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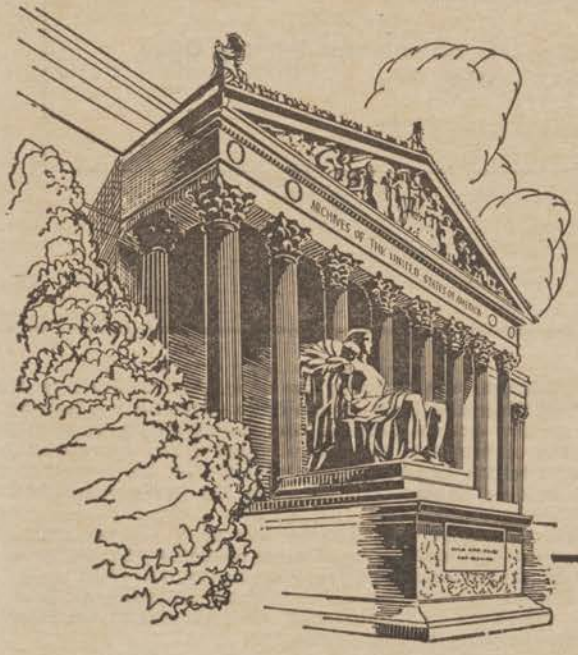

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## Title 3—THE PRESIDENT

### Proclamation 4000

### DISPLAY OF THE FLAG AT THE WHITE HOUSE

**By the President of the United States of America**

**A Proclamation**

WHEREAS the joint resolution of Congress of June 22, 1942, entitled "Joint Resolution to Codify and Emphasize Existing Rules and Customs Pertaining to the Display and Use of the Flag of the United States of America," as amended by the joint resolution of December 22, 1942, 56 Stat. 1074, contains the following provisions:

"Sec. 2. (a) It is the universal custom to display the flag only from sunrise to sunset on buildings and on stationary flagstaffs in the open. However, the flag may be displayed at night upon special occasions when it is desired to produce a patriotic effect.

* * * * * * *

"Sec. 8. Any rule or custom pertaining to the display of the flag of the United States of America, set forth herein, may be altered, modified, or repealed, or additional rules with respect thereto may be prescribed, by the Commander in Chief of the Army and Navy of the United States, whenever he deems it to be appropriate or desirable; and any such alteration or additional rule shall be set forth in a proclamation."; and

WHEREAS the White House is a house that belongs to all the people; and

WHEREAS the White House, as the home of the President and his family, symbolizes the love of home and family which has long characterized our people; and

WHEREAS it is customary for many of our own citizens and many persons from other countries who visit our Nation's Capital to view the White House at night; and

WHEREAS it is thus appropriate that the flag be flown over the White House by night as well as by day:

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby proclaim that the flag of the United States of America shall hereafter be displayed at the White House at all times during the day and night, except when the weather is inclement.

The rules and customs pertaining to the display of the flag as set forth in the joint resolution of June 22, 1942, as amended, are hereby modified accordingly.

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

Richard Nixon

[F.R. Doc. 70-12000; Filed, Sept. 4, 1970; 4:03 p.m.]

## Executive Order 11554

### SUSPENDING THE PROVISIONS OF SECTION 5707(c) OF TITLE 10, UNITED STATES CODE, WHICH RELATE TO THE ESTABLISHMENT OF A MAXIMUM PERCENTAGE OF NAVY OFFICERS WHO MAY BE RECOMMENDED FOR PROMOTION FROM BELOW THE APPROPRIATE PROMOTION ZONE

By virtue of the authority vested in me by section 5711(b) of title 10 of the United States Code, it is ordered as follows:

The operation of so much of the provisions of section 5707(c) of title 10 of the United States Code as restrict, to a percentage of five percent of the total number of officers that a board is authorized to recommend for promotion, the number of Navy officers below the appropriate promotion zone who may be recommended as best fitted for promotion to the grade concerned, is hereby suspended for a period of two years from the date of this order.

Richard Nixon

THE WHITE HOUSE,
*August 29, 1970.*

[F.R. Doc. 70-12001; Filed, Sept. 4, 1970; 4:03 p.m.]

## Executive Order 11555

### AMENDING THE SELECTIVE SERVICE REGULATIONS

By virtue of the authority vested in me by the Military Selective Service Act of 1967 (62 Stat. 604, as amended), I hereby prescribe the following amendment of the Selective Service Regulations prescribed by Executive Orders No. 9979 of July 20, 1948, and No. 11360 of June 30, 1967, and constituting portions of Chapter XVI of Title 32 of the Code of Federal Regulations:

Part 1604, *Selective Service Officers*, is amended as follows:

Paragraph (c) of Section 1604.52, *Composition and Appointment*, is amended to read as follows:

"The members of local boards shall be citizens, male or female, of the United States who shall be residents of a county in which their local board has jurisdiction. No member of a local board shall be a member of the armed forces or any reserve component thereof. Members of local boards shall be at least 30 years of age."

Richard Nixon

THE WHITE HOUSE,
*September 2, 1970.*

[F.R. Doc. 70-12002; Filed, Sept. 4, 1970; 4:03 p.m.]

## Executive Order 11556

### ASSIGNING TELECOMMUNICATIONS FUNCTIONS

By virtue of the authority vested in me by section 301 of title 3 of the United States Code, and as President of the United States, and in consonance with the intention expressed in my message to the Congress transmitting Reorganization Plan No. 1 of 1970, it is hereby ordered as follows:

SECTION 1. *Amended and superseded orders.* Executive Orders Nos. 10705 of April 17, 1957, 11051 of September 27, 1962, 11191 of January 4, 1965, and 11490 of October 28, 1969, and the President's Memorandum of August 21, 1963, headed "Establishment of the National Communications System" (28 F.R. 9413) are amended as provided herein. Executive Orders Nos. 10695–A of January 16, 1957, 10995 of February 16, 1962, and 11084 of February 15, 1963, to the extent not heretofore made inapplicable, are hereby revoked.

SEC. 2. *General functions.* Subject to the authority and control of the President, the Director of the Office of Telecommunications Policy (hereinafter referred to as the Director) shall:

(a) Serve as the President's principal adviser on telecommunications.

(b) Develop and set forth plans, policies, and programs with respect to telecommunications that will promote the public interest, support national security, sustain and contribute to the full development of the economy and world trade, strengthen the position and serve the best interests of the United States in negotiations with foreign nations, and promote effective and innovative use of telecommunications technology, resources, and services. Agencies shall consult with the Director to insure that their conduct of telecommunications activities is consistent with the Director's policies and standards.

(c) Assure that the executive branch views are effectively presented to the Congress and the Federal Communications Commission on telecommunications policy matters.

(d) Coordinate those interdepartmental and national activities which are conducted in preparation for U.S. participation in international telecommunications conferences and negotiations, and provide to the Secretary of State advice and assistance with respect to telecommunications in support of the Secretary's responsibilities for the conduct of foreign affairs.

(e) Coordinate the telecommunications activities of the executive branch and formulate policies and standards therefor, including but not limited to considerations of interoperability, privacy, security, spectrum use and emergency readiness.

(f) Evaluate by appropriate means, including suitable tests, the capability of existing and planned telecommunications systems to meet national security and emergency preparedness requirements, and report the results and any recommended remedial actions to the President and the National Security Council.

(g) Review telecommunications research and development, system improvement and expansion programs, and programs for the testing, operation, and use of telecommunications systems by Federal agencies. Identify competing, overlapping, duplicative or inefficient programs, and make recommendations to appropriate agency officials and to the Director of the Office of Management and Budget concerning the scope and funding of telecommunications programs.

(h) Coordinate the development of policy, plans, programs, and standards for the mobilization and use of the Nation's telecommunications resources in any emergency, and be prepared to administer such resources in any emergency under the overall policy direction and planning assumptions of the Director of the Office of Emergency Preparedness.

(i) Develop, in cooperation with the Federal Communications Commission, a comprehensive long-range plan for improved management of all electromagnetic spectrum resources.

(j) Conduct and coordinate economic, technical, and systems analyses of telecommunications policies, activities, and opportunities in support of assigned responsibilities.

(k) Conduct studies and analyses to evaluate the impact of the convergence of computer and communications technologies, and recommend needed actions to the President and to the departments and agencies.

(l) Coordinate Federal assistance to State and local governments in the telecommunications area.

(m) Contract for studies and reports related to any aspect of his responsibilities.

SEC. 3. *Frequency assignments.* The functions transferred to the Director by section 1 of Reorganization Plan No. 1 of 1970 include the functions of amending, modifying, and revoking frequency assignments for radio stations belonging to and operated by the United States, or to classes thereof, which have heretofore been made or which may be made hereafter.

SEC. 4. *War powers.* Executive Order No. 10705 of April 17, 1957, headed "Delegating Certain Authority of the President Relating to Radio Stations and Communications", as amended, is further amended by:

(a) Substituting for subsection (a) of section 1 the following: "(a) Subject to the provisions of this order, the authority vested in the President by subsections 606 (a), (c), and (d) of the Communications Act of 1934, as amended (47 U.S.C. 606 (a), (c) and (d)), is delegated to the Director of the Office of Telecommunications Policy (hereinafter referred to as the Director). That authority shall be exercised under the overall policy direction of the Director of the Office of Emergency Preparedness."

(b) Substituting for the text "subsections 305(a) and 606(a)" in subsection (b) of section 1 the following: "subsection 606(a)".

SEC. 5. *Foreign government radio stations.* The authority to authorize a foreign government to construct and operate a radio station at the seat of government vested in the President by subsection 305(d) of the Communications Act of 1934, as amended (47 U.S.C. 305(d)), is hereby delegated to the Director. Authorization for the construction and operation of a radio station pursuant to this subsection and the assignment of a frequency for its use shall be made only upon recommendation of the Secretary of State and after consultation with the Attorney General and the Chairman of the Federal Communications Commission.

