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Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER B—PERSONNEL; MILITARY AND CIVILIAN

PART 103—ENLISTMENT, APPOINTMENT AND ASSIGNMENT OF INDIVIDUALS IN RESERVE COMPONENTS

Policy and Reports

Section 103.2(g) and (k) have been revised and § 103.3 has been revoked. Section 103.2(g) and (k), as revised, now read as follows:

§ 103.2 Policy.

* * * * *

(g) Nonprior service applicants for Reserve enlistment who are accepted on Reserve unit waiting lists will be retained in their original priority age group regardless of subsequently exceeding the maximum age of the particular priority age group concerned.

* * * * *

(k) Reserve members who have enlisted under the provisions of section 511(d), title 10, United States Code and who thereafter incur a bona fide, temporary, nonmilitary obligation requiring overseas residency outside the United States where no Reserve component units are located and which would conflict with their required participation in Reserve training, may, upon their request, be reenlisted after completion of an initial period of activity duty for training under the provisions of section 511(a), title 10, United States Code. Requests for reenlistment under the provisions of this paragraph will be approved only by the Secretary of the Military Department concerned subject to the following minimum requirements:

(1) Certification of the temporary, nonmilitary overseas obligation is made by the employer or sponsor of the reservist concerned.

(2) The Secretary of the Military Department concerned is satisfied that the request is bona fide.

(3) Reenlistment contracts for such individuals will include an agreement to serve for a period of time which will include the period of temporary, nonmilitary overseas residency (not to exceed 30 months) plus the remaining obligatory military service remaining under the original enlistment contract. Such reenlistment contracts will assure that each individual will serve a total of six (6) years of reserve service as required by law, even though such period of reserve service may be interrupted by a one-time period of non-military residency outside the United States.

(4) The individual reservists concerned will be carried as members of the inactive National Guard or the Ready Reserve Pool, as appropriate, during the period of nonmilitary, overseas residency, and as such, will be subject to being involuntarily ordered to active duty as authorized by law (see § 100.3(c)(2) of this chapter).

§ 103.3 [Revoked]

MAURICE W. ROCHE,
Director, Correspondence and Directives Division, OASD (Administration).

[F.R. Doc. 70-8528; Filed, July 6, 1970; 8:45 a.m.]

SUBCHAPTER M—MISCELLANEOUS

PART 237a—PUBLIC AFFAIRS LIAISON WITH INDUSTRY

The Assistant Secretary of Defense (Public Affairs) approved the following:

Sec.
237a.1 Purpose.
237a.2 Applicability.
237a.3 Objective and policy.
237a.4 Procedures.

AUTHORITY: The provisions of this Part 237a issued under 5 U.S.C. 301.

§ 237a.1 Purpose.

This part establishes (a) guidance for preparation of the Defense Industry Bulletin, and (b) includes guidance and procedures governing Department of Defense cooperation with industry on (1) public affairs matters in general, (2) industry-sponsored events, and (3) advertising defense themes and products.

§ 237a.2 Applicability.

The provisions of this part apply to all components of the DoD.

§ 237a.3 Objective and policy.

(a) It is important that American industry—particularly defense contractors—understand the plans, programs, and activities of the DoD. Such understanding can be achieved by (1) wide dissemination of information to the business community, consistent with national security, and (2) cooperation with industry in public relations activities which are not contrary to the national or DoD interests.

(b) As outlined in Part 237 of this subchapter, DoD components shall cooperate with industry at local and regional levels. However, they will notify the Assistant Secretary of Defense (Public Affairs) (ASD(PA)) promptly of any local or regional activity which has the potential of being escalated, or which has been escalated by unforeseen circumstances, to national or international interest.

§ 237a.4 Procedures.

(a) *Defense Industry Bulletin.* The bulletin, authorized by Part 237 of this subchapter to apprise defense contractors, trade associations and other business organizations of DoD policies, plans, programs, and procedures which have an impact on business or industry, achieve widespread awareness and understanding of DoD policies, plans, programs, and procedures governing research, development and production, and the procurement of goods and services, and serve as a guide to and stimulate ideas throughout the industrial community concerning solutions of problems arising in fulfillment of DoD requirements, will be published and distributed by the Directorate for Community Relations, OASD (PA).

(1) DoD components may submit any of the items listed below to the Editor, Defense Industry Bulletin, OASD(PA), by the 20th day of each month. If no significant information exists, a negative report will be submitted.

(i) Articles, preferably by-lined, with supporting photographs or illustrations. (Suggested length is 2,000–2,500 words, but may be shorter or longer as coverage of subject requires.)

(ii) Material covering subjects that are timely and of particular interest to those organizations oriented toward defense contracting, including, but not necessarily limited to, (*a*) research and development; (*b*) procurement; (*c*) contract management; (*d*) small business opportunity; (*e*) DoD policies affecting industry; (*f*) management improvement programs, such as Zero Defects; (*g*) programs successfully conducted by industry and the DoD working together; (*h*) explanations of new DoD issuances affecting industry; and (*i*) major organizational changes.

(iii) Key personnel appointment and reassignment announcements, for the "About People" section.

(iv) New or revised official directives, instructions, regulations, and other publications, for the "Bibliography" section.

(v) Scheduled technical meetings and symposia sponsored by DoD organizations, projected at least forty-five (45) days, for the "Meeting and Symposia" section.

(vi) Announcements of meetings, conferences, briefings, demonstrations, exercises, etc., projected at least forty-five (45) days, for the "Calendar of Events."

(2) Each DoD component will designate one action officer and one alternate to assist the Directorate for Community Relations, OASD(PA), in carrying out responsibilities defined in subparagraph (1) of this paragraph.

(b) *Participation in special events—*(1) *Industry-sponsored events.* (i) DoD components are encouraged to cooperate

with and assist industry in activities and events beneficial to the Government, provided such cooperation and assistance is not in conflict with the provisions of Part 40 of this chapter which authorizes participation in:

(*a*) Luncheons, dinners and similar gatherings when the host is an industrial, technical, or professional association, not an individual defense contractor or other commercial firm;

(*b*) Public ceremonies of mutual interest to industry, local committees, and the DoD (examples—ship launchings, rollouts, and first flights);

(*c*) Industrial programs which are in support of Government policy (example—international exhibits which offer the opportunity to promote U.S. scientific and technical leadership); and

(*d*) Civic and community projects in which industry relationship is remote from the purpose and tenor of the event (example—Armed Forces Day event sponsored by an individual firm).

(ii) Participation in events which benefit a particular firm (examples—open houses and ceremonies dedicating new facilities) will be limited, normally, to speaker participation (see Part 238 of this subchapter).

(2) *DoD-sponsored events.* Generally, DoD public affairs programs will be performed within authorized resources. Contractor participation in DoD-sponsored events involving a firm's product or service may be authorized, provided such participation is in the Government's interest.

(3) *Jointly sponsored events.* Joint DoD-industry sponsorship may be desirable in certain instances (examples—seminars, conferences, and symposia). Industry assistance is normally provided by a trade, technical, or professional association. Requirements for clearance of DoD official information prepared for disclosure (see Part 159 of this chapter and DoD Directive 5230.9, "Clearence of Department of Defense Public Information" [1]) will be adhered to when applicable.

(4) *General.* Participation in industrial events of national and international interest must be approved by the ASD (PA) in advance. Detailed proposals, including cost estimates, will be submitted to the ASD(PA) through the headquarters of the DoD component concerned. Requests for approval involving industry participation in either DoD or DoD-industry sponsored events will specify the nature and extent of industry-furnished assistance, if any.

(c) *Use of DoD insignia, themes, and products in advertising*—(1) *Insignia.* Use of insignia is governed by Part 237 of this subchapter.

(2) *Themes and products.* Requests for use of DoD themes and products in commercial advertising and other promotions will be evaluated in terms of their benefit to the DoD. A determination as to whether cooperation should be extended will be made by the ASD (PA) (except in the case of DoD component-controlled insignia), in accordance with the provisions of Part 237 of this subchapter. The DoD will bear only those advertising costs authorized by section XV of the Armed Services procurement regulation in Part 15 of this chapter.

(3) *Filmed material.* Participation in the production of motion pictures and TV programs, including filmed commercials, will be governed by provisions of DoD Instruction 5410.15,[1] "Delineation of DoD Audio-Visual Public Affairs Responsibilities and Policies," and DoD Instruction 5410.16,[1] "Procedures for DoD Assistance on Production of Non-Government Motion Pictures and Television Programs."

(d) *Use of contractor product identification.* DoD components may identify contractors in their information activities whenever the major responsibility for a product (example—an aircraft) can be clearly and fairly credited to an identifiable contractor. In these instances, DoD information releases will include both the manufacturer's name and the DoD component's designation of the product.

(e) *Solicitation.* (1) DoD representatives will not solicit, or authorize others to solicit, from contractors for advertising, contributions, donations, subscriptions, or other emoluments. Where there is a legitimate need for industry promotion items, such as scale models—for example in recruiting programs—the headquarters of the DoD Component concerned may authorize procurement of such items as required.

(2) Defense contractors wanting to distribute items through official DoD channels should be advised to contact the headquarters of the DoD component concerned for guidance.

(f) *Briefings.* (1) Advanced planning briefings for industry are governed by DoD Instruction 5230.14,[1] "Advanced Planning Briefings for Industry."

(2) Classified meetings are governed by DoD Directive 5200.12,[1] "Security Measures, Approval and Sponsorship for Scientific and Technical Meetings Involving Disclosure of Classified Information."

(g) *Visits to contractor facilities.* (1) Visits to contractor facilities will be governed by the provisions of DoD Manual 5220.22–M,[2] "Industrial Security Manual for Safeguarding Classified Information (Attachment to DD Form 441)."

(2) When DoD Components desire to sponsor such visits by nationally known press representatives, approval will be obtained from both the contractor and the ASD(PA).

MAURICE W. ROCHE,
Director, Correspondence and Directives Division, OASD (Administration).

[F.R. Doc. 70–8529; Filed, July 6, 1970; 8:45 a.m.]

[1] Filed as part of the original. Copies available from U.S. Naval Publications and Forms Center, 5801 Tabor Ave., Philadelphia, Pa., 19120, Attn: Code 300.

[2] Available from Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402—$2.25.

See footnotes at end of document.

Title 7—AGRICULTURE

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

[Valencia Orange Reg. 319, 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 rulemaking 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), and (ii) of § 908.619 (Valencia Orange Reg. 319, 35 F.R. 10430) are hereby amended to read as follows:

§ 908.619 Valencia Orange Regulation 319.

* * * * *

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

(i) District 1: 247,000 cartons;

(ii) District 2: 303,000 cartons.

* * * * *

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

Dated: July 1, 1970.

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

[F.R. Doc. 70–8572; Filed, July 6, 1970; 8:48 a.m.]

[Peach Reg. 7]

PART 921—FRESH PEACHES GROWN IN DESIGNATED COUNTIES IN WASHINGTON

Limitation of Shipments

Findings. (1) Pursuant to the marketing agreement and Order No. 921 (7 CFR Part 921), regulating the handling of fresh peaches grown in designated counties in Washington, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the recommendations of the Washington Fresh Peach Marketing Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of fresh peaches, in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) The recommendations of the Washington Peach Marketing Committee reflect its appraisal of the crop and current and prospective market conditions. Shipments of peaches from the production area are expected to begin on or about July 6, 1970. The grade (including uniform firmness), size, maturity, and pack requirements provided herein are necessary to prevent the handling, on and after July 6, 1970, of any peaches which do not comply with such requirements, so as to provide consumers with good quality fruit, consistent with (1) the overall quality of the crop, and (2) maximizing returns to producers pursuant to the declared policy of the act. Individual shipments, not exceeding 500 pounds, of peaches sold for home use and not for resale, subject to necessary safeguards, are excepted from these requirements in that the quantity of peaches so handled has been relatively inconsequential when compared with the total quantity handled.

(3) 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 regulation until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) in that, as hereinafter set forth, the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than July 6, 1970. A reasonable determination as to the supply of, and the demand for, peaches must await the development of the crop and adequate information thereon was not available to the Washington Fresh Peach Marketing Committee until May 21, 1970; recommendation as to the need for, and the extent of, regulation of shipments of such peaches was made at the meeting of said committee on May 21, 1970, after consideration of all available information relative to the supply and demand conditions for such peaches, at which time the recommendation and supporting information were submitted to the Department; necessary supplemental data for consideration in connection with the specification of the provisions of this regulation were not available until June 25, 1970; shipments of the current crop of such peaches are expected to begin on or about the effective date hereof; and this regulation should be applicable, insofar as practicable, to all shipments of such peaches in order to effectuate the declared policy of the act; and compliance with the provisions of this regulation will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

§ 921.307 Peach Regulation 7.

(a) Order: During the period July 6, 1970, through June 30, 1971, no handler shall handle any lot of peaches unless such peaches meet the following applicable requirements, or are handled in accordance with subparagraph (6) of this paragraph:

(1) Minimum grade: Such peaches shall grade at least Washington No. 1.

(2) Minimum size:

(i) Such peaches of any variety, except peaches of the Golden Elberta, Red Elberta, and Gleason Elberta varieties, packed in any container except the standard peach box, shall measure not less than 2⅜ inches in diameter;

(ii) Such peaches of any variety when packed in a standard peach box shall measure not less than 2¼ inches in diameter; and

(iii) Such peaches of the Golden Elberta, Red Elberta, and Gleason Elberta varieties, packed in any container shall measure not less than 2¼ inches in diameter.

(3) Minimum maturity: Such peaches shall be well matured, except that any lot of peaches shall be deemed to have met such minimum maturity requirement if not more than 25 percent, by count, of the peaches in such lot are mature.

(4) Uniform firmness: Such peaches in individual containers shall have a reasonably uniform degree of firmness.

(5) Pack:

(i) Such peaches in loose or jumble packs shall be in containers of a capacity equal to or greater than that of a Western lug box and shall contain not less than 26 pounds net weight of peaches: *Provided*, That such containers of peaches having less than 26 pounds net weight may be handled if such containers are well filled; and

(ii) Such peaches other than peaches in loose or jumble packs in any container shall meet the standard pack requirements as set forth in the U.S. Standards for Peaches (§ 51.1210 of this title et seq.).

(6) Notwithstanding any other provision of this section, any individual shipment of peaches sold by the producer at the orchard where grown or at an established packinghouse which meets each of the following requirements may be handled without regard to the provisions of this paragraph, of § 921.41 (Assessments), and of § 921.55 (Inspection and certification):

(i) The shipment consists of peaches sold for home use and not for resale;

(ii) The shipment does not, in the aggregate, exceed 500 pounds, net weight, of peaches;

(iii) Each container is stamped or marked with the handler's name and address and with the words "not for resale" in letters at least ½ inch in height; and

(b) The terms "Washington No. 1" and "mature" shall have the same meaning as when used in the Washington State Department of Agriculture Standards for Peaches (1966); the term "well matured" shall mean peaches which will yield very slightly to moderate pressure at the suture or blossom end, have shoulders and sutures that are well filled out, and have skin and flesh colored sufficiently that it will show characteristic varietal color when ripe; the term "loose or jumble pack" shall mean that the peaches are not placed in the container in rows, cups, compartments, or otherwise are not placed in the container in symmetrical order; the term "standard peach box" shall mean a container with inside dimensions of 4¼ inches to 5, by 11½ inches by 16 inches; the terms "Western lug box" shall mean any container with inside dimensions of 7 inches by 11½ inches by 18 inches; the term "diameter" shall mean the greatest distance, measured through the center of the peach at right angles to a line running from the stem to the blossom end; and terms used in the marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in the marketing agreement and order.

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

Dated: July 1, 1970.

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

[F.R. Doc. 70-8601; Filed, July 2, 1970; 11:31 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Areas Quarantined

Pursuant to provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, the Act of March 3, 1905, as amended, the Act of

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

In § 76.2, paragraph (e) is amended and paragraphs (f) and (g) are reissued to read as follows:

§ 76.2 Notices relating to existence of hog cholera; prohibition of movement of virulent virus; spread of disease through raw garbage; regulations; quarantines; eradication States; and free States.

* * * * *

(e) *Notice of quarantine.* Notice is hereby given that because of the existence of hog cholera in the States of Alabama, Arizona, Arkansas, Delaware, Massachusetts, Mississippi, Missouri, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Texas, Virginia, and the Commonwealth of Puerto Rico, and the nature and extent of outbreaks of this disease, the following areas are quarantined because of said disease:

(1) *Alabama.* (i) That portion of Greene County bounded by a line beginning in the town of Lewiston at the junction of the Lewiston-St. Pauls Church Road and the Lewiston-Pleasant Hill Church Road; thence, following the Lewiston-Pleasant Hill Church Road in a southeasterly direction to the division line between Township 22 North and Township 23 North; thence, following the division line between Township 22 North and Township 23 North in an easterly direction to Minters Creek; thence, following the east bank of Minters Creek in a generally southeasterly direction to the Warrior River; thence, following the west bank of the Warrior River in a generally northeasterly direction to Sims Creek; thence, following the west bank of Sims Creek in a northwesterly direction to U.S. Highway 11, 43; thence, following U.S. Highway 11, 43 in a southwesterly direction to the division line between Range 2 East and Range 3 East; thence, following the division line between Range 2 East and Range 3 East to the Snoddy-Mantua-White Oak Church Road; thence, following the Snoddy-Mantua-White Oak Church Road in a generally westerly direction to the Lewiston-St. Pauls Church Road; thence, following the Lewiston-St. Pauls Church Road in a southwesterly direction to its junction with the Lewiston-Pleasant Hill Church Road in the town of Lewiston.

(ii) The adjacent portions of Etowah and Cherokee Counties bounded by a line beginning at the junction of U.S. Highway 278 and the Reaves-John Chapel Road; thence, following U.S. Highway 278 in a southeasterly direction to the Etowah-Calhoun County line; thence, following the Etowah-Calhoun County line in a northerly direction to the Calhoun-Cherokee County line; thence, following the Calhoun-Cherokee County line in an easterly direction to County Road 19; thence, following County Road 19 in a generally northerly direction to the road from Davis Chapel-to-County Road 71; thence, following the Davis Chapel-to-County Road 71 in a northwesterly direction to County Road 71; thence, following County Road 71 in a generally southwesterly direction to Dry Creek; thence, following the east bank of Dry Creek in a southeasterly direction to Reaves-John Chapel Road; thence, following the Reaves-John Chapel Road in a southerly direction to its junction with U.S. Highway 278.

(2) *Arizona.* That portion of Maricopa County bounded by a line beginning at the junction of Yuma Road and Perryville Road; thence, following Perryville Road in a southerly direction to its junction with Baseline Road and the Gila and Salt River Base Line; thence, following the Gila and Salt River Base Line in an easterly direction to the southeastern corner of Section 31, of Township 1 North, Range 1 West; thence, following the eastern boundaries of Sections 31, 30, and 19, of Township 1 North, Range 1 West in a northerly direction to Reams Road; thence, following Reams Road in a northerly direction to Yuma Road; thence, following Yuma Road in a westerly direction to its junction with Perryville Road.

(3) *Arkansas.* That portion of Chicot County bounded by a line beginning at the junction of U.S. Highway 82 and the west bank of the Mississippi River; thence, following U.S. Highway 82 in a generally westerly direction to the Chicot-Ashley County line; thence, following the Chicot-Ashley County line in a southerly direction to State Highway 8; thence, following State Highway 8 in a generally southeasterly direction to Grand Lake Road; thence, following the Grand Lake Road in a northeasterly direction to the west bank of the Mississippi River; thence, following the west bank of the Mississippi River in a generally northerly direction to its junction with U.S. Highway 82.

(4) *Delaware.* That portion of Kent County bounded by a line beginning at the junction of U.S. Highway 13 and State Highway 42; thence, following U.S. Highway 13 in a generally southeasterly direction to State Highway 10; thence, following State Highway 10 in a generally southwesterly direction to the Delaware-Maryland State line; thence, following the Delaware-Maryland State line in a northerly direction to State Highway 300; thence, following State Highway 300 in a northeasterly direction to State Highway 42; thence, following State Highway 42 in a generally easterly direction to its junction with U.S. Highway 13.

(5) *Massachusetts.* (i) That portion of Bristol County comprised of Acushnet, Fairhaven, and New Bedford Townships.

(ii) That portion of Plymouth County comprised of Mattapoisett Township.

(iii) That portion of Worcester County comprised of Boylston, Holden, West Boylston, and Worcester Townships.

(6) *Mississippi.* (i) Copiah, Holmes, Lauderdale, Newton, Warren, and Yazoo Counties.

(ii) That portion of Attala County bounded by a line beginning at the junction of the Holmes-Attala County line (also the Big Black River) and State Highway 19; thence, following State Highway 19 in a generally southeasterly direction to State Highway 35; thence, following State Highway 35 in a southerly direction to State Highway 43; thence, following State Highway 43 in a southwesterly direction to State Highway 14; thence, following State Highway 14 in a generally southwesterly direction to the Holmes-Attala County line (also the Big Black River); thence, following the Holmes-Attala Couny line (also the Big Black River) in a generally northeasterly direction to its junction with State Highway 19.

(iii) 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.

(iv) That portion of Madison County bounded by a line beginning at the junction of the Madison-Leake County line and State Highway 16; thence, following State Highway 16 in a generally southwesterly direction to U.S. Highway 51; thence, following U.S. Highway 51 in a generally northeasterly direction to the Madison-Yazoo County line; thence, following the Madison-Yazoo County line in a northeasterly direction to the Madison-Attala County line; thence, following the Madison-Attala County line in a generally easterly direction to the Madison-Leake County line; thence, following the Madison-Leake County line in a southerly direction to its junction with State Highway 16.

(v) The adjacent portions of Madison and Hinds Counties bounded by a line beginning at the junction of U.S. Highway 49 and State Road 22; thence, following State Road 22 in a generally easterly direction to State Road 463; thence, following State Road 463 in a southeasterly direction to U.S. Highway 51; thence, following U.S. Highway 51 in a southwesterly direction to the Hinds-Madison County Line Road; thence, following the Hinds-Madison County Line Road in a westerly direction to U.S. Highway 49; thence, following U.S. Highway 49 in a northerly direction to its junction with State Road 22.

(vi) That portion of Rankin County bounded by a line beginning at the junction of U.S. Highway 80 and State Highway 469; thence, following State Highway 469 in a southwesterly direction to Tumbaloo Creek; thence, following the north bank of Tumbaloo Creek in a generally easterly direction to State Highway 18; thence, following State Highway 18 in a southeasterly direction to the Southern Natural Gas Line; thence, following the Southern Natural Gas Line in a northerly direction to U.S. Highway 80; thence, following U.S. Highway 80 in a southwesterly direction to its junction with State Highway 469.

(vii) That portion of Scott County bounded by a line beginning at the junction of State Highway 35 and the Scott-Smith County line; thence, following State Highway 35 in a generally northerly direction to Farm-to-Market Forestry Service Road 509; thence, following Farm-to-Market Forestry Service Road 509 in a generally westerly direction to the Scott-Rankin County line; thence, following the Scott-Rankin County line in a generally southeasterly direction to the Scott-Smith County line; thence, following the Scott-Smith County line in an easterly direction to its junction with State Highway 35.

(viii) That portion of Carroll County bounded by a line beginning at the junction of U.S. Highway 51 and the Carroll-Holmes County line; thence, following the Carroll-Holmes County line in a northwesterly direction to State Highway 17; thence, following State Highway 17 in a northerly direction to State Highway 430; thence, following State Highway 430 in a generally northeasterly direction to State Highway 35; thence, following State Highway 35 in a southeasterly direction to U.S. Highway 51; thence, following U.S. Highway 51 in a generally southwesterly direction to its junction with the Carroll-Holmes County line.

(7) *Missouri.* That portion of Chariton County bounded by a line beginning at the junction of State Highway J and the Norfolk and Western Railway; thence, following the Norfolk and Western Railway in a generally northeasterly direction to the Chariton River; thence, following the west bank of the Chariton River in a northeasterly direction to the division line between Range 17 West and Range 18 West; thence, following the division line between Range 17 West and Range 18 West in a northerly direction to the division line between Township 54 North and Township 55 North; thence, following the division line between Township 54 North and Township 55 North in a westerly direction to the division line between Range 18 West and Range 19 West; thence, following the division line between Range 18 West and Range 19 West (also State Highway FF for part of distance) in a southerly direction to U.S. Highway 24; thence, following U.S. Highway 24 in a westerly direction to State Highway J; thence, following State Highway J in a generally southerly direction to its junction with the Norfolk and Western Railway.

(8) *New York.* That portion of Montgomery County lying south of the Mohawk River, east of County Roads 27 and 145, north of the New York State Thruway, and west of State Highway 30.

(9) *North Carolina.* (i) That portion of Gates County bounded by a line beginning at the junction of the Seaboard Coast Line Railroad and the North Carolina-Virginia State line; thence, following the Seaboard Coast Line Railroad in a southwesterly direction to Secondary Road 1300; thence, following Secondary Road 1300 in a southeasterly direction to U.S. Highway 158; thence, following U.S. Highway 158 in an easterly direction to Secondary Road 1318; thence, following Secondary Road 1318 in a northeasterly direction to Secondary Road 1320; thence, following Secondary Road 1320 in a generally southeasterly direction to North Carolina Highway 32; thence, following North Carolina Highway 32 in a northeasterly direction to Secondary Road 1326; thence, following Secondary Road 1326 in a northwesterly direction to Secondary Road 1328; thence, following Secondary Road 1328 in a northwesterly direction to Secondary Road 1318; thence, following Secondary Road 1318 in a northerly direction to the North Carolina-Virginia State line; thence, following the North Carolina-Virginia State line in a westerly direction to its junction with the Seaboard Coast Line Railroad.

(ii) The adjacent portions of Gates, Perquimans, and Chowan Counties bounded by a line beginning at the junction of Secondary Roads 1002 and 1428 in Gates County; thence, following Secondary Road 1002 in a southwesterly direction to Secondary Road 1413; thence, following Secondary Road 1413 in a southeasterly direction to Secondary Road 1204; thence, following Secondary Road 1204 in a southeasterly direction to Secondary Road 1001; thence, following Secondary Road 1001 in a generally southerly direction to Secondary Road 1214; thence, following Secondary Road 1214 in a southeasterly direction to Secondary Road 1216; thence, following Secondary Road 1216 in a southwesterly direction to Secondary Road 1215; thence, following Secondary Road 1215 in a generally southeasterly direction to Secondary Road 1120; thence, following Secondary Road 1120 in a generally southeasterly direction to the Norfolk Southern Railway; thence, following the Norfolk Southern Railway in a southwesterly direction to Secondary Road 1108; thence, following Secondary Road 1108 in a northwesterly direction to Secondary Road 1110; thence, following Secondary Road 1110 in a northwesterly direction to Secondary Road 1113; thence, following Secondary Road 1113 in a generally southwesterly direction to Secondary Road 1110; thence, folllowing Secondary Road 1110 in a northwesterly direction to Secondary Road 1312; thence, following Secondary Road 1312 in a northwesterly direction to Secondary Road 1002; thence, following Secondary Road 1002 in a westerly direction to Secondary Road 1303; thence, following Secondary Road 1303 in a northwesterly direction to Secondary Road 1304; thence, following Secondary Road 1304 in a northwesterly direction to North Carolina Highway 32; thence, following North Carolina Highway 32 in a northeasterly direction to Secondary Road 1233; thence, following Secondary Road 1233 in a northwesterly direction to Secondary Road 1232; thence, following Secondary Road 1232 in a northwesterly direction to Secondary Road 1102; thence, following Secondary Road 1102 in a northerly direction to Secondary Road 1100; thence, following Secondary Road 1100 in a northwesterly direction to Secondary Road 1104; thence, following Secondary Road 1104 in a northeasterly direction to North Carolina Highway 37; thence, following North Carolina Highway 37 in a southeasterly direction to Secondary Road 1410; thence, following Secondary Road 1410 in a northeasterly direction to Secondary Road 1428; thence, following Secondary Road 1428 in a generally southeasterly direction to its junction with Secondary Road 1002 in Gates County.

(10) *Pennsylvania.* That portion of Chester County bounded by a line beginning at the junction of State Highway 82 and the Pennsylvania-Delaware State line; thence, following State Highway 82 in a northwesterly direction to Baltimore Pike (previously U.S. Highway 1); thence, following Baltimore Pike (previously U.S. Highway 1) in a southwesterly direction to State Highway 41; thence, following State Highway 41 in a southeasterly direction to the Pennsylvania-Delaware State line; thence, following the Pennsylvania-Delaware State line in a northeasterly direction to its junction with State Highway 82.

(11) *Rhode Island.* Bristol, Kent, Newport, and Providence Counties.

(12) *South Carolina.* That portion of Williamsburg County bounded by a line beginning at the junction of State Highway 512 and the Seaboard Coast Line Railroad; thence, following the Seaboard Coast Line Railroad in a southwesterly direction to Secondary Highway 74; thence, following Secondary Highway 74 in a northwesterly direction to the Pine Island Bay Road; thence, following the Pine Island Bay Road in a northwesterly direction to Secondary Highway 218; thence, following Secondary Highway 218 in a northeasterly direction to Secondary Highway 24; thence, following Secondary Highway 24 in a southeasterly direction to Secondary Highway 86; thence, following Secondary Highway 86 in a northeasterly direction to Secondary Highway 51; thence, following Secondary Highway 51 in a generally northerly direction to State Highway 512; thence, following State Highway 512 in a southeasterly direction to its junction with the Seaboard Coast Line Railroad.

(13) *Texas.* (i) That portion of Cottle County bounded by a line beginning at the junction of Farm-to-Market Road 104 and the Pease River; thence, following Farm-to-Market Road 104 in a generally southwesterly direction to U.S.

Highway 70; thence, following U.S. Highway 70 in a generally southwesterly direction to the Cottle-Motley County line; thence, following the Cottle-Motley County line in a northerly direction to the South Pease River; thence, following the south bank of the South Pease River in a generally northeasterly direction to the Pease River; thence, following the south bank of the Pease River in a generally southeasterly direction to its junction with Farm-to-Market Road 104.

(ii) That portion of Ellis County bounded by a line beginning at the junction of State Highway 34 and the Ellis-Kaufman County line; thence, following State Highway 34 in a southwesterly direction to Interstate Highway 45; thence, following Interstate Highway 45 in a northwesterly direction to the Ellis-Dallas County line; thence, following the Ellis-Dallas County line in an easterly direction to the Ellis-Kaufman County line (also the Trinity River); thence, following the Ellis-Kaufman County line (also the Trinity River) in a generally southeasterly direction to its junction with State Highway 34.

(iii) That portion of Hidalgo County bounded by a line beginning at the junction of U.S. Highway 83 and Farm-to-Market Road 2557; thence, following U.S. Highway 83 in a generally westerly direction to Farm-to-Market Road 1016 (also the Mission City limits); thence, following the Mission City limits in a generally southeasterly direction to the north bank of the Rio Grande River at a point near Anzalduas Dam; thence, following the north bank of the Rio Grande River in a generally southeasterly direction to the western boundary of the Santa Anna National Wildlife Refuge; thence, following the western boundary of the Santa Anna National Wildlife Refuge in a northeasterly direction to Farm-to-Market Road 2557; thence, following Farm-to-Market Road 2557 in a northeasterly direction to its junction with U.S. Highway 83.

(iv) That portion of Hidalgo County bounded by a line beginning at the junction of U.S. Highway 281 and Farm-to-Market Road 490; thence, following Farm-to-Market Road 490 in a generally easterly direction to Farm to Market Road 493; thence, following Farm to Market Road 493 in a generally northerly direction to State Highway 186; thence, following State Highway 186 in a generally northwesterly direction to U.S. Highway 281; thence, following U.S. Highway 281 in a generally southerly direction to its junction with Farm-to-Market Road 490.

(v) The adjacent portions of Montgomery, San Jacinto and Harris Counties bounded by a line beginning at the junction of State Highway 105 and the Montgomery-Liberty County line; thence, following the Montgomery-Liberty County line in a southeasterly direction to the Montgomery-Harris County line; thence, following the Montgomery-Harris County line in a generally southwesterly direction to Interstate Highway 45; thence, following Interstate Highway 45 in a southerly direction to Farm-to-Market Road 1960; thence, following Farm-to-Market Road 1960 in a southwesterly direction to Farm-to Market Road 149; thence, following Farm-to-Market Road 149 in a northerly direction to the Harris-Montgomery County line (also the Spring Creek); thence, following the Harris-Montgomery County line (also the Spring Creek) in a generally southwesterly direction to the Montgomery-Waller County line; thence, following the Montgomery-Waller County line in a northerly direction to Farm-to-Market Road 1488; thence, following Farm-to-Market Road 1488 in a generally northeasterly direction to Interstate Highway 45; thence, following Interstate Highway 45 in a northerly direction to State Highway 105; thence, following State Highway 105 in a generally northeasterly direction to its junction with the Montgomery-Liberty County line.

(vi) That portion of San Jacinto County bounded by a line beginning at the junction of State Highway 150 and Farm-to-Market Road 2025; thence, following Farm-to-Market Road 2025 in a southeasterly direction to Farm-to-Market Road 945; thence, following Farm-to-Market Road 945 in a generally northwesterly direction to State Highway 150; thence, following State Highway 150 in a northeasterly direction to its junction with Farm-to-Market Road 2025.

(14) *Virginia.* (i) That portion of Greensville County bounded by a line beginning at the junction of Secondary Highways 660 and 730; thence, following Secondary Highway 730 in a southeasterly direction to Secondary Highway 624; thence, following Secondary Highway 624 in a southerly direction to the Virginia-North Carolina State line; thence, following the Virginia-North Carolina State line in a westerly direction to U.S. Highway 301; thence, following U.S. Highway 301 in a northwesterly direction to Secondary Highway 628; thence, following Secondary Highway 628 in a northerly direction to Secondary Highway 625; thence, following Secondary Highway 625 in a southeasterly direction to Secondary Highway 656; thence, following Secondary Highway 656 in a northeasterly direction to Secondary Highway 660; thence, following Secondary Highway 660 in a generally northeasterly direction to its junction with Secondary Highway 730.

(ii) That portion of Henrico County bounded by a line beginning at the junction of Greenwood Road and the Henrico-Hanover County line (also the Chickahominy River); thence, following the Henrico-Hanover County line in a generally southwesterly direction to Shady Grove Road; thence, following Shady Grove Road in a southwesterly direction to Primary Highway 271; thence, following Primary Highway 271 in a southeasterly direction to U.S. Highway 250; thence, following U.S. Highway 250 in a southeasterly direction to Hungary Spring Road; thence, following Hungary Spring Road in a northeasterly direction to Hungary Road; thence, following Hungary Road in a southeasterly direction to Purcell Road; thence, following Purcell Foad in a northerly direction to Mountain Road; thence, following Purcell Road in a easterly direction to Old Washington Highway; thence, following Old Washington Highway in a generally northerly direction to Greenwood Road; thence, following Greenwood Road in a northwesterly direction to its junction with the Henrico-Hanover County line (also the Chickahominy River).

(iii) That portion of King William and Hanover Counties bounded by a line beginning at the junction of Secondary Highway 604 and State Highway 30 in King William County; thence, following State Highway 30 in a generally southeasterly direction to U.S. Highway 360; thence, following U.S. Highway 360 in a southwesterly direction to Secondary Highway 605 in Hanover County; thence, following Secondary Highway 605 in a northwesterly direction to Secondary Highway 615; thence, following Secondary Highway 615 in a northeasterly direction to Secondary Highway 604; thence, following Secondary Highway 604 in a northwesterly direction to its junction with State Highway 30 in King William County.

(iv) That portion of Nansemond County bounded by a line beginning at the junction of Primary Highway 32 and the Virginia-North Carolina State line; thence, following Primary Highway 32 in a northwesterly direction to Secondary Highway 647; thence, following Secondary Highway 647 in a northwesterly direction to U.S. Highway 13; thence, following U.S. Highway 13 in a southwesterly direction to Secondary Highway 668; thence, following Secondary Highway 668 in a southwesterly direction to Secondary Highway 616; thence, following Secondary Highway 616 in a southeasterly direction to Secondary Highway 677; thence, following Secondary Highway 677 in a southerly direction to the Virginia-North Carolina State line; thence, following the Virginia-North Carolina State line in an easterly direction to its junction with Primary Highway 32.

