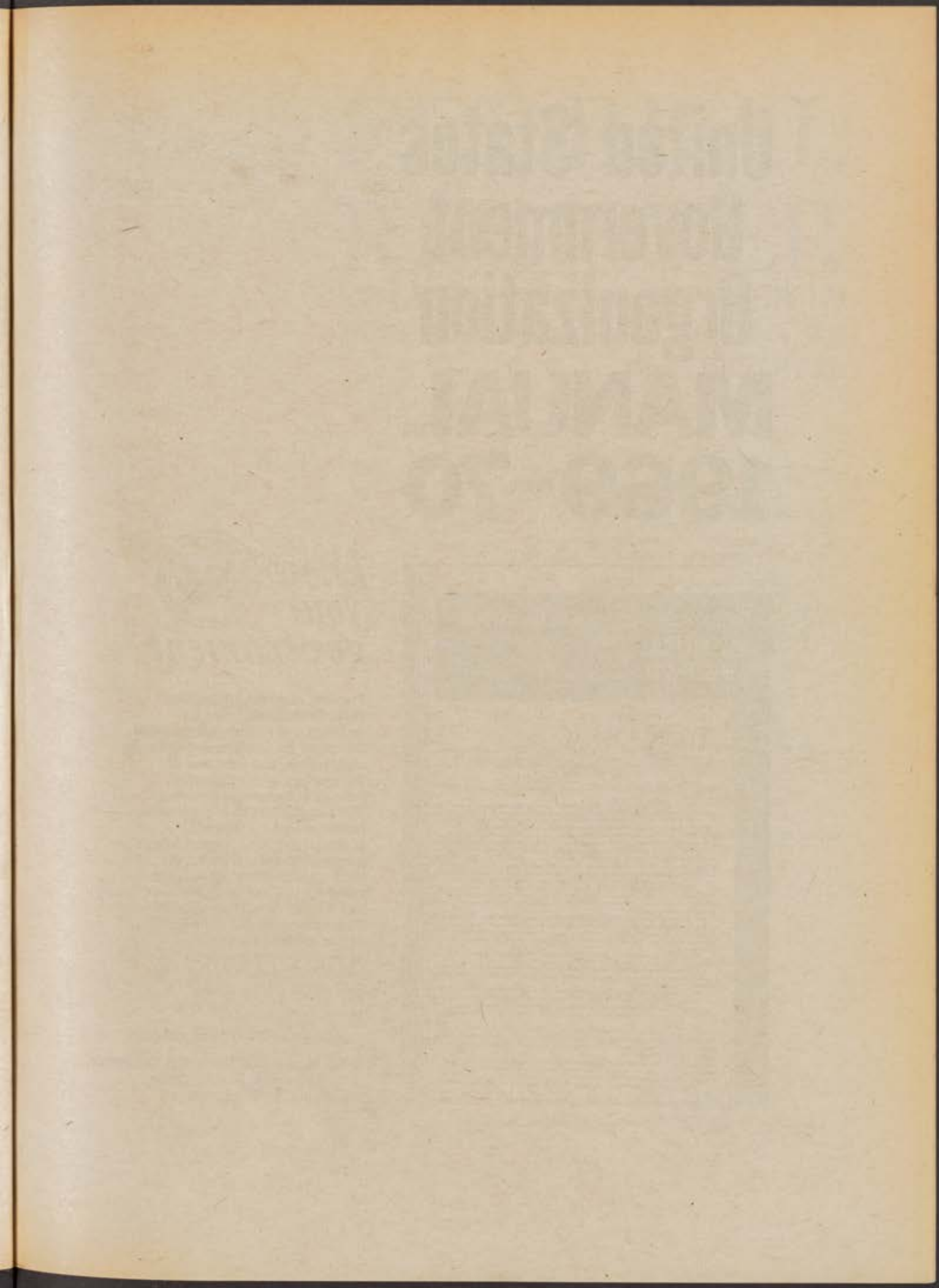
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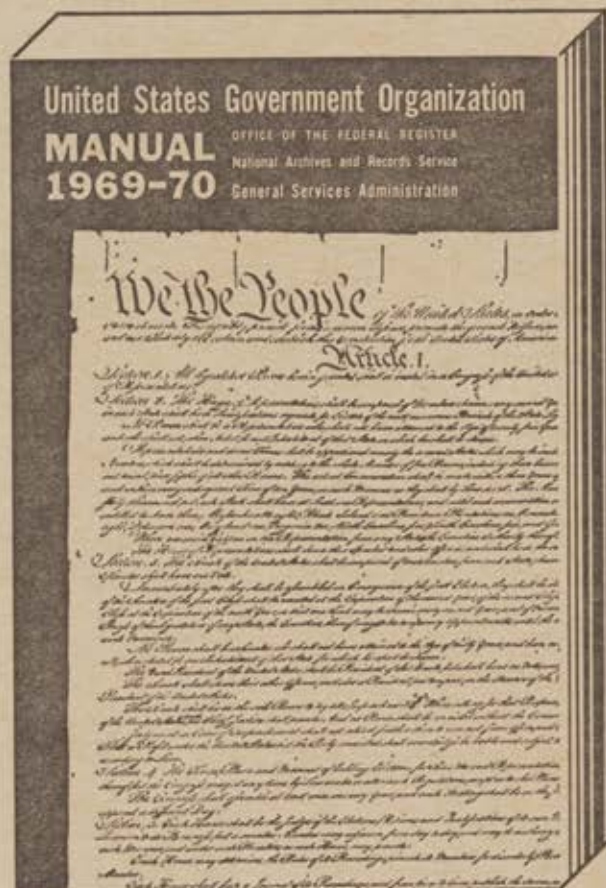
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