SEC. 6. *Office of Emergency Preparedness.* (a) Executive Order No. 11051 of September 27, 1962, headed "Prescribing Responsibilities of the Office of Emergency Planning in the Executive Office of the President", as amended, is further amended by:

(1) Deleting subsection 301(4) and renumbering subsection 301(5) as subsection 301(4).

(2) Substituting for section 306 the following:

"SEC. 306. *Emergency telecommunication.* The Director shall be responsible for providing overall policy guidance to the Director of the Office of Telecommunications Policy in planning for the mobilization of the Nation's telecommunications resources in time of national emergency."

(3) Deleting section 406.

SEC. 7. *Emergency preparedness.* Executive Order No. 11490 of October 28, 1969, headed "Assigning emergency preparedness functions to Federal departments and agencies," as amended, is hereby further amended (1) by substituting "Policy (35 F.R. 6421)" for "Management (OEP)" in section 401(27), and (2) by substituting the number of this order for "10995" in section 1802 and in section 2002(3).

SEC. 8. *National Communications System.* The President's Memorandum of August 21, 1963, headed "Establishment of the National Communications System" (28 F.R. 9413), is amended by:

(a) Substituting the following for the first paragraph after the heading "Executive Office Responsibilities":

"The Director of the Office of Telecommunications Policy shall be responsible for policy direction of the development and operation of the National Communications System and shall:"

(b) Substituting the term "Director of the Office of Telecommunications Policy" for the term "Special Assistant to the President for Telecommunications" wherever it appears in said memorandum.

SEC. 9. *Communications Satellite Act of 1962.* Executive Order No. 11191 of January 4, 1965, headed "Providing for the Carrying Out of Certain Provisions of the Communications Satellite Act of 1962", is amended by:

(a) Substituting the following for subsection (c) of section 1:

"(c) The term 'the Director' means the Director of the Office of Telecommunications Policy.", and

(b) Substituting the following for the catchline of section 2: "*Director of the Office of Telecommunications Policy.*"

SEC. 10. *Advisory committees.* As may be permitted by law, the Director shall establish such interagency advisory committees and working groups composed of representatives of interested agencies and consult with such departments and agencies as may be necessary for the most effective performance of his functions. To the extent he deems it necessary to continue the Interdepartment Radio Advisory Committee, that Committee shall serve in an advisory capacity to the Director. As may be permitted by law, the Director also shall establish one or more telecommunications advisory committees composed of experts in the telecommunications area outside the Government.

SEC. 11. *Rules and regulations.* The Director shall issue such rules and regulations as may be necessary to carry out the duties and responsibilities delegated to or vested in him by this order.

SEC. 12. *Agency assistance.* All executive departments and agencies of the Federal Government are authorized and directed to cooperate with the Director and to furnish him such information, support and assistance, not inconsistent with law, as he may require in the performance of his duties.

SEC. 13. *Functions of the Secretary of Commerce.* The Secretary of Commerce shall support the Director in the performance of his functions, shall be a primary source of technical research and analysis and, operating under the policy guidance and direction of the Director, shall:

(a) Perform analysis, engineering and administrative functions, including the maintenance of necessary files and data bases, responsive to the needs of the Director in the performance of his responsibilities for the management of the radio spectrum.

(b) Conduct technical and economic research upon request to provide information and alternatives required by the Director.

(c) Conduct research and analysis on radio propagation, radio systems characteristics, and operating techniques affecting the utilization of the radio spectrum in coordination with specialized, related research and analysis performed by other Federal agencies in their areas of responsibility.

(d) Conduct research and analysis in the general field of telecommunication sciences in support of other Government agencies as required and in response to specific requests from the Director.

(e) Conduct such other activities as may be required by the Director to support him in the performance of his functions.

SEC. 14. *Retention of existing authority.* (a) Nothing contained in this order shall be deemed to impair any existing authority or jurisdiction of the Federal Communications Commission. In carrying out his functions under this order, the Director shall coordinate his activities as appropriate with the Federal Communications Commission and make appropriate recommendations to it as the regulator of the private sector.

(b) Except as specifically provided herein, nothing in this order shall be deemed to derogate from any existing assignment of functions to any other department or agency or officer thereof made by statute, Executive order, or other Presidential directives.

Richard Nixon

THE WHITE HOUSE,
*September 4, 1970.*

[F.R. Doc. 70-12017; Filed, Sept. 4, 1970; 4:58 p.m.]

# Rules and Regulations

## Title 5—ADMINISTRATIVE PERSONNEL

### Chapter I—Civil Service Commission

### PART 213—EXCEPTED SERVICE

### Department of Health, Education, and Welfare

Section 213.3116 is amended to show that positions in the National Institute of Mental Health involving performance of various therapeutic and service assignments under a rehabilitation program concerned with the treatment of drug addicts, when filled by persons who have a history of drug addiction and who have been successfully treated, are excepted under Schedule A. No new appointments may be made under this authority after August 31, 1972. Effective on publication in the FEDERAL REGISTER, paragraph (h) is added to § 213.3116 as set out below.

**§ 213.3116 Department of Health, Education, and Welfare.**

* * * * *

(h) *National Institute of Mental Health—Health Services, and Mental Health Administration.* (1) Positions in the National Institute of Mental Health involving performance of various therapeutic and service assignments under a rehabilitation program concerned with the treatment of drug addicts, when filled by persons who have a history of drug addiction and who have been successfully treated. No new appointments under this authority may be made after August 31, 1972.

(5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
*Executive Assistant to the Commissioners.*

[F.R. Doc. 70–11897; Filed, Sept. 8, 1970; 8:50 a.m.]

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### PART 213—EXCEPTED SERVICE

### National Foundation on the Arts and the Humanities

Section 213.3382 is amended to show that one Assistant to the Chairman, National Endowment for the Arts, is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, paragraph (b) is added to § 213.3382 as set out below.

**§ 213.3382 National Foundation on the Arts and the Humanities.**

* * * * *

(b) One Assistant to the Chairman, National Endowment for the Arts.

(5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
*Executive Assistant to the Commissioners.*

[F.R. Doc. 70–11898; Filed, Sept. 8, 1970; 8:50 a.m.]

## Title 9—ANIMALS AND ANIMAL PRODUCTS

### Chapter I—Agricultural Research Service, Department of Agriculture

### SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

### PART 71—GENERAL PROVISIONS

### Identification for Interstate Movement of Cattle

On February 1, 1969, and May 23, 1970, there were published in the FEDERAL REGISTER (34 F.R. 1602 and 35 F.R. 7976) notices with respect to proposed amendments to Part 71, Subchapter C, Chapter I, Title 9, Code of Federal Regulations, to require the individual identification of certain cattle 2 years of age or over for interstate movement. Interested persons were given an opportunity to submit written data, views, or arguments concerning the proposed amendments for periods of 60 and 45 days, respectively, following publication of said notices. After due consideration of all relevant material submitted in connection with said notices and pursuant to the provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, and the Act of March 3, 1905, as amended (21 U.S.C. 111–113, 116, 117, 120–126), said Part 71 is hereby amended in the following respects:

1. New paragraphs (n) and (o) are added to § 71.1 to read as follows:

**§ 71.1 Definitions.**

* * * * *

(n) *Official Brand Inspection Agency.* The duly constituted body elected, appointed, or delegated or granted authority by a State or governmental subdivision thereof, to administer laws, regulations, ordinances or rules pertaining to the brand identification of livestock.

(o) *Official brand inspection certificate.* A certificate issued by an official brand inspection agency in any State in which such certificates are required for movement of livestock.

2. A new § 71.18 is added to read as follows:

**§ 71.18 Individual identification of certain cattle 2 years of age or over for interstate movement.**

(a) No cattle 2 years of age or over, except steers and spayed heifers, which are moved interstate for slaughter or for sale for slaughter, shall be moved interstate other than in accordance with the requirements of this section. All interstate movements of any cattle shall also comply with the other applicable provisions in this part and other parts of this subchapter.

(1) When permitted under such other provisions, cattle subject to this section:

(i) may be moved interstate to any designation for slaughter or sale for slaughter if such cattle, when moved interstate, are identified by a Division-approved backtag affixed a few inches from the midline and just behind the shoulder of the animal, or by a Division-approved eartag in lieu thereof, and are accompanied by a statement signed by the owner or shipper of the cattle, or a waybill or similar document, stating: (*a*) the point from which the animals are moved interstate; (*b*) the destination of the animals; (*c*) the number of animals covered by the statement, waybill, or similar document; (*d*) the identifying numbers of the backtags or eartags applied, except that backtag and eartag numbers are not required to be recorded on such statement or document for cattle moved from a public stockyard or specifically approved stockyard as defined in § 78.1 directly to a slaughtering establishment operating under the provisions of the Federal Meat Inspection Act (21 U.S.C. 601 et seq.) or slaughtering establishment specifically approved under § 78.16(b) of this subchapter; and (*e*) the name and address of the owner or shipper; [1] or

(ii) may be moved interstate from a farm, ranch, or feedlot to a slaughtering establishment operating under the provisions of the Federal Meat Inspection Act (21 U.S.C. 601 et seq.), or to a slaughtering establishment specifically approved in accordance with § 78.16(b) of this subchapter, or to a public stockyard, or to a specifically approved stockyard for sale and shipment to such a slaughtering establishment, if such cattle are identified upon arrival thereat by Division-approved backtags or eartags as prescribed in subparagraph (i), and, when

[1] Division-approved backtags or eartags are available from State or Federal Animal Health officials at such stockyards and slaughtering establishments, and from Federal and State inspectors as defined in § 78.1 of this subchapter. A list of such public stockyards appears in § 78.14 of this subchapter. Information with respect to the federally inspected slaughtering establishments, specifically approved slaughtering establishments, and specifically approved stockyards may be obtained as indicated in §§ 78.14 and 78.15 of this subchapter.

moved interstate, are accompanied by a statement signed by the owner or shipper of the cattle, or a waybill or similar document, or an official brand inspection certificate stating: (*a*) the point from which the animals are moved interstate; (*b*) the destination of the animals; (*c*) the number of animals covered by the statement, waybill, or similar document or certificate; and (*d*) the name and address of the owner or shipper: *Provided*, That identification by backtags or eartags upon arrival is not required if such cattle are moved interstate to a federally inspected or specifically approved slaughtering establishment as described in subparagraph (1) and, when moved interstate, such cattle are identified by individual brands registered with an official brand inspection agency and are accompanied by an official brand inspection certificate as prescribed in this subdivision (ii).