(v) 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 604; thence, following Secondary Highway 604 in a southeasterly direction to Secondary Highway 642; thence, following Secondary Highway 642 in a southwesterly direction to Secondary Highway 664; thence, following Secondary Highway 664 in a northwesterly direction to Primary Highway 32; thence, following Primary Highway 32 in a southeasterly direction to the Virginia-North Carolina State line; thence, following the Virginia-North Carolina State line in a westerly direction to Secondary Road 670; thence, following Secondary Road 670 in a northwesterly direction to U.S. Highway 13; thence, following U.S. Highway 13 in a northeasterly direction to Secondary Road 668; thence, following Secondary Road 668 in a northeasterly direction to U.S. Highway 13; thence, following U.S. Highway 13 in a generally northeasterly direction to Secondary Road 647; thence, following Secondary Road 647 in a northwesterly direction to Secondary Road 685; thence, following Secondary Road 685 in a northeasterly direction to Secondary Road 646; thence, following Secondary Road 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.

(vi) That portion of Southampton County bounded by a line beginning at the junction of U.S. Highway 58 and Primary State Highway 35; thence, following Primary State Highway 35 in a southwesterly direction to Secondary Highway 693; thence, following Secondary Highway 693 in a westerly direction to Secondary Highway 657; thence, following Secondary Highway 657 in a northwesterly direction to Secondary Highway 653; thence, following Secondary Highway 653 in a northeasterly direction to Secondary Highway 652; thence, following Secondary Highway 652 in a southeasterly direction to Secondary Highway 656; thence, following Secondary Highway 656 in a southeasterly direction to U.S. Highway 58; thence, following U.S. Highway 58 in a southeasterly direction to its junction with Primary State Highway 35.

(vii) The adjacent portions of Surry, Isle of Wight, Southampton, and Sussex Counties bounded by a line beginning at the junction of Secondary Highway 611 and 616 in Surry County; thence, following Secondary Highway 616 in a generally easterly direction to Secondary Highway 626; thence, following Secondary Highway 626 in a generally southeasterly direction to Secondary Highway 621; thence, following Secondary Highway 621 in a southwesterly direction to Secondary Highway 680; thence, following Secondary Highway 680 in a southeasterly direction to Secondary Highway 681; thence, following Secondary Highway 681 in a southerly direction to Secondary Highway 652; thence, following Secondary Highway 652 in a southeasterly direction to U.S. Highway 258; thence, following U.S. Highway 258 in a generally southwesterly direction to Secondary Highway 605; thence, following Secondary Highway 605 in a southeasterly direction to the Isle of Wight-Nansemond County line; thence, following the Isle of Wight-Nansemond County line in a southwesterly direction to U.S. Highway 460; thence, following U.S. Highway 460 in a northwesterly direction to Secondary Highway 610; thence, following Secondary Highway 610 in a generally southerly direction to Secondary Highway 687; thence, following Secondary Highway 687 in a southwesterly direction to Secondary Highway 611; thence, following Secondary Highway 611 in a generally westerly direction to Secondary Highway 641; thence following Secondary Highway 641 in a generally northeasterly direction to Secondary 603; thence, following Secondary Highway 603 in a generally southwesterly direction to Secondary Highway 635; thence, following Secondary Highway 635 in a northeasterly direction to Secondary Highway 600; thence, following Secondary Highway 600 in a northwesterly direction to Secondary Highway 623; thence, following Secondary Highway 623 in a southwesterly direction to Secondary Highway 626; thence, following Secondary Highway 626 in a generally northwesterly direction to Secondary Highway 631; thence, following Secondary Highway 631 in a northerly direction to Secondary Highway 614; thence, following Secondary Highway 614 in a generally northeasterly direction to Secondary Highway 605; thence, following Secondary Highway 605 in a northwesterly direction to Secondary Highway 616; thence, following Secondary Highway 616 in a northeasterly direction to U.S. Highway 460; thence, following U.S. Highway 460 in a northwesterly direction to Primary State Highway 40; thence, following Primary State Highway 40 in a southwesterly direction to Secondary Highway 651; thence, following Secondary Highway 651 in a generally northwesterly direction to Secondary Highway 626; thence, following Secondary Highway 626 in a generally northwesterly direction to Secondary Highway 602; thence, following Secondary Highway 602 in a generally northeasterly direction to Secondary Highway 601; thence, following Secondary Highway 601 in a generally southeasterly direction to Secondary Highway 607; thence, following Secondary Highway 607 in a northeasterly direction to Secondary Highway 608; thence, following Secondary Highway 608 in a southeasterly direction to Primary State Highway 40; thence, following Primary State Highway 40 in a northeasterly direction to Secondary Highway 611; thence, following Secondary Highway 611 in a southeasterly direction to its junction with Secondary Highway 616.

(viii) The adjacent portions of Sussex and Dinwiddie Counties bounded by a line beginning at the junction of U.S. Highway 40 and Secondary Highway 681; thence, following Secondary Highway 681 in a southwesterly direction to Secondary Highway 630; thence, following Secondary Highway 630 in a southerly direction to Secondary Highway 649; thence, following Secondary Highway 649 in a northwesterly direction to Secondary Highway 681; thence, following Secondary Highway 681 in a westerly direction to Secondary Highway 619; thence, following Secondary Highway 619 in a northwesterly direction to Secondary Highway 665; thence, following Secondary Highway 665 in a northeasterly direction to U.S. Highway 40; thence, following U.S. Highway 40 in an easterly direction to its junction with Secondary Highway 681.

(15) *The Commonwealth of Puerto Rico.* The entire Commonwealth.

(f) Notice is hereby given that there is no clinical evidence that the virus of hog cholera exists in swine in the following States, that systematic procedures are in effect to detect and eradicate the disease should it appear within any of such States, and that such States are designated as hog cholera eradication States:

California	New Mexico
Connecticut	Oklahoma
Georgia	Tennessee
Maryland	West Virginia
Minnesota	

(g) Notice is hereby given that a period of more than 1 year has passed since there has been clinical evidence that the virus of hog cholera exists in the following States, that more than 1 year has passed since systematic procedures were placed in effect to exclude the virus of hog cholera and to detect and eradicate the disease should it appear within any of such States, and that the virus of hog cholera has been eradicated from such States and such States are designated as hog cholera free States.

Alaska	Oregon
Florida	Utah
Idaho	Vermont
Michigan	Washington
Montana	Wisconsin
Nevada	Wyoming
North Dakota	

(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 of § 76.2 shall become effective upon issuance.

The amendments quarantine a portion of Isle of Wight County, Va.; a portion of Carroll County, Miss.; and portions of Harris and Montgomery Counties in Texas because of the existence of hog cholera. This action is deemed necessary to prevent further spread of the disease. The restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will apply to such counties.

The amendments also exclude portions of Carroll and Cass Counties in Indiana and portions of Essex and Middlesex Counties in Massachusetts from the areas heretofore quarantined because of hog cholera. Therefore, the restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will not apply to the excluded areas, but will continue to apply to the quarantined areas described in § 76.2. Further, the restrictions pertaining to the interstate movement from nonquarantined areas contained in said Part 76 will apply to the areas excluded from quarantine.

The provisions also include without amendment the texts of § 76.2 (f) and (g) which continue in effect. In this respect, the provisions do not change the rights or duties of any person.

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

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

Done at Washington, D.C., this 1st day of July 1970.

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

[F.R. Doc. 70–8573; Filed, July 6, 1970; 8:48 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 10403; Amdt. 710]

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 (SIAPs) that were recently adopted by the Administrator to promote safety at the airports concerned.

The complete SIAPs 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).

SIAPs 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 SIAPs adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAPs 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 SIAPs, effective July 30, 1970:

Fresno, Calif.—Fresno-Chandler Municipal Airport; ADF 1, Amdt. 1; Canceled.
Provo, Utah—Provo Municipal Airport; NDB (ADF)–1, Orig.; Canceled.
Provo, Utah—Provo Municipal Airport; NDB (ADF) Runway 13, Orig.; Canceled.
Fresno, Calif.—Fresno-Chandler Municipal Airport; VOR 1, Amdt. 3; Canceled.
Wellsboro, Penn.—Grand Canyon State Airport; VOR–1, Amdt. 1; Revised.

Section 97.23 is amended by establishing, revising, or canceling the following VOR–VOR/DME SIAPs, effective July 30, 1970:

Atlanta, Ga.—Atlanta Airport; VOR Runway 3, Amdt. 3; Revised.
Atlanta, Ga.—Atlanta Airport; VOR Runway 27L, Amdt. 1; Revised.
Atlanta, Ga.—Atlanta Airport; VOR Runway 27R, Amdt. 2; Revised.
Burley, Idaho—Burley Municipal Airport; VOR Runway 10, Amdt. 10; Revised.
Cortez, Colo.—Cortez-Montezuma County Airport; VOR Runway 21, Amdt. 2; Revised.
Fresno, Calif.—Fresno-Chandler Municipal Airport; VOR–A, Orig.; Established.
Galeton, Pa.—Cherry Springs Airport; VOR–1, Amdt. 2; Revised.
Gulfport, Miss.—Gulfport Municipal Airport; VOR Runway 4, Amdt. 4; Revised.
Gulfport, Miss.—Gulfport Municipal Airport; VOR Runway 13, Amdt. 9; Revised.
Gulfport, Miss.—Gulfport Municipal Airport; VOR Runway 22, Amdt. 5; Revised.
Gulfport, Miss.—Gulfport Municipal Airport; VOR Runway 31, Amdt. 6; Revised.
Jackson, Mich.—Reynolds Municipal Airport; VOR Runway 5, Amdt. 5; Revised.
Jackson, Mich.—Reynolds Municipal Airport; VOR Runway 23, Amdt. 7; Revised.
Jackson, Mich.—Reynolds Municipal Airport; VOR Runway 31, Amdt. 6; Revised.
Kailua Kona, Hawaii—Kona Airport; VOR Runway 11, Amdt. 2; Canceled.
Manistee, Mich.—Manistee-Blacker Airport; VOR Runway 9, Amdt. 2; Revised.
Manistee, Mich.—Manistee-Blacker Airport; VOR Runway 27, Amdt. 2; Revised.
Modesto, Calif.—Modesto City-County Airport; VOR Runway 11L, Amdt. 3; Revised.
Modesto, Calif.—Modesto City-County Airport; VOR Runway 29R, Amdt. 5; Revised.
Provo, Utah—Provo Municipal Airport; VOR–A, Orig.; Established.
Stockton, Calif.—Stockton Metropolitan Airport; VOR Runway 29R, Amdt. 10; Revised.
Augusta, Ga.—Bush Field; VOR/DME–1, Amdt. 13; Revised.
Fort Stockton, Tex.—Pecos County Airport; VOR/DME Runway 29L, Amdt. 1; Revised.
Lawrence, Kans.—Lawrence Municipal Airport; VOR/DME–1, Amdt. 2; Revised.

Section 97.25 is amended by establishing, revising or canceling the following LOC–LDA SIAPs, effective July 30, 1970:

Atlanta, Ga.—Atlanta Airport; LOC (BC) Runway 27L, Amdt. 4; Revised.
Chicago, Ill.—Chicago O'Hare International Airport; Parallel LOC Runway 27L, Amdt. 1; Revised.
San Diego, Calif.—San Diego International/Lindbergh Field; LOC (BC)–A, Amdt. 10; Revised.

Section 97.27 is amended by establishing, revising or canceling the following NDB/ADF SIAPs, effective July 30, 1970:

Atlanta, Ga.—Atlanta Airport; NDB (ADF) Runway 9L, Amdt. 30; Revised.
Atlanta, Ga.—Atlanta Airport; NDB (ADF) Runway 9R, Amdt. 7; Revised.
Atlanta, Ga.—Atlanta Airport; NDB (ADF) Runway 27L, Amdt. 1; Revised.
Atlanta, Ga.—Atlanta Airport; NDB (ADF) Runway 27R, Amdt. 1; Revised.
Atlanta, Ga.—Atlanta Airport; NDB (ADF) Runway 33, Amdt. 10; Revised.
Augusta, Ga.—Bush Field; NDB (ADF) Runway 17, Amdt. 6; Revised.
Augusta, Ga.—Bush Field; NDB (ADF) Runway 35, Amdt. 16; Revised.
Eagle Lake, Tex.—Eagle Lake Airport; NDB (ADF) Runway 17, Orig.; Established.

Fresno, Calif.—Fresno-Chandler Municipal Airport; NDB (ADF)-A, Orig.; Established.
Minocqua-Woodruff, Wis.—Lakeland Airport; NDB (ADF) Runway 18, Amdt. 1; Revised.
San Diego, Calif.—San Diego International/Lindbergh Field; NDB (ADF)-A, Amdt. 1; Revised.
Stockton, Calif.—Stockton Metropolitan Airport; NDB (ADF) Runway 29R, Amdt. 7; Revised.

Section 97.29 is amended by establishing, revising, or canceling the following ILS SIAPs, effective July 30, 1970:

Atlanta, Ga.—Atlanta Airport; ILS Runway 9L, Amdt. 35; Revised.
Atlanta, Ga.—Atlanta Airport; ILS Runway 9R, Amdt. 11; Revised.
Atlanta, Ga.—Atlanta Airport; ILS Runway 33, Amdt. 14; Revised.
Augusta, Ga.—Bush Field; ILS Runway 35, Amdt. 15; Revised.
Covington, Ky.—Greater Cincinnati Airport; ILS Runway 36, Amdt. 24; Revised.
Gulfport, Miss.—Gulfport Municipal Airport; ILS Runway 13, Amdt. 1; Revised.
Stockton, Calif.—Stockton Metropolitan Airport; ILS Runway 29R, Amdt. 9; Revised.

Section 97.31 is amended by establishing, revising, or canceling the following Radar SIAPs, effective July 30, 1970:

San Juan, P.R.—Puerto Rico International Airport; Radar-1, Amdt. 5; Canceled.

(Secs. 307, 313, 601, 1110, Federal Aviation Act of 1958, 49 U.S.C. 1438, 1354, 1421, 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 26, 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. 70-8484; Filed, July 6, 1970; 8:45 a.m.]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of International Commerce, Department of Commerce

SUBCHAPTER B—EXPORT REGULATIONS

[13th Gen. Rev. of the Export Regs. (Amdt. 3)]

PART 373—SPECIAL LICENSING PROCEDURES

PART 379—TECHNICAL DATA

Miscellaneous Amendments

Parts 373 and 379 of the Code of Federal Regulations are amended as set forth below.

(Sec. 3, 63 Stat. 7; 50 U.S.C. App. 2023; E.O. 10945, 26 F.R. 4487, 3 CFR 1959–1963 Comp.; E.O. 11038, 27 F.R. 7003, 3 CFR 1959–1963 Comp.)

Effective date: July 14, 1970.

RAUER H. MEYER,
Director,
Office of Export Control.

The following entries are added to Part 373, Supplement No. 1:

58120—Pipe and tubing made of, lined with, or covered with polytetrafluorethylene, polyvinylidenefluoride, or the copolymers of tetrafluoroethylene and hexafluoropropylene, chlorotrifluoroethylene and vinylidenefluoride, or hexafluoropropylene and vinylidenefluoride.
67820—Seamless steel pipe and tubing lined with or covered with polytetrafluoroethylene, polyvinylidenefluoride, or the copolymers of tetrafluoroethylene and hexafluoropropylene, chlorotrifluoroethylene and vinylidenefluoride, or hexafluoropropylene and vinylidenefluoride.
67850—Iron and steel pipe and tube fittings lined with or covered with polytetrafluoroethylene, polyvinylidenefluoride, or the copolymers of tetrafluoroethylene and hexafluoropropylene, chlorotrifluoroethylene and vinylidenefluoride, or hexafluoropropylene and vinylidenefluoride.

The following entries in Part 373, Supplement No. 1 are amended to read as set forth below:

58110–58120—Resin (plastic) composites, unfinished or semifinished (including molding compounds, laminates and molded shapes), as defined in § 399.2, Interpretation 23.

Fourth entry under 59972:

59972—Carbon or graphite fibers in any form, as defined in § 399.2, Interpretation 23.
62105—Hose and tubing lined with or covered with polytetrafluoroethylene, polyvinylidenefluoride, or the copolymers of tetrafluoroethylene and hexafluoropropylene, chlorotrifluoroethylene and vinylidenefluoride, or hexafluoropropylene and vinylidenefluoride.

Second entry under 65180:

65180—Yarn, roving, and strand made from glass, silica, quartz, or glass-like fibers, as defined in § 399.2, Interpretation 23.
65543—Textile fabrics, n.e.c., as follows: (a) made from glass, silica, quartz, or glass-like fibers, as defined in § 399.2, Interpretation 23; and (b) coated or impregnated with polyimides, polybenzimidazoles, polyimidazopyrrolones, aromatic polyamides, and polyparaxylylenes where the value of such contained polymeric substance, either alone or in combination with fluorocarbon polymers or copolymers as defined in § 399.2, Interpretation 22, is 50 percent or more of the total value of the materials used.
66363—Carbon or graphite fibers in any form, as defined in § 399.2, Interpretation 23.
66494—Glass, silica, quartz, or glass-like fibers in any form, as defined in § 399.2, Interpretation 23.
89300—Resin (plastic) composite structures or laminates (including molded shapes), containing silica, quartz, carbon or graphite fibers as defined in § 399.2, Interpretation 23.
89300—Hose, tubing, and fittings therefor, made of, lined with, or covered with polytetrafluoroethylene, polyvinylidenefluoride, or the copolymers of tetrafluoroethylene and hexafluoropropylene, chlorotrifluoroethylene and vinylidenefluoride, or hexafluoropropylene and vinylidenefluoride.

The following entries are deleted from Part 373, Supplement No. 1:

65180—Yarn, roving, and strand made from glass, silica, quartz, or glass-like fibers.
65380—Continuous tape suitable for use in filament wound structures, made of glass fibers having: (a) A modulus of elasticity of 10.5 times 10^6 p.s.i. or greater, or (b) a tensile strength to density ratio (figure of merit) of 300,000 p.s.i. or greater.

In § 379.4(e)(1), subdivision (ii) is amended; subdivision (iii)(*h*) is revised; in subdivision (iii), (*l*), (*m*), (*n*), (*p*), (*q*), (*r*), (*s*), (*t*), (*u*), (*v*), (*w*), (*x*), (*y*), (*z*), (*aa*), and (*bb*) are redesignated (*j*) through (*y*); and a new (iii)(*z*) is added to read as shown below:

§ 379.4 General License GTDR: Technical data under restriction.

* * * * *

(e) * * *
(1) * * *
(ii) * * *

71922—Stationary positive displacement air and gas compressors, reciprocating, as follows: (a) capable of receiving a power input of 500 horsepower or greater and specially designed for use in the processing of petroleum, petrochemicals, natural gas or their fractions; except gas engine driven, integral angle reciprocating compressors above 500 horsepower; or (b) over 125 horsepower, having all flowcontact surfaces made of or lined with any of the materials specified in footnote 1;[1] and specially designed parts and accessories, n.e.c.

* * * * *

(iii) * * *

(*h*) Casing head and Christmas-tree assemblies, 10,000 p.s.i. and over, chokes and components; perforating equipment; formation and production testers, and packers; gas lift equipment; bottom hole pumps and work-over rigs (Export Control Commodity Nos. 71921, 71980, 71992, and 73203);

* * * * *

(*z*) High-speed plates, sensitized, unexposed as follows: (*1*) Having an intensity dynamic range of 1,000,000:1 or greater, or (*2*) having a speed as ASA 10,000 (or equivalent) or more (Export Control Commodity No. 86246).

* * * * *

[F.R. Doc. 70-8527; Filed, July 6, 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

Investigations

Correction

In F.R. Doc. 70-8241 appearing at page 10584 in the issue for Tuesday, June 30, 1970, in the first line of § 2.1, the word "Commissioned" should read "Commission."

[1] The materials applicable to the flowcontact surfaces of this equipment are: (a) 90 percent or more tantalum, titanium, or zirconium either separately or combined, (b) 50 percent or more cobalt, molybdenum, nickel or tungsten either separately or combined, (c) 13 percent or more silicon, (d) steel alloys containing any combination of chromium, with either or both molybdenum or tungsten in which the sum of the alloying elements exceeds 3 percent of the total, (e) 2.5 percent or more nickel, (f) fluoro and/or silico resins, (g) glass (acid-, heat-, or shock-resistant), (h) ceramics, (1) carbon, (j) graphite, or (k) acid/heat resistant cement.

Title 21—FOOD AND DRUGS

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

PART 8—COLOR ADDITIVES

Subpart—Provisional Regulations

D&C Red No. 36

In the Federal Register of April 14, 1970 (35 F.R. 6045), an order was published that, among other things, amended § 8.503 (a) and (b) and established § 8.515(c) to provide tolerance limitations regarding drug and cosmetic use of D&C Red No. 36. The original intention was to allow a 6-month delay in effective date for these particular amendments; however, due to a delay in publication of the order, this was prevented. Accordingly, the order is changed as set forth below.

Pursuant to the authority of the Federal Food, Drug, and Cosmetic Act (sec. 203(a)(2), Public Law 86-618; 74 Stat. 404; 21 U.S.C. 376, note), delegated to the Commissioner of Food and Drugs (21 CFR 2.120):

1. Section 8.515(c) is revised to read as follows:

§ 8.515 Limitation of certificates.

* * * * *

(c) *D&C Red No. 36.* Certificates issued heretofore for D&C Red No. 36 and all mixtures containing this color additive are limited effective October 31, 1970, to the conditions imposed by § 8.503 (a) and (b). Use of D&C Red No. 36 in any other manner after October 31, 1970, in drugs or cosmetics will result in adulteration. Any D&C Red No. 36 distributed after October 31, 1970, shall bear a label statement of the tolerance applicable to it.

2. The effective date statement of the order of April 14, 1970 (35 F.R. 6045), is changed to read as follows:

Effective date. The portion of this order amending § 8.501 is effective as of January 1 ,1970, and portions amending §§ 8.503 and 8.515 shall become effective October 1, 1970.

This document corrects an order for which notice and public procedure were not prerequisites to promulgation in accordance with provisions of section 203 (a)(2) of Public Law 86-618.

(Sec. 203(a)(2), Public Law 86-618; 74 Stat. 404; 21 U.S.C. 376, note)

Dated: June 26, 1970.

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

[F.R. Doc. 70-8550; Filed, July 6, 1970; 8:47 a.m.]

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Endosulfan

A petition (PP 0F0925) was filed with the Food and Drug Administration by FMC Corp., 100 Niagara Street, Middleport, N.Y. 14105, proposing establishment of a tolerance for negligible residues of the insecticide endosulfan (6,7,8,9,10,10 - hexachloro - 1,5,5a,6,9,9a - hexahydro - 6,9 - methano - 2,4,3 - benzodioxathiepin - 3 - oxide) in or on the raw agricultural commodity potatoes at 0.2 part per million.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purpose for which this tolerance is being established.

Based on consideration given data submitted in the petition, and other relevant material, the Commissioner of Food and Drugs concludes that the tolerance established by this order is safe and will protect the public health. Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and under authority delegated to the Commissioner (21 CFR 2.120), § 120.182 is amended by adding the following paragraph to the end of the section:

§ 120.182 Endosulfan; tolerances for residues.

* * * * *

0.2 part per million (negligible residue) in or on potatoes.

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the Federal Register file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-62, 5600 Fishers Lane, Rockville, Md. 20352, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on its date of publication in the Federal Register.

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: June 24, 1970.

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

[F.R. Doc. 70-8552; Filed, July 6, 1970; 8:47 a.m.]

PART 121—FOOD ADDITIVES

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

PART 135e—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

PART 135g—TOLERANCES FOR RESIDUES OF NEW ANIMAL DRUGS IN FOOD

Drugs for Use in Chicken Feed

The Commissioner of Food and Drugs has evaluated new animal drug applications filed by Hoffman-La Roche Inc., Nutley, N.J. 07110, proposing the safe and effective use in chicken feed of a drug containing sulfadimethoxine and ormetoprim alone (40-209V) or in combination with 3-nitro-4-hydroxyphenylarsonic acid (41-984V) for specified conditions. The applications are approved.

Having considered the submitted data and other relevant material, the Commissioner concludes that a tolerance limitation is required to assure that edible tissues of chickens treated with ormetoprim are safe for human consumption. Tolerances for residues of sulfadimethoxine and 3-nitro-4-hydroxyphenylarsonic acid are already established in §§ 121.1216 *Sulfadimethoxine* and 121.1138 *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, 135e, and 135g are amended as follows:

1. Section 121.262(c) is amended by adding to table 1 a new item as follows:

§ 121.262 3-Nitro-4-hydroxyphenylarsonic acid.

* * * * *

(c) * * *

Table 1—3-Nitro-4-hydroxyphenylarsonic Acid in Complete Chicken and Turkey Feed

Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
* * *	* * *	* * *	* * *	* * *	* * *
1.14 * * *					
1.15 3-Nitro-4-hydroxy-phenyl-arsonic acid.	22.7 (0.0025%)	Sulfadimethoxine + ormetoprim	113.5 (0.0125%) 68.1 (0.0075%)	For broiler chickens; not for laying chickens; discontinue use of medicated feed 5 days before slaughter; as sole source of organic arsenic.	As an aid in the prevention of coccidiosis caused by all Eimeria species known to be pathogenic to chickens, namely, *E. tenella, E. necatrix, E. acervulina, E. brunetti, E. mivati,* and *E. maxima* and bacterial infections due to *H. gallinarum* (infectious coryza) and *E. coli;* growth promotion and feed efficiency; improving pigmentation.
* * *	* * *	* * *	* * *	* * *	* * *

2. Parts 135e and 135g are amended by adding one new section to each, as follows:

§ 135e.55 Sulfadimethoxine, ormetoprim.

(a) *Chemical names.* (1) For sulfadimethoxine: *N'*(2,6-Dimethoxy-4-pyrimidinyl)-sulfanilamide.

(2) For ormetoprim: 2,4-Diamino-5(6-methylveratryl) pyrimidine.

(b) *Approvals.* Premix levels containing 25 percent of sulfadimethoxine and 15 percent of ormetoprim granted to Hoffmann-La Roche Inc., Nutley, N.J. 07110.

(c) *Assay limits.* Finished feed not less than 85 percent nor more than 115 percent of the labeled amount of each drug ingredient.

(d) *Related tolerances.* See § 121.1216 and § 135g.76 of this chapter.

(e) *Conditions of use.* It is used as follows:

Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
1. Sulfadimethoxine +ormetoprim	113.5 (0.0125%) 68.1 (0.0075%)			For broiler chickens; not for laying chickens; discontinue use of medicated feed 2 days before slaughter.	As an aid in the prevention of coccidiosis caused by all Eimeria species known to be pathogenic to chickens, namely, *E. tenella, E. necatrix, E. acervulina, E. brunetti, E. mivati,* and *E. maxima,* and bacterial infections due to *H. gallinarum* (infectious coryza) and *E. coli.*
2. Sulfadimethoxine +ormetoprim	113.5 (0.0125%) 68.1 (0.0075%)	3-Nitro-4-hydroxyphenylarsonic acid	22.7 (0.0025%)	For broiler chickens; not for laying chickens; discontinue use of medicated feed 5 days before slaughter; as sole source of organic arsenic.	As an aid in the prevention of coccidiosis caused by all Eimeria species known to be pathogenic to chickens, namely, *E. tenella, E. necatrix, E. acervulina, E. brunetti, E. mivati,* and *E. maxima,* and bacterial infections due to *H. gallinarum* (infectious coryza) and *E. coli;* growth promotion and feed efficiency; improving pigmentation.

§ 135g.76 Ormetoprim.

A tolerance of 0.1 part per million is established for negligible residues of ormetoprim in the edible tissues of chickens.

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

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

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

Dated: June 24, 1970.

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

[F.R. Doc. 70-8551; Filed, July 6, 1970; 8:47 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of Transportation

SUBCHAPTER B—MILITARY PERSONNEL

[OST Docket No. 26; Amdt. 1]

PART 52—BOARD FOR CORRECTION OF MILITARY RECORDS OF THE COAST GUARD

Procedures for Obtaining Views of Coast Guard in Certain Cases

The purpose of this amendment to Part 52 of Title 33 of the Code of Federal Regulations is to prescribe procedures for obtaining the information and views of the Coast Guard in cases before the Departmental Board for Correction of Military Records, either upon request of the Board or upon a determination by the Commandant of the Coast Guard that military policies or regulations of the Coast Guard are involved in a particular case. Information and views furnished by the Coast Guard would not be binding on the Board, but would be considered along with other information and material before the Board. In addition, the petitioner would receive a copy of any material furnished.

Since this amendment relates only to the internal management of the Department, notice and public procedure thereon are not required and the amendment may be made effective in less than 30 days.

In consideration of the foregoing, effective July 6, 1970, Part 52 of Title 33, Code of Federal Regulations is amended by adding the following new section at the end thereof:

§ 52.35-2 Request for information from Coast Guard.

(a) The Board shall transmit to the Commandant a copy of each application for relief submitted under § 52.01-10.

(b) In any case before it, the Board may request the Coast Guard to submit any additional pertinent facts not disclosed in the application and its supporting documents.

(c) In any case before the Board in which the Commandant personally determines that military policies or regulations of the Coast Guard are involved, he shall direct the Chief Counsel of the Coast Guard to prepare and forward to the Board the written views of the Coast Guard thereon.

(d) A copy of each submission made by the Coast Guard under this section shall be given to the claimant or his legal representative.

(e) Information and views furnished by the Coast Guard under this section are not binding on the Board, but shall be considered by the Board, along with all other information and material submitted in the particular case.

Issued in Washington, D.C., on June 29, 1970.

JOHN A. VOLPE,
Secretary of Transportation.

[F.R. Doc. 70-8534; Filed, July 6, 1970; 8:46 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 3—Department of Health, Education, and Welfare

PART 3-3—PROCUREMENT BY NEGOTIATION

Circumstances Permitting Negotiation

Chapter 3 is amended as follows:

Part 3-3 is amended to add a new Subpart 3-3.2 to read as follows:

Subpart 3-3.2—Circumstances Permitting Negotiation

Sec.
3-3.200 Scope of subpart.
3-3.201 National emergency.
3-3.204 Personal or professional services.
3-3.205 Services of educational institutions.
3-3.206 Purchases outside the United States.
3-3.210 Impracticable to secure competition by formal advertising.
3-3.211 Experimental, developmental, or research work.
3-3.212 Purchases not to be publicly disclosed.
3-3.215 Otherwise authorized by law.

AUTHORITY: The provisions of this Subpart 3-3.2 issued under 5 U.S.C. 301; 40 U.S.C. 486(c).

§ 3-3.200 Scope of subpart.

The citation of authority under which a contract is negotiated shall be referenced to the statutory provisions, for example, the proper citation for use of the exception contained in § 1-3.211 of this title is: 41 U.S.C. 252(c)(11). The citation of authority to negotiate under other law (§ 1-3.215 of this title) shall be as prescribed in § 3-3.215.

§ 3-3.201 National emergency.

(a) *Limitations.* This authority shall not be used for other than (1) assistance to labor surplus areas or small business concerns, and (2) administration of the Balance of Payments Program, without the prior written approval of the head of the procuring activity, or his designee.

§ 3-3.204 Personal or professional services.

(a) *Limitations.* This authority shall not apply to the procurement of management consultant services.

§ 3-3.205 Services of educational institutions.

(a) *Limitations.* (1) This authority shall be used only for the procurement of specialized noncommercial services which are customarily performed by educational institutions. Use of this authority for any service other than those listed in § 1-3.205(a) of this title shall require a written determination with supporting facts by the head of the procuring activity that the particular type of service is available only from educational institutions.

(2) Proposals shall be solicited from as many educational institutions as are known to possess the required capability. This shall be consistent with § 1-3.101(c) of this title. Solicitation of a single educational institution shall require a written determination by the cognizant program official with supporting reasons that only the institution to be solicited possesses the unique qualifications to perform the specific requirement. This determination shall require the concurrence of the contracting officer.

(3) Where the circumstances of both subparagraphs (1) and (2) of this paragraph pertain in the same case, the required determinations shall be combined and made by the head of the procuring activity.

§ 3-3.206 Purchases outside the United States.

(a) This authority shall be used in preference to any other authority under the circumstances set forth in § 1-3.206 of this title.

§ 3-3.210 Impracticable to secure competition by formal advertising.

(a) *Application.* (1) Negotiation under § 1-3.210 of this title shall be conducted on a competitive basis to the maximum practicable extent; except, when negotiation is justified under the circumstances specified in § 1-3.210(a)(1) of this title.

(2) The illustration specified in § 1-3.210(a)(3) of this title shall apply only if the negotiation is for the identical requirements specified in the unresponsive bid. If specification deviations are authorized or if delivery, quantity, or other requirements are changed, the revised requirements shall be readvertised or, if appropriate, negotiated under one of the other authorities prescribed in Subpart 1-3.2 of this title.

(3) Cases of doubt in applying the illustration specified in § 1-3.210(a)(13) of this title shall be resolved in favor of formal advertising.

(b) *Limitations.* This authority shall not be used when negotiation is authorized by any other authority set forth in §§ 1-3.201 through 1-3.215 of this title.

§ 3-3.211 Experimental, developmental, or research work.

(a) *Limitations.* Whenever more than single unit quantities of equipment or supplies are to be procured under this authority, the quantity shall be justified as reasonable and essential by the program authority submitting the procurement request.

§ 3-3.212 Purchases not to be publicly disclosed.

(a) *Limitations.* This authority shall be used in preference to any other authority when competition is to be limited because of the need for nondisclosure (also see § 1-1.1003 of this title).

§ 3-3.215 Otherwise authorized by law.

(a) When other statutory authority is the basis for negotiation, the proper citation for the contract is 41 U.S.C. 252(c)(15) plus the section number, title of the Act, and the Public Law number (or U.S.C. citation) of the statute which permits negotiation. For example, the proper citation in a contract for the procurement of expert and consultant service would be 41 U.S.C. 252(c)(15) and 5 U.S.C. 3109.

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

Approved: June 29, 1970.

SOL ELSON,
Acting Deputy Assistant Secretary for Administration.

[F.R. Doc. 70-8555; Filed, July 6, 1970; 8:47 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

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

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 4850]

[Montana 14541]

MONTANA

Partial Revocation of Forest Service Administrative Site

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

1. Executive Order No. 1623 of October 11, 1912, withdrawing vacant public domain lands as an administrative site is hereby revoked insofar as it affects the following described lands:

PRINCIPAL MERIDIAN, MONTANA

T. 7 S., R. 7 E.,
Sec. 20, lots 5, 7, and 8, NE¼SW¼ and all of the SE¼SW¼ except that portion which lies east of the east right of way boundary of U.S. Highway No. 89.

The area described aggregates approximately 127.01 acres in Park County.

The land is located in the Yellowstone River Valley about 30 miles south of Livingston and 12 miles north of Yellowstone Park.

2. The above described lands are included in Powersite Classification No. 334 of February 18, 1943, which classification remains in full force and effect. Therefore, the lands will not be open to appropriation under the public land laws generally. The lands have been and will continue to be open to location and entry under the U.S. mining laws, and to the filing of applications and offers under the mineral leasing laws.

HARRISON LOESCH,
Assistant Secretary of the Interior.

JUNE 29, 1970.

[F.R. Doc. 70-8553; Filed, July 6, 1970; 8:47 a.m.]