(2) The statement, waybill or similar document, or official brand inspection certificate required by this section shall be delivered to the management of the stockyard or slaughtering establishment at the time of delivery of the cattle.[2] Each person who ships, transports, or is otherwise responsible for the movement of the cattle interstate is responsible for the identification of the animals as required by this section and for compliance with the other applicable requirements thereof.

The purposes of the foregoing amendments are to require the identification of cattle 2 years of age or over, except steers and sprayed heifers, moved interstate for slaughter or for sale for slaughter. The amendments will facilitate the identification of livestock in marketing channels and the tracing of diseased animals directly to farms of origin, which will make it possible to more efficiently control the spread of diseases by isolation and eradication of infection where found.

Great progress has been made in the control and eradication of communicable diseases of livestock, such as brucellosis, scabies, and tuberculosis. However, it is known that such diseases still exist in certain areas of this country. The rapid transportation of animals in commercial channels makes it essential to locate and suppress foci of infection in the most rapid manner possible. The most efficient way to do this is to identify livestock in marketing channels and to trace diseased animals directly to farms of origin. In this manner, continued progress in disease eradication programs can be achieved; the interstate spread of diseases can be minimized by isolation and eradication of infection where found; and the probability of rapidily detecting diseases of foreign origin will be greatly strengthened.

Certain modifications have been made in the provisions of the amendments as a result of comments received from interested persons. It does not appear that further notice and public participation in the rule making procedure with respect to these amendments would provide additional information to this Department. Therefore, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that such further procedure is unnecessary.

(Secs. 4–7, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, sec. 3, 33 Stat. 1265, as amended, 21 U.S.C. 111, 112, 113, 114g, 115, 117, 120, 121, 123–126; 29 F.R. 16210, as amended; 33 F.R. 15485)

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

Done at Washington, D.C. this 3d day of September 1970.

F. J. MULHERN,
*Acting Administrator,*
*Agricultural Research Service.*

[F.R. Doc. 70–11915; Filed, Sept. 8, 1970; 8:51 a.m.]

[Docket No. 70–256]

## 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) (6) relating to the State of Missouri is amended to read:

(6) *Missouri.* (i) That portion of Jackson County bounded by a line beginning at the junction of State Highway 78 and U.S. Bypass Highway 71; thence, following State Highway 78 in a northeasterly direction to Truman Road; thence, following Truman Road in a generally southeasterly direction to State Highway 7; thence, following State Highway 7 in a southerly direction to Old U.S. Highway 40; thence, following Old U.S. Highway 40 in a generally northwesterly direction to U.S. Bypass Highway 71; thence, following U.S. Bypass Highway 71 in a generally northwesterly direction to its junction with State Highway 78.

(ii) That portion of Stoddard County bounded by a line beginning at the junction of State Highways K and V; thence, following State Highway K in a southerly direction to State Highway M; thence, following State Highway M in a southerly direction to the Castor River; thence, following the south bank of the Castor River in a generally southeasterly direction to State Highway N; thence, following State Highway N in a generally southerly direction to U.S. Highway 60; thence, following U.S. Highway 60 in a southwesterly direction to State Highway AD; thence, following State Highway AD in a northerly direction to the division line between T. 25 N. and T. 26 N.; thence, following the division line between T. 25 N. and T. 26 N. in a westerly direction to the west boundary of sec. 35 in T. 26 N. and R. 9 E.; thence, following the west boundaries of secs. 35, 26, 23, 14, and 11 in T. 26 N. and R. 9 E. in a northerly direction to State Highway J; thence, following State Highway J in a westerly direction to the west boundary of sec. 10 in T. 26 N. and R. 9 E.; thence, following the west boundary of secs. 10 and 3 in T. 26 N. and R. 9 E. in a northerly direction and continuing north along the west boundaries of secs. 34, 27, 22, 15, 10, and 3 in T. 27 N. and R. 9 E. to State Highway K; thence, following State Highway K in an easterly direction to its junction with State Highway V.

(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 amendment shall become effective upon issuance.

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

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

Done at Washington, D.C., this 3d day of September 1970.

F. J. MULHERN,
*Acting Administrator,*
*Agricultural Research Service.*

[F.R. Doc. 70–11914; Filed, Sept. 8, 1970; 8:51 a.m.]

[Docket 70–257]

## 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

[2] The backtag or eartag numbers should be included on the receiving document of the stockyard or establishment for all such cattle identified by backtags or eartags after arrival at such stockyard or establishment.

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, in subparagraph (e)(6) relating to the State of Missouri, a new subdivision (iii) relating to Scott County is added to read:

(6) *Missouri.* * * *

(iii) That portion of Scott County bounded by a line beginning at the junction of the Missouri Pacific Railroad and the North Cut Ditch; thence, following the North Cut Ditch in a generally southwesterly direction to the Glade Drain; thence, following the Glade Drain in a southwesterly direction to U.S. Highway 62; thence, following U.S. Highway 62 in a southwesterly direction to State Highway H; thence, following State Highway H in a northerly direction to State Highway HH; thence, following State Highway HH in a westerly direction to the St. Johns Ditch; thence, following the St. Johns Ditch in a northwesterly direction to State Highway U; thence, following State Highway U in an easterly and thence a southeasterly direction to State Highway H; thence, following State Highway H in a northeasterly direction to the Missouri Pacific Railroad; thence, following the Missouri Pacific Railroad in a southeasterly direction to its junction with the North Cut Ditch.

(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 amendment shall become effective upon issuance.

The amendment quarantines a portion of Scott County, Mo., because of the existence of hog cholera. This action is deemed necessary to prevent further spread of the disease. The restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will apply to the quarantined portion of such county.

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

Done at Washington, D.C., this 3d day of September 1970.

F. J. MULHERN,
*Acting Administrator,*
*Agricultural Research Service.*

[F.R. Doc. 70–11913; Filed, Sept. 8, 1970; 8:51 a.m.]

# Title 14—AERONAUTICS AND SPACE

## Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 70–WA–35]

### PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

#### Revocation of Reporting Point

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to revoke the Five Finger, Alaska, low altitude reporting point.

Due to a recent realignment of airways in Alaska, there is no further need for the Five Finger, Alaska, RBN reporting point. Action is taken herein to revoke it.

Since this amendment is minor in nature and relieves a burden on the public, notice and public procedure thereon are unnecessary, and good cause exists for making this amendment effective on less than 30 days notice.

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

In § 71.211 (35 F.R. 2305) Five Finger, Alaska, RBN is revoked.

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

Issued in Washington, D.C., on August 31, 1970.

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

[F.R. Doc. 70–11881; Filed, Sept. 8, 1970; 8:48 a.m.]

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[Airspace Docket No. 70–WE–66]

### PART 73—SPECIAL USE AIRSPACE

#### Alteration of Restricted Areas

The purpose of this amendment to Part 73 of the Federal Aviation Regulations is to change the using agency of the Indian Creek, Utah, Restricted Area R–6408, the Green River, Utah, Restricted Area R–6409, and the Blanding, Utah, Restricted Area R–6410. This change was requested by the Department of the Air Force.

Since this amendment is minor in nature and no substantive change in the regulation is effected, notice and public procedure thereon are unnecessary.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective upon publication in the FEDERAL REGISTER as hereinafter set forth.

In § 73.64 (35 F.R. 2350) the Indian Creek, Utah, Restricted Area R–6408, the Green River, Utah, Restricted Area R–6409 and the Blanding, Utah, Restricted Area R–6410 are amended by changing the using agency from "Commander, Air Force Missile Development Center, Holloman AFB, N. Mex.," to "Air Force Special Weapons Center, Kirtland, AFB, N. Mex."

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

Issued in Washington, D.C., on August 31, 1970.

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

[F.R. Doc. 70–11882; Filed, Sept. 8, 1970; 8:48 a.m.]

# Title 16—COMMERCIAL PRACTICES

## Chapter I—Federal Trade Commission

[Docket No. C–1751]

### PART 13—PROHIBITED TRADE PRACTICES

#### Beauti-Loom Carpet and Drapery Co., Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.71 *Financing:* 13.71–10 Truth in Lending Act;[1] § 13.73 *Formal regulatory and statutory requirements;* 13.73–92 Truth in Lending Act;[1] § 13.155 *Prices:* 13.155–95 Terms and conditions; 13.155–95(a) Truth in Lending Act.[1] Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852–75 Truth in Lending Act; 13.1852–75(a) Regulation Z.[1]

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 82 Stat. 146, 147; 15 U.S.C. 45, 1601–1605) [Cease and desist order, Beauti-Loom Carpet and Drapery Co., Inc., et al., Kansas City, Mo., Docket C–1751, June 23, 1970]

*In the Matter of Beauti-Loom Carpet and Drapery Co., Inc., a Corporation, and Alfred Nadler and Henry Nadler, Individually and as Officers of Said Corporation*

Consent order requiring a Kansas City, Mo., seller of carpets and draperies to cease misrepresenting its consumer credit arrangements by failing to state in terminology prescribed by § 226.8 of Regulation Z of the Truth in Lending Act the cash price of the article offered for sale, the downpayment required, the

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[1] New

number, amounts, and due dates of installment payments, the annual percentage rate of the finance charge, and the deferred payment charge.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

*It is ordered,* That respondents Beauti-Loom Carpet and Drapery Co., Inc., a corporation, and its officers, and Alfred Nadler and Henry Nadler, individually and as officers of said corporation, agents, representatives, and employees, directly or through any corporate or other device, in connection with any advertisement or consumer credit sale of carpets and/or draperies or any other merchandise or service, as "credit sale" is defined in Regulation Z (12 CFR 226) of the Truth in Lending Act (Public Law 90-321, U.S.C. 1601 et seq.), do forthwith cease and desist from:

1. Representing, directly or by implication, in any advertisement as "advertisement" is defined in Regulation Z, the amount of the downpayment required or that no downpayment is required, the amount of any installment payment, the dollar amount of any finance charge, the number of installments or the period of repayment, or that there is no charge for credit, unless all of the following items are stated in terminology prescribed under § 226.8 of Regulation Z:

(i) The cash price;

(ii) The amount of the downpayment required or that no downpayment is required, as applicable;

(iii) The number, amount, and due dates or period of payments scheduled to repay the indebtedness if the credit is extended;

(iv) The amount of the finance charge expressed as an annual percentage rate; and

(v) The deferred payment price.

2. Causing to be published any consumer credit advertisement without making all disclosures that are required by § 226.10 of Regulation Z, in the manner and form therein prescribed.

3. Failing to furnish to each consumer credit customer all of the applicable disclosures required by § 226.8 of Regulation Z, in the manner and form therein prescribed.

4. Failing to deliver a copy of this order to cease and desist to all present and future personnel of respondents engaged in any aspect of preparation, creation, and placing of advertising of any of respondents' goods or services.

*It is further ordered,* That respondents shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist contained herein.

*It is further ordered,* That respondents notify the Commission at least 30 days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

Issued: June 23, 1970.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 70-11845; Filed, Sept. 8, 1970; 8:45 a.m.]

[Docket No. C-1767]

## PART 13—PROHIBITED TRADE PRACTICES

### Eduardo P. Acap and IMP Philippine Shop

Subpart—Importing, selling, or transporting flammable wear: § 13.1060 *Importing, selling, or transporting flammable wear.* Subpart—Misbranding or mislabeling: § 13.1212 *Formal regulatory and statutory requirements:* 13.1212-80 Textile Fiber Products Identification Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852-70 Textile Fiber Products Identification Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 72 Stat. 1717, 67 Stat. 111, as amended; 15 U.S.C. 45, 70, 1191) [Cease and desist order, Eduardo P. Acap, San Francisco, Calif., Docket C-1767, July 14, 1970]

*In the Matter of Eduardo P. Acap, an Individual Formerly a Copartner in a Partnership Trading as IMP Philippine Shop*

Consent order requiring a San Francisco, Calif., importer of textile fiber products, including fabric and wearing apparel in the form of ladies' scarves, to cease and desist from marketing dangerously flammable fabrics and from misbranding textile fiber products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

*It is ordered,* That respondent Eduardo P. Acap, an individual formerly a copartner in a partnership trading as IMP Philippine Shop, and respondent's representatives, agents, and employees, directly or through any corporate or other device, do forthwith cease and desist from selling, offering for sale, in commerce, or importing into the United States, or introducing, delivering for introduction, transporting or causing to be transported in commerce any fabric, product or related material as "commerce," and "fabric," "product," and "related material" are defined in the Flammable Fabrics Act as amended, which fails to conform to an applicable standard or regulation continued in effect, issued or amended under the provisions of the aforesaid Act.

*It is further ordered,* That the respondent herein shall within ten (10) days after service upon him of this order, file with the Commission an interim special report in writing setting forth the respondent's intention as to compliance with this order. This interim special report shall also advise the Commission fully and specifically concerning the identity of the fabric, product or related material which gave rise to the complaint, (1) the amount of such fabric, product or related material in inventory, (2) any action taken to notify customers of the flammability of such fabric, product or related material and the results thereof and (3) any disposition of such fabric, product or related material since September 8, 1969. Such report shall further inform the Commission whether the respondent has in inventory any fabric, product or related material having a plain surface and made of silk, rayon and acetate, nylon and acetate, rayon or cotton or combinations thereof in a weight of 2 ounces or less per square yard or fabric with a raised fiber surface made of cotton or rayon or combinations thereof. Respondent will submit samples of any such fabric, product or related material with this report.

*It is further ordered,* That respondent Eduardo P. Acap, an individual formerly a copartner in a partnership trading as IMP Philippine Shop, and respondent's representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, delivery for introduction, sale, advertising, or offering for sale in commerce, or the importation into the United States of any textile fiber product; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, of any textile fiber product, which has been advertised or offered for sale in commerce; or in connection with the sale, offering for sale, advertising, delivery, transportation or causing to be transported, after shipment in commerce of any textile fiber product, whether in its original state or contained in other textile fiber products, as the terms "commerce" and "textile fiber product" are defined in the Textile Fiber Products Identification Act, do forthwith cease and desist from misbranding textile fiber products by failing to affix labels to such textile fiber products showing in a clear, legible and conspicuous manner each element of information required to be disclosed by section 4(b) of the Textile Fiber Products Identification Act.

*It is further ordered,* That the respondent herein shall, within sixty (60) days after service upon him of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which he has complied with this order.

Issued: July 14, 1970.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 70-11848; Filed, Sept. 8, 1970; 8:45 a.m.]

[Docket No. C-1777]

## PART 13—PROHIBITED TRADE PRACTICES

### American Chinchillas, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.50 *Dealer or seller assistance;* § 13.60 *Earnings and profits;* § 13.175 *Quality of product or service.* Subpart—Misrepresenting oneself and

goods—Goods: § 13.1608 *Dealer or seller assistance;* § 13.1615 *Earnings and profits;* § 13.1715 *Quality.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, American Chinchillas, Inc., et al., Tacoma, Wash., Docket C–1777, Aug. 7, 1970]

*In the Matter of American Chinchillas, Inc., a Corporation, and Henry E. Gummeringer and Evelyn Gummeringer, Individually and as Officers of Said Corporation*

Consent order requiring a Tacoma, Wash., distributor of chinchilla breeding stock to cease making exaggerated earning claims, misrepresenting the quality of its stock, and misrepresenting its services to its customers.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

*It is ordered,* That respondents American Chinchillas, Inc., a corporation, and its officers, and Henry E. Gummeringer and Evelyn Gummeringer, individually and as officers of said corporation, and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale or distribution of chinchilla breeding stock or any other products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

A. Representing, directly or by implication, that:

1. It is commercially feasible to breed or raise chinchillas in homes, basements, garages or other quarters or buildings unless in immediate conjunction therewith it is clearly and conspicuously disclosed that the represented quarters or buildings can only be adaptable to and suitable for the breeding and raising of chinchillas on a commercial basis if they have the requisite space, temperature, humidity, ventilation and other environmental conditions.

2. Breeding chinchillas as a commercially profitable enterprise can be achieved without previous knowledge or experience in the breeding, caring for and raising of such animals.

3. Chinchillas are hardy animals or are not susceptible to disease.

4. Purchasers of respondents' chinchilla breeding stock will receive top quality or any other grade or quality of chinchillas unless such purchasers receive animals of the represented grade or quality.

5. Each female chinchilla purchased from respondents and each female offspring will produce at least four live young per year.

The number of live offspring which will be produced per female chinchilla is any number or range of numbers; or representing, in any manner, the past number or range of numbers of live offspring produced per female chinchilla from respondents' breeding stock unless, in fact, the past number or range of numbers represented are those of a substantial number of purchasers and accurately reflect the number or range of numbers of live offspring produced per female chinchilla of these purchasers under circumstances similar to those of the purchaser to whom the representation is made.

7. Each female chinchilla purchased from respondents and each female offspring will produce successive litters of one to five live offspring at 111-day intervals.

8. The number of litters or sizes thereof which will be produced per female chinchilla is any number or range thereof; or representing, in any manner, the past number or range of numbers of litters or sizes produced per female chinchilla from respondents' breeding stock unless, in fact, the past number or range of numbers represented are those of a substantial number of purchasers and accurately reflect the number or range of numbers of litters or sizes thereof produced per female chinchilla of these purchasers under circumstances similar to those of the purchaser to whom the representation is made.

9. Pelts from the offispring of respondents' chinchilla breeding stock sell for an average price of $30 per pelt; or that pelts from the offspring of respondents' breeding stock generally sell from $25 to $60 each.

10. Chinchilla pelts which will be produced from respondents' breeding stock will sell for any price, average price, or range of prices; or representing, in any manner, the past price, average price or range of prices of pelts from chinchillas of respondents' breeding stock unless, in fact, the past price, average price or range of prices represented are those of a substantial number of purchasers and accurately reflect the price, average price or range of prices realized by these purchasers under circumstances similar to those of the purchaser to whom the representation is made.

11. A purchaser starting with three females and one male of respondents' breeding stock will have, from the sale of pelts, a net profit or earnings of $5,000 to $10,000 after the fifth year.

12. Purchasers of respondents' breeding stock will realize future earnings, profits or income in any amount or range of amounts; or representing, in any manner, the past earnings, profits or income of purchasers of respondents' breeding stock unless, in fact, the past earnings, profits or income represented are those of a substantial number of purchasers and accurately reflect the average earnings, profits or income of these purchasers under circumstances similar to those of the purchaser to whom the representation is made.

13. Chinchillas or chinchilla pelts are in great demand; or that purchasers of respondents' breeding stock can expect to be able to sell the offspring or the pelts of the offspring of respondents' chinchillas because said chinchillas or pelts are in great demand.

14. Respondents will buy all pelts of offspring of chinchillas purchased from them.

15. Respondents breed and develop their own chinchilla breeding stock or misrepresenting, in any manner, the origin or source of products sold by them.

16. The assistance or advice furnished to purchasers of respondents' chinchilla breeding stock by respondents will enable purchasers to successfully breed or raise chinchillas as a commercially profitable enterprise.

B.1. Misrepresenting, in any manner, the assistance, training, services or advice supplied by respondents to purchasers of their chinchilla breeding stock.

2. Misrepresenting, in any manner, the earnings or profits to purchasers, the quality or reproduction capacity of any chinchilla breeding stock.

C. Failing to deliver a copy of this order to cease and desist to all present and future salesmen and other persons engaged in the sale of the respondents' products or services and failing to secure from each such salesman or other person a signed statement acknowledging receipt of said order.