[Public Land Order 4851]

[Oregon 5709]

OREGON

Withdrawal for National Forest Scenic Roadside Zone

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

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

WILLAMETTE MERIDIAN

OCHOCO NATIONAL FOREST

A strip of land 300 feet wide on each side of the centerline of U.S. Highway No. 26, through the following subdivisions:

T. 13 S., R. 18 E.,
Sec. 36, NE¼, SE¼NW¼, E½SW¼, W½SE¼.
T. 14 S., R., 18 E.,
Sec. 1, W½NE¼, NE¼NW¼, S½NW¼, NE¼SW¼.
T. 13 S., R. 19 E.,
Sec. 10, NW¼NE¼, NW¼, NW¼SW¼;
Sec. 19, SE¼SW¼, S½SE¼;
Sec. 30, lots 2, 3, 4, NW¼NE¼, SE¼NW¼, E½SW¼.

The areas described aggregate 250 acres in Crook County.

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

their mineral or vegetative resources other than under the mining laws.

HARRISON LOESCH,
Assistant Secretary of the Interior.

JUNE 29, 1970.

[F.R. Doc. 70-8531; Filed, July 6, 1970; 8:45 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 18397; FCC 70-677]

PART 74—EXPERIMENTAL, AUXILIARY, AND SPECIAL BROADCAST AND OTHER PROGRAM DISTRIBUTIONAL SERVICES

Community Antenna Television Systems

Memorandum opinion and order. In the matter of amendment of Part 74, Subpart K, of the Commission's rules and regulations relative to community antenna television systems; and inquiry into the development of communications technology and services to formulate regulatory policy and rulemaking and/or legislative proposals; Docket No. 18397.

1. We have before us a number of petitions for reconsideration of our first report and order herein, released October 27, 1969, 20 FCC 2d 201, 34 F.R. 17651. In that decision, following a notice of proposed rule making and notice of inquiry of December 13, 1968 (15 FCC 2d 417, 33 F.R. 19028), we dealt with certain aspects of community antenna television (CATV) service. We determined that the public interest would be served by program origination (cablecasting) over CATV systems, and accordingly adopted a requirement for such cablecasting after January 1, 1971 by systems with 3,500 or more subscribers, leaving to further proceedings the question of whether the requirement should be made applicable to smaller systems. We also authorized advertising on cablecasts, limited to the beginning and end of each program, and to such "natural breaks or intermissions" within programs as are beyond the control of the CATV operator. We also made applicable to cablecasting requirements similar to those of sections 315 and 317 of the Communications Act with respect to equal opportunities for political candidates, fairness in the treatment of controversial issues of public importance, and sponsorship identification. Other issues raised by the December 13, 1968 Notice (e.g., diversification of control, common carrier operations by CATV's, importation of distant signals) were left for subsequent resolution.

2. The joint petition for reconsideration of Cablecom-General, Inc., Communications Properties, Inc., Pennsylvania Community Antenna Television Association, Inc., Service Electric Co. and Texas CATV Association, Inc., supports the Commission's objectives of promoting multipurpose CATV operation combining the carriage of broadcast signals, program origination and common carrier services. However, it urges that a compulsory origination requirement, limitations upon advertising, and the possibility of a dual Federal-State regulatory system are undesirable. With respect to the origination, or "cablecasting," requirement, it is urged that to compel cablecasting by systems not adequately prepared to undertake it will not advance the Commission's aims, but rather will retard their realization. The petition urges that there is no valid basis for assuming that CATV systems not now originating programs do not have a valid reason for failing to do so; uncertainties over copyright legislation and state public utility regulation as well as economic problems related to capital requirements are referred to as possible obstacles to effective cablecasting. To force unprepared systems to undertake cablecasting, it is said, will result only in poor service and the discouragement (because of fear of future unknown requirements) of cablecasting by others who might otherwise undertake it voluntarily. The pleading states that a sound judgment in this area requires further study of the costs of program origination, and that substantial outlays should not be required in the face of so many uncertainties, including the Commission's own statement that unforeseen impact upon television broadcast service would be remedied in some unspecified manner. In sum, it is urged that the industry is making substantial strides in this area upon a voluntary basis, and that this situation should not be disturbed.[1]

3. We have carefully considered these contentions, but are not persuaded that either the public or the CATV industry would be better served by deleting the cablecasting requirement. As the petitioners state, there is no disagreement about the value and importance of cablecasting. Since many systems are now originating, the general feasibility of origination is no longer in doubt, and we believe that we adopted a reasonable cut-off point in limiting the applicability of our rule to systems with as least 3,500 subscribers. The first report and order covers this issue in detail,[2] including available data on costs, and the initial rule adopted in that document is very broad, permitting great flexibility in cablecasting operations. We have been given no data tending to demonstrate that systems with 3,500 subscribers cannot cablecast without impairing their financial stability, raising rates or reducing the quality of service. We recognize that there are some uncertainties, but these uncertainties have not prevented the inauguration of cablecasting by many systems.[3] Innovative arrangements are also possible, such as agreements with educational institutions under which a channel is made available for the use of the school which, with its own studio and other facilities, will produce educational, cultural, and other programing. The CATV of course would be expected to see to it that local political and other affairs are covered on that or a different channel, but the costs of origination to it would be sharply reduced. We do not see, therefore, why a reasonable requirement for cablecasting should produce less quality origination than would otherwise be produced.[4] The rule adopted is minimal in the light of the potentials of cablecasting and, on our own motion, we are postponing the date when originations must commence to April 1, 1971, to afford additional preparation time.

4. Indeed, we recognize that there is a question of whether we should not go beyond the minimal rule and specify a minimum number of hours for local live origination (as against presenting primarily film). We adhere to the judgment, set out in par. 30 of the first report—namely, that it is appropriate to afford a period of free experimentation and innovation by cable operators. However, there is one development which does require consideration. It has come to our attention that some cable operators simply lease their origination channel to a local radio station, which in turn presents its disc jockey shows over this channel for virtually the entire broadcast day. While the cable operator is perfectly free to enter into arrangements with local broadcast stations during the period of experimentation (subject of course to whatever limitations are adopted with respect to cross-ownership in this field—see notice, par. 23, 33 F.R. 18977, 19032–33), the main purpose is to provide an outlet for local expression. As we stated in the First Report, the very existance of "available facilities for local production and presentation of programs * * *" (74.1111(a)) is a most important contribution to the public interest, since it means that the mayor, the local political candidates, those willing to discuss controversial issues, etc., have a means of access to the television viewer. However, if the channel is unavailable for such presentation because it is leased out to a local broadcast facility for television presentation of its shows, the above purpose is frustrated. We therefore have amended § 74.1111(a) to make clear that the CATV may not enter into any arrangement which inhibits or prevents

[1] The petition is supported by a resolution adopted by The Pennsylvania Community Antenna Television Association, Inc., making the same points, and stating particularly that if cablecasting is not self-supporting, subscribers must either face increased charges or poorer service.

[2] It points out that 70 percent of the systems now originating have fewer than 3,500 subscribers.

[3] We may note particularly in this regard that we see no substantial threat to television broadcast service warranting Commission action in the foreseeable future, particularly since cablecasting would be of programs bought or produced in the open market. In any event, voluntary cablecasting would of course be subject to the same caveat of possible remedial action if television service were threatened in a respect inimical to the public interest.

[4] There is always the possibility of waiver in a particular case, but we stress that it will be granted only because of unusual circumstances.

the substantial use of the cable facilities for local programing designed to inform the public on issues of public importance.

5. Finally, Cablecom-General et al. urge that we conduct further rule making before requiring common carrier service by CATVs, and that we act to end the possibility of confusing dual State-Federal regulation. Both of these subjects require further exploration beyond the bounds of our first report and order of October 27, 1969, and cannot appropriately be dealt with here.

6. Several parties [5] urge that the Commission, in encouraging cablecasting, has embarked upon a new course with respect to CATV, which was previously limited to the role of a supplement to broadcast television service. They say that CATV, still founded upon the carriage of broadcast signals, but now encouraged to originate programs independently, will be a greater threat to the public's continued reception of "free" programs than either previous CATV operations or subscription television broadcasting. The latter, they point out, has been channelled so as to give the public something different from what it receives on free TV and to avoid siphoning the present free programing fare. We agree that where cablecasting is accompanied by a per-program or per-channel fee, it is akin to subscription television and presents the same threat of siphoning programs away from free television [6] in favor of a service limited to those who can pay and, in the case of cablecasting, to those to whom the cable is geographically available. Remedial action in this area should not wait upon the threat becoming actuality. As was the case with subscription television, protection of the public requires that action be taken at a time when it involves no disruption of existing patterns. The adoption of rules similar to those preventing siphoning television programs from free television broadcasting to subscription television broadcasting will serve to insure that cablecasting does not merely force the public to pay for what it now receives free. They are additionally warranted here because of CATV's inability to serve the same audience reached by a television broadcast station, and they serve the same purpose of protecting those who do not wish, or cannot afford, to pay for television. Finally, we believe that as is the case with subscription television, advertising should not be permitted where the public pays directly for the programs. This additional economic support should not be necessary, and it would be contrary to the public interest. A new § 74.1121 is added below to our rules to accomplish these purposes.[7] However, we do not believe that cablecasting unaccompanied by per-program or per-channel charges presents a substantial threat of siphoning, or that such cablecasting, which we wish to stimulate, should be restricted to one channel or limited to sponsorship by local advertisers in small communities. The basis for this judgment is that when CATV operates in its present fashion (i.e., a flat charge in a generally well-defined range), it poses no significant threat of siphoning programing from the regular television system, and thus, adoption of the pay-TV restrictions to ordinary cablecasting services would inhibit the development of such services, without any present basis or need for the inhibition. The Commission will of course be prepared to take remedial action if in the future charges for programs should be hidden in increased general subscriber charges. At the present time, however, we see no warrant for placing upon ordinary cablecasting the restrictions appropriate to pay-TV operations. We stress that should we be mistaken in this regard and experience show the need for corrective action, we shall take such action at the first indication of the need therefor.

7. We note also other requests by several parties that we deal with CATV on a more comprehensive basis at this time, covering such issues as licensing, whether origination by the CATV operator should be permitted on more than one channel, regulation of common carrier operations, reporting requirements, and technical standards. We are not persuaded that all of these questions need be resolved before we proceed with the basic determinations made in the first report and order of October 27, 1969. CATV originations are still in their infancy and, so far as we know, common carrier operations are still in the future. These various issues are not being forgotten. Some are being acted on at this time; the others are beyond the necessary scope of this part of Docket No. 18397 and are matters we do not feel in a position to resolve at this time.[8] One further matter raised in the notice of proposed rulemaking of December 13, 1968, should be dealt with at this time in view of indications that problems may now be arising, and that is the prohibition of lotteries. We are adopting a new § 74.1116 to meet this problem.

8. The American Newspaper Publishers Association has urged that we add a new section to make clear that our requirements as to equal time for political candidates, the fairness doctrine, political editorials and personal attacks, advertising, and sponsorship identification requirements are not applicable to the dissemination of newspapers. We agree with the thrust of this petition that we did not intend to apply these requirements to the distribution of printed newspapers to their subscribers by way of cable. It does not appear necessary to amend the rule to make this clear. This opinion will constitute the Commission's definitive interpretation of the rules adopted in the October 27, 1969 Report and Order in this respect. However, we should also make clear that ordinary cablecasting is covered by the rules. It makes no difference on this question that a newspaper is the originator of the program any more than it would if a newspaper sponsored a program on a broadcast station. A news or public affairs program on a broadcast station owned by a newspaper is not exempt from fairness, sponsor identification and other requirements. The point is that we have no intention of regulating the print medium when it is distributed in facsimile by cable, but we do hold that the publication of a newspaper by a party does not put it in a different position from other persons when it sponsors or arranges for the presentation of a CATV origination which does not constitute the distribution of its newspaper.[9]

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[5] E.g., American Broadcasting Co., Association of Maximum Service Telecasters, a group of television stations (WAVE–TV, et al.), the National Association of Broadcasters, and the All-Channel Television Society. ABC also urges full licensing of CATV, and a re-examination of policies on the carriage of non-local broadcast signals, matters beyond the scope of the First Report and Order of October 27, 1969.

[6] MST has shown that cable systems have plans to carry feature films, and sports such as hockey and basketball. Furthermore, the potential revenue from cablecasting accompanied by per-program or per-channel charges is substantial. With such charges, potential revenues are adequate to make siphoning a real possibility. Thus, as MST points out, with 10 million subscribers in the United States, an average of $2 per month per home would generate revenues of $240 million per year, enough to remove all professional sports from free TV. Slightly higher charges would give the same revenue with many fewer subscribers. Siphoning in particular areas would also be a problem. It is pointed out, for example by WAVE–TV et al., that with 600,000 subscribers in the Philadelphia area (less than 30 percent penetration), a CATV system receiving an average of $7.50 per month per subscriber in fees plus per-program charges would have revenues above those of all the Philadelphia market television stations combined. We also note the affidavit of John A. Dimling, Jr., submitted by the NAB on the siphoning question.

[7] WAVE et al. propose more severe restrictions, such as a prohibition of any cablecast of live professional sports events or any recorded cablecast of these events within 1 week of their occurrence, and a prohibition of nonlocal variety programs. We believe these additional restrictions, at least without more experience, are too stifling.

[8] The National Association of Educational Broadcasters has repeated a previous proposal with respect to priorities of service to be required of CATV systems, i.e., television signals required to be carried by our rules, State or local requirements, public service use in conjunction with educational agencies, common carrier service. Such requirements can best be considered in the context of some of the issues mentioned above. Its further suggestion that we adopt standards to require that cablecasters coordinate educational and public service programing with affected educational organizations is, we believe, unnecessary in the absence of further experience with the new medium. We have no reason to think that educational organizations will not be consulted or, on another aspect of this general question, that commercial continuity will be inappropriately used in connection with educational programs. Every conceivable problem, even if of potential importance, cannot be dealt with in advance of some experience indicating its substantiality and the best approach to it.

[9] We note, of course, that our first report and order did not deal with common carrier services provided by a CATV. This subject calls for further independent study. We also note that the rules adopted in the first report and order, as they state, apply to programs originated by others than the CATV operator, when presented on the channel or channels controlled by the CATV operator.

9. Accordingly, upon the authority of sections 2, 3, 4 (i) and (j), 301, 303, 307, 308 and 309 of the Communications Act, the rules set forth below are adopted, effective August 14, 1970, and

It is further ordered, That the petitions for reconsideration are in all other respects denied.

(Secs. 2, 3, 4, 301, 303, 307, 308, 309, 48 Stat., as amended, 1064, 1065, 1066, 1081, 1082, 1083, 1084, 1085; 47 U.S.C. 152, 153, 154, 301, 303, 307, 308, 309)

Adopted: June 24, 1970.

Released: July 1, 1970.

FEDERAL COMMUNICATIONS COMMISSION,[10]
[SEAL] BEN F. WAPLE,
Secretary.

I. Section 74.1111(a) is revised to read:

§ 74.1111 Cablecasting in conjunction with carriage of broadcast signals.

(a) Effective on and after April 1, 1971, no CATV system having 3,500 or more subscribers shall carry the signal of any television broadcast station unless the system also operates to a significant extent as a local outlet by cablecasting and has available facilities for local production and presentation of programs other than automated services: *Provided, further,* That the system shall not enter into any contract, arrangement or lease for use of its cablecasting facilities which prevents or inhibits the use of such facilities for a substantial portion of time (including the time period 6–11 p.m.), for local programing designed to inform the public on controversial issues of public importance.

* * * * *

II. A new § 74.1116 is added to read as follows:

§ 74.1116 Lotteries.

(a) No CATV system when engaged in cablecasting shall transmit or permit to be transmitted on the cablecasting channel or channels any advertisement of or information concerning any lottery, gift enterprise, or similar scheme, offering prizes dependent in whole or in part upon lot or chance, or any list of the prizes drawn or awarded by means of any such lottery, gift enterprise, or scheme, whether said list contains any part or all of such prizes.

(b) The determination whether a particular program comes within the provisions of paragraph (a) of this section depends on the facts of each case. However, the Commission will in any event consider that a program comes within the provisions of paragraph (a) of this section if in connection with such program a prize consisting of money or thing of value is awarded to any person whose selection is dependent in whole or in part upon lot or chance, if as a condition of winning or competing for such prize, such winner or winners are required to furnish any money or thing of value or are required to have in their possession any product sold, manufactured, furnished or distributed by a sponsor of a program broadcast on the station in question.

III. A new § 74.1121 is added to read as follows:

§ 74.1121 General operating requirements.

(a) Cablecasting operations for which a per-program or per-channel charge is made shall comply with the following requirements:

(1) Feature films shall not be cablecast which have had general release in theaters anywhere in the United States more than 2 years prior to their cablecast: *Provided, however,* That during 1 week of each calendar month one feature film the general release of which occurred more than 10 years previously may be cablecast, and more than a single showing of such film may be made during that week: *Provided, further,* That feature films the general release of which occurred between 2 and 10 years before proposed cablecast may be cablecast upon a convincing showing to the Commission that bona fide attempt has been made to sell the films for conventional television broadcasting and that they have been refused, or that the owner of the broadcast rights to the films will not permit them to be televised on conventional television because he has been unable to work out satisfactory arrangements concerning editing for presentation thereon, or perhaps because he intends never to show them on conventional television since to do so might impair their repetitive box office potential in the future.

NOTE: As used in this subparagraph, "general release" means the first-run showing of a feature film in a theater or theaters in an area, on a nonreserved-seat basis, with continuous performances. For first-run showing of feature films on a nonreserved-seat basis which are not considered to be "general release" for purposes of this subparagraph, see note 56 in the fourth report and order in Docket No. 11279, 15 FCC 2d 466.

(2) Sports events shall not be cablecast which have been televised live on a nonsubscription, regular basis in the community during the 2 years preceding their proposed cablecast: *Provided, however,* That if the last regular occurrence of a specific event (e.g., summer Olympic games) was more than 2 years before proposed showing on CATV in a community, and the event was at that time televised on conventional television in that community, it shall not be cablecast.

NOTE 1: In determining whether a sports event has been televised in a community on a nonsubscription basis, only commercial television broadcast stations which place a Grade A contour over the entire community will be considered. Such stations need not necessarily be licensed to serve that community.

NOTE 2: The manner in which this subparagraph will be administered and in which "sports," "sports events," and "televised live on a nonsubscription regular basis" will be construed is explained in paragraphs 288–305 of the fourth report and order in Docket No. 11279, 15 FCC 2d 466.

(3) No series type of program with interconnected plot or substantially the same cast of principal characters shall be cablecast.

(4) Not more than 90 percent of the total cablecast programing hours shall consist of feature films and sports events combined. The percentage calculations may be made on a yearly basis, but, absent a showing of good cause, the percentage of such programing hours may not exceed 95 percent of the total cablecast programing hours in any calendar month.

(5) No commercial advertising announcements shall be carried on such channels during such operations except, before and after such programs, for promotion of other programs for which a per-program or per-channel charge is made.

[F.R. Doc. 70–8578; Filed, July 6, 1970; 8:49 a.m.]

[Docket No. 18397; FCC 70–673]

PART 74—EXPERIMENTAL, AUXILIARY, AND SPECIAL BROADCAST AND OTHER PROGRAM DISTRIBUTIONAL SERVICES

Community Antenna Television Systems

Second report and order. In the matter of amendment of Part 74, Subpart K, of the Commission's rules and regulations relative to community antenna television systems; and inquiry into the development of communications technology and services to formulate regulatory policy and rulemaking and/or legislative proposals; Docket No. 18397.

1. The Commission's first report and order in this proceeding, released on October 27, 1969 (FCC 69–1170),[1] stated that we would from time to time split off parts of this complex rule making proceeding for action, deferring action on other aspects pending further analysis or further proceedings. In the first report, the Commission determined that program origination (cablecasting) by CATV operators and others on CATV systems is in the public interest. We required cablecasting on and after January 1, 1971, by systems with 3,500 or more subscribers, and indicated that the question of whether this floor should be lowered would be explored at a later time. We authorized advertising at the beginning and end of each cablecast program and at "natural breaks or intermissions" that are beyond the control of the CATV operator. We made applicable to cablecasting, requirements similar to

[10] Statements in which Commissioners Bartley and Johnson concur in part and dissent in part filed as part of original document; Commissioners Cox and Wells concurring in the result.

[1] The proceeding was instituted by the Commission's notice of proposed rule making and notice of inquiry, issued on December 13, 1968 (15 FCC 2d 417, 33 F.R. 19028). See also the further notice of proposed rule making, issued on May 16, 1969 (FCC 69–516, 34 F.R. 7981).

those imposed on broadcasters by sections 315 and 317 of the Communications Act (equal opportunities for political candidates, and sponsor identification), and the "fairness doctrine" regarding discussion of controversial issues of public importance.

2. This second report concerns the diversification proposals set forth in paragraphs 23–25 of the December 1968 notice. The Commission there proposed to adopt rules to further the policy of diversity of control over communications media by: (1) Prohibiting cross-ownership of CATV systems and television stations (and possibly radio stations and newspapers) serving the same area (par. 23); (2) limiting multiple ownership of CATV systems on a national and regional basis, taking into account ownership and control of other media (par. 24); and (3) limiting origination by the CATV operator to one channel, not including any channels devoted to automated services or used for origination by others (par. 25). Substantial comments on these matters—particularly from the U.S. Department of Justice and from Professor Stephen R. Barnett, of the School of Law of the University of California, Berkeley—have been of considerable assistance. Other comments on the proposed diversification rules were more general in nature, and did not deal with specific standards; this was particularly true regarding the multiple-ownership question.

3. We believe that the record already compiled affords a sufficient basis for some rule making in the area of cross-ownership. Nonetheless, a number of cross-ownership questions, along with other CATV-diversification matters, are treated not in this document but rather in the concurrently issued notice of proposed rule making and inquiry in Docket No. 18891, in some cases because of a desire for additional comment, in others because of a need for further deliberation or a belief that further action should be deferred to permit parallel consideration of a similar issue in another rule-making proceeding.

General. 4. The contention in many of the comments that there is no need for diversity-of-ownership requirements if CATV operators do not engage in program origination is largely beside the point.[2] As stated in paragraph 23 of the December 1968 notice, the proposals which we are contemplating in this area are based upon present and potential program origination by CATV operators. Some CATV systems already originate and CATV interest in cablecasting is on the increase. We concluded, in the First Report in Docket No. 18397, that program origination by CATV is in the public interest and should be encouraged; indeed, we are requiring systems with 3,500 or more subscribers to engage in origination as a condition for the carriage of broadcast signals. In view of CATV's developing role as an "opinion molder," it seems to us that the question is not whether there should be rules favoring diversity, but rather what kinds of requirements would best promote this policy without thwarting the other goals of communications policy.

5. Several parties contended that case-by-case consideration of alleged abuses would be preferable to general rules; that the Commission should adhere to its determination to that effect in the first report and order in Docket No. 15415 (1 FCC 2d 387). That determination, however, was made in the context of CATV operations limited to carriarge of broadcast signals and was expressly made "subject to further consideration and modification" in light of future changed circumstances (id. at 388). In view of the program-origination developments, and the possible provision of other services on cable systems, we believe that a different approach is now called for, that is, a prescription of minimum standards by rule, subject to the possibility of waiver, or of imposition of additional requirements, on a case-by-case basis when required in the public interest. United States v. Storer Broadcasting Co., 351 U.S. 201–205 (1962). See also the first report and order in Docket No. 18397, FCC 69–1170 (released October 27, 1969), paragraphs 2 and 12–26.

Cross-ownership. 6. Both the National Cable Television Association (NCTA) and the National Association of Broadcasters (NAB) opposed our proposal to prohibit cross-ownership of CATV systems and television stations within the Grade B contour or a mileage zone—the NCTA on the ground that the Commission lacks authority to do so and should leave monopoly considerations to the Federal Trade Commission and the Department of Justice; the NAB on the ground that any resultant contribution to diversification would be de minimis and at the expense of public service programing on CATV which broadcasters are allegedly best qualified to originate. Parties with common CATV and broadcast interests were uniformly opposed to the ban, and urged that, at most, such rules be applied only to future acquisitions. Several parties asserted that broadcasters are best qualified to engage in CATV program origination because of their experience in the broadcast field and familiarity with license responsibilities. It was also argued that local cross-ownership should be permitted in view of the possibility that television broadcasting might ultimately be converted to cable distribution in whole or in part (par. 9 of the December 1968 notice). A number of parties suggested that common ownership of local television stations and CATV systems should be permitted, but that the station's signal should count as program origination and that any additional origination should be done by others on common carrier channels.

7. On the other hand, some CATV operators and some broadcasters commented in favor of the proposed cross-ownership prohibition. According to Wheeling Antenna Co., for example, CATV origination of local-interest programs is likely to be subordinated to more profitable broadcast operations if joint ownership is permitted; for example, broadcasters would not risk loss of audiences of revenue-producing prime-time broadcast programs by pitting local-interest programs against them. Wheeling Antenna claimed that the full potential of CATV origination will not be achieved unless there is a complete separation of broadcast and CATV operations and the CATV operator has "no alternative but to work harder at tilling his own fields." Parties with other interests, such as the City of New York, the American Civil Liberties Union, and Freedom Industries, Inc., a corporation created to provide employment opportunities for Negroes in the Boston, Mass., area, also supported the proposed cross-ownership prohibition. Broader requirements were favored by some. Micanopy Group Cos., operator of several CATV systems, supported a cross-ownership ban extending to local radio stations and local newspapers. Freedom Industries, Inc., urged the Commission to require that cable systems be substantially owned by local residents of the area served. Communications, Inc., and several other CATV systems called for a prohibition against broadcast network ownership of CATV systems, wherever located.

8. The Department of Justice strongly supported the Commission's proposal to prohibit any local television station from owning a CATV system in the same market, and recommended further that the same principle be applied to newspaper ownership of a CATV system in the same market. Though indicating that AM and FM radio licensees without other local media interests may lack substantial market power and hence might be excluded from any ban, the Department suggested that this area might bear further investigation by the Commission. The Department stressed that limitations on local cross-ownership are "needed to insure that healthy and vigorous competition occurs in markets where entry is limited and the competitive alternatives are necessarily few in number." It took the position that divestiture should be required, but carried out gradually so as to ensure that parties have a reasonable opportunity to recover the value of any properties they are required to divest. Professor Barnett advocated a cross-ownership prohibition extending to local radio stations and newspapers, as well as to local television stations and to television networks. The suggestion that a cross-ownership ban should extend to local newspapers was opposed by various newspaper parties, including the American Newspaper Publishers Association, the McClatchy Newspapers,

[2] Diversification rules would be desirable even if CATV operations were limited to carriage of broadcast signals and common carrier activities, in view of the limited number of broadcast and newspaper media in all communities, and the potential importance of cable facilities in providing many communications services. We further believe that the diversity provisions announced herein should apply to systems which do not originate or which are exempt from any origination requirement; otherwise the effect might be to discourage such systems from originating.

and the Evening Post Publishing Co. (a CATV owner).

9. Parties opposed to television network ownership of cable systems contended, inter alia, that such cross-ownership would impose a restraint on the diversity of television programing that cable television might otherwise provide (since networks have a financial interest in maintaining a maximum audience for the programing offered by commercial television stations, and CATV systems will typically carry the local, or distant, signals of broadcast stations affiliated with each of the major networks); and, in addition, that network ownership of cable systems would hinder the development of new cable-oriented networks and hence have a dampening effect on potential programing competition on the national level as well.

10. Data submitted by the Federal Communications Commission to the Senate Subcommittee on Antitrust and Monopoly during the 90th Congress indicates significant national and local concentration of control in broadcasting. Almost all commercial VHF television stations are affiliated with one or more of the national television networks, each of which owns five VHF stations in the top 12 television markets including one each in the three largest TV markets. In 1967, these three networks produced or controlled 95.2 percent of their prime-time programing. In the top 50 television markets (comprising 75 percent of the nation's television homes), 30 markets have at least one VHF station owned by a major newspaper in the same market, and in the top 25, 15 markets have such joint arrangements. As of November 1967, approximately 260 communities had local broadcast stations owned, controlled, or with a minority interest by newspapers. Some 76 communities had only one AM station and only one daily newspaper, with cross-ownership interests between the two. Fourteen communities (e.g., Rock Island, Ill.) had one AM station, one TV station, and one daily newspaper, all commonly owned.

11. In December 1968, NCTA's then chairman, Robert H. Beisswenger, reported that about 30 percent of the cable systems in operation at that time were controlled by broadcasters, and that, of the 256 systems started in 1966, 46 percent were owned by radio or television stations.[3] If these figures reflect a trend toward domination of the cable industry by an already overly-concentrated broadcast industry, the Commission has an obligation, now, while CATV is still in an early formative stage, to weigh the implications of this trend and to take appropriate action.

12. Having considered the comments herein, we remain of the view that the public interest would be best served by the adoption of a rule prohibiting local cross-ownership of CATV systems and television broadcast stations. Such a rule would further the Commission's policy favoring diversity of control over local mass communications media. The arguments which have been submitted in opposition to it are not sufficient, in our judgment, to countervail that policy. We have seen, for example, no evidence, or reason to assume, that a CATV system's local program origination would suffer if denied the assistance of a coowned local television station; indeed, such joint ownership might discourage effective CATV program origination, insofar as it threatened to reduce the station's own program audience. As for the broadcaster's experience in adherence to Commission rules and policies, we have no doubt that CATV operators will also quickly develop such "expertise": the Commission's equal-time, fairness, and sponsor-identification requirements involve no great difficulties of comprehension or compliance. The suggestion that the licensee of a local televsion be permitted to own local CATV systems if he abstains from originating CATV programing on those systems lacks merit, even though it would solve the "duopoly" problem, because it would deprive the viewer of an additional source of television programing. While some additional origination might be forthcoming by others on common carrier channels, that would also be the case if an independent CATV operator were engaged in origination on one channel. In addition, where there is more than one local television station, it does not appear desirable either to permit a joint venture in a related medium or to permit one to gain a competitive advantage over others excluded from such a TV-CATV combination.

13. We believe that the local TV–CATV cross-ownership ban should extend to the predicted Grade B contour of the television station's normal service area. That is the area in which the broadcaster is obliged to ascertain and meet viewer's needs and interests.[4] Since what is at stake is diversity to the CATV subscribing portion of the public, the pertinent measure is the extent of the overlap within the service area of the CATV system. Thus, it makes no difference to the CATV subscribers that the service area of a commonly owned system constitutes only 5 or less perecnt of the station's Grade B contour, if 100 percent of the CATV service area is within that contour. We conclude that if the CATV system is wholly or partially within the Grade B contour,[5] cross-ownership should be barred. We note that, with such a bar, the station would also have no conflicting consideration in deciding whether to install a translator in some area within the Grade B contour. It has been suggested that television stations should be able to choose between translator and CATV facilities as a means of reaching poor-reception areas within its predicted Grade B contour; but we do not think that any general exception for this purpose is warranted; such areas can also be served by CATV systems under separate ownership and control. However, we would consider waivers on an ad hoc basis where it is clearly established that a cross-ownership ban would not result in greater diversity.[6]

14. We also believe that cross-ownership of a translator station and a CATV system serving the same community should be prohibited. In our case-by-case consideration of existing translator-CATV cross-ownerships, we have observed that such combinations are unlikely to yield the best translator service to the public. Here, too, exceptions will be considered upon a showing that in the absence of cross-ownership there would be no increase in broadcast or CATV service to the public.

15. Finally, we believe that the three national broadcast networks should not be permitted to hold an ownership interest in any CATV system, including those located beyond the service areas of network owned and operated stations. Our reasons are essentially those stated in paragraph 9, supra, plus the fact that the networks already have a predominant position nationwide through their affiliated stations in all markets, their control over network programing presented in prime time, and their share of the national television audience. Network ownership of CATV systems is not necessary in the event of a full or partial conversion of broadcast television to CATV.

16. It should be noted that, with the exception of network-owned television stations, nothing in the foregoing prevents joint ownership of a television broadcast station and a nonlocal CATV system. It is not our desire to keep television broadcasters out of the CATV industry, but rather to avoid over-concentrations of media control. Thus, for example, though we remain persuaded that "grandfathering" of existing local cross-ownerships should not be allowed, we would have no objection to exchanges of CATV systems among broadcasters which would maintain their involvement in the CATV industry while eliminating local cross-ownerships. We have provided a 3-year grace period (which may be extended in individual cases for good cause shown) for divestiture of locally cross-owned CATV systems, both to facilitate such exchanges and to assure that parties have a reasonable opportunity to recover the value of any properties they are required to sell.[7] In view of the

[3] Broadcasting, Dec. 9, 1968, p. 29.

[4] Apart from Storer Broadcasting Co.'s comments, there was no widely expressed preference for another boundary.

[5] We believe it sound to use the predicted contour in light of considerations such as the foregoing and the desirability of administrative certainty; in unusual circumstances, there is of course always the possibility of taking into account a showing as to the actual contours.

[6] There may, for example, be some sparsely populated area where no one is willing to apply for an available broadcast channel except a local CATV operator interested in providing CATV-originated programing to a wider area.

[7] The rules set forth below are immediately applicable upon their effective date (30 days after publication in the FEDERAL REGISTER) to all new acquisitions of CATV systems by television station or network interests. Cross-ownership interests in existence on the date of publication of this second report in the FEDERAL REGISTER will be allowed 3 years from the effective date of the rules within which to achieve compliance.

present volume of voluntary CATV transfers, it appears that systems are readily transferable. Moreover, except for broadcast network CATV owners, broadcasters may well be able to work out exchanges with other systems subject to divestiture outside their service areas. Such exchanges may be effectuated without payment of any capital gains tax if the "involuntary conversion" provision of section 1033 of the Internal Revenue Code is applicable.

17. One final matter warrants discussion in view of the challenge to our jurisdiction to promulgate cross-ownership rules. The Commission clearly has authority to consider ownership of other communications media in licensing television and radio stations, including those that are network-owned, and to adopt rules governing the issuance of such licenses in the light of diversification policies. United States v. Storer Broadcasting Company, 351 U.S. 192. We believe that the Commission also has authority to adopt ownership rules governing CATV systems directly, including the matter of cross-ownership interests with newspapers over whom the Commission has no independent licensing authority. In receiving, forwarding and delivering interstate broadcast signals, CATV systems are engaged in an activity which is incidental to "communications by radio" and "radio transmission of energy" within the definitions contained in sections 3(b) and (3)(d) of the Communications Act. The Commission has authority to license such incidental "communication by radio," to the extent necessary, under sections 2(a), 4(i), 301, and 303 of the Communications Act. It appears necessary and appropriate to exercise limited licensing jurisdiction by rule in the area of diversification of ownership of cable facilities, and to prescribe a licensing standard which takes into account ownership of other communications media.

18. While cable systems increasingly have capacity to accommodate other communications services, such as program origination and perhaps services of the nature mentioned in paragraphs 8–9 of the December 1968 notice, carriage of broadcast signals is central to the very existence of the facilities. For, as pointed out in the comments here and in Part V, it is the public demand for cable delivery of broadcast signals which provides the economic incentive for the construction of the cable. There is no present indication that the cable systems would be constructed to provide other services exclusively, or that more than one cable system would be constructed to provide different services in the same area. In the circumstances, we think it proper in authorizing CATV systems to engage in incidental "communication by radio" by delivering broadcast signals to consider the other communications services that may result, and to condition eligibility for a license upon a requirement that the entity not have an interest in other local communications media.

Conclusion. In view of the foregoing, we find that the public interest would be served by adoption of the rules set forth below, effective 30 days from publication of this order in the FEDERAL REGISTER (but see the provisions of § 74.1131(d) of he rules concerning the applicability of the "grace period"). Authority for such rules is contained in sections 2, 3, 4(i), and (j), 301, 303, 307, 308, and 309 of the Communications Act. We further conclude that a final determination on the other aspects of the proposed rule making discussed herein should be the subject of further proceedings.

Accordingly, it is ordered, That the rules set forth below are adopted, effective August 10, 1970, and the Commission retains full jurisdiction over all other aspects of this proceeding.

(Secs. 2, 3, 4, 301, 303, 307, 308, 309, 48 Stat., as amended, 1064, 1065, 1066, 1081, 1082, 1083, 1084, 1085; 47 U.S.C. 152, 153, 154, 301, 303, 307, 308, 309)

Adopted: June 24, 1970.