*It is further ordered,* That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

*It is further ordered,* That respondents notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

*It is further ordered,* That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

Issued: August 7, 1970.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 70–11857; Filed, Sept. 8, 1970; 8:46 a.m.]

[Docket No. 8813]

## PART 13—PROHIBITED TRADE PRACTICES

### Arlington Imports, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.15 *Business status, advantages, or connections:* 13.15–30 Connections or arrangements with others; § 13.95 *Identity of product;* § 13.140 *Old, reclaimed or reused product being new;* § 13.175 *Quality of product or service.* Subpart—Misrepresenting oneself and goods—Business status, advantages or connections: § 13.1395 *Connections and arrangements with others;* Misrepresenting onself and goods—Goods: § 13.1655 *Identity;* § 13.1695 *Old, secondhand, reclaimed or reconstructed as new;* § 13.1715 *Quality.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1880 *Old, used, or reclaimed as unused or new.* Subpart—Securing orders by

deception: § 13.2170 *Securing orders by deception.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Arlington Imports, Inc., et al., Washington, D.C., Docket No. 8813, July 31, 1970]

*In the Matter of Arlington Imports, Inc., a Corporation, Doing Business as Capital Imports, and Crystal Cars, Inc., a Corporation, and Dominick P. DeCantis, Individually and as an Officer of Each Said Corporation*

Consent order requiring a Washington, D.C., seller of new and used automobiles to cease selling used Volkswagens as new, failing to notify customers that a new odometer has been placed on a used automobile, and failing to disclose that the warranties on used cars are not those of the Volkswagen company.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

*It is ordered,* That respondents Arlington Imports, Inc., a corporation, and its officers, doing business as Capital Imports, or under any other name or names, and Crystal Cars, Inc., a corporation, and its officers, and Dominick P. DeCantis, individually and as an officer of each of said corporations, and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale or distribution of any used Volkswagen automobiles or other new and used automobiles, or any other product or service, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing directly or by implication, that respondents are an authorized Volkswagen dealer or are a franchised dealer of the Volkswagen factory; or misrepresenting, in any manner, respondents' trade or business connections, affiliations, associations or status.

2. Representing, directly or by implication, that respondents have in stock or sell any new or unused Volkswagen automobiles, or misrepresenting, in any manner, the types of vehicles which respondents stock or sell.

3. Advertising any used vehicle or group of used vehicles without clearly and conspicuously disclosing in any and all advertising thereof that the vehicle or vehicles are used.

4. Offering for sale, or selling any vehicle which has been used or reconditioned without clearly and conspicuously disclosing by decal or sticker attached thereto that the vehicle is used and the nature of reconditioning.

5. Failing orally to disclose to prospective customers prior to the showing of any vehicle to a prospective customer in which the odometer has been replaced that the mileage indicated thereon does not reflect the actual miles vehicles have been driven.

6. Offering for sale or selling any vehicle in which the odometer has been replaced without clearly and conspicuously disclosing by decal or sticker attached thereto that the mileage indicated on the vehicle does not reflect the actual miles the vehicles have been driven.

7. Failing to orally disclose prior to the time of sale, and in writing on any bill of sale or any other instrument of indebtedness, executed by a purchaser of respondents' agents, representatives, and clarity as is likely to be observed and read by such purchaser, that:

Warranties provided by respondents are not identical to warranties provided by authorized Volkswagen dealers and that service and repair of Volkswagens under said warranties will only be performed by respondents.

8. Representing, directly or by implication, that automobiles are warranted by respondents, unless the nature, conditions, and extent of the warranty, identity of the warrantor and the manner in which the warrantor will perform thereunder are clearly and conspicuously disclosed.

9. Representing, in any manner, the nature or extent of previous use of any vehicle offered for sale unless in each such instance respondents have on hand and maintain records which will establish the nature and extent of previous use of each such vehicle offered for sale.

10. Failing to disclose orally and in specific detail to its prospective customer, if a vehicle being offered for sale to that customer differs, in any of its components or in any other manner, from new and unused vehicles of the same make and year produced for sale in the domestic American market.

11. Offering for sale, or selling, any vehicle which differs in any of its components or in any other manner from new and unused vehicles of the same make and year produced for sale in the domestic American market, without clearly and conspicuously disclosing by decal or sticker attached thereto that there are such differences and itemizing them in detailed and specific terms.

*It is further ordered,* That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

*It is further ordered,* That respondents notify the Commission at least 30 days prior to any proposed change in the corporate respondent such as dissolution, assignment, or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may effect compliance obligations arising out of the order.

*It is further ordered,* That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

Issued: July 31, 1970.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 70-11859; Filed, Sept. 8, 1970; 8:46 a.m.]

[Docket No. C-1770]

## PART 13—PROHIBITED TRADE PRACTICES

### Chinchilla Associates of America, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.50 *Dealer or seller assistance;* § 13.60 *Earnings and profits;* § 13.70 *Fictitious or misleading guarantees;* § 13.71 *Financing;* § 13.175 *Quality of product or service.* Subpart—Misrepresenting oneself and goods—Goods: § 13.1608 *Dealer or seller assistance;* § 13.1615 *Earnings and profits;* § 13.1647 *Guarantees;* § 13.1715 *Quality.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Chinchilla Associates of America, Inc., et al., High Point, N.C., Docket C-1770, July 15, 1970]

*In the Matter of Chinchilla Associates of America, Inc., a Corporation, Also Doing Business as The House of Dizel, a Division of Said Corporation, and Roy Lee Morris, individually and as Officer of Said Corporation.*

Consent order requiring a High Point, N.C., distributor of chinchilla breeding stock and seller of chinchilla fur garments to cease and desist from making exaggerated earning claims, misrepresenting the quality of the stock, deceptively guaranteeing the fertility of the stock, and misrepresenting the financial and medical services available to purchasers.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

*It is ordered,* That respondents Chinchilla Associates of America, Inc., a corporation, and The House of Dizel, a division of said corporation, trading and doing business under any other name or names, and its officers, and Roy Lee Morris, individually and as an officer of said corporation, and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale or distribution of chinchilla breeding stock or any other products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

A. Representing directly or by implication that:

1. It is commercially feasible to breed or raise chinchillas in homes, basements, spare rooms, or garages, or other quarters or buildings, unless in immediate conjunction therewith it is clearly and conspicuously disclosed that the represented quarters or buildings can only be adaptable to and suitable for the breeding and raising of chinchillas on a commercial basis if they have the requisite space, temperature, humidity, ventilation and other environmental conditions.

2. Breeding chinchillas as a commercially profitable enterprise can be achieved without previous knowledge or experience in the breeding, caring for and raising of such animals.

3. Each female chinchilla purchased from respondents and each female offspring will usually litter successively several times annually producing one to five offspring per litter, or an average of four offspring annually.

4. The number of litters or sizes thereof produced per female chinchilla is any number or range thereof; or representing, in any manner, the past number or range of numbers of litters or sizes produced per female chinchilla of purchasers of respondents' breeding stock unless in fact the past number or range of numbers represented are those of a substantial number of purchasers and accurately reflect the number or range of numbers of litters or sizes thereof produced per female chinchilla of these purchasers under circumstances similar to those of the purchaser to whom the representation is made.

5. Offspring of respondents' chinchilla breeding stock sell for as much as $65 and will have pelts that sell for an average of $20 per pelt; or that pelts from the offspring of respondents' breeding stock generally sell from $5 to $65 each.

6. Chinchilla pelts from respondents' breeding stock will sell for any price, average price or range of prices; or representing, in any manner, the past price, average price or range of prices of purchasers of repsondents' breeding stock unless in fact the past price, average price or range of prices represented are those of a substantial number of purchasers and accurately reflect the price, average price or range of prices realized by these purchasers under circumstances similar to those of the purchaser to whom the representation is made.

7. A purchaser starting with five females and one male of respondents' chinchilla breeding stock will have a yearly income of $10,000 to $12,000 in the fourth year from the sale of their pelts.

8. Purchasers of respondents' chinchilla breeding stock will realize earnings, profits, or income in any amount or range of amounts; or representing, in any manner, the past earnings, profits, or income of purchasers of respondents' breeding stock unless in fact the past earnings, profits or income represented are those of a substantial number of purchasers and accurately reflect the average earnings, profits or income of those purchasers under circumstances similar to those of the purchaser to whom the representation is made.

9. Chinchilla breeding stock purchased from respondents is guaranteed or warranted without clearly and conspicuously disclosing the nature and extent of the guarantee, the manner in which the guarantor will perform thereunder and the identity of the guarantor.

10. Respondents' chinchillas are guaranteed unless respondents do in fact promptly fulfill all obligations and requirements set forth in or represented, directly or by implication, to be contained in any guarantee or warranty applicable to each and every chincilla.

11. Chinchillas or chinchilla pelts are in great demand; or that purchasers of respondents' breeding stock can expect to be able to sell the offspring of respondents' chinchillas because said chinchillas or pelts are in great demand.

12. Respondents will purchase all or any offspring raised by purchasers of respondents' chinchilla breeding stock for $40 per mixed pair of standard chinchillas or any other prices unless respondents do in fact purchase all of the offspring offered by said purchasers at the prices and on the terms and conditions represented.

13. The assistance or advice furnished to purchasers of respondents' chinchilla breeding stock by respondents will enable purchasers to successfully breed or raise chinchillas as a commercially profitable enterprise.

14. Respondents have a medical staff to assist purchasers of respondents' chinchilla breeding stock in the care and maintenance of said animals.

15. Bank financing for the purchase of respondents' chinchilla breeding stock is available because financial institutions recognize the great potential of the chinchilla business.

16. Purchasers of respondents' chinchilla breeding stock can, if dissatisfied, return said animals to respondents after 1 year for a complete refund from respondents.

17. Respondents will not reveal to prospective purchasers of respondents' chinchilla breeding stock the names of past purchasers of respondents' breeding stock because said chinchilla breeding stock is of such precious value that such a disclosure might cause the theft of the chinchilla breeding stock.

18. Respondents' chinchilla breeding stock is of top quality as rated by a worldwide fur-grading system.

19. Only a limited number of applicants are qualified to purchase respondents' chinchilla breeding stock.

20. Chinchillas are hardy animals or are not susceptible to ailments.

B. 1. Misrepresenting, in any manner, the assistance, training, services, or advice supplied by respondents to purchasers of their chinchilla breeding stock.

2. Misrepresenting, in any manner, the earnings or profits to purchasers or reproduction capacity of any chinchilla breeding stock.

C. 1. Purchasers of respondents' chinchilla breeding stock can obtain said animals for a down payment of $600.

2. Failing to make any of the disclosures required in the Truth in Lending Act (Public Law 90-321; 82 Stat. 146, et seq.) and the Act's implementing Regulation Z (12 CFR 226) in the manner and form prescribed therein.

D. Failing to deliver a copy of this order to cease and desist to all present and future salesmen and other persons engaged in the sale of respondents' products or services and failing to secure from each such salesman or other person a signed statement acknowledging receipt of said order.

*It is further ordered,* That the respondent corporation will forthwith distribute a copy of this order to each of its operating divisions.

*It is further ordered,* That respondents notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment, or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

*It is further ordered,* That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

Issued: July 15, 1970.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 70-11851; Filed, Sept. 8, 1970; 8:46 a.m.]

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[Docket No. C-1776]

## PART 13—PROHIBITED TRADE PRACTICES

### Evan-Picone, Inc.

Subpart—Discriminating in price under Sec. 2, Clayton Act—Payment for services or facilities for processing or sale under 2(d): § 13.825 *Allowances for services or facilities;* Discriminating in price under Sec. 2, Clayton Act—Furnishing services or facilities for processing, handling, etc. under 2(e): § 13.843 *Promotional enterprises;* § 13.845 *Share of advertising expenses.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 2, 49 Stat. 1526; 15 U.S.C. 13) [Cease and desist order, Evan-Picone, Inc., New York, N.Y., Docket C-1776, Aug. 3, 1970]

*In the Matter of Evan-Picone, Inc., a Corporation*

Consent order requiring a New York City manufacturer and distributor of women's dresses to cease discriminating among competing customers in paying promotional allowances and furnishing services or facilities.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

*It is ordered,* That the respondent Evan-Picone, Inc., a corporation, its officers, directors, agents, representatives, and employees, directly, indirectly, or through any corporate or other device, in or in connection with the sale of wearing apparel products in commerce, as "commerce" is defined in the Clayton Act, as amended, do forthwith cease and desist from:

1. Paying or contracting for the payment of anything of value to, or for the benefit of, any customer of the respondent as compensation for or in consideration of advertising or promotional services, or any other service or facility furnished by or through such customer in connection with the handling, sale, or offering for sale of respondent's products, unless such payment or consideration is made available on proportionally equal terms to all other customers, including customers who do not purchase

directly from respondent, who compete with such favored customer in the distribution or resale of such products.

2. Furnishing, contracting to furnish, or contributing to the furnishing of services or facilities in connection with the handling, processing, sale or offering for sale of respondent's products to any purchaser of such products bought for resale when such services or facilities are not accorded on proportionally equal terms to all other purchasers, including purchasers who do not purchase directly from respondent, who resell such products in competition with any purchaser who receives such services or facilities.

*It is further ordered,* That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with the provisions of the order set forth herein.

*It is further ordered,* That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

*It is further ordered,* That respondent notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment, or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

Issued: August 3, 1970.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 70-11856; Filed, Sept. 8, 1970; 8:46 a.m.]

[Docket No. C-1775]

## PART 13—PROHIBITED TRADE PRACTICES

### Imperial Builders Supply, Inc., and Max Lettween

Subpart—Advertising falsely or misleadingly: § 13.70 *Fictitious or misleading guarantees;* § 13.155 *Prices:* 13.155–100 Usual as reduced, special, etc.; § 13.157 *Prize contests;* § 13.170 *Qualities or properties of product or service:* 13.170–30 Durability or permanence. Subpart—Misrepresenting oneself and goods—Goods: § 13.1647 *Guarantees;* § 13.1705 *Prize contests;* § 13.1710 *Qualities or properties;* Misrepresenting oneself and goods—Prices: § 13.1825 *Usual as reduced or to be increased.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1882 *Prices.* Subpart—Using contest schemes unfairly: § 13.2270 *Using contest schemes unfairly:* 13.2270–50 Puzzle prize contests.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Imperial Builders Supply, Inc. et al., Des Moines, Iowa, Docket C-1775, July 31, 1970]

*In the Matter of Imperial Builders Supply, Inc., a Corporation, and Max Lettween, Individually and as an Officer of Said Corporation*

Consent order requiring a Des Moines, Iowa, seller of residential siding products to cease conducting misleading contests, making deceptive pricing, guarantee and quality claims, making token installations, and using other unfair tactics.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

*It is ordered,* That respondents Imperial Builders Supply, Inc., a corporation, and its officers, and Max Lettween, individually and as an officer of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale or distribution or installation of residential siding, or other home improvement products or services or any other products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, that names of contest winners are selected on the basis of merit when all of the names are not selected by merit; or, misrepresenting in any manner the method by which names are selected in any drawing or contest.

2. Representing, directly or by implication, that there are many other prizes in a contest, when, in fact, there are not; representing an alleged discount as a prize, when, in fact, it is offered to all contest entrants, or in any other manner representing that contest entrants have or may win a prize which has not been established by clearly defined, predetermined contest rules.

3. Representing, directly or by implication, that any price for respondents' products is a special or reduced price, unless such price constitutes a significant reduction from an established selling price at which such products have been sold in substantial quantities by respondents in the recent regular course of their business; or misrepresenting, in any manner, the savings available to purchasers.

4. Representing, directly or by implication, that respondents' products will never require repainting or repair; or misrepresenting, in any manner, the efficacy, durability, efficiency, composition, or quality of respondents' products.

5. Representing, directly or by implication, that respondents' products are everlasting or are made of indestructible materials.

6. Representing, directly or by implication, that storms, hail, fire or other elements will not damage respondents' products.

7. Representing, directly or by implication, that any of respondents' products are guaranteed, unless the nature and extent of the guarantee, the identity of the guarantor and the manner in which the guarantor will perform thereunder are clearly and conspicuously disclosed.

8. Failing to incorporate the following statement clearly and conspicuously on the face of all notes or other evidence of indebtedness executed by respondents' customers which, in the hands of any holder would not be subject to all defenses which would be available to the customer in an action by respondent:

NOTICE

Any holder of this instrument takes this instrument subject to all defenses of the maker hereof which would be available to said maker in any action arising out of the contract which gave rise to the execution of this instrument if such action had been brought by any party to said contract.

9. Failing within at least 3 days prior to any performance on any contract, to deliver to the customer a fully executed copy of the contract, together with a separate written statement, clearly and conspicuously advising the customer that there will be no performance on the contract for a designated period which shall in no case be less than 3 days after receipt by the customer of the aforesaid documents and that such customer may, during this designated period, elect to cancel the contract, without prejudice, by written notice to the other party.

10. Failing to deliver a copy of this order to cease and desist to all present and future salesmen or other persons engaged in the sale of respondents' products or services, and failing to secure from each such salesman or other person a signed statement acknowledging receipt of said order.

*It is further ordered,* That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

*It is further ordered,* That respondents notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

*It is further ordered,* That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: July 31, 1970.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 70-11855; Filed, Sept. 8, 1970; 8:46 a.m.]

[Docket No. C-1766]

## PART 13—PROHIBITED TRADE PRACTICES

### Malvia C. Putnam and Malvia Putnam Chenilles

Subpart—Importing, selling, or transporting flammable wear: § 13.1060 *Importing, selling, or transporting flammable wear.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 67 Stat. 111, as amended; 15 U.S.C. 45, 1191) [Cease and desist order, Malvia C. Putnam, Resaca, Ga., Docket C-1766, July 14, 1970]

*In the Matter of Malvia C. Putnam, an Individual Trading as Malvia Putnam Chenilles*

Consent order requiring a Resaca, Ga., manufacturer and distributor of wearing apparel, including chenille robes, to cease and desist importing, selling or transporting dangerously flammable wear.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

*It is ordered,* That respondent Malvia C. Putnam, individually and trading as Malvia Putnam Chenilles, or under any other name or names, and respondent's representatives, agents, and employees, directly or through any corporate or other device, do forthwith cease and desist from selling, offering for sale, in commerce, or importing into the United States, or introducing, delivering for introduction, transporting or causing to be transported in commerce, or selling, or delivering after sale or shipment in commerce, any product, fabric, or related material as "commerce," "product," "fabric," or "related material" are defined in the Flammable Fabrics Act, as amended, which fails to conform to any applicable standard or regulation continued in effect, issued or amended under the provisions of the aforesaid Act.

*It is further ordered,* That the respondent herein shall within ten (10) days after service upon her of this order, file with the Commission an interim special report in writing setting forth the respondent's intentions as to compliance with this order. This interim special report shall also advise the Commission fully and specifically concerning the identity of the product which gave rise to the complaint, (1) the amount of such product in inventory, (2) any action taken to notify customers of the flammability of such product and the results thereof and (3) any disposition of such product since August 18, 1969. Such report shall further inform the Commission whether respondent has in inventory any fabric, product or related material having a plain surface and made of silk, rayon, cotton, or combinations thereof, or acetate and nylon, in a weight of 2 ounces or less per square yard of fabric with a raised fiber surface made of cotton or rayon or combinations thereof. Respondent will submit samples of any such fabric, product or related material with this report. Samples of the fabric, product or related material shall be of not less than 1 square yard of material.

*It is further ordered,* That respondent herein shall, within sixty (60) days after service upon her of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which she has complied with this order.

Issued: July 14, 1970.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 70-11847; Filed, Sept. 8, 1970; 8:45 a.m.]