Released: July 1, 1970.

FEDERAL COMMUNICATIONS COMMISSION,[8]

[SEAL] BEN F. WAPLE, *Secretary.*

In Part 74, Subpart K, a new § 74.1131 is added to read:

§ 74.1131 Diversification of control over communications media.

(a) *Cross-ownership.* No CATV system (including all parties under common control) shall carry the signal of any television broadcast station if such system directly or indirectly owns, operates, controls, or has an interest in:

(1) A national television network (such as ABC, CBS, or NBC); or

(2) A television broadcast station whose predicted Grade B contour, computed in accordance with § 73.684 of this chapter, overlaps in whole or in part the service area of such system (i.e., the area within which the system is serving subscribers); or

(3) A television translator station authorized to serve a community within which the system is serving subscribers.

NOTE 1: The word "control" as used herein is not limited to majority stock ownership, but includes actual working control in whatever manner exercised.

NOTE 2: The word "interest" as used herein includes, in the case of corporations, common officers or directors and partial (as well as total) ownership interests represented by ownership of voting stock.

NOTE 3: In applying the provisions of paragraph (a) of this section to the stockholders of a corporation which has more than 50 stockholders:

(a) Only those stockholders need be considered who are officers or directors or who directly or indirectly own 1 percent or more of the outstanding voting stock;

(b) Stock ownership by an investment company, as defined in 15 U.S.C. section 80a-3 (commonly called a mutual fund), need be considered only if it directly or indirectly owns 3 percent or more of the outstanding voting stock or if officers or directors of the corporation are representatives of the investment company. Holdings by investment companies under common management shall be aggregated. If an investment company directly or indirectly owns voting stock in an intermediate company which in turn directly or indirectly owns 50 percent or more of the voting stock of the corporation, the investment company shall be considered to own the same percentage of outstanding shares of such corporation as it owns of the intermediate company: *Provided, however,* That the holding of the investment company need not be considered where the intermediate company owns less than 50 percent of the voting stock, but officers or directors of the corporation who are representatives of the intermediate company shall be deemed to be representatives of the investment company.

(c) In cases where record and beneficial ownership of voting stock is not identical (e.g., bank nominees holding stock as record owners for the benefit of mutual funds, brokerage houses holding stock in street name for the benefit of customers, trusts holding stock as record owners for the benefit of designated parties), the party having the right to determine how the stock will be voted will be considered to own it for the purposes of this section.

(d) Effective date: The provisions of paragraph (a) of this section are not effective until August 10, 1973, as to ownership interests proscribed herein if such interests were in existence on or before July 1, 1970 (e.g., if a franchise were in existence on or before July 1, 1970): *Provided, however,* That the provisions of paragraph (a) of this section are effective on August 10, 1970, as to such interests acquired after July 1, 1970.

[F.R. Doc. 70-8579; Filed, July 6, 1970; 8:49 a.m.]

[8] Dissenting statement of Commissioner Robert E. Lee filed as part of original document; Commissioners Cox and Johnson concurring in the result; Commissioner Wells dissenting.

Title 49—TRANSPORTATION

Chapter III—Federal Highway Administration, Department of Transportation

SUBCHAPTER B—MOTOR CARRIER SAFETY REGULATIONS

[Docket No. MC-17; Notice 70-9]

PART 393—PARTS AND ACCESSORIES NECESSARY FOR SAFE OPERATION

Coupling Devices and Towing Methods

In a notice published on January 24, 1970 (35 F.R. 1020), the Federal Highway Administrator announced that he had received, and was considering, a petition to amend portions of the Motor Carrier Safety Regulations relating to secondary coupling devices that prevent a towed vehicle from breaking loose if the primary coupler between it and the towing vehicle fails or becomes disconnected. Specifically, the petitioner sought to have §§ 393.70(f) and 393.71(h)(10) of the regulations (49 CFR 393.70(f), (393.71(h)(10)) changed to permit use of a so-called "under-tongue coupling device" in lieu of the mandatory safety chains or cables on full trailers and converter dollies used to convert semitrailers to full trailers, as well as in driveaway-towaway operations.

Comments received in response to the notice indicated certain dissatisfaction

with the performance of safety chains and cables and a desire for revision of the regulations to permit use of alternative safety devices. The Director of the Bureau of Motor Carrier Safety agrees that there is room for innovation in this field, and that industry should be encouraged to develop alternative safety coupling devices which perform as well as, or better than, the safety chains or cables that are now required.

Therefore, the pertinent provisions of the Motor Carrier Safety Regulations are being revised so that safety devices other than safety chains or cables may be used in applications where chains or cables are now required. In order to qualify under the revised rules, the alternative safety devices must provide a level of safety performance at least equal to that of chains or cables in all essential respects. The revisions also permit continued use of safety chains or cables without any change in the requirements applicable to those devices.

In consideration of the foregoing, §§ 393.70(f) and 393.71(h)(10) in Part 393 of Title 49, CFR are revised to read as set forth below.

These revisions are effective on August 1, 1970.

(Sec. 204, Interstate Commerce Act, as amended, 49 U.S.C. 304; sec. 6, Department of Transportation Act, 49 U.S.C. 1655; delegations of authority in 49 CFR 1.48 and 49 CFR 389.4 (35 F.R. 9209))

Issued on June 24, 1970.

ROBERT A. KAYE,
Director, Bureau of Motor Carrier Safety.

§ 393.70 Coupling devices and towing methods, except for driveaway-towaway operations.

* * * * *

(f) *Safety devices in case of tow-bar failure or disconnection.* Every full trailer and every converter dolly used to convert a semitrailer to a full trailer must be coupled to the frame, or an extension of the frame, of the motor vehicle which tows it with one or more safety devices to prevent the towed vehicle from breaking loose in the event the tow-bar fails or becomes disconnected. The safety device must meet the following requirements:

(1) The safety device must not be attached to the pintle hook or any other device on the towing vehicle to which the tow-bar is attached. However, the safety device may be attached to the towing vehicle at a place on a pintle hook forging or casting if that place is independent of the pintle hook.

(2) The safety device must have no more slack than is necessary to permit the vehicles to be turned properly.

(3) The safety device, and the means of attaching it to the vehicles, must have an ultimate strength of not less than the gross weight of the vehicle or vehicles being towed.

(4) The safety device must be connected to the towed and towing vehicles and to the tow-bar in a manner which prevents the tow-bar from dropping to the ground in the event it fails or becomes disconnected.

(5) Except as provided in subparagraph (6) of this paragraph, if the safety device consists of safety chains or cables, the towed vehicle must be equipped with either two safety chains or cables or with a bridle arrangement of a single chain or cable attached to its frame or axle at two points as far apart as the configuration of the frame or axle permits. The safety chains or cables shall be either two separate pieces, each equipped with a hook or other means for attachment to the towing vehicle, or a single piece leading along each side of the towbar from the two points of attachment on the towed vehicle and arranged into a bridle with a single means of attachment to be connected to the towing vehicle. When a single length of cable is used, a thimble and twin-base cable clamps shall be used to form the forward bridle eye. The hook or other means of attachment to the towing vehicle shall be secured to the chains or cables in a fixed position.

(6) If the towed vehicle is a converter dolly with a solid tongue and without a hinged tow-bar or other swivel between the fifth wheel mounting and the attachment point of the tongue eye or other hitch device—

(i) Safety chains or cables, when used as the safety device for that vehicle may consist of either two chains or cables or a single chain or cable used alone;

(ii) a single safety device, including a single chain or cable used alone as the safety device, must be in line with the centerline of the trailer tongue; and

(iii) the device may be attached to the converter dolly at any point to the rear of the attachment point of the tongue eye or other hitch device.

(7) Safety devices other than safety chains or cables must provide strength, security of attachment, and directional stability equal to, or greater than, safety chains or cables installed in accordance with subparagraphs (5) and (6) of this paragraph.

(8) When two safety devices, including two safety chains or cables, are used and are attached to the towing vehicle at separate points, the points of attachment on the towing vehicle shall be located equally distant from, and on opposite sides of, the centerline of the towing vehicle. Where two chains or cables are attached to the same point on the towing vehicle, and where a bridle or a single chain or cable is used, the point of attachment must be on the longitudinal centerline of the towing vehicle. A single safety device, other than a chain or cable, must also be attached to the towing vehicle at a point on its longitudinal centerline.

* * * * *

§ 393.71 Coupling devices and towing methods, driveaway-towaway operations.

* * * * *

(h) *Requirements for tow-bars.* * * *

(10) *Safety devices in case of tow-bar failure or disconnection.* (i) The towed vehicle shall be connected to the towing vehicle by a safety device to prevent the towed vehicle from breaking loose in the event the tow-bar fails or becomes disconnected. When safety chains or cables are used as the safety device for that vehicle, at least two safety chains or cables meeting the requirements of subdivision (ii) of this subparagraph shall be used. The tensile strength of the safety device and the means of attachment to the vehicles shall be at least equivalent to the corresponding longitudinal strength for tow-bars required in the table of subparagraph (1) of this paragraph. If safety chains or cables are used as the safety device, the required strength shall be the combined strength of the combination of chains and cables.

(ii) If chains or cables are used as the safety device, they shall be crossed and attached to the vehicles near the points of bumper attachments to the chassis of the vehicles. The length of chain used shall be no more than necessary to permit free turning of the vehicles. The chains shall be attached to the tow-bar at the point of crossing or as close to that point as is practicable.

(iii) A safety device other than safety chains or cables must provide strength, security of attachment, and directional stability equal to, or greater than, that provided by safety chains or cables installed in accordance with subdivision (ii) of this subparagraph. A safety device other than safety chains or cables must be designed, constructed, and installed so that, if the tow-bar fails or becomes disconnected, the tow-bar will not drop to the ground.

* * * * *

[F.R. Doc. 70-8474; Filed, July 6, 1970; 8:45 a.m.]

Chapter X—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Second Rev. S.O. 1009]

PART 1033—CAR SERVICE

Railroad Operating Regulations for Freight Car Movement

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 26th day of June 1970.

It appearing, that there are acute shortages of freight cars throughout the country; that certain carriers are unable to furnish an adequate supply of freight cars to shippers located on their lines; that these shortages of freight cars are impeding the movement of agricultural, mineral, forest, and manufactured products, and other commodities; and that the existing car service rules, regulations and practices of the railroads are ineffective with respect to the use, supply, control, movement, distribution, exchange, interchange and return of freight cars to meet the requirements of shippers. 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:

§ 1033.1009 Service Order No. 1009.

(a) *Railroad operating regulations for freight car movement.* 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) *Placing of cars.* (i) Loaded cars, which after placement will be subject to demurrage rules applicable to detention of cars awaiting unloading, shall be actually placed within 24 hours, exclusive of Sundays and holidays, following arrival at destination.

(ii) Actual placement means placing a car on industrial interchange tracks, on other-than-public-delivery tracks serving the consignee, or on public-delivery tracks. Proper notice for cars placed on public-delivery tracks shall be sent or given within 24 hours after placement, exclusive of Saturdays, Sundays, and holidays.

(iii) When delivery of a car, either empty or loaded, consigned, or ordered to an industrial interchange track or to an other-than-public-delivery track cannot be made because of any condition attributable to the consignor or consignee, such car will be held at destination or, if it cannot reasonably be accommodated there, at an available hold point and constructive placement notice shall be sent or given the consignor or consignee within 24 hours, exclusive of Saturdays, Sundays, and holidays, after arrival of car at destination or hold point.

(iv) Loaded cars held at destination for accessorial terminal services described in the applicable tariffs, such as holding for orders or inspection, shall be placed on unloading, hold or inspection tracks, and proper notice given within 24 hours, exclusive of Saturdays, Sundays, and holidays, after arrival at destination. On cars set off and held short of billed destination, or on cars held at destination and short of inspection tracks, a written notice shall be sent or given to consignee or other party entitled to receive such notice, within 24 hours of arrival, exclusive of Saturdays, Sundays, and holidays, at the hold point. Time and charges shall be computed following such notice and demurrage or detention charges assessed in accordance with provisions of governing tariffs.

(2) *Removal of cars.* (i) Empty cars must be removed from point of unloading or interchange tracks of industrial plants within 24 hours, exclusive of Sundays and holidays, following unloading or release by consignee or shipper, unless such empty cars are ordered or appropriated by the shipper for reloading within such 24-hour period. Empty foreign cars not ordered for loading at point where made empty must be forwarded, set aside for cleaning or repairs, or delivered to connecting lines within 24 hours, following removal of empty cars.

(ii) Outbound loaded freight cars must be removed from point of loading or interchange tracks of industrial plants within 24 hours, exclusive of Sundays and holidays, following acceptance by carrier of the shipping instructions covering the cars. Such cars must be forwarded, set aside for repairs, or delivered to connecting lines within 24 hours, following release and removal.

(iii) Cars subject to subdivisions (i) and (ii) of this subparagraph not made accessible to the carrier shall be subject to demurrage until such time as they become, and remain, accessible to the carrier.

(3) *Forwarding of cars.* (i) Loaded cars, empty cars of foreign or private ownership, and empty system cars when the owning railroad is the beneficiary of car distribution directions or service orders issued by the Commission applicable to the kind of car held, shall be forwarded within 24 hours, except as provided in subdivisions (ii), (iii), (iv), and (v) of this subparagraph.

(ii) Empty cars of private ownership when held pursuant to instructions of the car owner. Empty cars suitable for transporting only specifically designated commodities, and not suitable for transporting general commodities, provided the chief transportation officer of the car owner certifies in writing to and receives the concurrence of the Chairman, Car Service Division, Association of American Railroads. The Chairman shall receive the approval of the Director or Assistant Director, Bureau of Operations, Interstate Commerce Commission, before authorizing an exemption under the provisions of this part. The certification must identify each car by initial and number and state the name and location of the assignee and the commodity or commodities for which it is normally used, and shall include separate estimates of the cost and time required to make it suitable for other transportation service and of restoration to its normal specialized service.

(iii) Loaded cars held subject to instructions of consignee, consignor, or other qualified owner of the freight contained therein, while subject to applicable tariff charges.

(iv) Cars held for repairs or cleaning. (See subparagraph (4) of this paragraph.)

(v) Cars held because no train or switch engine service is available between hold point and destination.

(4) *Cars held for repairs or cleaning.* (i) Loaded cars of system, foreign or private ownership, empty cars of foreign or private ownership, and when the holding line is the beneficiary of car distribution directions or orders issued by this Commission applicable to the kind of car held, empty system freight cars which are held for light repairs or cleaning shall be placed on repair or cleaning tracks not later than the first 7 a.m., exclusive of Sundays and holidays after time carded for repairs or cleaning, or after arrival at point where repairs or cleaning are performed. Light repairs or cleaning shall be accomplished on same calendar day, exclusive of Sundays and holidays, that cars are placed on repair or cleaning tracks; except that when necessary to order material from car owner to make the repairs to foreign or private cars, repairs to foreign or private cars held awaiting such material shall be completed prior to 11:59 p.m., of the calendar day which includes the first 7 a.m., inclusive of Sundays and holidays, after receipt of such material at the station at which the repair point is located. Exception: The provisions of this paragraph shall not apply to empty cars of railroad ownership listed in the Official Railway Equipment Register, ICC RER No. 375, issued by E. J. McFarland, agent, or reissues thereof, as having mechanical designations XT, RAM, RCD, RPM, RSM, RSTM, FA, FC, and all S designations.

(ii) Light repairs are defined as repairs requiring less than 20 man-hours by repair track forces to complete.

(5) *Railroad operating regulations for the movement of freight cars.* (i) No common carrier by railroad subject to the Interstate Commerce Act shall delay the movement of cars by holding such cars in yards, terminals, or sidings for the purpose of increasing the time in transit of such cars.

(ii) Cars shall not be set out between terminals except in cases of emergencies.

(iii) Backhauling cars for the purpose of increasing the time in transit is prohibited.

(iv) Through cars shall not be handled on local or way freight trains for the purpose of increasing the time in transit of such cars.

(v) The use by any common carrier by railroad for the movement of cars over its line, of any route other than its usual and customary fast freight route from point of receipt of the car from consignor, or connecting line, to point of delivery to consignee, or to next connecting line, except for the purpose of according a lawfully established transit privilege (not including a diversion or reconsignment privilege) is hereby prohibited.

(b) *Application.* (1) The provisions of this order shall apply to intrastate, interstate, and foreign commerce.

(2) Holidays shall be those listed in Item 25 of Agent B. B. Maurer's Tariff ICC H–36, naming Car Demurrage Rules and Charges, supplements thereto or successive issues thereof.

(c) *Rules and regulations suspended.* The operation of all rules and regulations, insofar as they conflict with the provisions of this order, is hereby suspended.

(d) *Effective date.* This order shall become effective at 11:59 p.m., June 30, 1970.

(e) *Expiration date.* This order shall expire at 11:59 p.m., December 31, 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 the 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.

[F.R. Doc. 70–8516; Filed, July 6, 1970; 8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 946]

IRISH POTATOES GROWN IN WASHINGTON

Proposed Limitation of Shipments

Consideration is being given to the issuance of the limitation of shipments regulation, hereinafter set forth, which was recommended by the State of Washington Potato Committee, established pursuant to Marketing Agreement No. 113 and Order No. 946 (7 CFR Part 946). This marketing order program regulates the handling of Irish potatoes grown in the State of Washington and is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

The recommendations of the committee reflect its appraisal of the crop and marketing prospects for this season. Harvesting is expected to begin about mid-July. The proposed requirements provided herein are necessary to prevent potatoes of lower quality, undesirable sizes, and immature potatoes from being distributed in fresh market channels, so as to improve returns to producers for the preferred qualities and sizes pursuant to the declared policy of the act.

All persons who desire to submit written data, views, or arguments in connection with this proposal may file the same, in quadruplicate, with the Hearing Clerk, Room 112-A, U.S. Department of Agriculture, Washington, D.C. 20250, not later than 5 days after the publication of this notice in the FEDERAL REGISTER. 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 proposed regulation follows:

§ 946.325 Limitation of shipments.

During the period July 16, 1970, through July 15, 1971, no person shall handle any lot of potatoes unless such potatoes meet the requirements of paragraphs (a) and (b) of this section, or unless such potatoes are handled in accordance with paragraphs (c) through (f) of this section.

(a) *Minimum quality requirements*—(1) *Grade.* All varieties: U.S. No. 2, or better grade.

(2) *Size.*

(i) Round varieties: 1⅞ inches minimum diameter.

(ii) Long varieties: 2 inches minimum diameter or 4 ounces minimum weight.

(3) *Cleanliness.* All varieties—at least "fairly clean."

(b) *Minimum maturity requirements*—(1) *Round and long white (White Rose) varieties.* Not more than "moderately skinned."

(2) *Other long varieties (including but not limited to Russet, Burbank, and Norgold).* Not more than "slightly skinned."

(c) *Special purpose shipments.* The minimum grade, size, cleanliness, and maturity requirements set forth in paragraphs (a) and (b) of this section shall not be applicable to shipments of seed potatoes or to shipments of potatoes for any of the following purposes:

(1) Livestock feed;

(2) Charity;

(3) Export;

(4) Prepeeling; or

(5) Canning, freezing, and "other processing" as hereinafter defined:

Provided, That shipments of potatoes for the purposes specified in subparagraph (5) of this paragraph shall be exempt from inspection requirements specified in § 946.53 and from assessment requirements specified in § 946.41.

(d) *Safeguards.* Each handler making shipments of potatoes for export, prepeeling, canning, freezing, or "other processing" pursuant to paragraph (c) of this section, unless such potatoes are handled in accordance with paragraph (e) of this section, shall:

(1) Notify the committee of intent so to ship potatoes by applying on forms furnished by the committee for a certificate applicable to such special purpose shipment;

(2) Obtain a Washington State Shipping Permit as issued by the Washington State Department of Agriculture in lieu of a Federal-State Inspection Certificate, except shipments for export; and

(3) Prepare on forms furnished by the committee a special purpose shipment report on each such shipment. The handler shall forward copies of each such special purpose shipment report to the committee office and to the receiver with instructions to the receiver that he sign and return a copy to the committee office. Failure of the handler or receiver to report such shipments by promptly signing and returning the applicable special purpose shipment report to the committee office shall be cause for cancellation of such handler's certificate applicable to such special purpose shipments and/or the receiver's eligibility to receive further shipments pursuant to such certificate. Upon cancellation of such certificate, the handler may appeal to the committee for reconsideration. Such appeal shall be in writing.

(4) Before diverting any such special purpose shipment from the receiver of record as previously furnished to the committee by the handler, such handler shall submit to the committee a revised special purpose shipment report.

(e) *Special purpose shipments exempt from safeguards.* In the case of shipments of potatoes: (1) To freezers or dehydrators in the counties of Grant, Adams, Franklin, Benton, and Yakima in the State of Washington and (2) for canning, freezing, dehydration, potato chipping or prepeeling within the district where grown, the handler of such potatoes shall be exempt from safeguard requirements of paragraph (d) of this section whenever the processor of such potatoes has signed an agreement with the committee to meet the reporting and other requirements of this part specified by the committee.

(f) *Minimum quantity exception.* Each handler may ship up to, but not to exceed 5 hundredweight of potatoes any day without regard to the inspection and assessment requirements of this part, but this exception shall not apply to any shipment over 5 hundredweight of potatoes.

(g) *Definitions.* The terms "U.S. No. 2," "fairly clean," "slightly skinned" and "moderately skinned" shall have the same meaning as when used in the U.S. Standards for Potatoes (§§ 51.1540—51.1556 of this title), including the tolerances set forth therein. The term "prepeeling" means potatoes which are clean, sound, fresh tubers prepared commercially in the prepeeling plant by washing, removal of the outer skin or peel, trimming, and sorting preparatory to sale in one or more of the styles of peeled potatoes described in § 52.2422 (U.S. Standards for Grades of Peeled Potatoes, §§ 52.2421—52.2433 of this title). The term "other processing" has the same meaning as the term appearing in the Act and includes, but is not restricted to, potatoes for dehydration, chips, shoestrings, starch and flour. It includes only that preparation of potatoes for market which involves the application of heat or cold to such an extent that the natural form or stability of the commodity undergoes a substantial change. The act of peeling, cooling, slicing, or dicing, or the application of material to prevent oxidation does not constitute "other processing." Other terms used in this section have the same meaning as when used in the marketing agreement and this part.

(h) *Applicability to imports.* Pursuant to section 608e-1 of the Act and § 980.1 "Import regulations" (§ 980.1 of this chapter), Irish potatoes of the red skinned round type imported during the months of July and August shall meet the minimum grade, size, quality, and maturity requirements specified for round varieties in paragraphs (a) and (b) of this section.

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

Dated: June 30, 1970.

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

[F.R. Doc. 70-8538; Filed, July 6, 1970; 8:46 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 23]

[Docket No. 10405; Notice 70-25]

NORMAL, UTILITY, AND ACROBATIC CATEGORY AIRPLANES

Airworthiness Standards

The Federal Aviation Administration is considering amending Part 23 of the Federal Aviation Regulations to limit the applicability of that part to small airplanes which have a passenger seating configuration, excluding pilot seats, of nine seats or less.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. All communications received on or before October 5, 1970, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

As stated in Notice 68-37 (34 F.R. 210), published January 7, 1969, the FAA is proceeding with the three-step regulatory program intended to upgrade the level of airworthiness for small airplanes used in Part 135 operations. The first step of this program was accomplished by the issuance of interim airworthiness standards for small airplanes capable of carrying more than 10 occupants and intended for use in Part 135 operations. These standards were issued as Special Federal Aviation Regulation SFAR-23. The second step, which involves the incorporation of airworthiness standards as an Appendix to Part 135 and which contains performance operating limitations, has been completed. The final amendments incorporating the new standards in the appendix were adopted, effective July 19, 1970. The third step, as contemplated in Notice 68-37, was to have been the issuance of a notice of proposed rule making proposing a general upgrading of airworthiness standards for the certification of small airplanes intended for use in Part 135 operations.

In implementing this third step, it was thought that the upgrading would be accomplished through further amendments to the airworthiness standards of Part 23. However, based upon the comments received in response to Notice 68-37, and after further consideration, it has now been determined that rather than amend Part 23 to add additional airworthiness standards appropriate for the certification of small airplanes that are intended for use in Part 135 operations and that are capable of carrying more than 10 occupants, the applicability of Part 23 should be limited to small airplanes that are certificated with not more than nine passenger seats, excluding pilot seats. Thus, all future small airplanes certificated with 10 or more seats, excluding pilot seats, would have to be certificated under the transport category requirements of Part 25. This proposal is not limited to small airplanes intended for Part 135 operations, but covers all small airplanes. To implement this change to the applicability provision of Part 23, it is proposed to further amend Part 23 to require that the maximum passenger seating configuration for an airplane be furnished as an operating limitation for the airplane. However, it should be pointed out that under the current regulations, these changes to Part 23 would only apply to those airplanes for which an application for a type certificate is made after the effective date of the changes.

The FAA considers that these proposed amendments to Part 23 are appropriate because of the recent emergence of small airplanes capable of carrying large numbers of passengers. The small, modern airplanes designed for large occupancy are approaching the sophistication in deisgn and equipment of the transport category airplanes. The FAA does not believe that it would be in the interest of safety to continue to certificate small airplanes which have a passenger seating configuration, excluding pilot seats, of 10 or more seats under the airworthiness standards of Part 23.

While the FAA is not aware of any requirements in Part 25 that cannot or should not be applied to small airplanes, having a passenger seating configuration of 10 or more seats, it is recognized that there may be such requirements. Therefore, in addition to the comments on the proposed change to Part 23, the FAA also solicits comments concerning any requirement of Part 25 that is not considered appropriate for these small airplanes. It is requested that comments on this latter matter be clearly identified to avoid confusion with the basic proposal, and that the comments include the reasons why the particular Part 25 requirement is considered inappropriate.

In consideration of the foregoing, it is proposed to amend Part 23 of the Federal Aviation Regulations to read as follows:

1. By amending paragraph (a) of § 23.1 to read as follows:

§ 23.1 Applicability.

(a) This part prescribes airworthiness standards for the issue of type certificates, and changes to those certificates for small airplanes in the normal, utility, and acrobatic categories that have a passenger seating configuration, excluding pilot seats, of nine seats or less.

* * * * *

2. By adding a new § 23.1524 to read as follows:

§ 23.1524 Maximum passenger seating capacity.

The maximum passenger seating configuration must be established.

3. By adding a new paragraph (l) to § 23.1583 to read as follows:

§ 23.1583 Operating limitations.

* * * * *

(l) *Maximum passengers.* The maximum passenger seating configuration must be furnished.

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

Issued in Washington, D.C., on June 30, 1970.

JAMES F. RUDOLPH,
Director, Flight Standards Service.

[F.R. Doc. 70-8533; Filed, July 6, 1970; 8:46 a.m.]

National Highway Safety Bureau

[49 CFR Part 571]

[Docket No. 70-17; Notice 1]

AIR BRAKE SYSTEMS; TRUCKS AND BUSES

Proposed Motor Vehicle Safety Standard

Correction

In F.R. Doc. 70-7965 appearing at page 10368 in the issue for Thursday, June 25, 1970, in the third column on page 10370, a line should be inserted immediately under the heading "S5.1 *Road test conditions*" reading "S5.1.1 Unless otherwise specified, ve-".

FEDERAL TRADE COMMISSION

[16 CFR Part 254]

PRIVATE VOCATIONAL AND HOME STUDY SCHOOLS

Notice of Public Hearing and Opportunity To Submit Views, Suggestions or Objections Regarding Proposed Guides

Proposed guides for private vocational and home study schools are hereinafter set forth and are today made public by the Commission for consideration by industry members and other interested or affected parties pursuant to the Federal Trade Commission Act as amended, 15 U.S.C. secs. 41-58, and the provisions of Part 1, Subpart A, of the Commission's procedures and rules of practice, 16 CFR 1.5, 1.6.

Opportunity is hereby extended by the Federal Trade Commission to any and all persons, firms, corporations, organizations or other parties affected by or having an interest in the proposed guides for private vocational and home study schools to present to the Commission

their written comments concerning the guides, including such pertinent information, suggestions, or objections as they may desire to submit. For this purpose, copies of the proposed guides, which are advisory in nature as to the applicability of legal requirements, may be obtained upon request to the Commission. Such data, views, information, and suggestions may be submitted by letter, memorandum, brief, or other written communication not later than September 8, 1970, to the Chief, Division of Industry Guides, Bureau of Industry Guidance, Federal Trade Commission, Pennslyvania Avenue and Sixth Street NW., Washington, D.C. 20580. To the extent practicable, persons wishing to file written presentations in excess of two pages should submit 20 copies.

All interested persons are also given notice of opportunity to orally present comments with respect to the proposed guides at a public hearing to be held at 10 a.m., e.d.t., September 15, 1970, in Room 532 of the Federal Trade Commission Building, Pennslyvania Avenue and Sixth Street NW., Washington, D.C.

Any person desiring to present his views at the hearing should so inform the Chief, Division of Industry Guides, not later than September 8, 1970, and state the estimated time required for his oral presentation. Reasonable limitations upon the length of time allotted to any person may be imposed. In addition, all parties desiring to deliver a prepared statement at the hearing should file such statement with the Chief, Division of Industry Guides, on or before September 8, 1970.

The comments presented with respect to the proposed guides will be available for examination by interested parties at the office of the Assistant Secretary for Legal and Public Records, Federal Trade Commission, Washington, D.C., and will be fully considered by the Commission.

Introductory statement. The Commission from time to time, publishes guides to advise the business community of the Commission's views as to the requirements of laws which it administers. Guides are published not only in the interests of consumer protection, but also with the expectation that the businessman who is fully informed of the legal pitfalls he may encounter will voluntarily conduct his affairs so as to avoid them. Experience has justified the Commission's belief that the more knowledge businessmen have respecting the laws it administers, the more likelihood there is that they will conduct their business in accordance therewith and thereby provide attendant benefits to the consumer.

Trade practice rules for the private home study schools were promulgated by the Commission in November 1936. Although the existence of those rules has undoubtedly had a salutary effect, they are in need of revision and updating. Accordingly, if and when these proposed guides are adopted by the Commission they will supersede the mentioned trade practice rules.

As indicated by their title the proposed guides are applicable to both private home study schools and to private vocational schools. The scope of the guides was extended to cover both types of schools because the Commission has found that both have used the same sort of unfair or deceptive acts and practices, and that guidance for one will be relevant to the operations of the other.

While many of the provisions of the proposed guides are based on the trade practice rules for the private home study schools, others have been formulated from the numerous orders the Commission has issued in cases involving members of this industry. Particular emphasis has been placed upon such matters as use of the term "accreditation", the effect of the negotiation of instruments of indebtedness executed by students to pay for the courses they have purchased, misleading collection practices, and matters associated with refund and cancellation policies. The latter were viewed with particular importance because of the frequency with which students attempt to terminate their enrollment prior to completion of the course, and the difficulties they encounter in doing so. In recognition of the absence of accreditation of schools of this type at the Federal level and because the various states have differing requirements regarding the maintenance of academic, training or educational standards by these schools, the proposed guides require a great many affirmative disclosures of material facts by industry members prior to the enrollment of students. These are all designed to insure that the prospective student is not deceived or otherwise deprived of the information he should have in order to make an informed decision as to whether a course will provide him with the knowledge, skills, or other benefits which he has been led to expect, and whether all of the terms of the contract are acceptable to him.

While the guides are interpretative of laws administered by the Commission and thus are advisory in nature, proceedings to enforce the requirements of law as explained in the guides may be brought under the Federal Trade Commission Act (15 U.S.C. secs. 41–58). Briefly stated, the Federal Trade Commission Act makes it illegal for one to engage in "unfair methods of competition in commerce and unfair or deceptive acts or practices in commerce".

Text of the proposed guides follows:

Sec.

AUTHORITY: The provisions of this Part 254 issued under 38 Stat. 717, as amended; 15 U.S.C. 41–58.

NOTE: These guides have not been approved by the Federal Trade Commission. They are a draft of proposed guides which are made available to all interested or affected parties for their consideration and for submission of such views, suggestions, or objections as they may care to present, due consideration to which will be given by the Commission before proceeding to final action on the proposed guides.

§ 254.1 Definitions.

(a) *Industry member.* Any person, firm, corporation, or organization engaged in the operation of a privately owned school which offers resident or correspondence courses or training or instruction purporting to prepare or qualify individuals for employment in any occupation or trade or in work requiring mechanical, technical, artistic, or clerical skills or which is for the purpose of enabling a person to improve his appearance, social aptitude, personality, or other attributes is considered to be an industry member. However, those engaged in the operation of resident public or bona fide nonprofit primary or secondary schools, or public or private nonprofit institutions of higher education which offer at least a 2-year program of accredited college level studies for resident students, shall not be considered industry members.

(b) *Accredited.* For the purpose of this part, the term "accredited" means that a course or school to which the term is applied has been evaluated through the use of established criteria by an accrediting agency or associations recognized by the U.S. Commissioner of Education of the U.S. Department of Health, Education, and Welfare, as reliable authority as to the quality of the training offered.

(c) *Approved.* For the purpose of this part, the term "approved" means that a school or course has been recognized by a State or Federal agency as meeting educational standards or other related qualifications as prescribed by that agency for the school or course to which the term is applied. It is not and should not be used interchangeably with "accredited", and the term "approved" is not justified by the mere grant of a corporate charter to operate, or license to do business as a school and should not be used unless the represented "approval" has in fact been affirmatively required or authorized by State or Federal law.

§ 254.2 Deceptive trade or business names.

(a) An industry member should not use any trade, business name, label, insignia, or designation which has the capacity and tendency or effect of misleading or deceiving students or prospective students with respect to the character of the school, its courses of instruction, its accreditation, or any other material fact.

(b) An industry member should not falsely represent directly or indirectly by the use of a trade or business name or in any other manner, that:

(1) It is a part of, or connected with, a branch, bureau, or agency of the U.S. Government, or of any State, or a Civil Service Commission;

(2) It is an employment agency or that it is an employment agent or authorized training facility for another industry or member of such industry, or otherwise deceptively conceal the fact that it is a school;

(3) It is a university, college, institute, high school, seminary, or a society or other nonprofit institution of learning.

(c) If an industry member conducts its instruction primarily by correspondence or home study or does not conduct resident instruction, a clear and conspicuous disclosure should be made in immediate conjunction with its trade or business name that it is a correspondence or home study school.

§ 254.3 Misrepresentation of extent or nature of accreditation or approval.

(a) An industry member should not misrepresent directly or indirectly the extent or nature of any accreditation or approval its school may have received from a State agency or from a nationally recognized accrediting agency, or association. Illustratively, an industry member should not:

(1) Unqualifiedly represent that its school is accredited unless all of its courses of study have in fact been accredited by an accrediting agency recognized by the U.S. Commissioner of Education of the U.S. Department of Health, Education, and Welfare, or

(2) Represent that its school or a course is approved, unless the nature, extent, and purpose of that approval are disclosed together with the identity of the approving authority, for example, "This course approved for veterans training by the (name of the State agency)". If the school or course to which the term "approved" is applied is not also accredited by a nationally recognized accrediting agency or association such fact should be clearly and conspicuously disclosed.

(b) An industry member should not represent that students successfully completing a course or courses may transfer credit therefor to an accredited institution of higher learning or by virtue of completion thereof become qualified for admission to such an institution if such credit is not so transferable, or if the student must successfully complete a validation period of study at the accredited institution or if the student must pass an examination conducted by other educational authorities as a prerequisite to admission to such institution of higher learning.

(c) An industry member should not represent that a course of instruction has been approved by a particular industry, or that successful completion thereof qualifies the student for admission to a labor union or similar organization, or for the receipt of a State or Federal license to perform certain functions, unless such is the fact.

(d) An industry member should not represent that its courses are recommended by vocational counselors, high schools, colleges, educational organizations, employment agencies, or members or officials of a particular industry, or that it has been the subject of unsolicited testimonials or endorsements from former students or anyone else unless such is the fact. Testimonials or endorsements which do not accurately reflect current practices of the school, or current conditions or employment opportunities in the industry or occupation for which the training pertains, should not be used.

§ 254.4 Misrepresentation of facilities, services, qualifications of instructors, and status.

(a) An industry member should not misrepresent directly or indirectly in its advertising, promotional materials, or in any manner the size, location, facilities, or equipment of its school or the number or educational qualifications of its faculty and other personnel. Illustratively, an industry member should not:

(1) Use or refer to fictional organization divisions or position titles or make any representation which has the tendency or capacity to mislead or deceive students or prospective students, as to the size or importance of the school, its divisions, faculty, personnel, or officials, or in any other material respect.

(2) Misrepresent directly or indirectly the size, importance, location, facilities, or equipment of the school through use of photographs, illustrations, or any other depictions in catalogs, advertisements, or other promotional materials. For example, photographs or illustrations which purport to show school equipment should not be used if the school does not use such equipment in the conduct of its courses.

(3) Represent that the school owns, operates, or supervises a dormitory, eating, or other living accommodations unless such is the fact.

(4) Falsely or deceptively represent the location or locations at which its courses will be conducted.

(5) Misrepresent the nature, or efficacy, of its courses, training devices, methods or equipment or the number, qualifications, training, or experience of its faculty or personnel, whether by means of endorsements or otherwise.

(6) Falsely represent that it has a placement service or deceptively represent the effectiveness of its efforts to secure jobs for its graduates, or the nature or degree of assistance furnished to persons completing its courses in obtaining employment.

(7) Falsely represent that it will provide or arrange for part or full-time employment while the student is undergoing instruction; or misrepresent in any manner, directly or by implication, the availability of such employment or any other form of financial assistance.

(8) Deceptively represent the nature of any relationship which the school or any of its officers, employees, or instructors may have with the United States Government or any of its agencies or any agency of a State or local government, or that by virtue of such a relationship or any prior relationship its students will receive preferred consideration in obtaining employment with such a government or any of its agencies.

(9) Represent directly or indirectly that certain individuals or classes of individuals are bona fide working members of its faculty, or are members of its advisory board, or have played an active part in the preparation of its instruction materials, unless such is the fact, or misrepresent in any manner, directly or by implication, the extent or nature of the association of any person with the school or the courses offered.

(10) Misrepresent the nature and extent of any personal instruction, guidance, assistance, or other attention it will provide for its students either during a course or after completion of a course.

(b) An industry member should not represent directly or indirectly that it is a nonprofit organization if it is in fact engaged in business for profit for itself or for its owners, members, or stockholders.

(c) An industry member should not falsely represent that it is affiliated with or otherwise connected with a public or private religious or charitable organization.

(d) An industry member should not falsely or deceptively represent that a course has been recently revised, or that it has a revision system or service, or misrepresent in any manner, its facilities, procedures, or ability to keep a course current.

§ 254.5 Misrepresentation of enrollment qualifications or limitations.

(a) An industry member should not misrepresent the nature or extent of any prerequisites it has established for enrollment in a course or courses. For example, it should not:

(1) Represent that a course is available only to those having a high school diploma or other specific educational qualifications, unless the sale of such a course is limited to persons possessing generally acceptable evidence of such a diploma or educational qualifications.

(2) Represent that only those who make an acceptable grade or complete successfully a certain test or examination will be admitted, if in fact enrollments are not thus limited.

(3) Falsely represent that it will accept for enrollment only a limited number of persons or a limited number of persons from a certain geographical area.

(4) Falsely represent that applications for enrollment will be considered for only a limited period of time, or that they must be submitted by a certain date.

(b) An industry member should not falsely represent that the lack of a high school education or prior training or experience is not a handicap or impediment to successful completion of a course.

(c) An industry member should take appropriate measures to insure that applicants are informed of any necessary prerequisites to the successful completion of the course, and it should insure that applicants who are not qualified for a

particular course, by reason of intelligence, education, or other condition, are not enrolled therein.

§ 254.6 Misrepresentation of future employment opportunities.

(a) An industry member should not misrepresent directly or indirectly the opportunities for employment which will be available to students who successfully complete a course or courses. Illustratively, an industry member should not:

(1) Misrepresent the nature or extent of any demand for its graduates; or represent that a certain proportion or number of its graduates have obtained employment unless it has ascertained on the basis of reliable information that such is the fact.

(2) Falsely represent that its graduates will be placed in jobs in the geographical area of their choice.

(3) Misrepresent the amount of any starting or other salaries which its graduates may be likely to receive by virtue of completion of a course or courses.

(4) Represent that its graduates will be able to secure top positions in a particular field because of their completion of a particular course or courses when, in fact, such positions are available only to persons who have had additional training for or experience in such positions. Thus an industry member should not represent, for example, that "* * * salaries up to $12,000 are available" when in fact the entry level salaries are much lower.

(5) Represent that persons completing its courses will be qualified for and able to obtain employment in certain positions or industries without further training or experience when in fact such persons must serve apprenticeships, or satisfy other qualifications, or undergo additional training.

(6) Falsely represent that it has made or will make arrangements with employment agencies or industry members for interviews or preferred consideration for employment of its graduates.

(7) Falsely represent that by virtue of successful completion of a course or courses of instruction that the student will receive a raise in pay in his present position or be qualified for promotion to a higher position.

(b) An industry member should not misrepresent directly or indirectly the job security of persons engaged in certain types of employment or of its graduates.

(c) An industry member should not deceptively represent that completion of a course or courses will enable the student to pass a Civil Service examination for a particular job.

(d) An industry member should not, unless it promptly and scrupulously fulfills any obligations stated therein, use a "money-back" or similar guarantee which guarantees that:

(1) The student will pass a future Government or Civil Service examination or test, or any other form of examination or test given by any organization not affiliated with the school;

(2) The student will be placed on a list of eligibles for employment;

(3) The student will secure employment within the field of training to which the course pertains.

(e) An industry member should not condition a guarantee upon any other contingency which has the capacity, tendency or effect of misleading or deceiving students or prospective students regarding the efficacy of the course or the existence of employment opportunities, or any other material matter.

NOTE: The Commission's Guides Against Deceptive Advertising of Guarantees afford further guidance in this area. Copies are available upon request.

(f) An industry member which purports to offer training for a particular occupation, trade, profession, or other endeavor must ascertain the prerequisites to, qualifications for, or limitations on employment therein in each State in which the course is offered or sold. If a course is designed to prepare a student for a particular occupation, trade, profession, or other endeavor, students who, by reason of a lack of prior education, age, physical, mental or other condition or circumstance, are unqualified to perform such duties should not be enrolled therein unless the existence of such disqualification is affirmatively disclosed to the applicant. If those pursuing such a course must also satisfy requirements imposed by any Federal or State law or regulation, such as but not limited to the successful completion of an examination or the obtaining of a license, the existence of such requirements must also be affirmatively disclosed, together with the name of the Federal agency and/or State(s) by which such requirements have been imposed. If completion of the course will not qualify the prospective student to take a required examination or to obtain a license in one or more of the States in which the course is offered or sold without further training or education, such facts should be affirmatively disclosed together with the names of such States and such additional requirements or qualifications as may have been established by each.

§ 254.7 Deceptive use of diplomas, degrees, or certificates.

(a) An industry member should not issue a diploma, certificate of completion, or any document of similar import, which misrepresents directly or indirectly the subject matter, substance or content of the course of study or any other material fact concerning the course for which it was awarded or the accomplishments of the student to whom it was awarded.

(b) An industry member should not offer or confer an academic or professional degree, certificate, or diploma such as but not limited to bachelor of arts, bachelor of science, associate in arts, or those degrees which entitle the possessor to seek admission to or apply for a license to practice, teach, or enter the profession indicated therein such as doctor of medicine, bachelor of pharmacy, bachelor of laws, bachelor of arts or science. The term "degree" as used in this section means any academic, professional, or honorary degree or title, or any designation, mark, appellation, series of letters or words such as, but not limited to, associate, bachelor, master, doctor, or fellow, which signifies, purports to be, or is generally taken to signify satisfactory completion of the requirements of an academic, educational, or professional program of study beyond the secondary school level or is a recognized honorary title conferred for some meritorious recognition.

(c) An industry member should not offer or confer a high school diploma unless it has been authorized to confer such a diploma by the authorities of the State in which the school is situated or in which the diploma will be awarded and in which the student pursued the course of study. If a course is designed or intended to prepare the student for a G.E.D. or similar examination to be administered by State or other educational authorities, that fact should be disclosed, together with any conditions or limitations on the eligibility of a person to take such examinations.

§ 254.8 Deceptive sales practices.

(a) In obtaining leads to prospective students, an industry member should not use advertisements or promotional material which is classified or designated as "Help Wanted", "Employment", "Business Opportunities", or by words or terms of similar import, so as to represent directly or by implication that employment is being offered.

(b) An industry member should not deceptively designate or refer to its sales representatives as "registrars," "counselors," "advisors," or by words of similar import or misrepresent in any other manner, the title qualifications, training, experience or status of its salesmen, agents, employees, or other representatives.

(c) The advertising or promotional materials of an industry member which are used to provide leads for prospective students should include the full name and address of the school and the fact that it is a school if such is not apparent from its name. In addition if those who respond to such an advertisement will be contacted by a salesman, the advertisement should contain a clear and conspicuous disclosure that a salesman will call.

(d) In obtaining leads to prospective students, an industry member should not represent that it is conducting a talent hunt, contest, or similar tests, unless such is the fact and such representation is accompanied by a clear and conspicuous disclosure of the industry member's name and address conducting the test and the fact that it is a school if such is not apparent from its name and whether the course to which it pertains will be conducted in residence or by correspondence. The results of the contest or test and the percentage of participants in the contest or test who were winners or who passed should be disclosed to such prospective students prior to enrollment.

§ 254.9 Deceptive pricing and misuse of the word "Free."

(a) An industry member should not represent directly or indirectly in advertising or otherwise that a course or courses may be taken for a specified price, or at a saving, or at a reduced price, when such is not the fact; or otherwise deceive students or prospective students with respect to the cost of a course or any equipment, books or supplies associated therewith or furnish any means or instrumentality by which others engaged in obtaining enrollments may make such representations. Illustratively, an industry member should not represent:

(1) That veterans, or other stated classes of persons may be enrolled at a reduced or special rate unless such is the fact;

(2) That a specific amount is its usual and customary price for a course unless such amount is the price at which the course has been usually and customarily sold in the recent regular course of business;

(3) That any saving is afforded in the price of a course from the member's regular price unless the price at which the course is offered constitutes a reduction from the price at which the course has been usually and customarily sold in the recent regular course of business;

(4) That books, training materials or training aids are furnished at reduced rates,

(i) Unless the prices therefor have been reduced from the prices at which they were usually and customarily sold by the member in the recent and regular course of business; or

(ii) Unless the prices therefor have been reduced from the prices at which they were usually and customarily sold at retail by principal outlets in the trade area.

(b) An industry member should not misrepresent the total cost of the course to a prospective student or falsely represent that it offers scholarships which pay for all or part of the course.

(c) An industry member should not represent that any course material, training device, or service is free unless it is in fact provided without cost or obligation to the student.

NOTE: The Commission's "Guides Against Deceptive Pricing" and "Guides Concerning Use of the Word 'Free' and Similar Representations," afford further guidance in this area. Copies are available upon request.

§ 254.10 Deceptive or unfair collection practices.

(a) An industry member should not use any deceptive representations or deceptive means to collect or attempt to collect tuition or other charges from its students.[1]

(b) An industry member should not falsely represent that a delinquent account has been or will be referred to an independent collection agency or misrepresent in any other manner that someone other than the industry member is or will be attempting to collect the amount allegedly due.

(c) An industry member should not seek to enforce or obtain a judgment or otherwise attempt to collect on any contract or other instrument between itself and a student, or transfer or assign such contract or other instrument to a third party for the purpose of collection or of enforcing or obtaining a judgment on said contract or instrument, where the member or its employees or representatives orally misrepresented the nature or the terms of said contract or instrument at the time or prior to the time the contract or instrument was signed.

§ 254.11 Credit transactions.

(a) An industry member should not use any contract provision, oral or written representation, or other device or means to deny or abridge the benefits of any applicable federal or state law intended to protect consumers or credit purchasers.

(b) An industry member should not negotiate or assign a trade acceptance, conditional sales contract, promissory note or other instrument of indebtedness executed by or on behalf of a student without first endorsing on the face thereof a legend stating: "Any holder takes this instrument subject to the terms and conditions of the contract which gave rise to the debt evidenced hereby."

§ 254.12 Cancellation and refund policies.

(a) In connection with the offering for sale, or the enrollment of students in their respective homes or places of adobe, an industry member should not:

(1) Contract for any sale whether in the form of trade acceptance, conditional sales contract, promissory note, or otherwise which shall become binding on the purchaser prior to midnight of the third day, excluding Sundays and legal holidays, after date of execution.

(2) Fail to disclose, orally prior to the time of sale and in writing on any trade acceptance, conditional sales contract, promissory note, or other instrument executed by the purchaser with such conspicuousness and clarity as is likely to be observed and read by such purchaser that the purchaser may rescind or cancel the sale by directing or mailing a notice of cancellation to the member's address prior to midnight of the third day, excluding Sundays and legal holidays, after the date of the sale. Upon such cancellation the burden shall be on the industry member to collect any books or other materials left in the purchaser's home and to return any payments received from the purchaser. Nothing contained in these right-to-cancel provisions shall relieve the purchaser of the responsibility for taking reasonable care of the books or materials prior to cancellation and during a reasonable period following cancellation.

(3) Fail to provide a separate and clearly understandable form which the purchaser may use as a notice of cancellation.

(4) Negotiate any trade acceptance, conditional sales contract, promissory note, or other instrument of indebtedness to a finance company or other third party prior to midnight of the fifth day, excluding Sundays and legal holidays, after the date of execution by the purchaser.

Provided, however, That nothing contained in this section shall relieve an industry member of any additional obligations respecting contracts made in the home imposed either by Federal law, the law of the State in which the student resides, or the law of the State which governs the transaction between the parties.

(b) All industry members should have a definite established policy for the settlement of obligations in any instance in which a student desires to cancel, discontinue or otherwise terminate his enrollment after execution of the contract and prior to completion of the course. This settlement policy should provide both for refunds or reduction of the amount due under the contract, as appropriate, regardless of whether the student terminates his enrollment before or after payment of the contract price.

(c) With respect to any home study (correspondence) course, the settlement policy must as a minimum permit withdrawal or termination at any time prior to completion of the course with the right to a refund or of cancellation of the obligation for not less than the pro rata cost of the uncompleted portion of the course, but subject to a reasonable, nonrefundable enrollment fee.

(d) With respect to any resident training course, the settlement policy must as a minimum permit withdrawal or termination on a pro rata basis (similar to that set forth in paragraph (c) of this section) at any time during the first one-third (⅓) of the course, and in no case must it detract or diminish any right which such student might have under applicable law in the event of suit for unliquidated damages under the law of the State which governs the contract.

(e) The terms and conditions of such policy, including the form of notice which the student must give and the method or criteria used to determine the amount of money to be refunded or the amount of the unpaid obligation to be remitted as the case may be, subject to the provisions of paragraphs (c), (d), and (f) of this section, should be clearly and conspicuously

(1) Disclosed in all catalogs and similar documents containing a description of the school or course offered, and

(2) Made a part of the enrollment contract.

The contract provision which incorporates the settlement provisions should also provide that the right of the student to a refund or to a reduced obligation shall not be abrogated or in any way diminished as a result of the assignment or other transfer of the industry member's interest in the contract or evidence of debt to any third party, and that such right shall be assertable against any such future party in interest.

[1] The Commission's "Guides Against Debt Collection Deception" afford further guidance in this area. Copies are available upon request.

(f) If a student has been materially and substantially misled or deceived by an industry member's failure to comply with this part, and if by reason of such failure the student wishes to withdraw from or terminate his enrollment, he should be refunded all moneys paid and any further obligation shall be canceled notwithstanding any contract provisions made pursuant to paragraphs (c) and (d) of this section; *Provided*, That the student must give notice of withdrawal or termination promptly upon becoming aware of the deception. Should the student not discover such failure until after completion of the course, he shall be entitled to total refund upon giving notice as required above.

(g) At the time the application and other documents referred to in paragraph (c) of this section are executed, the purchaser should be furnished with a copy thereof together with instructions as to the name and address of the person to whom notice of his intention to cancel the contract should be sent.

(h) An industry member that uses salesmen to visit prospective students and solicit enrollments should require such salesmen to make an oral explanation of the member's cancellation policy prior to the execution of the enrollment contract.

(i) An industry member should clearly and conspicuously disclose to prospective students prior to enrollment that the collection of student accounts may be undertaken by a designated agency, if such is the fact, and whether such action will affect the student's rights to withdraw or otherwise discontinue the course, or affect any affirmative defenses which may be available to him.

§ 254.13 Affirmative disclosure prior to enrollment.

(a) In order to prevent deception the Commission may require the affirmative disclosure of material facts concerning a school or any of its courses, which if known to prospective student or students would influence their decision to purchase the course or to enroll. The failure to disclose such information as may be required is an unfair trade practice violative of section 5 of the Federal Trade Commission Act. Virtually all of this part imposes requirements regarding affirmative disclosures. Unless otherwise specified such disclosures should be made in a clear and conspicuous manner so as to be likely to be perceived by the student or prospective student prior to enrollment. In addition to those disclosures this section provides in summary form a description of additional disclosures which should be made to prospective students, or to the parents or guardians of prospective students who are minors, prior to the execution of the enrollment contract or contract of sale.

(b) Before obtaining the signature of a prospective student or his parent or guardian on an enrollment contract or contract of sale, an industry member should furnish to that person a written statement, catalog, or bulletin which contains the following information:

(1) The name of the industry member, and its mailing address;

(2) The industry member's policy and regulations on enrollment and specific entrance requirements for each course (See also § 254.5);

(3) The industry member's policy and regulations relative to makeup work, delay or delinquency in meeting course requirements, and standards required of the student for achieving satisfactory progress;

(4) A detailed schedule of fees, charges for tuition, books, supplies, tools, rentals, and all other charges. (See also §§ 254.8, 254.9, and 254.11);

(5) A course outline for each course offered showing subjects or units in the course, type of work or skill to be learned, and approximate time and clock hours required to complete each subject or unit (See also §§ 254.6 and 254.7); and

(6) A description of the available space, facilities, equipment, and similar information. (See also § 254.4).

Issued: July 7, 1970.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 70-8520; Filed, July 6, 1970; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 240]

[Release No. 34-8909]

SECURITIES EXCHANGE ACT OF 1934

Fraudulent, Manipulative, Deceptive, and Fictitious Quotations

Correction

In F.R. Doc. 70-8273 appearing at page 10597 in the issue for Tuesday, June 30, 1970, the word "part" in § 240.15c2-11 (a) (4) (v) should read "par".

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

BICYCLES FROM WEST GERMANY

Antidumping Proceeding Notice

JUNE 30, 1970.

On April 16, 1970, information was received in proper form pursuant to §§ 53.26 and 53.27, Customs Regulations (19 CFR 53.26, 53.27) [now §§ 153.26 and 153.27 (19 CFR 153.26 and 153.27)] indicating a possibility that bicycles from West Germany are being, or likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.).

There is evidence on record concerning injury to or likelihood of injury to or prevention of establishment of an industry in the United States.

Having conducted a summary investigation as required by § 53.29 of the Customs Regulations (19 CFR 53.29) [now § 153.29 (19 CFR 153.29)] and having determined as a result thereof that there are grounds for so doing, the Bureau of Customs is instituting an inquiry to verify the information submitted and to obtain the facts necessary to enable the Secretary of the Treasury to reach a determination as to the fact or likelihood of sales at less than fair value.

A summary of information received from all sources is as follows: The information received tends to indicate that the prices of the merchandise sold for exportation to the United States are less than the prices for home consumption.

This notice is published pursuant to § 153.30 of the Customs Regulations (19 CFR 153.30).

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

[F.R. Doc. 70-8569; Filed, July 6, 1970; 8:48 a.m.]

Fiscal Service

[Dept. Circ. 570, 1969 Rev., Supp. No. 25]

THE SUMMIT FIDELITY AND SURETY COMPANY

Termination of Authority To Qualify as Surety on Federal Bonds

Notice is hereby given that the Certificate of Authority issued by the Secretary of the Treasury to The Summit Fidelity and Surety Company, Des Moines, Iowa, under sections 6 to 13 of Title 6 of the United States Code, to qualify as an acceptable surety on recognizances, stipulations, bonds, and undertakings permitted or required by the laws of the United States, is hereby terminated, effective June 30, 1970.

Bond approving officers of the Government should, in instances where such action is necessary, secure new bonds with acceptable sureties in lieu of bonds executed by The Summit Fidelity and Surety Company.

Dated: June 30, 1970.

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

[F.R. Doc. 70-8577; Filed, July 6, 1970; 8:49 a.m.]

Office of Foreign Assets Control

FIRECRACKERS

Importations Directly From Singapore; Available Certifications

Notice is hereby given that certificates of origin issued by the Trade Division, Ministry of Finance of the Government of Singapore under procedures agreed upon between that government and the Office of Foreign Assets Control in connection with the Foreign Assets Control Regulations, are now available with respect to the importation into the United States directly, or on a through bill of lading, from Singapore of the following additional commodity:

Firecrackers.

[SEAL] STANLEY L. SOMMERFIELD,
Acting Director,
Office of Foreign Assets Control.

[F.R. Doc. 70-8570; Filed, July 6, 1970; 8:48 a.m.]

DEPARTMENT OF THE INTERIOR

Office of the Secretary

INDIAN TRIBES PERFORMING LAW AND ORDER FUNCTIONS

Notice of Determination

The listing of Indian tribes performing law and order functions issued March 18, 1969 (34 F.R. 5341), is amended, effective upon publication in the FEDERAL REGISTER, as follows:

Add the phrase "Alaska: Metlakatla Indian Community" before "Arizona" and "North Carolina: Eastern Band of Cherokee Indians" immediately preceding the phrase "North Dakota." Delete "Standing Rock Sioux Tribe" under "South Dakota" and amend "Standing Rock Sioux Tribe" under "North Dakota" to read "Standing Rock Sioux Tribe (North Dakota and South Dakota)."

HARRISON LOESCH,
Assistant Secretary of the Interior.

JUNE 29, 1970.

[F.R. Doc. 70-8563; Filed July 6, 1970; 8:48 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

REGISTERED RESEARCH FACILITIES UNDER LABORATORY ANIMAL WELFARE ACT

List

Pursuant to § 2.127 of the regulations (9 CFR 2.127) under the Act of August 24, 1966 (80 Stat. 350; 7 U.S.C. 2131 et seq.), commonly known as the Laboratory Animal Welfare Act, notice is hereby given that, as of June 15, 1970, the following research facilities were registered under said Act and regulations as indicated below:

ALABAMA

Auburn University, Auburn 36830.
Southern Research Institute, 2000 Ninth Avenue South, Birmingham 32505.
Tuskegee Institute, Tuskegee Institute 36088.
University of Alabama Medical Center, 1919 Seventh Avenue South, Birmingham 35233.

ARIZONA

Arizona State University, Animal Resource Center, Room 236, Tempe 85281.
Barrow Neurological Institute of St. Joseph's Hospital, 350 West Thomas Road, Phoenix 85013.
Good Samaritan Hospital, 1033 East McDowell Road, Phoenix 85002.
University of Arizona, Tucson 85721.

ARKANSAS

Animal Behavior Enterprises, Inc., Route 6, Box 368, Hot Springs 71901.
University of Arkansas, Fayetteville 72701.
University of Arkansas Medical Center, 4301 West Markham, Little Rock 72205.

CALIFORNIA

Applied Biological Sciences Laboratory, Inc., 6320 San Fernando Road, Glendale 91201.
Attending Staff Association, Los Angeles County Harbor General Hospital, 1000 West Carson Street, Torrance 90509.
Attending Staff Association of the Rancho Los Amigos Hospital, Inc., 12826 Hawthorne Street, Downey 90242.
Bruce Lyon Memorial Research Laboratory, Children's Hospital, Medical Center, 51st and Grove Streets, Oakland 94609.
California Institute of Technology, 1201 East California Boulevard, Pasadena 91109.
The California State Colleges, Office of the Chancellor, 5670 Wilshire Boulevard, Los Angeles 90036.
Cedars-Sinai Medical Research Institute, 8720 Beverly Boulevard, Los Angeles 90048.
Children's Hospital of Los Angeles, 4650 Sunset Boulevard, Los Angles 90027.
City of Hope Medical Center, 1500 East Duarte Road, Duarte 91010.
Cutter Laboratories, Inc., Fourth and Parker Streets, Berkeley 94710.
The Epoxylite Corp., 1428 North Tyler Avenue, South El Monte 91733.
Eskaton, doing business as American River Hospital, 4747 Engle Road, Carmichael 95608.
Children's Hospital of San Francisco, 3700 California Street, San Francisco 94119.

The Hine Laboratories, Inc., 1099 Folsom Street, San Francisco 94103.
Hoag Memorial Hospital Presbyterian, 301 Newport Boulevard, Newport Beach 92660.
Institute for Medical Research of Santa Clara County, 751 South Bascom Avenue, San Jose 95128.
The Institute of Medical Sciences, 2361 Clay Street, San Francisco 94115.
Loma Linda University, Loma Linda 92354.
Los Angeles Pierce College, 6201 Winnetka Boulevard, Woodland Hills 96413.
Memorial Hospital of Long Beach, 2801 Atlantic Avenue, Long Beach 90806.
Mount Zion Hospital and Medical Center, 1600 Divisadero Street, San Francisco 94115.
National Institute of Scientific Research, 12330 Santa Monica Boulevard, Los Angeles 90025.
North American Aviation, Inc., 805 North Lapham Street, El Segundo 90245.
Olive View Hospital, Olive View 91330.
Palo Alto Medical Research Foundation, 860 Bryant Street, Palo Alto 94301.
Pasadena Foundation for Medical Research, 99 North El Molino Avenue, Pasadena 91101.
Pasadena Hospital Association, Ltd., 734 Fairmount Avenue, Pasadena 91105.
The Regents of the University of California, University Hall, Berkeley 94720.
Research and Education Foundation Medical Center, 101 Manchester Avenue, Orange 92668.
Research Foundation at St. Joseph Hospital in Burbank, Buena Vista at Alameda, Burbank 91503.
St. Mary's Hospital and Medical Center, 2200 Hayes Street, San Francisco 94117.
Sansum Clinic Research Foundation, 2219 Bath Street, Santa Barbara 93102.
Scripps Clinic and Research Foundation, 476 Prospect Street, La Jolla 92037.
Shell Development Co., a division of Shell Oil Co., Post Office Box 4248, Modesto 95352.
Sonoma State Hospital, Eldridge 95431.
Stanford Research Institute, 333 Ravenswood Avenue, Menlo Park 94025.
Stanford University, Stanford 94305.
State of California Department of Public Health, 2151 Berkeley Way, Berkeley 94704.
White Memorial Medical Center, 1720 Brooklyn Avenue, Los Angeles 90033.
Sutter Community Hospitals of Sacramento, 2820 L Street, Sacramento 95816.
Syntex Corp., Research Division, 3401 Hillview Avenue, Palo Alto 94304.
University of Southern California, University Park, Los Angeles 90033.
University of the Pacific, Pacific Avenue and Stadium Drive, Stockton 95204.
Valley Children's Hospital and Guidance Clinic, 3151 North Millbrook, Fresno 93703.

COLORADO

Colorado State University, Fort Collins 80521.
Saint Joseph Hospital, 1835 Franklin Street, Denver 80218.
University of Colorado, Boulder 80302.

CONNECTICUT

Hartford Hospital, 80 Seymour Street, Hartford 06115.
The Hospital of St. Raphael, 1450 Chapel Street, New Haven 06511.
The John B. Pierce Foundation of Connecticut, Inc., 290 Congress Avenue, New Haven 06519.
St. Francis Hospital, Research Laboratory, 114 Woodland Street, Hartford 06105.
The University of Connecticut, Storrs 06268.
Yale University, School of Medicine, 333 Cedar Street, New Haven 06510.

DELAWARE

Atlas Chemical Industries, Inc., Concord Pike and New Murphy Road, Wilmington 19899.
Haskell Laboratory for Toxicology and Industrial Medicine, Elkton Road, Newark 19711.
Sterwin Laboratories, Inc., Dupont Highway, Millsboro 19966.
Stine Laboratory, E. I. du Pont de Nemours & Co., Inc., Post Office Box 30, Newark 19711.
University of Delaware, Newark 19711.
Wilmington Medical Center, Inc., 14th and Washington Streets, Wilmington 19899.

DISTRICT OF COLUMBIA

Children's Hospital of the District of Columbia, 2125 13th Street NW., Washington 20009.
Georgetown University, Animal Care Facility, 3900 Reservoir Road NW., Washington 20007.
The George Washington University, Washington 20006.
Jackson Labs, Inc., 2612 28th Street NE., Washington 20018.
National Canners Association, 1133 20th Street NW., Washington 20036.
Washington Hospital Center, George Hyman Memorial Research Building, 110 Irving Street NW., Washington 20010.

FLORIDA

Dawson Research Corporation, 114 West Grant Avenue, Orlando 32806.
Florida Presbyterian College, Primate Laboratory, St. Petersburg 33733.
Florida State University, Tallahassee 32306.
University of Florida, Institute of Food and Agriculture Sciences, Gainesville 32601.
J. Hillis Miller Health Center and College of Medicine, Gainesville 32601.
Miami Heart Institute, Adams Research Building, 4701 North Meridian Avenue, Miami Beach 33140.
Mount Sinai Hospital, Research Laboratory, 4300 Alton Road, Miami Beach 33140.
University of Florida, Office of the President, Gainesville 32601.
University of Miami, Coral Gables 33124.

GEORGIA

Emory University, Atlanta 30322.
Medical College of Georgia, Augusta 30902.
Mercer University, 223 Walton Street NW., Atlanta 30303.
University of Georgia, Athens 30601.

HAWAII

University of Hawaii, Pacific Biomedical Research Center, Honolulu 96813.
The Zaret Foundation, Inc., Hawaiian Division, Room 206, 205 South Vineyard Street, Honolulu 96813.

IDAHO

Idaho State University, Pocatello 83201.

ILLINOIS

Abbott Laboratories, 1400 Sheridan Road, North Chicago 60064.
Affiliated Laboratories Corporation, Lincoln Road, White Hall 62092.
Argonne National Laboratory, 9700 South Cass Avenue, Argonne 60439.
Armour Pharmaceutical Co., Post Office Box 511, Kankakee 60901.
Arnar-Stone Laboratories, Inc., 601 East Kensington Road, Mount Prospect 60056.
Chicago College of Osteopathy, 1122 East 53d Street, Chicago 60615.
The Chicago Medical School, 710 South Wolcott Avenue, Chicago 60612.
Children's Memorial Hospital, 2300 Children's Plaza, Chicago 60614.
Cook County Graduate School of Medicine, 707 South Wood Street, Chicago 60612.
Edgewater Hospital, 5700 North Ashland, Chicago 69626.
Evanston Hospital, 2650 Ridge Avenue, Evanston 60201.
Galesburg State Research Hospital, Galesburg 61401.
G. D. Searle & Co., Box 5110, Chicago 60680.
General Foods Corp., c/o Gaines Research Kennels, Rural Route 3, St. Anne 60964.
George Williams College, 555 31st Street, Downers Grove 60515.
John A. Hartford Foundation, Lutheran General Hospital, 1775 Dempster, Park Ridge 60068.
Hektoen Institute for Medical Research of the Cook County Hospital, 627 South Wood Street, Chicago 60612.
IIT Research Institute, 10 West 35th Street, Chicago 60616.
Illinois Institute of Technology, 3300 South Federal Street, Chicago 60616.
Illinois State University, Normal 61761.
Industrial Bio-Test Laboratories, Inc., 1810 Frontage Road, Northbrook 60062.
Institute for Bio-Medical Research, American Medical Association, 535 North Dearborn Street, Chicago 60610.
Interscience Research Institute, Post Office Box 2580, Station A, Interstate Research Park, Champaign 61824.
Kendall Research Center, 411 Lake Zurich Road, Barrington 60010.
Kraftco, Research Farm, Box 143, Danville 61832.
Lifestream Laboratories, Inc., Post Office Box 524, Libertyville 60048.
Loyola University, Stritch School of Medicine, 1400 South First Avenue, Hines 60141.
Mercy Hospital and Medical Center, Stevenson Expressway at King Drive, Chicago 60616.
Michael Reese Hospital and Medical Center, 29th and Ellis, Chicago 60616.
Mount Sinai Hospital Medical Center, California Avenue at 15th Street, Chicago 60608.
Nelson M. Percy Medical Research Foundation, Augustana Hospital, 411 West Dickens, Chicago 60614.
Northwestern University, Administration Building, Room 115, 619 Clark Street, Evanston 60201.
Presbyterian-St. Luke's Hospital, Animal Research Facility, 1753 West Congress Parkway, Chicago 60612.
Rosner-Hixson Laboratories, Division of Artnell Co., Inc., 7737 South Chicago Avenue, Chicago 60612.
St. Francis Hospital, Surgical Research Department, 355 Ridge Avenue, Evanston 60202.
St. Johns Hospital Research Laboratories, 1111 North Lincoln Street, Springfield 62702.
Southern Illinois University, Carbondale 62901.
The Suburban Cook County Tuberculosis Sanitarium District, 55th and County Line Road, Hinsdale 60521.
Thompson Research Foundation, Route 1, Box 97, Monee 60449.
Travenol Laboratories, Inc., 6301 Lincoln Avenue, Morton Grove 60053.
The University of Chicago, 950 East 59th Street, Chicago 60637.
University of Illinois at Urbana-Champaign, Urbana 61801.
University of Illinois at Chicago Circle, 2833 University Hall, Chicago 60680.
University of Illinois at the Medical Center, 833 South Wood Street, Chicago 60612.
Wilson & Co., Inc., Research & Techincal Division, 4200 South Marshfield Avenue, Chicago 60609.
Wilson Laboratories, 4221 South Western Boulevard, Chicago 60609.

INDIANA

Central Soya Co., Inc., Research, Feed Division, Decatur 46733.
Eli Lilly and Co., 740 South Alabama, Indianapolis 46206.
Indiana University, Bloomington 47401.
Mead Johnson & Co., 2404 Pennsylvania Avenue, Evansville 47721.

Methodist Hospital of Indiana, Inc., Animal Research Facility, 1604 North Capitol Avenue, Indianapolis 46202.
Miles Laboratories, Inc., Therapeutics Research Laboratory, Elkhart 46514.
Purdue University, Purdue Research Foundation, Lafayette 47907.
Rose Polytechnic Institute, 5500 Wabash Avenue, Terre Haute 47803.

IOWA

College of Osteopathic Medicine and Surgery, 720 Sixth Avenue, Des Moines 50309.
Diamond Laboratories, Inc., Post Office Box 863, Des Moines 50304.
Drake University, Des Moines 50311.
Iowa Methodist Hospital, 1200 Pleasant Street, Des Moines 50308.
Iowa State University, Ames 50010.
The University of Iowa, Iowa City 52240.

KANSAS

Biotec Laboratories, Inc., 9426 Rosehill Road, Lenexa 66215.
Chemagro Corp., Post Office Box 4913, Hawthorn Road, Kansas City 64120.
Haver-Lockhart Laboratories, Post Office Box 390, Shawnee Mission 66201.
Kansas State University, Laboratory Animal Care Committee, Manhattan 66502.
National Laboratories, 1722 Main Street, Kansas City 64108.
The University of Kansas, Lawrence 66044.
University of Kansas Medical Center and School of Medicine, Rainbow Boulevard at 39th Street, Kansas City 66103.
Veterinary Biologicals, Inc., 12300 Santa Fe Drive, Lenexa 66215.

KENTUCKY

Harlan Appalachian Regional Hospital, Harlan 40831.
University of Louisville School of Medicine, 101 West Chestnut, Louisville 40202.
University of Kentucky, Lexington 40506.