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[Docket No. C-1756]

## PART 13—PROHIBITED TRADE PRACTICES

### SCM Corp.

Subpart—Combining or conspiring: § 13.395 *To control marketing practices and conditions;* § 13.410 *To eliminate competition in conspirators' goods;* § 13.475 *To restrict competition in buying.* Subpart—Cutting off access to customers or market: § 13.535 *Contracts restricting customers' handling of competing products;* § 13.560 *Interfering with distributive outlets.* Subpart—Cutting off supplies or service: § 13.610 *Cutting off supplies or service;* § 13.625 *Organizing and controlling supply sources.* Subpart—Dealing on exclusive and tying basis: § 13.670 *Dealing on exclusive and typing basis:* 13.670-20 Federal Trade Commission Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, SCM Corp., New York, N.Y., Docket C-1756, June 29, 1970]

*In the Matter of SCM Corp., a Corporation*

Consent order requiring the SCM Corp., a manufacturer of office equipment, parts and supplies with headquarters in New York City, to cease cancelling rental agreements for electrostatic copying machines, refusing to lease these machines unless lessee agrees to purchase all supplies from SCM, conditioning sale or lease of machines on agreements to use only SCM electrostatic copying supplies, leasing its Model 55 machines under a plan in which SCM furnishes all supplies, refusing to sell repair parts, maladjusting or tampering with SCM copying machines when non-SCM supplies are used, and terminating dealer contracts when the dealer sold SCM's products oustide the territory specified in the contract.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

For purposes of this order, the following definitions shall apply:

(a) Supplies are products which are used in variable proportions in respondent's office copiers and include such items as paper and toner used with electrostatic copying machines.

(b) A lease will be distinguished from a rental agreement in the following manner: a lease involves as lessor a third party which is not a subsidiary or affiliate of respondent and a rental agreement involves as lessor respondent or a subsidiary or affiliate thereof;

(c) Reasonable price, reasonable lease basis or reasonable rental basis shall be determined with reference to criteria which shall include, but not be limited to, one or more of the following: Customer or market acceptance; comparability to similar copiers of other manufacturers freely sold, leased or rented; cost of manufacture and sale; and other market or competitive conditions.

I. *It is ordered,* That respondent, SCM Corp., a corporation, and its officers, agents, representatives, employees, successors, and assigns, directly or through any corporate or other device, in connection with the sale or distribution of office copiers and supplies in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Cancelling or threatening to cancel any lease or rental agreement for its office copiers because the lessee or rentor has purchased and/or used non-SCM supplies, except under the conditions set forth in paragraph 4 relating to the substantial impairment of the effective operation of respondent's copiers or repeated damage to such copiers;

2. Refusing to lease, rent or sell its office copiers unless the lessee, rentor or purchaser agrees to purchase SCM supplies; or leasing, renting or selling its copiers on the condition, agreement or understanding that the lessee, rentor or purchaser agrees to purchase SCM supplies; except that respondent may lease, rent or sell copiers on such condition, agreement or understanding if the separate availability requirements set forth in paragraph 3 are met;

3. Entering into, adhering to, or maintaining any contract or agreement in which the user pays a fee based on the usage of office copiers and receives therewith the copier, supplies and service (hereinafter termed "copy service"), unless at the time copy service is offered to any potential user there is also made available to such users or potential users similar copiers for sale at a reasonable price and unless such copiers are also made available to such users or potential users on a reasonable rental basis not including supplies if it is not available on a reasonable lease basis, with such users or potential users being informed of the availability of such copiers on such a reasonable rental basis if they are not available on a reasonable lease basis;

4. Terminating or threatening to terminate guarantees and/or service agreements made between respondent and purchasers of its office copiers who have contemplated purchasing or who have purchased non-SCM supplies; provided, however, if respondent can demonstrate that particular supplies of a manufacturer have substantially impaired the effective operation of its copiers or repeatedly damaged its copiers, respondent may then advise and announce to users of the particular supplies that continued use may damage or substantially impair the effective operation of its copiers and that the guarantees or service agreements will be forfeited. For a period of 5 years copies of all such advises or announcements must be sent to the Commission. In the event of any forfeiture

described in this paragraph, in those localities where respondent continues to perform service pursuant to guarantees or agreements with others, it will offer to provide service at its regular time and material rates.

5. Refusing to sell office copier repair parts, so long as such parts are made available to respondent's dealers, to owners of SCM copiers for use in their copiers or to independent repairmen who regularly engage in the repair, maintenance and service of SCM copiers;

6. Misrepresenting the effectiveness or quality of non-SCM supplies when respondent gives executive or supervisory approval to such misrepresentation or has knowledge or constructive knowledge of such misrepresentation;

7. Maladjusting or tampering with SCM office copiers for the purpose of demonstrating the ineffectiveness or poor quality of non-SCM supplies when respondent gives executive or supervisory approval to such maladjusting or tampering or has knowledge or constructive knowledge of such maladjusting or tampering;

II. *It is further ordered,* That respondent, SCM Corp., a corporation, and its officers, agents, representatives, employees, successors and assigns, directly or through any corporate or other device, in connection with the sale or distribution of office copiers and office typewriters in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Entering into, adhering to or maintaining any contract, combination or understanding with any dealer of office copiers or office typewriters to limit, allocate or restrict the territory in which, or the person or class of persons to whom, such dealer may sell such equipment, or to restrict the location of the dealer's place of business, or provide for an allocation of fees between such dealer and other dealers: *Provided,* That nothing in this order shall prohibit respondent from:

A. Designating geographical areas within which a dealer may agree to devote his best efforts to the sale of such equipment (hereafter "area of primary responsibility") as a condition of becoming a dealer or maintaining a dealership: *Provided,* That such dealers are told that said area is not exclusive and does not place a territorial restriction upon the sale of such equipment;

B. Requiring any dealer to undertake obligations of installation, guarantee and continuing service, maintenance and customer relations (hereinafter "sales-related services") in connection with the use of any such equipment sold, leased or rented in the dealer's area of primary responsibility or with respect to any equipment sold by the dealer to any person, as a condition of becoming a dealer or maintaining a dealership;

C. Suggesting to a dealer the amount of payment of fees for sales-related services, and providing a method therefor, where a dealer sells outside of his area of primary responsibility and such sales-related services must be performed by another dealer; or establishing such fees as a condition of becoming a dealer or maintaining a dealership when a dealer sells equipment for installation in a geographical area in which respondent performs such sales-related services or when respondent sells equipment for installation in a dealer's area of primary responsibility;

2. Canceling or terminating or threatening to cancel or terminate any dealer, or in any way penalizing any dealer, because of the person or classes of persons to whom such dealer sells, or the territory within which such dealer has sold or attempted to sell office copiers or office typewriters or the location of the dealer's place of business.

III. *It is further ordered,* That respondent shall, within sixty (60) days after service upon it of this order, serve upon all of its office copier and office typewriter dealers, a letter by certified mail, signed by a responsible official binding the respondent, and on official SCM Corp., Smith-Corona Marchant Division stationery, which shall include the following statement in its first paragraph: "The Federal Trade Commission has entered an order which, among other things, prohibits SCM Corp. from limiting, allocating or restricting the territory or the class of persons to whom our office copier or office typewriter dealers may sell, as more fully set forth in the relevant provisions of the order which are enclosed." The relevant provisions of this order which shall be enclosed in such letters to dealers are sections II and III thereof.

IV. *It is further ordered,* That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

V. *It is further ordered,* That respondent notify the Commission at least 30 days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

Issued: June 29, 1970.

By the Commission.[1]

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 70-11846; Filed, Sept. 8, 1970; 8:45 a.m.]

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[Docket No. C-1771]

## PART 13—PROHIBITED TRADE PRACTICES

### Standard Reference Library, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.15 *Business status, advantages, or connections:* 13.15-247 Publication services; § 13.155 *Prices:* 13.155-100 Usual as reduced, special, etc. Subpart—Coercing and intimidating: § 13.350 *Customers or prospective customers.* Subpart—Enforcing dealings or payments wrongfully: § 13.1045 *Enforcing dealings or payments wrongfully.* Subpart—Misrepresenting oneself and goods—Prices: § 13.1825 *Usual as reduced or to be increased.* Subpart—Securing orders by deception: § 13.2170 *Securing orders by deception.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies Sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Standard Reference Library, Inc., et al., New York, N.Y., Docket C-1771, July 17, 1970]

*In the Matter of Standard Reference Library, Inc., a Corporation, and Frank J. Keller, Individually and as an Officer of Said Corporation, and Mac Gache, Individually and as Former Officer of Standard Reference Works Publishing Co., Inc., a Corporation*

Consent order requiring a New York City publisher and distributor of various reference works by mail order to cease mailing reference volumes to persons who have failed to return their previously mailed rejection cards, deceptively pricing its books, and misrepresenting savings available to respondent's customers.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

*It is ordered,* That respondents Standard Reference Library, Inc., a corporation, and its officers, and Frank J. Keller, individually and as an officer of said corporation, and Mac Gache, individually and as former officer of Standard Reference Works Publishing Co., Inc., a corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale or distribution of books or other products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, that the failure of recipients of respondents' sales promotional material to return a rejection card or take any other affirmative action not previously authorized expressly and in writing by the recipients will constitute a request that respondents' merchandise be sent for examination.

2. Misrepresenting, directly or by implication, the legal obligation, if any, that exists between respondents and the mailees to whom respondents send their publications.

3. Suggesting, exhorting, intimidating, coercing or otherwise attempting to compel respondents' mailees to perform or to refrain from performing any act that such mailees are under no legal obligation to perform or forego.

4. Misrepresenting the demand for or the supply or availability of respondents' products.

5. Sending any communication to, or making any demands or requests of, any person that seeks to obtain payment for or the return of merchandise sent without a prior express written request by the recipient.

[1] Commissioner Elman not concurring.

6. Representing, directly or by implication, that any price is respondents' former or usual price for said products when such amount is in excess of the price at which such merchandise has been sold or openly and actively offered for sale in good faith by respondents for a reasonably substantial period of time in the recent and regular course of their business and unless respondents' business records which shall be preserved for 5 years establish that said amount is the price at which such merchandise has been sold or offered for sale in good faith by respondents for a reasonably substantial period of time in the recent, regular course of their business; or misrepresenting, in any manner, the price at which such merchandise has been sold or offered for sale by respondents.