LOUISIANA

Alton Ochsner Medical Foundation, 1520 Jefferson Highway, New Orleans 70121.
Gulf South Research Institute, 8000 GSRI Avenue, Baton Rouge 70808.
Louisiana State University System, Baton Rouge 70803.
Loyola University, Pharmacology Department, 6363 St. Charles Avenue, New Orleans 70118.
Touro Research Institute, 1400 Foucher Street, New Orleans 70115.
Tulane University, New Orleans 70118.

MAINE

The Jackson Laboratory, Bar Harbor 04609.
Maine Medical Center, 22 Bramhall Street, Portland 04102.

MARYLAND

Baltimore City Hospitals, 4940 Eastern Avenue, Baltimore 21224.
Eastawal Research Laboratory, 234 East 25th Street, Baltimore 21218.
Eye Research Foundation of Bethesda, 8710 Old Georgetown Road, Bethesda 20014.
Flow Laboratories Inc., 12601 Twinbrook Parkway, Rockville 20852.
Hittman Associates, Inc., Post Office Box 810, Columbia 21043.
Huntingdon Research Center, Inc., Box 6857, Baltimore 21204.
The Johns Hopkins University, 34th and Charles Street, Baltimore 21218.
Mercy Hospital, Inc., 301 St. Paul Place, Baltimore 21201.
Microbiological Associates, Inc., 4733 Bethesda Avenue, Bethesda 20014.
Pharmacopathics Research Laboratories, Inc., 1261 North Washington Boulevard, Laurel 20810.
Sacred Heart Hospital, 900 Seton Drive, Cumberland 21502.
St. Joseph Hospital, 7620 York Road, Baltimore 21204.
Sinai Hospital of Baltimore, Inc., Belvedere and Greenspring Avenues, Baltimore 21215.
University of Maryland, Baltimore City Campus, Baltimore 21201.
University of Maryland, College Park 20742.

MASSACHUSETTS

Astra Pharmaceutical Products, Inc., 7½ Neponset Street, Worcester 01606.
Avco Everett Research Laboratory, 2385 Revere Beach Parkway, Everett 02149.
Beth Israel Hospital Animal Unit, 330 Brookline Avenue, Boston 02215.
Boston City Hospital, Department of Health and Hospitals, 818 Harrison Avenue, Boston 02118.
Boston University, 705 Commonwealth Avenue, Boston 02118.
Brandeis University, Waltham 02154.
The Children's Cancer Research Foundation, 35 Binney Street, Boston 02115.
Children's Hospital Medical Center, 300 Longwood Avenue, Boston 02115.
Clark University, 950 Main Street, Worcester 01610.
Forsyth Dental Center, 140 The Fenway, Boston 02115.
Harvard University, Cambridge 02138.
Lahey Clinic Foundation, 605 Commonwealth Avenue, Boston 02215.
Lemuel Shattuck Hospital, Department of Research, 170 Morton Street, Jamaica Plain 02130.
Arthur D. Little, Inc., 25 Acorn Park, Cambridge 02140.
Mason Research Institute, Inc., 21 Harvard Street, Worcestershire 01608.
Massachusetts College of Pharmacy, 179 Longwood Avenue, Boston 02115.
Massachusetts Eye and Ear Infirmary, 243 Charles Street, Boston 02114.
Massachusetts General Hospital, Boston 02114.
Massachusetts Institute of Technology, 77 Massachusetts Avenue, Cambridge 02139.
The Memorial Hospital, Research Laboratory, 119 Belmont Street, Worcester 01605.
NEN Biomedical Assay Laboratories, 615 Albany Street, Boston 02118.
New England Medical Center Hospitals, 171 Harrison Avenue, Boston 02111.
Northeastern University, 360 Huntington Avenue, Boston 02115.
Peter Bent Brigham Hospital, 721 Huntington Avenue, Boston 02115.
Retina Foundation, 20 Staniford Street, Boston 02114.
St. Elizabeth's Hospital, Department of Research, 736 Cambridge Street, Brighton 02135.
St. Vincent Hospital, 25 Winthrop Street, Worcester 01610.
Sears Surgical Laboratory, Boston City Hospital, 818 Harrison Avenue, Boston 02118.
Shriners Burns Institute, 50 Blossom Street, Boston 02114.
Springfield Hospital Medical Center, 759 Chestnut Street, Springfield 01107.
Thermo Electron Corporation, 85 First Avenue, Waltham 02154.
Tufts University, Medford 02155.
University of Massachusetts, Amherst 01002.
Williams College, Williamstown, 01267.
Worcester Foundation for Experimental Biology, 222 Maple Avenue, Shrewsbury 01545.

MICHIGAN

Blodget Memorial Hospital, 1840 Wealth SE., Grand Rapids 49506.
Butterworth Hospital, 100 Michigan NE., Grand Rapids 49503.
Detroit Osteopathic Hospital, 12523 Third Avenue, Detroit 48203.
The Dow Chemical Company, Midland 48640.
Dow Corning Corporation, South Saginaw Road, Midland 48640.
Ferris State College, Big Rapids 49307.
Flint Osteopathic Hospital, Department of Pathology, 3921 Beecher Road, Flint 48502.
Henry Ford Hospital and Edsel B. Ford Institute for Medical Research, 2799 West Grand Boulevard, Detroit 48202.
Hurley Hospital Research Facilities, 6th Avenue and Begole, Flint 48502.
Ingham Medical Hospital, 401 West Greenlawn, Lansing 48910.
International Research & Development Corp., 900 Main Street, Mattawan 49071.
Lafayette Clinic, 951 East Lafayette, Detroit 48207.
Michigan State University, East Lansing 48823.
Mount Carmel Mercy Hospital, Animal Research Laboratory, 6071 West Outer Drive, Detroit 48235.
Parke, Davis & Co., G.P.O. Box 118, Detroit 48232.
Pontiac Medical Science Laboratories, Inc., 140 Elizabeth Lake Road, Pontiac 48053.
Providence Hospital, 16001 Nine Mile Road Southfield 48075.
St. Joseph Mercy Hospital, 326 North Ingalls, Ann Arbor 48104.
Sinai Hospital of Detroit, Division of Research, 6767 West Outer Drive, Detroit 48235.
The Upjohn Company, 7000 Portage Road, Kalamazoo 49001.
University of Detroit, 4001 West McNichols Road, Detroit 48221.
University of Michigan, Ann Arbor 48104.
Wayne County General Hospital, Eloise 48132.
Wayne State University, Division of Laboratory Animal Resources, Detroit 48202.
W. D. Fryfogle Medical Research Laboratory, 715 Northland, 9 Mile Medical Building, 159 West 9 Mile Road, Southfield 48075.
Western Michigan University, Kalamazoo 49001.
Westfield Hospital for Animals, Research Division, 5460 South 12th Street, Kalamazoo 49001.

MINNESOTA

Mayo Foundation, 200 First Street SW., Rochester 55901.
Minnesota Mining & Manufacturing Co., Central Research Laboratories, 2301 Hudson Road, St. Paul 55101.
Minneapolis Medical Research Foundation, Inc., Hennepin County General Hospital, 619 South 5th Street, Minneapolis 55415.
Mount Sinai Hospital, 22d & Chicago Avenue, Minneapolis 55404.
North Star Research & Development Institute, 3100 38th Avenue South, Minneapolis 55406.
St. Joseph's Research Laboratory, 69 West Exchange Street, St. Paul 55102.
St. Mary's Hospital, Research Laboratory, 2414 South Seventh Street, Minneapolis 55406.
St. Paul-Ramsey Hospital, 640 Jackson Street, St. Paul 55101.
University of Minnesota, Minneapolis 55455.

MISSISSIPPI

University of Mississippi Medical Center, 2500 North State Street, Jackson 39216.
The University of Mississippi, Office of the Vice Chancellor, University 38677.

MISSOURI

The Curators of the University of Missouri, Columbia 65201.
Institute of Medical Education and Research, 1605 South 14th Street, St. Louis 63104.
The Jewish Hospital of St. Louis, 216 South Kingshighway Boulevard, St. Louis 63110.
Kansas City General Hospital and Medical Center, Research Animal Care Unit, 24th and Cherry Streets, Kansas City 64108.
Kirksville College of Osteopathy and Surgery, Kirksville 63501.

Mallinckrodt Chemical Works, Second and Mallinckrodt Streets, St. Louis 63160.
Menorah Medical Center, 4949 Rockhill Road, Kansas City 64110.
Midwest Research Institute, 425 Volker Boulevard, Kansas City 64114.
Missouri Institute of Psychiatry, 5400 Arsenal Street, St. Louis 63139.
Philips Roxane, Inc., 2621 North Belt Highway, St. Joseph 64502.
Ralston Purina Company, 835 South Eighth Street, St. Louis 63199.
St. John's Mercy Hospital, Research Laboratory, 621 South New Ballas Road, St. Louis 63141.
Saint Louis University, 1402 South Grand Avenue, St. Louis 63104.
Scientific Associates, Inc., 6200 South Lindbergh, St. Louis 63123.
Washington University, Lindell and Skinker Boulevards, St. Louis 63130.

MONTANA

University of Montana, Missoula 59801.

NEBRASKA

The Creighton University, School of Medicine, 657 North 27th Street, Omaha 68131.
Dellen, Inc., 2704 North 84th Street, Omaha 68134.
Elanco Products Company, 1124 Harney Street, Omaha 68102.
Harris Laboratories, Inc., 624 Peach Street, Box 427, Lincoln 68501.
University of Nebraska, 14th and R Streets, Lincoln 68508.

NEW HAMPSHIRE

Dartmouth Medical School, Animal Research Facilities, Medical Science Building, Hanover 03755.

NEW JERSEY

AME Associates, Post Office Box 57, Princeton 08540.
Bio/dynamics, Inc., Post Office Box 43, East Millstone 08873.
Bristol-Meyers Products, 225 Long Avenue, Hillside 07205.
Campbell Soup Co., Research Institute, 375 Memorial Avenue, Camden 08101.
CIBA Pharmaceutical Co., 556 Morris Avenue, Summit 07901.
Colgate-Palmolive Co., 909 River Road, Piscataway 08854.
Cyanamid Foundation for Agricultural Development, Post Office Box 400, Princeton 08540.
E. R. Squibb & Sons, Inc., 745 Fifth Avenue, New York 10022 and Georges Road, New Brunswick 08903.
Ethicon Research Foundation, U.S. Highway 22, Somerville 08876.
Fairleigh Dickinson University, Dental Research Building, 1000 River Road, Teaneck 07666.
Hackensak Hospital, Cardio Pulmonary Animal Laboratory, Hackensack 07601.
Hoffman-LaRoche, Inc., 340 Kingsland Street, Nutley 07110.
The Hospital Center at Orange, Cardiac Research Laboratory, 188 South Essex Avenue, Orange 07051.
Institute for Medical Research, Copewood Street, Camden 08103.
Johnson and Johnson Research Foundation, Route 1, New Brunswick 08903.
K–G Laboratories, Inc., 3651 Hill Road, Parsippany 07054.
Leberco Laboratories, 123 Hawthorne Street, Roselle Park 07204.
Dr. Clarence Manziano, 603 West Side Avenue, Jersey City 07304.
Merck & Co., Inc., 126 East Lincoln Avenue, Rahway 07065.
Middlesex General Hospital, 180 Somerset Street, New Brunswick 08901.
Monmouth Medical Center, Department of Physiology and Clinical Research, Third and Pavillion Avenues, Long Branch 07740.
Newark Beth Israel Medical Center, 201 Lyons Avenue, Newark 07112.
New Jersey College of Medicine and Dentistry, 24 Baldwin Avenue, Jersey City 07306.
New Jersey Department of Health, Division of Laboratories, Box 1540, Trenton 08625.
New Jersey Mental Health Research and Development Fund, Post Office Box 25, Skillman 08558.
Ortho Research Institute, U.S. Highway 202, Raritan 08869.
Passaic General Hospital, 350 Boulevard, Passaic 07055.
Rutgers, The State University, New Brunswick 08903.
St. Barnabas Medical Center, Old Short Hills Road, Livingston 07039.
St. Michael's Medical Center, Research Laboratory, 306 High Street, Newark 07102.
Sandoz Pharmaceuticals, Research Department, Hanover 07936.
Schering Corp., 60 Orange Street, Bloomfield 07003.
Smith, Miller, and Patch, 401 Joyce Kilmer Avenue, New Brunswick 08902.
Foster D. Snell, Inc., Biological Science Laboratories, 800 Dowd Avenue, Elizabeth 07021.
South Mountain Laboratories, 487 Valley Street, Maplewood 07040.
The Trustees of Princeton University, Office of Research and Project Administration, New South Building, Princeton 08540.
University Laboratories, Inc., 810 North Second Avenue, Highland Park 08904.
Warner-Lambert Research Institute, 170 Tabor Road, Morris Plains 07950.
Wells Laboratories, Inc., 25–27 Lewis Avenue, Jersey City 07306.

NEW MEXICO

Los Alamos Scientific Laboratory, Post Office Box 1663, Los Alamos 87544.
The Lovelace Foundation for Medical Education and Research, 5200 Gibson Boulevard SE., Albuquerque 87106.
The University of New Mexico, Albuquerque 87106.

NEW YORK

Agway Research Laboratory, 777 Warren Road, Ithaca 14850.
Albany Medical College, 47 New Scotland Avenue, Albany 12208.
American Cyanamid Co., North Middletown Road, Pearl River 10965.
The American Museum of Natural History, Central Avenue West at 79th Street, New York 10024.
The Animal Medical Center, 510 East 62d Street, New York 10021.
Associated Universities, Inc., Brookhaven National Laboratory, Upton, Long Island 11973.
Ayerst Research Laboratories, Division of Animal Health, Chazy 12921.
Beth Israel Medical Center, 10 Nathan D. Perlman Place, New York 10003.
Biochemex Laboratories, Inc., 1271 Hempstead Turnpike, Elmont 11003.
Booth Memorial Hospital, Main Street at Booth Memorial Avenue, Flushing 11355.
Bristol Laboratories, Post Office Box 657, Syracuse 13201.
The Bronx-Lebanon Hospital Center, 1276 Fulton Avenue, Bronx 10456.
The Brookdale Hospital Center, Brookdale Plaza, Brooklyn 11212.
Brooklyn College of Pharmacy, 600 Lafayette Avenue, Brooklyn 11216.
The Brooklyn Hospital, 121 DeKalb Avenue, Brooklyn 11201.
Buffalo General Hospital, 100 High Street, Buffalo 14203.
Bureau of Laboratories, City of New York, 455 First Avenue, New York City 10016.
Burroughs Wellcome and Co., Inc., 1 Scarsdale Road, Tuckahoe 10707.
Carter-Wallace, Inc., 2 Park Avenue, New York 10016.
Charles Pfizer and Co., Inc., 235 East 42nd Street, New York 10017.
The Children's Hospital of Buffalo, 219 Bryant Street, Buffalo 14222.
Cornell University, Ithaca 14850.
Cornell University Medical College, 1300 York Avenue, New York 10021.
E. J. Meyer Memorial Hospital, 462 Grider Street, Buffalo 14215.
Endo Laboratories, Inc., 1000 Stewart Avenue, Garden City 11533.
Food and Drug Research Laboratories, Inc., Maurice Avenue at 58th Street, Maspeth 11378.
Geigy Chemical Corporation, Geigy Research Division, Ardsley 10502.
Health Research, Inc., 84 Holland Avenue, Albany 12208.
Institute for Muscle Disease, Inc., 515 East 71st Street, New York 10021.
Isaac Albert Research Institute, Kingsbrook Jewish Medical Center, 86 East 49th Street, Brooklyn 11203.
Jewish Hospital and Medical Center of Brooklyn, 555 Prospect Place, Brooklyn 11238.
Lenox Hill Hospital, 100 East 77th Street, New York 10021.
The L.G.H. Laboratory, Mercy Hospital Association, 1000 North Village Avenue, Rockville Centre 11570.
The Long Island College Hospital, 340 Henry Street, Brooklyn 11201.
Long Island Jewish Medical Center, 270–05 76th Avenue, New Hyde Park 11040.
Maimonides Medical Center, 4802 Tenth Avenue, Brooklyn 11219.
Manhattan Eye, Ear & Throat Hospital, 210 East 64th Street, New York 10021.
The Mary Imogene Bassett Hospital, Atwell Road, Cooperstown 13326.
Masonic Medical Research Laboratory, Bleecker Street, Utica 13501.
Meadowbrook Hospital, Animal Research Laboratory, Post Office Box 175, East Meadow 11554.
The Medical Foundation of Buffalo, 73 High Street, Buffalo 14203.
Methodist Hospital of Brooklyn, 506 Sixth Street, Brooklyn 11215.
Millard Fillmore Hospital, Urology Research Division, 3 Gates Circle, Buffalo 14209.
Misericordia Hospital, 600 East 233rd Street, Bronx 10466.
Montefiore Hospital and Medical Center, 111 East 210th Street, Bronx 10467.
The Mount Sinai Hospital, School of Medicine, 100 Street and Fifth Avenue, New York 10029.
Nassau Hospital, First Street, Mineola 11501.
New York Medical College, Fifth Avenue at 106th Street, New York 10029.
New York State Health Department, Division of Laboratories and Research, New Scotland Avenue, Albany 12201.
New York State Department of Mental Hygiene, 44 Holland Avenue, Albany 12208.
New York University, Washington Square, New York 10003.
North Shore Hospital, Valley Road, Manhasset 11030.
The Norwich Pharmacal Co., Post Office Box 191, Norwich 13815.
Philip D. Wilson Research Foundation, 535 East 70th Street, New York 10021.
The Public Health Research Institute of the City of New York, Inc., 455 First Avenue, New York City 10016.
Queens Hospital Center, 8268 164th Street, Jamaica 11432.
Rensselaer Polytechnic Institute, Troy 12181.
Research Institute for Skeletomuscular Diseases of the Hospital for Jr. Diseases & Medical Center, 1919 Madison Avenue, New York 10035.

Revlon Research Center, Inc., 945 Zerega Avenue, Bronx 10473.
Richardson-Merrell, Inc., 122 East 42nd Street, New York 10017.
The Rockefeller University, York Avenue at 66th Street, New York 10021.
The Roosevelt Hospital, 428 West 59th Street, New York 10019.
St. Barnabas Hospital, 183rd Street and Third Avenue, Bronx 10457.
St. Luke's Hospital Center, Amsterdam Avenue at West 114th Street, New York 10025.
St. Vincent's Hospital and Medical Center of New York, 153 West 11th Street, New York 10011.
Sisters of Charity Hospital, 2157 Main Street, Buffalo 14214.
Sloan-Kettering Institute for Cancer Research, 410 East 68th Street, New York 10021.
South Shore Analytical & Research Laboratory, Inc., 148 Islip Avenue, Islip 11751.
State University of New York, Thurlow Terrace, Albany 12201.
Syracuse University, 201 Marshall Street, Syracuse 13210.
Sterling Drug, Inc., Columbia Turnpike, Rensselaer 12144.
The Trustees of Columbia University in City of New York, Box 20, Lowe Memorial Library, New York 10027.
University of Rochester, River Boulevard, Rochester 14627.
USV Pharmaceutical Corp., Division of Pharmacology, 26 Vark Street, Yonkers, 10701.
Waldemar Medical Research Foundation, Sunnyside Boulevard, Woodbury 11797
Wilson Memorial Hospital, Heart Lung Laboratory, Broome-D, Johnson City 13790.
Yeshiva University, 55 Fifth Avenue, New York 10003.

NORTH CAROLINA

Behavior Systems, Inc., 2008 Hillsboro Street, Raleigh 27607.
Duke University, Durham 27706.
North Carolina State University at Raleigh, Raleigh 27607.
Research Triangle Institute, Post Office Box 12194, Research Triangle Park 27709.
University of North Carolina, Chapel Hill 27514.
Wake Forest University, Winston-Salem 27109.

NORTH DAKOTA

North Dakota State University of Agriculture and Applied Science, Fargo 58102.
University of North Dakota, School of Medicine, Grand Forks 58201.

OHIO

Akron City Hospital, 525 East Market Street, Akron 44309.
Arlington Research Laboratories, Inc., Post Office Box 161, Plain City 43064.
Battelle Memorial Institute, Columbus Laboratories, 505 King Avenue, Columbus 43201.
Bio/Toxicological Research Associates, Division of Acres, Inc., 533 North Broadway Street, Spencerville 45887.
Capital University, Department of Biology, Columbus 43209.
Case Western Reserve University, University Circle, Cleveland 44106.
Children's Hospital of Akron, Animal Laboratories, Buchtel Avenue at Bowery Street, Akron 44308.
The Children's Hospital Research Foundation, Elland Avenue and Bethesda, Cincinnati 45229.
Children's Hospital Research Foundation, 561 South 17th Street, Columbus 43205.
The Cleveland Clinic Foundation, 2020 East 93d Street, Cleveland 44120.
Cleveland Metropolitan General Hospital, 3395 Scranton Road, Cleveland 44109.
Cleveland Psychiatric Institute, 1708 Aiken Avenue, Cleveland 44109.
Cox Coronary Heart Institute, 3525 Southern Boulevard, Kettering 45429.
Denison University, Granville 43023.
Fairview General Hospital, 18101 Lorain Avenue, Cleveland 44111.
Fels Research Institute, Yellow Springs 45387.
Good Samaritan Hospital, Animal Research Laboratory, 3217 Clifton Avenue, Cincinnati 45220.
Highland View Hospital, 3901 Ireland Drive, Cleveland 44122.
Hoechst Pharmaceutical Co., 1385 Tennessee Avenue, Cincinnati 45229.
Institute of Medical Research of the Toledo Hospital, 2805 Oatis Avenue, Toledo 43606.
Kent State University, Kent 44240.
Miami University, Office of the President, Oxford 45056.
Mount Sinai Hospital, University Circle, Cleveland 44106.
Oberlin College, Department of Psychology, Oberlin 44074.
The Ohio State University, 190 North Oval Drive, Columbus 43210.
Procter & Gamble Co., Post Office Box, Cincinnati 45239.
Riverside Methodist Hospital, 3535 Olentangy River Road, Columbus 43214.
St. Vincent Charity Hospital, Research Division, 2351 East 22d Street, Cleveland 44115.
St. Luke's Hospital Association of the Methodist Church, 11311 Shaker Boulevard, Cleveland 44104.
The University of Akron, Akron 44304.
University of Cincinnati, Clifton Avenue, Cincinnati 45221.
Warren-Teed Pharmaceuticals, Inc., 582 West Goodale Street, Columbus 43215.

OKLAHOMA

Baptist Memorial Hospital, 5800 Northwest Grand Boulevard, Oklahoma City 73112.
Oklahoma City University, 2501 Notrh Blackwelder, Oklahoma City 73106.
Oklahoma Medical Research Foundation, 825 Northeast 13th Street, Oklahoma City 73104.
Oklahoma State University of Agriculture and Applied Science, Stillwater 74074.
Southwestern State College, Weatherford 73096.
University of Oklahoma, Medical Center, 800 Northeast 13th Street, Oklahoma City 73104.

OREGON

E. Laboratories, 1954 Northwest Pettygrove, Portland 97209.
Neurophysiology Research Laboratory, 1015 Northwest 22d Avenue, Portland 97210.
Oregon State University, Corvallis 97331.
Pacific University, Optometry Department, Forest Grove 97116.
Portland State University, Post Office Box 751, Portland 97207.
University of Oregon Dental School, 611 Southwest Campus Drive, Portland 97201.
University of Oregon Medical School, 3181 Southwest Sam Jackson Park Road, Portland 97201.

PENNSYLVANIA

Albert Einstein Medical Center, York and Tabor Roads, Philadelphia 19141.
Allegheny General Hospital, 320 East North Avenue, Pittsburgh 15212.
Carnegie-Mellon University, 4400 Fifth Avenue, Pittsburgh 15213.
The Children's Hospital of Philadelphia, 1740 Bainbridge Street, Philadelphia 19146.
The Contributors to the Pennsylvania Hospital, Eighth and Spruce Streets, Philadelphia 19107.
Drexel Institute of Technology, 32d and Chestnut Street, Philadelphia 19104.
Duquesne University of the Holy Ghost, Pittsburgh 15219.
Eastern Pennsylvania Psychiatric Institution, Henry Avenue and Abbottsford Road, Philadelphia 19129.
The Hahnemann Medical College and Hospital of Philadelphia, 230 North Broad Street, Philadelphia 19102.
Institute for Medical Education and Research, The Geisinger Medical Center, Danville 17821.
The Jefferson Medical College of Philadelphia, 1025 Walnut Street, Philadelphia 19107.
Lankenau Hospital, Lancaster and City Line Avenues, Philadelphia 19151.
LaWall and Harrisson Research Laboratories, Inc., 1921 Walnut Street, Philadelphia 19103.
Pitman-Moore, Inc., Camp Hill Road, Fort Washington 19034.
McNeil Laboratories, Inc., Camp Hill Road, Fort Washington 19034.
Mercy Catholic Medical Center, Lansdowne Avenue, Darby 19023.
The Mercy Hospital of Pittsburgh, 1400 Locust Street, Pittsburgh 15219.
Montefiore Hospital, 3459 Fifth Avenue, Pittsburgh 15213.
The Pennsylvania State University, 207 Old Main, University Park 16802.
Pennwalt Corp., 3 Penn Center, Philadelphia 19102.
Philadelphia College of Osteopathic Medicine, 48th and Spruce Streets, Philadelphia 19139.
Philadelphia College of Pharmacy & Science, 43d Street and Kingsessing Avenue, Philadelphia 19104.
Philadelphia General Hospital, 34th Street and Civic Center Boulevard, Philadelphia 19104.
Presbyterian University of Pennsylvania Medical Center, 51 North 39th Street, Philadelphia 19104.
Rohm and Haas Co., Norristown and McKean Roads, Spring House 19477.
William H. Rorer, Inc., 500 Virginia Drive, Fort Washington 19034.
Sacred Heart Hospital, Fourth and Chew Streets, Allentown 18102.
Smith, Kline & French Laboratories, 1500 Spring Garden Street, Philadelphia 19101.
Temple University of the Commonwealth System of Higher Education, Broad and Montgomery Streets, Philadelphia 19122.
University Health Center of Pittsburgh, Terrace and Desoto Streets, Pittsburgh 15213.
University of Pennsylvania, 101 College Hall, Philadelphia 19104.
The Western Pennsylvania Hospital, 4800 Friendship Avenue, Pittsburgh 15224.
Westinghouse Electric Corp., Research & Development Center, Beulah Road, Churchill Borough, Pittsburgh 15235.
Woman's Medical College of Pennsylvania, 3300 Henry Avenue, Philadelphia 19129.
Wyeth Laboratories, Inc., Post Office Box 8299, Philadelphia 19101.

PUERTO RICO

University of Puerto Rico, Rio Piedras 00923.

RHODE ISLAND

Brown University, 79 Waterman Street, Brown Station, Providence 02912.
The Memorial Hospital, Prospect Street, Pawtucket 02860.
The Miriam Hospital, 164 Summit Avenue, Providence 02906.
Our Lady of Fatima Hospital, 200 High Service Avenue, North Providence 02904.
Rhode Island Hospital, 593 Eddy Street, Providence 02903.
University of Rhode Island, Kingston 02881.

SOUTH CAROLINA

Medical College of South Carolina, 80 Barre Street, Charleston 29401.

SOUTH DAKOTA

South Dakota State University, Brookings 57006.

The University of South Dakota, Vermillion 57069.

TENNESSEE

Meharry Medical College, 1005 18th Avenue, Nashville 37208.
Oak Ridge Associated Universities, Medical Division, Post Office Box 117, Oak Ridge 37830.
The S. E. Massengill Co., 501 Fifth Street, Bristol 37620.
The University of Tennessee, Knoxville 37916.
Vanderbilt University, School of Medicine, Station 17, Nashville 37203.

TEXAS

Alcon Laboratories, Inc., Post Office Box 1959, Fort Worth 76101.
Bandy Laboratories, Inc., Post Office Box 727, Temple 76501.
Baylor University, Waco 76703.
Baylor University College of Medicine, Texas Medical Center, 1200 Moursund Avenue, Houston 77025.
Brownsville Veterinary Hospital, Box 1871, Brownsville 78520.
Callier Hearing & Speech Center, 1966 Inwood Road, Dallas 75235.
Hermann Hospitals, Texas Medical Center, Houston 77023.
St. Anthony's Hospital, 735 North Polk Street, Amarillo 79102.
St. Joseph's Hospital, 1919 La Branch, Houston 77002.
St. Paul Hospital, 5909 Harry Hines, Dallas 75235.
Scott & White Memorial Hospital and Scott Sherwood and Brindley Foundation, 2401 South 31st Street, Temple 76501.
Southwest Foundation for Research and Education, Post Office Box 2296, 10000 West Commerce, San Antonio 78206.
Southwest Research Institute, 8500 Culebra Road, San Antonio 78206.
Technology Incorporated, Life Sciences Division, 8531 North New Braunfels Avenue, San Antonio 78217.
Texas A & M University, College of Veterinary Medicine, College Station 77843.
Texas Research Institute of Mental Sciences, Texas Medical Center, 1300 Moursund Avenue, Houston 77025.
Trinity University, 715 Stadium Drive, San Antonio 78212.
University of Houston, 3801 Cullen Boulevard, Houston 77004.
University of Texas System, Post Office Box 7969, Austin 78712.

UTAH

Brigham Young University, Provo 84601.
Latter-day Saints Hospital, 325 Eighth Avenue, Salt Lake City 84103.
University of Utah, University Avenue at Second South, Salt Lake City 84112.
Utah State University, Logan 84321.

VERMONT

University of Vermont and State Agricultural College, Burlington 05401.

VIRGINIA

A. H. Robins Co., Inc., Research Laboratories, 1211 Sherwood Avenue, Richmond 23220.
Bionetics Research Laboratories, Inc., 101 West Jefferson Street, Falls Church 22046.
Hazelton Laboratories, Inc., Post Office Box 30, Falls Church 22046.
Medical College of Virginia, Animal Research Division, 12th and Broad Streets, Richmond 23219.
Melpar, Inc., 7700 Arlington Boulevard, Falls Church 22046.
The Research Institute of the Norfolk Area, Medical Center Authority, 600 Gresham Drive, Norfolk 23507.
University of Virginia, Charlottesville 22903.
Virginia Polytechnic Institute, Blacksburg 24061.
Woodard Research Corp., 12310 Pinecrest Road, Post Office Box 405, Herndon 22070.

WASHINGTON

Pacific Northwest Laboratories, Division of Battelle Memorial Institute, Post Office Box 999, Richland 99352.
Pacific Northwest Research Foundation, 1102 Columbia Street, Seattle 98104.
Providence Hospital, 528 18th Avenue, Seattle 98122.
Virginia Mason Research Center, 1000 Seneca Street, Seattle 98101.
University of Washington, Seattle 98105.
Washington State University, Laboratory Animal Units, Pullman 99163.

WEST VIRGINIA

West Virginia University, Morgantown 26506.

WISCONSIN

Allen-Bradley Medical Science Laboratory, 8700 West Wisconsin Avenue, Milwaukee 53226.
Central Wisconsin Colony and Training School, 317 Knutson Drive, Madison 53704.
Colgate-Palmolive Co., Lakeside Laboratories Division, 1707 East North Avenue, Milwaukee 53201.
Marquette School of Medicine, 561 North 15th Street, Milwaukee 53233.
Endocrine Laboratories of Madison, Inc., Post Office Box 1436, 979 Jonathan Drive, Madison 53701.
Marshfield Clinic Foundation for Medical Research and Education, 630 South Central Avenue, Marshfield 54449.
Mount Sinai Hospital, May and Sigmund Winter Research Laboratory, 948 North 12th Street, Milwaukee 53233.
The Regents of the University of Wisconsin, 750 University Avenue, Madison 53706.
Wisconsin Alumni Research Foundation, 506 North Walnut, Post Office Box 2037, Madison 53701.

Done at Washington, D.C., this 30th day of June 1970.

R. E. OMOHUNDRO,
Acting Director, Animal Health Division, Agricultural Research Service.

[F.R. Doc. 70-8574; Filed, July 6, 1970; 8:49 a.m.]

Commodity Credit Corporation

SALES OF CERTAIN COMMODITIES

Monthly Sales List (Fiscal Year Ending June 30, 1971)

Notice to buyers. This Monthly Sales List for the fiscal year ending June 30, 1971, is issued pursuant to the policy of the Commodity Credit Corporation issued on October 12, 1954, and published in the FEDERAL REGISTER of October 16, 1954 (19 F.R. 6669), and amended on January 31, 1970 (35 F.R. 1276), and on June 3, 1970 (35 F.R. 107). This Monthly Sales List is effective with respect to Commodity Credit Corporation (CCC) commodity holdings, which are available for sale, beginning at 2:30 p.m., e.d.t., on June 30, 1970. Sales price transitions between successive months will be made at 2:30 p.m. (e.d.t., Washington, D.C.), on the last CCC business day of each month unless otherwise specified.

This Monthly Sales List reflects sales policy for the beginning month of the period covered by the list. This Monthly Sales List also projects the beginning sales policy as far as possible into the balance of the fiscal year by setting forth prices that will prevail in subsequent months if the beginning sales policy were to remain unchanged. The inclusion of projected prices for subsequent months is intended to minimize the repetitive publication of price information and shall not be construed as an annual sales policy commitment by CCC. This Monthly Sales List will be amended in the FEDERAL REGISTER from time to time during the fiscal year to reflect intra-month and end-of-month changes.

This Monthly Sales List sets forth the commodities available for sale or for redemption of payment-in-kind certificates, information concerning financing and barter, the pricing basis on which sales will be made, and sources from which further information concerning matters described in this paragraph may be obtained. This list is issued for the purpose of public information and does not constitute an offer to sell by CCC or an invitation for offers to purchase from CCC.

1. *General.* (a) CCC will entertain offers from responsible buyers for the purchase of any commodity in this Monthly Sales List. Offers accepted by CCC will be subject to the terms and conditions prescribed by CCC. With certain exceptions, such terms and conditions appear in published regulations and in pamphlets which are designated as announcements. The identity of such announcements are, with certain exceptions, stated in this Monthly Sales List. The announcements may be obtained from the sources described herein.

(b) CCC reserves the right to refuse to consider an offer if CCC does not have adequate information of financial responsibility of the offerer to meet contract obligations of the type contemplated under the prospective contract. If a prospective offerer is in doubt as to whether CCC has adequate information with respect to his financial responsibility, he should either submit a financial statement to the office named to receive offers in the appropriate announcement of invitation prior to making an offer or communicate with such office to determine whether such a statement is desired in his case. When satisfactory financial responsibility has not been established, CCC reserves the right to consider an offer only on submission by offerer of a certified or cashier's check, a bid bond, or other security, acceptable to CCC, assuring that if the offer is accepted, the offerer will comply with any provisions of the contract with respect to payment for the commodity and the furnishing of a performance bond or other security acceptable to CCC.

(c) Financial coverage for commodities purchased shall be furnished before delivery, in cash or by irrevocable letter of credit. Corn, oats, barley, or grain sorghum, as determined by CCC, will be sold for unrestricted use for "Dealers' Certificates" issued under the Livestock Feed program. Grain delivered against such certificate will be sold at the applicable current market price.

(d) CCC reserves the right to determine the class, grade, quality, and available quantity of commodities listed for sale.

(e) Nonstorable commodities will be sold at not less than market prices.

2. *Export commodities.* On sales for export, the buyer shall be regularly engaged in the business of buying or selling commodities and for this purpose shall maintain a bona fide business office in the United States, its territories or possessions and have a person, principal or resident agent upon whom service of judicial process may be had.

Prospective buyers for export should note that, generally, sales to U.S. Government agencies, with minor exceptions, will constitute domestic unrestricted use of the commodity.

CCC reserves the right, before making any sales, to define or limit export areas.

Exports to certain countries are regulated by the U.S. Department of Commerce. These restrictions also apply to any commodities purchased from CCC whether sold for restricted or unrestricted use. Countries and commodities are specifically listed in the U.S. Department of Commerce export conrol regulations. Additional information is available from the Bureau of International Commerce or from the field offices of the Department of Commerce.

In the case of export sales, the buyer is responsible for obtaining any required U.S. Government export permit or license. Purchase from CCC shall not constitute any assurance that any such permit or license will be granted by the issuing authority.

Although a commodity may not be specifically listed for export sale in the Monthly Sales Lists, CCC reserves the right to make emergency sales of its stocks for export when the flow of commodities to ports is disrupted or impeded and the maintenance of U.S. exports is temporarily jeopardized. Specific offering terms, including the applicable export announcement to be used, will be provided interested parties through special sales announcements by the appropriate ASCS Commodity or Branch Office.

3. *CCC binsite commodities.* Information on the availability of commodities stored in CCC binsites may be obtained from the Agricultural Stabilization and Conservation Service State Offices shown at the end of this Sales List.

4. *Odd lot quantities.* Disposals and other handling of inventory items often result in small quantities at given locations or in qualities not up to specifications. These lots are offered by the appropriate ASCS office promptly upon appearance and, therefore, generally, they do not appear in the Monthly Sales List.

5. *Definitions and rounding.* (a) The following terms as used in this Monthly Sales List shall have the following meanings unless otherwise specifically stated:

(1) "Market price" means market price as determined by CCC.

(2) "Transit value" means transit value as determined by CCC.

(3) "Sales for unrestricted use and unrestricted sales" means sales which permit either domestic or export use.

(4) "Sales for export and export sales" means sales which require export of a commodity.

(b) When any pricing method involves the application of a percentage to a loan rate, i.e., 105 percent, 115 percent, etc., the product shall be rounded up to the nearest cent prior to adding the applicable markup.

6. *Credit eligibility list.* Commodities eligible for financing under the CCC Export Sales Program include barley, bulgur, cattle (beef and dairy breeding), corn, cornmeal, cotton (upland and extra long staple), cottonseed meal, cottonseed oil, dairy products, flaxseed, grain sorghum, lard, linseed oil, oats, raisins, rice (milled and brown), rye, soybean oil, tallow, tobacco, wheat, wheat flour and selected planting seeds for limited financing to meet special program requirements. These commodities are subject to certain area limitations. Commodities purchased from CCC may be financed for export as private stocks under the GSM–4 Regulations.

7. *Credit interest rates.* Interest rates per annum under the CCC Export Credit Sales Program (announcement GSM–4) are 6⅜ percent for U.S. bank obligations and 7⅜ percent for foreign bank obligations.

8. *Credit information.* Information on the CCC Export Credit Sales Program and on commodities available under Title I, Public Law 480, private trade agreements, and current information on interest rates and other phases of these programs may be obtained from the office of the General Sales Manager, Export Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250.

9. *Barter eligibility list.* The following commodities are currently available for new and existing barter contracts: Upland cotton and tobacco. In addition, private stocks of corn, grain sorghum, barley, oats, wheat, and wheat flour and milled and brown rice, under Announcement PS–1, Revision 1, as amended; cottonseed oil and soybean oil for export deliveries to be made after June 30 under Announcement PS–2, Revision 1; tobacco under Announcement PS–3, Revision 2; upland and extra long staple cotton under Announcement PS–4; and inedible tallow and grease under Announcement PS–5 are eligible for programing in connection with barter contracts covering procurement for Federal agencies that will reimburse CCC. (However, Hard Red Winter wheat in excess of 11.75 percent protein, Hard Red Spring wheat, Durum wheats, and flour produced from these wheats may not be exported under the barter program through west coast ports.) Grains acquired from CCC on or after June 8, 1970, may be applied to and exported under barter contracts as private stocks.

10. *Barter information.* Information on private-stock commodities may be obtained from the Office of the Assistant Sales Manager, Barter, Export Marketing Service, USDA, Washington, D.C. 20250.

11–13 [Reserved]

14. *Wheat—Unrestricted use sales (bulk-storable-basis Grade 1 in-store).* The minimum price is the market price but not less than the formula price.

At designated terminals the formula price for the predominant class of wheat is the 1970 county loan rate where stored plus the monthly markup shown in this section plus the transit value or 4¢ per bushel whichever is higher. Adjustments for non-predominant classes will be established when necessary by CCC.

Outside of designated terminal markets the formula price is the 1970 county loan rate where stored plus the monthly markup shown in this section plus transit value, if any.

Loan differentials will be applied in determining the formula price of other qualities at all locations.

MONTHLY MARKUPS IN CENTS PER BUSHEL

1970		*1971*	
July	18¾	Jan	27¾
Aug	20¼	Feb	29¼
Sept	21¾	Mar	30¾
Oct	23¼	Apr	32¼
Nov	24¾	May	32¼
Dec	26¼	June	32¼

15. *Wheat, bulk—Export sales.* A. CCC will sell limited quantities of Hard Red Winter, Durum, and Hard Red Spring Wheat at west coast ports at domestic market price levels for export under Announcement GR–345 (Revision IV, Oct. 30, 1967, as amended) as follows:

(1) Offers will be accepted subject to the purchasers' furnishing the Portland ASCS Branch Office with a notice of sale containing the same information (excluding the payment or certificate acceptance number) as required by exporters who wish to receive an export payment under GR–345. The notice of sale must be furnished to the Commodity Office within 5 calendar days after the date of purchase.

(2) Sales will be made only to fill dollar market sales abroad and exporter must show export from the west coast to a destination west of the 170th meridian, west longitude, and east of the 60th meridian, east longitude, and to ports on the west coast of Central and South America. Dollar sales shall mean sales for dollars and sales financed with CCC credit.

16. *Corn—Unrestricted use sales (bulk-storable-basis Grade 2 YC 15.1—15.5 percent moisture—in-store).* Domestic payment-in-kind certificate redemptions will be made at the market price but not less than the formula price which is 115 percent of the 1969 county loan rate where stored plus the markup shown in this section for each month plus transit value, if any. Loan differentials will be applied in determining the formula price of other classes and quantities.

MONTHLY MARKUPS—CENTS PER BUSHEL

1970	
July	17½
Aug	17½
Sept	17½

17. [Reserved]

18. [Reserved]

19. *Grain sorghum—Export sales (bulk-basis Grade 2 or better).* Export market price but not less than $2.36¾ per cwt. in-store west coast ports, or $2.21¾ per cwt. in-store gulf ports or $2.43¼ per cwt. on track Texas border points plus markups for each month as follows:

MONTHLY MARKUPS—CENTS PER CWT.

1970	
July	0
Aug	2½
Sept	5

Sales will be made for cash under announcement GR–212.

20. *Barley—Unrestricted use sales (bulk-storable-basis Grade 2 in-store).* Domestic payment-in-kind certificate redemptions will be made at the market price but not less than the formula price.

At designated terminals, the formula price is the 1970 county loan rate where stored plus the monthly markup shown in this section plus 4 cents per bushel or the transit value whichever is higher.

Outside of designated terminals, the formula price is the 1970 county loan rate where stored plus the monthly markup shown in this section plus the transit value, if any.

Loan differentials will be applied in determining the formula price of various classes and qualities.

MONTHLY MARKUPS—CENTS PER BUSHEL

1970		1971	
July	12½	Jan	21½
Aug	14	Feb	23
Sept	15½	Mar	24½
Oct	17	Apr	26
Nov	18½	May	26
Dec	20	June	26

21. [Reserved]

22. *Oats—Unrestricted use sales (bulk-storable-basis Grade 3 in-store).* The minimum price is the market price but not less than the formula price which is the 1970 base loan rate where stored plus the monthly markup shown in this section plus transit value, if any. Loan differentials will be applied in determining the formula price of other grades and qualities.

MONTHLY MARKUPS—CENTS PER BUSHEL

1970		1971	
July	9½	Jan	18½
Aug	11	Feb	20
Sept	12½	Mar	21½
Oct	14	Apr	23
Nov	15½	May	23
Dec	17	June	23

23. [Reserved]

24. *Rye—Unrestricted use sales (bulk-storable-basis Grade 2 in-store).* The minimum price is the market price but not less than the formula price. At designated terminals, the formula price is the 1970 base loan rate where stored plus the monthly markup shown in this section plus 4 cents per bushel or the transit value whichever is higher. The formula price for rye stored outside of designated terminals is the 1970 base loan rate where stored plus the monthly markup shown in this section plus the transit value, if any. Loan differentials will be applied in determining the formula price of other qualities.

MONTHLY MARKUPS—CENTS PER BUSHEL

1970		1971	
July	15¼	Jan	24¼
Aug	16¾	Feb	25¾
Sept	18¼	Mar	27¼
Oct	19¾	Apr	28¾
Nov	21¼	May	28¾
Dec	22¾	June	28¾

25. *Rye—Export sales (bulk).* CCC will sell rye at the export market price for cash under Announcement GR–212.

26. *Rice, rough—Unrestricted use sales—FOB warehouse.* The minimum price is the market price but not less than the formula price. The formula price for July 1970 is the 1969 loan rate plus 5 percent plus 48 cents per hundredweight.

The formula price starting in August 1970 is the 1970 loan rate plus 5 percent plus the monthly markup shown in this section. Basis of sale is f.o.b. warehouse as is, or at buyers option, basis outturn weights and grades with privilege of rejecting individual cars which are more than one grade below the listed grade or contain more than 1 percent smut in excess of the listed percentage.

MONTHLY MARKUPS—CENTS PER CWT.

1970		1971	
Aug	8	Jan	31
Sept	13	Feb	35
Oct	17	Mar	39
Nov	22	Apr	44
Dec	26	May	48
		June	48

27. *Rice, rough—Export as milled or brown rice.* Competitive bids at market price but not less than minimum price for each lot stated on schedule issued by Kansas City ASCS Commodity Office under Sales Announcement GR–379—Revision II.

28. *Soybeans—Unrestricted use sales (bulk-storable) port positions (basis Grade 1 in-store).* Market price but not less than $2.58½ per bushel at Great Lakes Terminals; $2.64½ gulf; and 2.65½ east coast plus markups for each month as follows:

MONTHLY MARKUPS—CENTS PER BUSHEL

1970		1971	
July	13½	Jan	6
Aug	13½	Feb	7½
Sept	----	Mar	9
Oct	1½	Apr	10½
Nov	3	May	12
Dec	4½	June	13½

Market discounts will be applied in determining the minimum price of lower grades.

29. *Soybeans—Unrestricted use sales (bulk-storable) interior positions (basis Grade 1 in-store).* The minimum price will be the market price but not less than the formula price. The formula price for July and August 1970 is the 1969 loan rate where stored plus 41 cents per bushel plus the transit value, if any.

The formula price starting in September 1970 is the 1970 loan rate where stored plus the monthly markup shown in this section plus transit value, if any.

MONTHLY MARKUPS—CENTS PER BUSHEL

1970		1971	
Sept	27½	Jan	33½
Oct	29	Feb	35
Nov	30½	Mar	36½
Dec	32	Apr	38
		May	39½
		June	41

Market discounts will be applied in determining the minimum price of lower grades.

30. [Reserved]

31. *Flaxseed—Unrestricted use sales (bulk-storable-basis in-store).* Market price but not less than the 1970 price support rate for the grade and quality of the flaxseed where stored plus transit value (or 4 cents per bushel if trucked or barged to a designated terminal) plus the monthly markup shown in this section. Available from the Minneapolis ASCS Branch Office.

MONTHLY MARKUPS—CENTS PER BUSHEL

1970		1971	
July	25	Jan	34
Aug	26½	Feb	35½
Sept	28	Mar	37
Oct	29½	Apr	38½
Nov	31	May	38½
Dec	32½	June	38½

32. [Reserved]

33. *Linseed oil (raw) unrestricted use sales.* Market price but not less than the price named each month, basis in tanks, Minneapolis. For July the price will be $0.1150 per pound. For subsequent months, the price will be adjusted in relation to the formula price for flaxseed and the market price for meal. Prices for oil at storage locations other than Minneapolis will be adjusted, taking into consideration (a) freight rates between Minneapolis and such other oil storage locations and (b) other market factors. Available from the Minneapolis ASCS (Processed) Commodity Office.

34. [Reserved]

35. *Tung oil unrestricted use sales.* Competitive offers under the terms and conditions of Announcement NO–TNO–1.

The quantity offered, storage location and date bids are to be received are announced in invitations issued by the New Orleans ASCS Commodity Office.

Bids will include, and be evaluated on the basis of, price offered per pound f.o.b. storage location. For certain destinations, CCC will, as provided in the announcement, refund to the buyer a "freight equalization" allowance.

Sales will be made by the New Orleans ASCS Commodity Office, Copies of the announcement and the applicable invitation may be obtained from that office.

36–42. [Reserved]

43. *Peanuts, shelled or farmers stock—Restricted use sales.* When stocks are available in their area of responsibility, the quantity, type, and grade offered are announced in weekly lot lists or invitations to bid issued by the following:

GFA Peanut Association, Camilla, Ga. 31730.
Peanut Growers Cooperative Marketing Association, Franklin, Va. 23851.
Southwestern Peanut Growers' Association, Gorman, Tex. 76454.

Terms and conditions of sale are set forth in Announcement PR–1 of July 1, 1966, as amended, and the applicable lot list.

1. Shelled peanuts of less than U.S. No. 1 grade may be purchased for foreign or domestic crushing.

Sales are made on the basis of competitive bids each Wednesday by the Oilseeds and Special Crops Division, Agricultural Stabilization and Conservation Service, Washington, D.C. 20250, to which all bids must be sent.

44. *Cotton, upland—Unrestricted use sales.* Competitive offers under the terms and conditions of Announcement NO–C–31 (Revised), (Disposition of Upland Cotton—In Liquidation of Rights in a Certificate Pool, Against the "Shortfall," and under Barter Transactions). Cotton may be acquired at the highest price offered, but not less than the higher of (1) the market price as determined by CCC, or (2) a minimum price determined by CCC which will be based on 110 percent of the price support loan rate for Middling-1-inch cotton at average location at the time of delivery, plus reasonable carrying charges for the month in which the sale is made. In no event will the price for any cotton be less than 120 points (1.2 cents) per pound above the loan rate for such cotton at the time of delivery.

45. *Cotton, upland—Export sales—CCC disposals for barter.* Competitive offers under the terms and conditions of Announcements CN–EX–28 (Acquisition of Upland Cotton for Export under the Barter Program) and NO–C–31 (Revised), at the prices described in the preceding paragraph.

46. *Cotton, extra long staple—Unrestricted use sales.* Competitive offers under the terms and conditions of Announcement NO–C–6 (Revision 2). Extra long staple cotton may be acquired at the highest price offered, but not less than the higher of (1) the market price as determined by CCC, or (2) 115 percent of the current loan rate for such cotton plus reasonable carrying charges for the month in which the sale is made.

47. *Cotton, upland or extra long staple—Unrestricted use sales.* Competitive offers under the terms and conditions of Announcement NO–C–20 (Sales of Special Condition Cotton). Any such cotton (Below Grade, Sample Loose, Damaged Pickings, etc.) owned by CCC will be offered for sale periodically on the basis of samples representing the cotton according to schedules issued from time to time by CCC.

Sale of cotton will be made by the New Orleans ASCS Commodity Office. Sales announcements, related forms and catalogs for upland cotton and extra long staple cotton showing quantities, qualities and location may be obtained for a nominal fee from that office.

48. *Nonfat dry milk—Unrestricted use sales.* Sales are in carlots only in-store at storage location of products. Announced prices, under MP–14: Spray process, U.S. Extra Grade, 29.75 cents per pound packed in 100-pound bags and 29.9 cents per pound packed in 50-pound bags.

49. *Nonfat dry milk—Export sales.* Sales are in carlots only in-store at storage location of products. Announced prices, under MP–23, pursuant to invitations issued by Minneapolis ASCS Commodity Office. Invitations will indicate the type of export sales authorized, the announced price and the period of time such price will be in effect.

50. *Butter—Unrestricted use sales.* Sales are in carlots only in-store at storage location of products. Announced prices, under MP–14: 77.75 cents per pound—New York, Pennsylvania, New Jersey, New England, and other States bordering the Atlantic Ocean and the Gulf of Mexico. 77.0 cents per pound—Washington, Oregon, and California. All other States 76.75 cents per pound.

51–55. [Reserved]

USDA AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE OFFICES

GRAIN OFFICES (ADDRESSES, TELEPHONES AND SALES AREAS)

Kansas City ASCS Commodity Office, 8930 Ward Parkway (Post Office Box 205), Kansas City, Mo. 64141. Telephone: Area Code 816, Emerson 1–0860.

Domestic and export sales—Alabama, Alaska, Arizona, Arkansas, Colorado, Florida, Georgia, Hawaii, Iowa, Kansas, Louisiana, Mississippi, Missouri, Nebraska, Nevada, New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, and Wyoming.

Domestic sales only—California.

Export only—Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, Vermont, and West Virginia.

Branch Office—Chicago ASCS Branch Office, 226 W. Jackson Boulevard, Room 106, Chicago, Ill. 60606. Telephone: Area Code 312, 353–6581.

Domestic sales only—Connecticut, Delaware, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, Vermont, and West Virginia.

Branch Office—Minneapolis ASCS Branch Office, 310 Grain Exchange Building, Minneapolis, Minn. 55415. Telephone: Area Code 612, 725–2051.

Domestic and export sales—Minnesota, Montana, North Dakota, South Dakota, and Wisconsin.

Branch Office—Portland ASCS Branch Office, 1218 Southwest Washington Street, Portland, Oreg. 97205. Telephone: Area Code 503, 226–3361.

Domestic and export sales—Idaho, Oregon, Utah, and Washington.

Export sales only—California.

PROCESSED COMMODITIES OFFICE (ALL STATES)

Minneapolis ASCS Commodity Office, 6400 France Avenue S., Minneapolis, Minn. 55435. Telephone: Area Code 612, 725–3200.

COTTON OFFICE (ALL STATES)

New Orleans ASCS Commodity Office, Wirth Building, 120 Marais Street, New Orleans, La. 70112. Telephone: Area Code 504, 527–7766.

GENERAL SALES MANAGER OFFICES

Representative of General Sales Manager, New York Area: Joseph Reidinger, Federal Building, Room 1759, 26 Federal Plaza, New York, N.Y. 10007. Telephone: Area Code 212, 264–8439, 8440, 8441.

ASCS STATE OFFICES

Illinois, Room 232, U.S. Post Office and Courthouse, Springfield, Ill. 62701. Telephone: Area Code 217, 525–4180.

Indiana, Room 110, 311 West Washington Street, Indianapolis, Ind. 46204. Telephone: Area Code 317, 633–8521.

Iowa, Room 937, Federal Building, 210 Walnut Street, Des Moines, Iowa 50309. Telephone: Area Code 515, 284–4213.

Kansas, 2601 Anderson Avenue, Manhattan, Kans. 66502. Telephone: Area Code 913, 539–3531.

Michigan, 1405 South Harrison Road, East Lansing, Mich. 48823. Telephone: Area Code 517, 372–1910.

Missouri, I.O.O.F. Building, 10th and Walnut Streets, Columbia, Mo. 65201. Telephone: Area Code 314, 442–3111.

Minnesota, Room 230, Federal Building and U.S. Courthouse, 316 Robert Street, St. Paul, Minn. 55101. Telephone: Area Code 612, 725–7651.

Montana, Post Office Box 670, U.S. Post Office and Federal Office Building, Bozeman, Mont. 59715. Telephone: Area Code 406, 587–4511, Ext. 3271.

Nebraska, Post Office Box 793, 5801 O Street, Lincoln, Nebr. 65801. Telephone: Area Code 402, 475–3361.

North Dakota, Post Office Box 2017, 657 Second Avenue North, Fargo, N. Dak. 58103. Telephone: Area Code 701, 237–5205.

Ohio, Room 116, Old Federal Building, Columbus, Ohio 43215. Telephone: Area Code 614, 469–6814.

South Dakota, Post Office Box 843, 239 Wisconsin Street SW, Huron, S. Dak. 57350. Telephone: Area Code 605, 352–8651, Ext. 321 or 310.

Wisconsin, Post Office Box 4248, 4601 Hammersley Road, Madison, Wis. 53711. Telephone: Area Code 608, 254–4441, Ext. 7535.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 407, 63 Stat. 1055, as amended; 7 U.S.C. 1427; sec. 301, 79 Stat. 1188, as amended; 7 U.S.C. 1441(note))

Signed at Washington, D.C., on June 25, 1970.

KENNETH E. FRICK,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 70–8491; Filed, July 6, 1970; 8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

BENOMYL

Notice of Establishment of Temporary Tolerances for Pesticide Chemical

At the request of E. I. du Pont de Nemours & Co., Wilmington, Del. 19898, temporary tolerances are established for negligible residues of the fungicide benomyl (methyl 1-(butylcarbomoyl)-2-benzimidazolecarbamate) in or on the raw agricultural commodities peanuts, pecans, and sugar beet roots at 0.2 part per million.

The Commissioner of Food and Drugs has determined that these temporary tolerances are safe and will protect the public health.

A condition under which these temporary tolerances are established is that the fungicide will be used in accordance

with the temporary permit issued by the U.S. Department of Agriculture. Distribution will be under the E. I. du Pont de Nemours & Co. name.

These temporary tolerances will expire June 26, 1971.

This action is taken pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a(j)) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: June 26, 1970.

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

[F.R. Doc. 70-8546; Filed, July 6, 1970; 8:46 a.m.]

C. J. PATTERSON CO.

Notice of Filing of Petition for Food Additives

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 0B2551) has been filed by C. J. Patterson Co., 3947 Broadway, Kansas City, Mo. 64111, proposing that § 121.2507 *Cellophane* (21 CFR 121.2507) be amended to provide for the safe use of calcium stearoyl-2-lactylate and sodium stearoyl-2-lactylate as optional components of food-contact coatings for cellophane.

Dated: June 23, 1970.

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

[F.R. Doc. 70-8547; Filed, July 6, 1970; 8:46 a.m.]

[Docket No. FDC-D-160; NADA No. 8-593V]

STEPHEN JACKSON AND BENGEN & CO.

Coecolysin Bengen; Notice of Opportunity for Hearing

An announcement published in the FEDERAL REGISTER of January 17, 1969 (34 F.R. 771), invited Dr. Stephen Jackson, 7801 Woodmount Avenue, Washington, D.C. 20014, agent for the holder (Bengen & Co., 8-12 Dreyerstrasse, Hanover, Federal Republic of Germany) of new animal drug application No. 8-593V for Coecolysin Bengen (labeled as containing active organic substance extracted from the walls of horse and bovine intestines), and any other interested person, to submit pertinent data on the drug's effectiveness. Dr. Jackson also acts as importer and distributor for said drug. (After publication of the notice, Dr. Jackson's address was changed to 4815 Rugby Avenue, Washington, D.C. 20014.) Certain data were furnished in response to the announcement, however, available information still fails to provide substantial evidence of effectiveness of the drug for its recommended use to increase peristalsis of the gastrointestinal tract in horses, cattle, sheep, hogs, and dogs.

Therefore, notice is given to Dr. Stephen Jackson, Bengen & Co., 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 application No. 8-593V and all amendments and supplements thereto held by Bengen & Co. for the drug Coecolysin Bengen on the grounds that:

Information before the Commissioner with respect to the drug, evaluated together with the evidence available to him when the application was approved, does not provide substantial evidence that the drug has the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in its 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 oportunity for a hearing at which time such persons may produce evidence and arguments to show why approval of new animal drug application No. 8-593V should not be withdrawn. Promulgation of the order will cause any drug containing active organic substances extracted from the walls of horse or bovine intestines, and recommended for the same conditions of use as Coecolysin Bengen, 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 the 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 application.

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 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 a 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 this notice, 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 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 24, 1970.

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

[F.R. Doc. 70-8530; Filed, July 6, 1970; 8:45 a.m.]

SHELL CHEMICAL CO.

Notice of Filing of Petition Regarding Pesticides

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 0F0981) has been filed by Shell Chemical Co., Division of Shell Oil Co., 1700 K Street NW., Washington, D.C. 20006, proposing that tolerances be established (21 CFR Part 120) for negligible residues of the herbicide 4-(methylsulfonyl)-2,6-dinitro-*N*,*N*-dipropylaniline in or on the raw agricultural commodities carrots at 0.2 part per million and grapes, cucurbits, and root crop vegetables (except carrots) at 0.1 part per million.

The analytical method proposed in the petition for determining residues of the herbicide is a gas chromatographic procedure with an electron-capture detector.

Dated: June 23, 1970.

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

[F.R. Doc. 70-8548; Filed, July 6, 1970; 8:46 a.m.]

UNION CARBIDE CORP.

Notice of Withdrawal of Petition Regarding Pesticide Chemicals

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), the following notice is issued:

In accordance with § 120.8 *Withdrawal of petitions without prejudice* of the pesticide procedural regulations (21 CFR 120.8), Union Carbide Corp., 270 Park Avenue, New York, N.Y. 10017, has withdrawn its petition (PP 0F0902), notice of which was published in the FEDERAL REGISTER of December 6, 1969 (34 F.R. 19389), proposing the establishment of a tolerance (21 CFR 120.169) of 0.2 part per million for negligible residues of the insecticide carbaryl in or on the raw agricultural commodity potatoes.

Dated: June 23, 1970.

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

[F.R. Doc. 70-8549; Filed, July 6, 1970; 8:46 a.m.]

Office of the Secretary

OFFICE FOR CIVIL RIGHTS

Statement of Organization, Functions and Delegations of Authority

Section 1D of Part 1 of the Statement of Organization, Functions and Delegations of Authority for the DHEW reads as follows:

SECTION 1D.00 *Mission.* The Office for Civil Rights administers the Department's responsibilities for Title VI of the Civil Rights Act of 1964 (Public Law 88-352), and Parts II and III of EO 11246.

SEC. 1D.10 *Organization.* The Office for Civil Rights, under the supervision of the Director, Office for Civil Rights, who reports directly to the Secretary, consists of:

Office of the Director
  Director
  Deputy Director
  Assistant Director for Management
  Assistant Director for Planning
Public Affairs Division
Contract Compliance Division
Education Division
Health and Social Services Division

SEC. 1D.20 *Functions*—1. *Public Affairs Division.* The Director, Public Affairs Division shall be responsible for producing and disseminating public information materials, providing liaison with the Congress and the news media, handling congressional and public inquiries, establishing and maintaining a clearing house of information and materials.

2. *Contract compliance division.* The Director, Contract Compliance Division shall be responsible for enforcing the provisions of Executive Order 11246 for all hospitals, institutions of higher education and various business contractors who have direct contracts, for conducting compliance reviews of contractors facilities to evaluate the employment policies and practices of the contractors and their subcontractors; for negotiating appropriate corrective action on the part of the contractors; for investigating complaints of alleged discrimination in employment filed against contractors, for preparing recommendations for sanctions, as necessary, and for otherwise coordinating with all organizations responsible for the education, training, referral and recruitment of manpower to assure that minority persons have full and open opportunity for training and employment.

3. *Education Division.* The Director, Education Division shall be responsible for enforcing the provisions of title VI, Civil Rights Act of 1964, for the field of education at all levels and areas, for conducting compliance reviews of facilities and faculties to evaluate attendance and employment practices, for negotiating appropriate corrective action on the part of school boards and/or administrators, for investigating complaints of alleged discrimination and/or desegregation of facilities and faculties, for preparing recommendations for sanctions as necessary, for working with the General Counsel in the preparation of legal action when such action becomes necessary.

4. *Health and Social Services Division.* The Director, Health and Social Services Division, shall be responsible for enforcing the provisions of title VI Civil Rights Act of 1964, as they apply to the several Health and Social Science Programs of the Department, for conducting compliance review of facilities and staffs to evaluate employment, patient, and welfare practices, for negotiating appropriate corrective action on the part of hospital administrators, welfare administrators and other concerned officials, for investigating complaints of alleged discrimination and/or desegregation of facilities, staffs or welfare practices, for preparing recommendations for sanctions as necessary, for working with the General Counsel in the preparation of legal action when such action becomes necessary.

SEC. 1D.30 *Delegations of Authority.* A. Director, Office for Civil Rights: The Director, Office for Civil Rights is responsible for the implementation and enforcement of the provisions of title VI of the Civil Rights Act of 1964, including all investigations, negotiations and compliance activities. Also for administering the Departments responsibilities for Parts II and III of Executive Order 11246 relating to nondiscrimination in employment by Government contractors and subcontractors and to nondiscrimination for provisions in federally assisted construction contracts respectively included in this area.

B. The departments and agencies listed below have delegated to the Department of Health, Education, and Welfare title VI compliance responsibilities, excluding the institution of hearings proceedings, for the type of institutions designated.

1. Atomic Energy Commission for elementary and secondary education, higher education and medical facilities (F.R. Doc. 67-1821)

2. Department of Agriculture for elementary and secondary education, higher education and medical facilities (F.R. Doc. 67-1608)

3. Department of Defense for elementary and secondary education and higher education (F.R. Docs. 68-4931 and 68-4930)

4. General Services Administration for elementary and secondary education (F.R. Doc. 67-2883), higher education (F.R. Doc. 67-2881) and medical facilities (F.R. Doc. 67-2883)

5. Department of Housing and Urban Development for elementary and secondary education, higher education and medical facilities (F.R. Doc. 67-2095)

6. Department of the Interior for elementary and secondary education and higher education (F.R. Doc. 67-4394)

7. National Science Foundation for elementary and secondary education, higher education and medical facilities (F.R. Doc. 67-2813)

8. Office of Economic Opportunity for elementary and secondary education, higher education and medical facilities (F.R. Doc. 67-2624)

9. Office of Emergency Planning for elementary and secondary education, higher education and medical facilities (F.R. Doc. 67-1825)

10. Small Business Administration for elementary and secondary education and medical facilities, vocational, technical and business schools (F.R. Doc. 67-1654)

11. National Aeronautics and Space Administration for higher education (F.R. Doc. 67-2626)

12. Federal Aviation Agency for higher education (F.R. Doc. 67-1803)

13. Agency for International Development for higher education (Letter accepted by HEW, March 30, 1966)

14. Tennessee Valley Authority for higher education (F.R. Doc. 67-1605)

15. Department of Commerce for higher education and medical facilities (F.R. Doc. 67-1926)

16. Department of State for higher education (F.R. Doc. 67-2748)

17. Veterans Administration for elementary and secondary education, higher education and medical facilities (F.R. Doc. 69-1420)

Approved: June 29, 1970.

ELLIOT L. RICHARDSON,
Secretary.

[F.R. Doc. 70-8554; Filed, July 6, 1970; 8:47 a.m.]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

DIRECTOR, PROPERTY DISPOSITION DIVISION, ET AL.

Redelegation of Authority and Assignment of Functions

The redelegation of authority and assignment of functions by the Assistant Secretary for Renewal and Housing Management to the Director, Property Disposition Division et al., published at 35 F.R. 4021, March 3, 1970, are hereby amended by revising section B to read as follows:

SEC. B. *Chief and Deputy Chief, Contracting Branch, Property Disposition Division.* To the position of Chief and to the position of Deputy Chief, Contracting

Branch, Property Disposition Division, there is redelegated the authority, as contracting officers, to enter into and administer procurement contracts and make related determinations except determinations under sections 302(c) (11), (12), and (13) of the Federal Property and Administrative Services Act, as amended (41 U.S.C. 252(c) (11), (12), and (13)), with respect to all contracts for goods and services for repair, construction, improvement, removal, demolition or alteration, maintenance, and operation of acquired properties, including properties held by HUD as mortgagee in possession, and broker management services in connection with such properties, the publication of notices and advertisements in newspapers, magazines, and periodicals; and contracts for credit reports.

(Secretary's delegation of authority, sec. A, 8, 35 F.R. 2746, Feb. 7, 1970)

Effective date. This amendment of redelegation of authority and assignment of functions is effective as of May 3, 1970.

LAWRENCE M. COX,
Assistant Secretary for Renewal and Housing Management.

[F.R. Doc. 70-8542; Filed, July 6, 1970; 8:46 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-227]

GULF GENERAL ATOMIC, INC.

Notice of Issuance of Construction Permit

No request for a hearing or petition for leave to intervene having been filed following publication of the notice of proposed action in the FEDERAL REGISTER on June 9, 1970 (35 F.R. 8897), the Atomic Energy Commission ("the Commission") has issued Construction Permit No. CPRR-109 to Gulf General Atomic, Inc. The construction permit authorizes the modification of the reactor structure and the core instrumentation of the existing TRIGA Mark III reactor facility located at Torrey Pines Mesa near San Diego, Calif.

Dated at Bethesda, Md., this 26th day of June 1970.

For the Atomic Energy Commission.

ROBERT J. SCHEMEL,
Acting Assistant Director for Reactor Operations, Division of Reactor Licensing.

[F.R. Doc. 70-8526; Filed, July 6, 1970; 8:45 a.m.]

[Docket No. 50-220]

NIAGARA MOHAWK POWER CORP.

Notice of Issuance of Provisional Operating License Amendment

The Atomic Energy Commission ("the Commission") has issued, effective as of the date of issuance, Amendment No. 1 to Provisional Operating License No. DPR-17. The license presently authorizes the Niagara Mohawk Power Corp. to possess, use, and operate its Nine Mile Point Nuclear Power Station located on the Nine Mile Point site on the southeast shore of Lake Ontario in Oswego County, N.Y., at steady-state power levels up to a maximum of 1,538 megawatts (thermal). The amendment authorizes an increase (from 12,500 curies to 25,000 curies) in the quantity of sealed antimony 122-124 sources which the Corporation may receive, possess, and use in connection with operation of the facility in accordance with the Corporation's application dated June 11, 1970, as supplemented.

The Commission has reviewed and evaluated storage of the additional antimony sources and has concluded that there is reasonable assurance that their use and storage will not endanger the health and safety of the public.

The Commission has found that the application for the amendment complies with the requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations published in 10 CFR Chapter I. The Commission has made the findings required by the Act and the Commission's regulations which are set forth in the amendment, and has concluded that the issuance of the amendment will not be inimical to the common defense and security or to the health and safety of the public.

Within thirty (30) days from the date of publication of the notice in the FEDERAL REGISTER, the applicant may file a request for a hearing and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the Commission's rules of practice in 10 CFR Part 2. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this amendment, see (1) the licensee's application for license amendment dated June 11, 1970, as supplemented June 18, 1970, and (2) the amendment to the provisional operating license, which are available for public inspection at the Commission's Public Document Room at 1717 H Street NW., Washington, D.C. Copies of the amendment may be obtained upon requests sent to the U.S. Atomic Energy Commission, Washington, D.C. 20545. Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 26th day of June 1970.

For the Atomic Energy Commission.

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

[F.R. Doc. 70-8545; Filed, July 6, 1970; 8:46 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 22331; Order 70-7-1]

NORTHWEST AIRLINES, INC.

Order of Suspension and Investigation

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

By tariff posted June 5, 1970, and marked for effectiveness July 20, 1970, Northwest Airlines, Inc. (Northwest) proposes to establish multicontainer rates (five or more Type A pallet-igloo containers moving as one shipment) in the eastbound Minneapolis/St. Paul-New York/Newark market. The filing bears an expiration date of August 1, 1971.

Northwest and United Air Lines, Inc. (United) currently offer single-container Type A rates in accordance with the industry container agreement,[1] and on which they are competitive. Such rates are presented in the standard formula, namely, a dollar-amount per container up to each of three weight-break points (3,000, 3,100, and 3,200 pounds), with an "excess-rate" for additional weight above each of such weight-breaks. The proposed rates match the single-container rates, except that Northwest extends the application of the charge at 3,200 pounds to 3,600 pounds at no additional charge. Above 3,600 pounds, an excess-rate of $7 per cwt. is proposed by Northwest, as compared to the single-container excess-rate above 3,200 pounds of $7.50 per cwt.

In support of its filing, Northwest states that the rates are experimental, and that the principles of such rates have previously been permitted to become effective for other carriers.

The Flying Tiger Line Inc. and United have protested Northwest's filing, requesting rejection or suspension and investigation, on the grounds that Northwest has submitted no economic justification, and that the rates and charges are uneconomic, as well as technically deficient.[2]

In its answer, Northwest states that their filing was made to provide a rate level for containerized freight which is near to that currently available for non-containerized freight in order to prevent high volume traffic from reverting to surface transportation. In addition, Northwest shows that the ton-mile return under their proposed rates would be substantially greater than United's multicontainer rates in the Los Angeles-Chicago market.

Upon consideration of the complaints and other relevant matters, the Board finds that the proposed multicontainer

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[1] The industry agreement provides for a unitization discount of $1 per 100 pounds at 3,000 through 3,100 pounds, with a 33-percent reduction in rate (density incentive) above 3,100 pounds.

[2] By tariff revision filed June 18, also for effectiveness July 20, 1970, Northwest has corrected the error in their original filing.

rates may be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and should be suspended pending investigation. On several previous occasions, the Board has questioned the economic validity of multicontainer rates, and has recently permitted an extension thereof in transcontinental markets to September 30, 1970, only because the rates were increased as a step towards elimination of such rates.[3]

As noted by the complainants, the Board has been concerned with the lack of cost savings attributable to multicontainer shipments as compared with single-container shipments, and the potential discrimination among shippers in the absence of significant cost differences. Although multicontainer rates in the transcontinental market continue to exist for an interim period, we cannot permit the introduction of such rates in additional markets without proper economic justification.

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

It is ordered, That:

1. An investigation be instituted to determine whether the:

(1) Encircled reference mark "a" and the provisions in the explanation thereof;

(2) Reference marks: "#", "*", "B", and "C" and the provisions in the explanation thereof; and

(3) Rates, charges and provisions subject to the reference mark "*", applicable from Minneapolis-St. Paul, Minn. to New York, N.Y. and Newark, N.J. via routing northwest on 7th revised page 38 and 8th revised page 38 of Airline Tariff Publishers, Inc., agent's tariff CAB No. 131, and rules, regulations, and practices affecting such rates, charges and provisions, are or will be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful provisions and charges, and rules, regulations, or practices affecting such provisions and charges;

2. Pending hearing and decision by the Board, the:

(1) Encircled reference mark "a" and the provisions in the exploration thereof;

(2) Reference marks: "#", "*", "B", and "C" and the provisions in the explanation thereof; and

(3) Rates, charges and provisions subject to reference mark "*", applicable from Minneapolis-St. Paul, Minn. to New York, N.Y. and Newark, N.J. via routing northwest on 7th revised page 38 and 8th revised page 38 of Airline Tariff Publishers, Inc., agent's tariff CAB No. 131 are suspended and their use deferred to and including October 17, 1970, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board.

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

4. Copies of this order shall be filed with the tariff named above and shall be served upon The Flying Tiger Line Inc., Northwest Airlines, Inc., and United Air Lines, Inc., which are hereby made parties to this proceeding; and

5. Except as granted above, the complaints of The Flying Tiger Line Inc. in Docket 22281 and United Air Lines, Inc., in Docket 22286 are dismissed.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[F.R. Doc. 70-8566; Filed, July 6, 1970; 8:48 a.m.]

[3] Orders 68-10-111, dated October 21, 1968; 69-12-27, dated December 4, 1969; 69-12-111 dated December 24, 1969; and 70-3-78 dated March 16, 1970.

[Docket No. 22186; Order 70-7-3]

SOCIETE NATIONALE INDUSTRIELLE AEROSPATIALE AND DEUTSCHE AIRBUS GMBH

Order Granting Tentative Approval

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

By application filed May 11, 1970 Societe Nationale Industrielle Aerospatiale (SNIA)[1] and Deutsche Airbus GmbH (Deutsche Airbus) request that the Board disclaim jurisdiction over, or approve, in accordance with section 408(b) of the Federal Aviation Act of 1958, as amended (the Act), the purchase of one 377 SGT 201 Super Guppy aircraft from Aero Spacelines, Inc. (Aero). The application was submitted by Aero on behalf of SNIA and Deutsche Airbus.

SNIA and Deutsche Airbus are corporations established under the laws of France and the Federal Republic of Germany (West Germany), respectively. Both corporations are engaged in the business of manufacturing aircraft. SNIA is engaged with the British Aircraft Corporation, for example, in the production of the commercial supersonic transport, the Concorde. It is also engaged with the other applicant herein, Deutsche Airbus, in the production of the European Airbus A. 300 B. Neither of the applicants is an air carrier or foreign air carrier within the meaning of the Act.

Aero is a corporation organized under the laws of the State of New York. The company is wholly owned by Unexcelled, Inc. (Unexcelled) which also controls a person engaged in a phase of aeronautics, American Airmotive Corp.[2] Aero engages in the worldwide charter carriage of outsize cargo pursuant to a 5-year exemption granted by the Board in Order E-26532, dated January 2, 1968. The Board in granting the said exemption stated, among other conditions, that Aero would be prohibited from selling or leasing its aircraft "to air carriers or foreign air carriers without prior approval of the Board."[3]

In its charter operations, Aero employs three versions of converted Boeing B-377 Stratocruisers, viz., the Mini Guppy, the Pregnant Guppy, and the Super Guppy. The air carrier presently has one of each in operation; however, at the time of filing only one of the Guppies had been certificated by the Federal Aviation Administration for commercial service. In the past, the National Aeronautics and Space Administration and the Department of Defense have relied heavily upon the carrier's unique service in their respective programs. The Guppy aircraft, moreover, are now playing an increasingly important role in the assemblying of certain wide-body aircraft because of the difficulty of shipping by surface modes various subassemblies and sections of these huge aircraft.[4] Aero is the sole provider of outsize air cargo services of this nature.

The applicants have entered into a purchase agreement with Aero to purchase the aforementioned Super Guppy aircraft. The purchase agreement has been signed by all three parties and became effective May 8, 1970, contingent upon receiving appropriate approval from the Board. The purchase price for the aircraft is $7,467,000, subject to certain adjustments contained in the agreement. Delivery of the aircraft to the purchasers has been set for sometime in January of 1971. In addition, Aero will sell certain spare parts and related equipment under the agreement and will provide training for the purchasers' flight crews and key maintenance personnel.

The agreement further states that if, during the 110 months beginning 18 months after the effective date of the contract (May 8, 1970), the subject aircraft is lost, destroyed, or temporarily out of service, Aero will provide to the purchasers another 377 SGT 201 Super Guppy aircraft (the Backup). The price the purchasers will pay for Aero's obligation to keep the Backup available will be $22,970 per month for 96 months beginning on the delivery date of the aircraft. The Backup will be leased to the purchasers unless the aircraft is lost or destroyed, in which case they will have the option either to lease or to purchase the Backup.

Aero states that the contract was negotiated at arm's length; that it is fair and reasonable; and that there have

[1] Sud-Aviation, Nord-Aviation and S.E.R.E.B. (Societe pour l'Etude et la Realisation d'Engins Balistiques S.A.) merged to become a single company, SNIA, effective Jan. 1, 1970.

[2] American Airmotive is engaged in the maintenance and overhaul of aircraft. By Order 70-5-36, May 8, 1970, the Board granted the request of Modern Air Transport for exemption of the purchase of substantially all the business and assets of American Airmotive.

[3] Condition (d) of Order E-26532, Aero Spacelines, Inc., Jan. 2, 1968, Docket 18252.

[4] For example, Aero is engaged in the air transportation of fuselage sections of the McDonnell-Douglas DC-10, as well as the wings of Lockheed L-1011, from the subcontractors' plants to the sites of final assembly of these aircraft.

been no other agreements or understandings of any kind whatsoever between it and the two applicants.

No comments or request for a hearing have been received.

Upon consideration of the foregoing, the Board concludes that the acquisition of one Super Guppy from Aero, by SNIA and Deutsche Airbus, is subject to section 408(a)(2) of the Act, as amended. The purchase of one commercially certificated Guppy aircraft from Aero, which has three currently in production and/or seeking FAA certification, and one in commercial operation, is deemed to be a substantial part of that air carrier's operating properties.[5] Furthermore, we find that the transaction is subject to the sale condition in Order E-26532 since the subject aircraft is being procured by the purchasers for the purpose of leasing or otherwise furnishing it to a foreign airline.[6]

Based upon the information before us we find that the acquisition of the Super Guppy by SNIA and Deutsche Airbus does not affect the control of an air carrier directly engaged in the operation of aircraft in air transportation, does not result in creating a monopoly, and does not tend to restrain competition. The Board has previously approved sales of aircraft to a person engaged in a phase of aeronautics which in turn intended to lease or otherwise furnish such aircraft to a foreign air carrier.[7] Furthermore, we find that the sale does not contravene the Board's intentions in Order E-26532 pertaining to the sale of Aero's aircraft; the applicants and Aero have made a due showing that the latter's capacity will not be adversely affected by the transaction. We therefore find that the transaction will not be inconsistent with the public interest or that the conditions of section 408 will be unfulfilled.

In view of the foregoing, the Board tentatively concludes that the subject transaction should be approved, without hearing, under the third proviso of section 408 of the Act. In accordance with the requirements of section 408(b) of the Act, this order, constituting notice of the Board's tentative findings and conclusions, will be published in the FEDERAL REGISTER and interested persons will be afforded an opportunity to file comments or request a hearing on the Board's tentative decision.

Accordingly, it is ordered, That:

1. The above-described sale of one 377 SGT 201 Super Guppy aircraft be and it hereby is tentatively approved;

2. Interested persons are afforded a period of 10 days from the date of service of this order within which to file comments or request a hearing with respect to the Board's tentative action on the application in Docket 22186; [8] and

3. The Attorney General of the United States be furnished a copy of this order within 1 day of publication.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[F.R. Doc. 70-8567; Filed, July 6, 1970; 8:48 a.m.]

[5] Although the aircraft sale may satisfy all the tests of Part 299 of the Board's economic regulations, as noted by Aero and the applicants, the regulation nonetheless does not apply in this instance since the purchasers are not direct air carriers.

[6] The applicants intend to provide the aircraft to Trans-Union, S.A., a French airline engaged in freight and passenger charter operations.

[7] See Caledonian Airways (Prestwick) Ltd., Order 69-11-18, Nov. 5, 1969. Docket 21496. 21496.

[8] Comments shall conform to the requirements of the Board's rules of practice. Further, since an opportunity to file comments is provided for, petitions for reconsideration of this order will not be entertained.

FEDERAL DEPOSIT INSURANCE CORPORATION

GREAT WESTERN BANK & TRUST

Notice of Application for Exemption

Pursuant to authority granted the Corporation under sections 12(h) and 12(i) of the Securities Exchange Act of 1934, as amended, notice is hereby given to all interested parties that Great Western Bank & Trust, Tucson, Ariz., has applied to the Federal Deposit Insurance Corporation for exemption from the registration requirement of section 12(g). Unless otherwise specified in the Corporation's order granting such exemption, an exemption from the requirement of section 12(g) will result in sections 13, 14(a), 14(c), 14(d), 14(f), and 16 of the Act being inapplicable with respect to the bank's outstanding securities.

Interested persons are given the opportunity to present their written views or comments on this application within 20 days following the date of publication of this notice in the FEDERAL REGISTER. Communications should be addressed to the Secretary, Federal Deposit Insurance Corporation, 550 17th Street NW., Washington, D.C. 20429.

Dated this 1st day of July 1970.

FEDERAL DEPOSIT INSURANCE CORPORATION,
E. F. DOWNEY,
Secretary.

[F.R. Doc. 70-8585; Filed, July 6, 1970; 8:49 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RI70-766, etc.]

AZTEC OIL & GAS CO. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates; Correction

JUNE 11, 1970.

Aztec Oil & Gas Company (Operator), et al., Dockets Nos. RI70-766, et al., Chevron Oil Company, Western Division, Docket No. RI70-309.

In the order providing for hearings on and suspension of proposed changes in rates, issued December 3, 1969, and published in the FEDERAL REGISTER December 11, 1969, 34 F.R. 19565, Appendix "A", Docket No. RI70-309, Chevron Oil Company, Western Division: (Opposite Rate Schedule No. 5) under column headed "Proposed Increased Rate" change footnote "4" to read footnote "26". (Opposite Rate Schedule No. 6) under column headed "Proposed Increased Rate" change footnote "4" to read footnote "26".

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-8557; Filed, July 6, 1970; 8:47 a.m.]

[Docket No. E-6467]

MONTANA POWER CO.

Order Providing for Hearing

JUNE 29, 1970.

This order directs that a hearing be held concerning payments due to the United States for headwater benefits provided by the Federal Canyon Ferry project to downstream hydroelectric plants of the Montana Power Co. on the Missouri River.

Over an extended period of time, since our order of December 2, 1952, ordering an investigation under section 10(f) of the Federal Power Act, two reports by the staff of the Bureau of Power have been made concerning headwater benefits from the Canyon Ferry project. The first of these reports covering the period March 28, 1953, through December 31, 1963, was issued, in revised version, under date of December 14, 1965. The second report concerning the period March 28, 1953, through December 31, 1968, was issued August 5, 1969.

Comments have been received concerning these reports from the Secretary of the Interior and The Montana Power Co. The staff and the parties have been unable to agree on the annual charges due the United States to December 31, 1968.

The Commission finds: It is necessary and appropriate for purposes of the Federal Power Act, and the Commission's regulations thereunder that a hearing be held on the matters referred to above.

The Commission orders: Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by the Federal Power Act, particularly sections 10(f) and 308 thereof, and the Commission's rules of practice and procedure, a public hearing shall be held at a time and place to be designated by the presiding examiner respecting the matters involved and questions presented in this proceeding.

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-8561; Filed, July 6, 1970; 8:48 a.m.]

[Docket No. RI70-1567, etc.]

SKELLY OIL CO. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates; Correction

JUNE 17, 1970.

Skelly Oil Co., Dockets Nos. RI70-1567 et al., The California Co., a division of Chevron Oil Co. (Operator) et al., Docket No. RI70-1577.

In the order providing for hearings on and suspension of proposed changes in rates, issued May 1, 1970, and published in the FEDERAL REGISTER May 9, 1970, 35 F.R. 7323, Appendix "A", Docket No. RI70-1577, The California Co., a division of Chevron Oil Co. (Operator) et al. Under column headed "Proposed Increased Rate", substitute Footnote "26" in lieu of Footnote "4" under both supplements involved. Appendix "A", under footnotes: Add a new footnote to read: "[26] Pressure base is 15.025 p.s.i.a."

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-8558; Filed, July 6, 1970; 8:47 a.m.]

[Docket No. RI70-1511, etc.]

TENNECO OIL CO. ET AL.

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

JUNE 11, 1970.

In the order providing for hearing on and suspension of proposed changes in rates, and allowing rate changes to become effective subject to refund, issued April 17, 1970 and published in the FEDERAL REGISTER April 25, 1970, 35 F.R. 6683, Appendix "A", under Footnotes: At the end of Footnote 19 add the words, "Also includes 9570' Sand." Footnote 22 should be amended by deleting the words, "suspended in RI70-282 until March 16, 1970, not yet made effective", and adding in lieu thereof "effective subject to refund in Docket No. RI70-282".

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-8559; Filed, July 6, 1970; 8:47 a.m.]

[Docket No. RI70-1636, etc.]

TENNECO OIL CO. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates; Correction

JUNE 17, 1970.

In the order providing for hearings on and suspension of proposed changes in rates, issued May 21, 1970, and published in the FEDERAL REGISTER June 2, 1970, 35 F.R. 8518, Appendix "A", line 1, Docket No. RI70-1644, Sun Oil Co.: Under column headed "Proposed Increased Rate" change "24.816" to read "24.896".

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-8560; Filed, July 6, 1970; 8:47 a.m.]

[Docket No. RP61-19, etc.]

MIDWESTERN GAS TRANSMISSION CO.

Notice of Proposed Change in Rates and Charges

JULY 2, 1970.

Take notice that on June 25, 1970, Midwestern Gas Transmission Co. (Midwestern) tendered for filing proposed changes in its FPC Gas Tariff, First Revised Volume No. 1, to be effective as of May 1, 1970. The filing is based on the change in Canadian dollar rate of exchange, as contemplated by Opinion No. 444 issued October 13, 1964, in this docket.

The proposed change would increase charges for jurisdictional sales and services provided by approximately $870,000 annually, based on operations for the 12-month period ending April 30, 1970. Effected would be Rate Schedule CD-2, CR-2, CRL-2, and SR-2. Two sets of tariff sheets were filed by Midwestern to provide for alternative methods of tracking changes in the Canadian rate of exchange. The first group of sheets does not provide for specific rate changes, but, instead, would authorize the company to make billing adjustments to customers for any changes in cost of gas from Trans-Canada, up or down, relating solely to changes in cost of the Canadian dollar. The second set reflects an increase in the demand component of the aforementioned rate schedules of 22 cents per Mcf and is stated to reflect the impact of the change in the Canadian rate of exchange from the 92.5 cents reflected in Opinion No. 444 (32 FPC 933), and 96.75 cents, the level at the time of filing.

Midwestern states that the change is justified because on June 1, 1970, the Canadian Government released the Canadian dollar from support controls and as a result the rate of exchange between the Canadian dollar and the United States dollar had increased to as much as 97.2 cents in U.S. currency.

Any person desiring to be heard or to make protest with reference to said tender should on or before July 17, 1970, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing herein must file applications to intervene in accordance with the Commission's rules. The tender is on file with the Commission and available for public inspection.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-8619; Filed, July 6, 1970; 8:49 a.m.]

OFFICE OF EMERGENCY PREPAREDNESS

AMERADA PETROLEUM CORP.

Notice of Termination of Participation in Voluntary Agreement Relating to Foreign Petroleum Supply

Pursuant to section 708 of the Defense Production Act of 1950, as amended, notice is hereby given that participation by the Amerada Petroleum Corp. (now merged in the Amerada Hess Corp.) in the voluntary agreement entitled "Voluntary Agreement Relating to Foreign Petroleum Supply", dated May 8, 1956, and the Plan of Action pursuant thereto, has been terminated. The list of companies participating in that agreement was published in the FEDERAL REGISTER of August 3, 1967 (32 F.R. 11296), and was amended by notices in the FEDERAL REGISTER of March 1, 1968 (33 F.R. 3657), the FEDERAL REGISTER of June 14, 1969 (34 F.R. 9409), and the FEDERAL REGISTER of January 23, 1970 (35 F.R. 995).

(Sec. 708, 64 Stat. 818, as amended; 50 U.S.C. App. 2158; Executive Order 10480, Aug. 14, 1953, as amended; Reorganization Plan No. 1 of 1958, as amended; Executive Order 11051, Sept. 27, 1962, as amended)

Dated: June 30, 1970.

G. A. LINCOLN,
Director,
Office of Emergency Preparedness.

[F.R. Doc. 70-8532; Filed, July 6, 1970; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24W-2900]

APPCA, INC.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

JUNE 30, 1970.

I. APPCA, Inc. (Issuer), 7147 Woodland Drive, Springfield, Va. 22151, incorporated in the State of Maryland on October 28, 1968, filed with the Commission on January 23, 1969, a notification on Form 1-A and an offering circular relating to an offering of 19,290 shares of

its $1 par value common stock at $1 per share and an offer of recision to certain purchasers of 30,710 shares for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof and Regulation A promulgated thereunder. The aggregate offering price is $50,000.

II. The Commission has reasonable cause to believe that:

A. The terms and conditions of Regulation A have not been complied with in that:

1. No Regulation A exemption is available for the Issuer under the provisions of Rule 252(d)(2) and Rule 252(c)(4), in that the Issuer and James W. McCrocklin, its controlling person and board chairman, are subject to a decree of a court of competent jurisdiction preliminarily enjoining and restraining such persons from engaging in any conduct or practice in connection with the purchase or sale of any security.

2. The Issuer fails to disclose in the notification and offering circular that the Issuer and its controlling person and board chairman, James W. McCrocklin, since November 28, 1969, have been subject to an injunctive decree issuing from a United States District Court preliminarily enjoining them from further violating the registration and antifraud provisions of the Securities Act of 1933, as amended, in the offer or sale of the common stock of APPCA, Inc., notes convertible into common stock of APPCA, Inc. and options to purchase common stock of APPCA, Inc. or any other securities.

3. The Issuer fails to disclose in the notification and offering circular the offer and sale of unregistered securities in violation of the registration provisions of section 5 and the antifraud provisions of section 17 of the Securities Act of 1933.

B. The offering, if made, would be in violation of the registration provisions of section 5 and the antifraud provisions of section 17 of the Securities Act of 1933, as amended.

III. It appearing to the Commission that it is in the public interest and for the protection of investors that the exemption of the Issuer under Regulation A be, and it hereby is, temporarily suspended.

It is ordered, Pursuant to Rule 261(a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be and hereby is, temporarily suspended.

It is further ordered, Pursuant to Rule 7 of the Commission's rules of practice, that the Issuer file an answer to the allegations contained in this order within 30 days of the entry thereof.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing within 30 days after the entry of this order; that within 20 days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; that if no hearing is requested and none is ordered by the Commission, this order shall become permanent on the 30th day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission; and that notice of the time and place for any hearing will be promptly given by the Commission.

By the Commission.

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

[F.R. Doc. 70-8564; Filed, July 6, 1970; 8:48 a.m.]

[70-4895]

JERSEY CENTRAL POWER & LIGHT CO.

Notice of Proposed Issue and Sale of Short-Term Promissory Notes

JUNE 30, 1970.

Notice is hereby given that Jersey Central Power & Light Co. ("JCP & L"), Madison Avenue at Punch Bowl Road, Morristown, N.J. 07960, an electric utility subsidiary company of General Public Utilities Corp. ("GPU"), a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6 (a) and 7 as applicable to the proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

JCP & L proposes to issue and sell, or to renew, from time to time prior to December 31, 1971, to the banks named below its short-term promissory notes, each of which will mature not later than 9 months from the date of issue, will be prepayable at any time without premium, and will bear interest at the prime rate in effect for commercial borrowings at the date of issue of the note at the bank from which such borrowing is made. The aggregate principal amount of such notes to be outstanding at any one time will not exceed $48 million. JCP & L also proposes to surrender, upon the effectiveness of an order in this proceeding, the authority to issue short-term promissory notes granted to it by this Commission by order dated September 29, 1969, and supplemental order dated April 16, 1970 (Holding Company Act Release Nos. 16483 and 16684, respectively).

Although no commitments or agreements for such borrowings have been made, JCP & L expects that, as and to the extent that its cash needs require, borrowings will be effected from among the following banks, the maximum to be borrowed and outstanding from each such bank being as follows:

Irving Trust Company, New York, N.Y.	$13,600,000
The Chase Manhattan Bank NA, New York, N.Y.	6,000,000
Bankers Trust Company, New York, N.Y.	1,500,000
Fidelity Union Trust Company, Newark, N.J.	6,000,000
First National State Bank of New Jersey, Newark, N.J.	2,500,000
National Newark & Essex Bank, Newark, N.J.	3,000,000
First Jersey National Bank, Jersey City, N.J.	3,000,000
Trust Company National Bank, Morristown, N.J.	2,000,000
The Hunterdon County National Bank, Lambertville, N.J.	300,000
The Central Jersey Bank and Trust Company, Freehold, N.J.	1,000,000
The Monmouth County National Bank, Red Bank, N.J.	700,000
First Merchants National Bank, Asbury Park, N.J.	600,000
First National Bank of Passaic County, Passaic, N.J.	1,000,000
New Jersey National Bank, Asbury Park, N.J.	700,000
The First National Iron Bank of New Jersey, Morristown, N.J.	1,300,000
The National State Bank, Elizabeth, N.J.	2,000,000
Summit and Elizabeth Trust Company, Summit, N.J.	1,200,000
The National Union Bank of Dover, Dover, N.J.	600,000
Union County Trust Company, Summit, N.J.	1,000,000
Total	48,000,000

The proceeds from the sale of the notes will be used by JCP & L for construction expenditures and/or to repay other short-term borrowings, the proceeds from which having been so applied. JCP & L states that if any permanent debt securities are issued and sold by it prior to the maturity of all the notes proposed to be issued under this filing, the net proceeds thereof will be applied in reduction of or in total payment of such notes, and that the maximum amount of notes authorized to be outstanding hereunder will be reduced by the amount of such net proceeds.

JCP & L estimates that its expenses incident to the proposed transactions will be approximately $3,500, including counsel fees of $3,250, and it states that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions. However, it is also stated that approval by the Board of Public Utility Commissioners of the State of New Jersey will be required for a renewal, extension, or replacement of any notes issued by JCP & L, if, as a result thereof, the loan evidenced thereby is not repaid within 12 months of the original date of the note or notes.

Notice is further given that any interested person may, not later than July 23, 1970, request in writing that a hearing be held in respect of such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request

that he be notified should the Commission order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof, or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

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

[F.R. Doc. 70-8565; Filed, July 6, 1970; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

[Ex Parte No. MC-19 (Sub-No. 11)]

AMERICAN MOVERS CONFERENCE

Filing of Petition for Amendment of Rules Regarding Motor Common Carriers

JUNE 26, 1970.

Notice of filing of petition seeking the amendment of specified sections of recently adopted regulations to govern the practices of motor common carriers engaged in the transportation of household goods in interstate or foreign commerce.

By petition filed June 16, 1970, American Movers Conference, on behalf of its members, requests the Commission to institute a rulemaking proceeding for the purpose of amending 49 CFR 1056.3, 1056.6(a)(1) and (b), 1056.7, 1056.8 (a) and (b), 1056.9(a) (3) and (5), 1056.10 (b)(1), and 1056.11, which are among the regulations governing the practices of motor common carriers engaged in the transportation of household goods in interstate or foreign commerce promulgated in the Commission's report and order (served Mar. 5, 1970, as amended by the order served Mar. 27, 1970, as interpreted by the order served Apr. 29, 1970, and as further modified with respect to the defenses of force majeure by order entered May 28, 1970) in Ex Parte No. MC-19 (Sub-No. 8), Practices of Motor Common Carriers of Household Goods.

Petitioners allege that the requested amendments to the rules are essentially procedural in nature and that they are not intended substantively to deviate from the Commission's objectives expressed in the Sub-No. 8 proceeding. Petitioners also assert that the proposed changes will not operate to the detriment of shippers of household goods, and that the amendments requested are prompted by "mechanical, operational, and accounting problems encountered by the household goods carriers in endeavoring to comply with the new rules."

Set forth in the Appendix to this notice are the following added forms and explanatory material proposed by petitioners: (1) A proposed addendum form to the order for service and/or bill of lading form; (2) instructions for the use of the addendum form; (3) a revised vehicle-load manifest form.[1] Petitioners' specific requested amendments and the justifications asserted therefor are as follows:

1. *Section 1056.3 Accessorial or terminal services; tariffs providing therefor; containers, packing, and unpacking charges.* Petitioners propose to amend that part of this rule which provides that separate charges, stated in amounts per container, be established (a) for containers, (b) for packing, and (c) for unpacking, so that the charges for packing may include the containers and the packing material used by the carriers in performing the packing.

Justifications: A single charge will avoid the necessity for collecting State sales taxes for the value of the containers and the packing material. These savings, it is alleged, would be passed on to the shipper and, at the same time, would save the carriers a substantial amount of clerical work in connection with the collection of State sales taxes.

2. *Section 1056.6 Determination of Weights—(a) Gross weight, tare weight, net weight, and constructive weight.* Petitioners propose to amend that part of paragraph (a)(1) which effectively requires that a vehicle be weighed with the driver but without the crew thereon, so that the driver as well as the crew be off the vehicle when weighed.

Justifications: The present requirement allegedly could not be met in those States which are said to have regulations which require weighmasters to weigh vehicles without persons aboard. The proposed change, it is averred, also would avoid confusion where the carrier transports both interstate and intrastate shipments in the same vehicle, for the present rule assertedly is not consistent with most State regulations governing the transportation of intrastate traffic.

3. *Section 1056.6(b) Obtaining weight tickets.* Petitioners propose to amend that part of the rule which provides that "No other additions or alterations shall be made on any such ticket." by deletion of the words "other additions or."

Justification: The driver is evidently precluded from writing on the weight ticket the date, location of the scale, the name of the shipper, and similar pertinent information. It is stated that this information, which does not alter the weight ticket, would directly correlate the weight ticket with the shipment and should be allowed to be written on that ticket.

4. *Section 1056.7 Information for shippers.* (1) Petitioners seek to reduce the size of the form BOp 103 to 3½ inches x 9 inches using substantially the same size print and to modify the present form BOp 103 by adding a snap-out receipt.

(2) They also propose that, where a shipper requests same-day emergency movement of his shipment under circumstances where a personal interview with the carrier cannot be had, the carrier be relieved of that part of the rule which provides "If no personal interview is had with a prospective shipper, the carrier shall cause form BOp 103 to be delivered to the shipper and obtain a receipt therefor prior to the day on which the order for service is placed."

Justifications: (1) The present size of form BOp 103 is said to be impractical both from the viewpoint of mailing and from the viewpoint of the shipper carrying it in his pocket or her purse.

(2) It is asserted that the present regulation effectively prevents the carrier from affording a shipper needed emergency same-day service.

5. *Section 1056.8 Estimates of charges.*—(a) *Estimates by the carrier.* (1) Petitioners propose to amend that part of paragraph (a) which provides that "Every motor common carrier engaged in the transportation of household goods, in interstate or foreign commerce, shall upon request of the shipper of household goods cause to be given to such shipper an estimate of the charges for the proposed services * * *," by inserting prior to the word "request" the word "reasonable."

(2) Petitioners also request the Commission to authorize the use of an addendum form (see appendix) to reflect changes required to be made in prescribed forms after the execution of such forms by the carrier.

Justifications: (1) There are said to be occasions when shippers make unreasonable demands upon carriers to provide estimates.

(2) The addendum form is intended to cover circumstances which did not appear when the prescribed forms were originally executed such as: At the time of pickup shipper requests that additional services be performed or that additional items be transported by the carrier which did not appear upon the order for service and the estimate issued in connection therewith.

6. *Section 1056.8(b) Delivery when actual charges exceed estimated charges.* Petitioners propose to modify that part of the rule which provides "* * * such carrier must, upon request of the shipper, or his representative, relinquish

[1] Filed with Office of Federal Register as part of original document. Copies may be obtained from Office of Secretary, ICC, Washington, D.C. 20423.

possession of the shipment upon payment of the amount of the estimated charges plus an additional 10 percent of the estimated charges, and the carrier shall defer demand for the remainder of the tariff charges for a period of 15 days following delivery excluding Saturdays, Sundays and Holidays," to authorize a carrier, at its option, to require written evidence of the debt for which credit has been extended, with such evidence being in the form of a personal check or a promissory note, either of which would be payable 15 days after the date of delivery.

Justification: The Commission's credit rules require the carrier to collect any unpaid balance remaining due where credit has been extended and that rule also requires the carrier to take such precautions as it deems necessary to insure collection. Written evidence of the debt is said to be such a precaution.

7. *Section 1056.9 Order for service*—(a) *Order for service required.* Petitioners propose several changes with respect to the order for service. They propose to amend subparagraph (3) of this section which requires that the order for service include the name, address, and telephone number of the carrier's delivering agent, or, if the shipment is to be interlined, the name, address, and telephone number of the delivering carrier. They recommend (1) that the words "destination contact" be substituted for "delivering agent," and (2) that the name of the delivering carrier on an interlined shipment be inserted on the order for service and the bill of lading if known at the time such documents are issued, but that in any event the shipper be advised of the name of the delivering carrier prior to departure of the shipment from point of origin.

Petitioners also seek amendment of subparagraph (5) of this section which requires that the location of the certified scale to be used in weighing the shipment at origin be shown on the order for service. They suggest adding the words "if known" to the requirement.

Justifications: (1) Petitioners contend that the phrase "delivering agent" is ambiguous and that the words "destination contact" more accurately reflect the purpose and intent of the information required, that is, to give the shipper a source of information at destination.

(2) They also state that requiring the information pertaining to the delivering carrier will, on occasion, impose an impossible duty on the originating carrier because the identity of the carrier that will deliver the shipment is not always known at the time the order for service is executed.

(3) With respect to the modification of subparagraph (5), petitioners argue that the order for service frequently is issued at a point far from the origin point of the shipment and that if several scales are available, the person issuing the order for service may not know which one is located closest to the location of the household goods to be shipped.

8. *Section 1056.10 Receipt or bill of lading; information thereon*—(b) *Information required on receipt or bill of lading.* Subparagraph (1) of this section requires that the bill of lading shall include the name and address of the motor carrier (not the agent's name and address) which will transport the shipment; and if the shipment is to be interlined, the names and addresses of all connecting carriers which will transport the shipment must be shown on the bill of lading. Petitioners proposed that this subparagraph be amended in the same manner and for the same reasons as suggested above with respect to the order for service, § 1056.9(a)(3).

9. *Section 1056.11. Vehicle-load manifest; information required.* Petitioners seek a number of revisions in the prescribed form and instructions thereon, and they have submitted a form, set forth in the Appendix, embracing their revisions. Petitioners suggest that Part C be deleted from the vehicle-load manifest and that the necessary accommodations in the instructions be made. Instructions 1, 2, and 4 of the prescribed form remain the same in petitioners' proposed form. Petitioners recommend that instruction number 3 be modified to provide that the absence of a driver's signature in Part B of a vehicle-load manifest shall attest, among other things, that delivery of a shipment has not been made and that such undelivered shipment must be entered in Part A of the next succeeding vehicle-load manifest. Petitioners have also recommended the addition of a sixth instruction to elaborate on the use, among other things, of constructive weights, the use of weights obtained prior to loading of a shipment, and how entries should be made on the vehicle-load manifest where such weights are obtained or used.

Justifications: Petitioners believe that the required manifest is unduly complex and burdensome for the drivers, that at times it is impossible to use, and that their proposed revisions of the form and instructions assertedly will solve, among other things, the following problems encountered in the use of the presently required vehicle-load manifest:

1. When a shipment is picked up on a local vehicle, weighed, and subsequently loaded on a line-haul vehicle, and the weight of the shipment is entered on the vehicle-load manifest of the line-haul vehicle, there presently is said to be no means for furnishing the shipper of the next shipment loaded on the line-haul vehicle with a copy of the gross weight covering the shipment previously loaded;

2. The same problem as in 1 above allegedly would be encountered with respect to loading part-load shipments on which a constructive weight has been applied, and where any article or part-load is loaded on the vehicle without having been weighed after loading, as authorized in § 1056.6 (a) and (e) of the regulations; and

3. When a shipment is delivered from a fully loaded vehicle, following which the carrier loads another shipment on that vehicle, there assertedly is no means of attaching evidence on the bill of lading of the "existing gross load weight" for the subsequently loaded shipment.

Any person or persons desiring to participate in this proceeding (including petitioners) may, within 30 days from the date of this publication, file representations, consisting of an original and six copies, supporting or opposing the relief sought by petitioners. A copy of such statement should be served upon petitioners through their counsel, Russell S. Bernhard, whose address is 1625 K Street NW., Washington, D.C. 20006.

Notice to the general public of the matters herein under consideration will be given by depositing a copy of this notice in the Office of the Secretary of the Commission for public inspection and by filing a copy thereof with the Director, Office of the Federal Register. Copies of this notice also will be served on the parties of record in Ex Parte No. MC–19 (Sub-No. 8), Practices of Motor Common Carriers of Household Goods.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 70–8600; Filed, July 6, 1970; 8:49 a.m.]

FOURTH SECTION APPLICATION FOR RELIEF

JULY 1, 1970.

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

LONG-AND-SHORT HAUL

FSA No. 41988—*Potassium (Potash) from specified points in Saskatchewan, Canada.* Filed by Canadian Freight Association (Western Lines), (No. 22), for interested rail carriers. Rates on potassium (potash), in carloads, as described in the application, from specified points in Saskatchewan, Canada, to points in western trunkline and Illinois Freight Association territories.

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

Tariff—Revised pages to Canadian Freight Association (Western Lines) tariff ICC 183.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 70–8556; Filed, July 6, 1970; 8:47 a.m.]

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