7. Representing, directly or by implication, that any amount is the price charged in respondents' trade area for merchandise unless substantial sales of such merchandise are being made at that or a higher price by principal retail outlets in respondents' trade area and unless respondents have in good faith conducted a market survey or other study which establishes the validity of the trade area prices; or misrepresenting, in any manner, the price at which merchandise is sold in respondents' trade area.

8. Falsely representing that savings are available to purchasers or prospective purchasers of respondents' merchandise; or misrepresenting the savings or the amount of savings available to purchasers or prospective purchasers of respondents' merchandise.

*It is further ordered,* That respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

*It is further ordered,* That respondents notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

*It is further ordered,* That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: July 17, 1970.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 70-11852; Filed, Sept. 8, 1970; 8:46 a.m.]

[Docket No. C-1768]

## PART 13—PROHIBITED TRADE PRACTICES

### Success Motivation Institute, Inc. and Paul J. Meyer

Subpart—Advertising falsely or misleadingly: § 13.15 *Business status, advantages, or connections:* 13.15-255 Reputation, success, or standing; § 13.60 *Earnings and profits;* § 13.250 *Success, use or standing.* Subpart—Misrepresenting oneself and goods—Business status, advantages or connections: § 13.1540 *Reputation, success or standing;* Misrepresenting oneself and goods—Goods: § 13.1615 *Earnings and profits;* § 13.-1755 *Success, use, or standing.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Success Motivation Institute, Inc., et al., Waco, Tex., Docket C-1768, July 14, 1970]

*In the Matter of Success Motivation Institute, Inc., a Corporation, and Paul J. Meyer, Individually and as an Officer of Said Corporation*

Consent order requiring a Waco, Tex., seller of personal improvement courses consisting of printed matter and recordings to cease and desist misrepresenting that all franchises and distributors of respondents' products will have no difficulty in selling its products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

*It is ordered,* That respondents Success Motivation Institute, Inc., a corporation, and its officers, and Paul J. Meyer, individually, and as an officer of said corporation, and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale or sale of franchises, licenses or distributorships to sell personal improvement courses, books, phonograph records or any other product, or of the books, phonograph records, supplies or equipment for use in connection therewith in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Representing, directly or by implication, that

(a) No special ability or aptitude is required to become a successful franchisee or distributor of respondents' products; misrepresenting, in any manner, the experience, background, aptitudes or abilities required to become a successful franchisee or distributor of respondents' products.

(b) Franchisees or distributors will encounter no difficulty in selling respondents' products; misrepresenting, in any manner, the degree of effort required to sell respondents' products.

(c) Respondents' franchisees or distributors are uniformly successful and all enjoy substantial income; misrepresenting, in any manner, the degree of success or amount of income realized by repondents' franchisees or distributors.

(2) Using any deceptive scheme, device or plan to obtain leads to prospective franchisees or distributors or to induce persons to become franchisees or distributors.

(3) (a) Failing to determine in good faith, prior to having a prospective franchisee or distributor enter into an agreement to become a franchisee or distributor of respondents' products, through the evaluation of the personal history of the prospect and the administration of bona fide personality evaluation tests and within the error tolerances reasonably expected in the use of such predicative instruments, whether the prospect possesses the aptitude and abilities necessary to successfully sell respondents' products and to recruit other persons to sell respondents' products. (b) Failing to inform prospective franchisees or distributors of the results of such evaluation and testing reasonably in advance of the execution of the agreement to become a franchisee or distributor.

(4) Failing to furnish to prospective franchisees or distributors reasonably prior to such persons agreeing to become franchisees or distributors, a written tabulation or statistical summary showing, on an accumulative and comparative basis for each calendar year, beginning with the calendar year 1966, for each of the corporate respondents' operating divisions the following information:

(a) The median and mean gross sales to respondents' franchisees or distributors exclusive of initial inventories sold to new franchisees or distributors during the calendar year.

(b) The number of franchisees or distributors at the beginning of the calendar year, the number appointed during the year, the number terminated during the year, the number retained at the end of the year, and the length of time that those retained at the end of the year have been respondents' franchisees or distributors.

(c) The foregoing information shall be tabulated as a running 4-year analysis so that prospective franchisees or distributors will be furnished such information for the 4 calendar years immediately preceding the year in which the information is to be furnished, provided that, the information for the calendar year most recently completed prior to the year in which the information is to be furnished will be made available within 45 days of the close of that calendar year.

(5) Failing to deliver a copy of this order to cease and desist to all present and future salesmen or other persons engaged in the advertising and sale of franchises or distributorships to sell respondents' products, and failing to secure from each salesman or other person a signed statement acknowledging receipt of said order.

*It is further ordered,* That respondents notify the Commission at least 30 days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

*It is further ordered,* That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

*It is further ordered,* That the respondents herein shall within sixty (60) days after service upon them of this

order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: July 14, 1970.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 70-11849; Filed, Sept. 8, 1970; 8:45 a.m.]

[Docket No. C-1772]

## PART 13—PROHIBITED TRADE PRACTICES

### Talent Research Bureau, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.15 *Business status, advantages, or connections:* 13.15-125 Individual or private business being: 13.15-125(m) Educational or research institution; 13.15-225 Personnel or staff; § 13.60 *Earnings and profits;* § 13.115 *Jobs and employment service.* Subpart—Misrepresenting oneself and goods—Business status, advantages or connections: § 13.1450 *Individual or private business as educational, religious or research institution;* §13.1520 *Personnel or staff;* Misrepresenting oneself and goods—Goods: § 13.1615 *Earnings and profits;* § 13.1670 *Jobs and employment.* Subpart—Using misleading name—Vendor: § 13.2410 *Individual or private business being educational, religious or research institution or organization.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Talent Research Bureau, Inc., et al., Chicago, Ill., Docket C-1772, July 17, 1969]

*In the Matter of Talent Research Bureau, Inc., a Corporation, and Henry H. Bloomfield and Irwin M. Bloomfield, Individually and as Officers of Said Corporation*

Consent order requiring a Chicago, Ill., distributor of photographs and photographic services to cease misrepresenting its capability to promote modeling or acting careers for children.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

*It is ordered,* That respondents Talent Research Bureau, Inc., a corporation, and its officers, and Henry H. Bloomfield and Irwin M. Bloomfield, individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale, or distribution of photographs and photographic or other services in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using the name "Talent Research Bureau," or any name of similar import or meaning, to designate or refer to respondents' business; or otherwise representing in any manner that respondents operate a research organization engaged in promoting the modeling or acting careers of children or adults.

2. Representing, directly or by implication:

(a) That respondents receive information relative to this modeling or acting qualifications of particular children or that respondents' employment placement services are available only to talented children or only to children whose talent and qualifications assure prompt placement in modeling or acting jobs;

(b) That respondents employ, for the purpose of calling on prospective purchasers, professional talent scouts who are qualified to evaluate the modeling or acting qualifications of the children of such prospective purchasers;

(c) That respondents place a substantial number of children in modeling or acting jobs;

(d) That respondents have no difficulty in placing children in modeling or acting jobs or that placement of children in such jobs is in any way assured or guaranteed;

(e) That a model or actor featured in a particular advertisement, commercial, or other appearance has been placed through the efforts of respondents, when such is not the case;

(f) That respondents' employment placement services enable children to earn income or profits in any amount in excess of the amount usually and customarily earned by children enrolled in respondents' employment placement program;

(g) That respondents circulate or make available to a substantial number of employers of child talent the photographs, résumés, and professional talent evaluations of children enrolled in respondents' employment placement program.

3. Misrepresenting in any manner the nature or effectiveness of respondents' employment placement services.

*It is further ordered,* That respondents herein shall forthwith deliver a copy of this order to cease and desist to all present and future salesmen or other persons engaged in the sale of respondents' products or services and shall secure from each such salesman or other person a signed statement acknowledging receipt of a copy of this order.

*It is further ordered,* That respondent corporation notify the Commission at least thirty (30) days prior to any proposed change in its corporate structure such as dissolution, assignment, or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries, or any other change in the corporation which may affect compliance obligations arising out of this order.

*It is further ordered,* That respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form of their compliance with this order.

Issued: July 17, 1970.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 70-11853; Filed, Sept. 8, 1970; 8:46 a.m.]

[Docket No. C-1769]

## PART 13—PROHIBITED TRADE PRACTICES

### Weiman Co., Inc.

Subpart—Advertising falsely or misleadingly: § 13.30 *Composition of goods;* § 13.235 *Source or origin:* 13.235-60 Place: 13.235-60(a) Domestic products as imported. Subpart—Misrepresenting oneself and goods—Goods: § 13.1590 *Composition;* § 13.1745 *Source or origin:* 13.1745-70 Place: 13.1745-70 (a) Domestic products as imported. Subpart—Using misleading name—Goods: § 13.2280 *Composition;* § 13.2345 *Source or origin:* 13.2345-65 Place: 13.2345-65(a) Domestic product as imported.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Weiman Co., Inc., Chicago, Ill., Docket C-1769, July 15, 1970]

*In the Matter of Weiman Co., Inc., a Corporation*

Consent order requiring a Chicago, Ill., manufacturer of household furniture to cease and desist from describing the exposed surfaces of its furniture as solid "walnut," "fruitwood," or "mahogany" when in fact the wood is of veneered construction.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

*It is ordered,* That respondent Weiman Co., Inc., a corporation, and its officers, agents, representatives, and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale or distribution of household furniture, or other products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using the terms "Prima Vera", "Palisander" "fruitwood", "walnut" or "cherry" or any other wood name, or any other terms of similar import or meaning, to describe furniture not having all exposed surfaces constructed of solid wood of the type named: *Provided, however,* That wood names may be nondeceptively used to describe the type of wood use in wood veneer surfaces of furniture if clear and conspicuous disclosure is made in immediate conjunction with the wood name that it refers to the veneer composition, and: *Provided,* That when the described furniture also has exposed surfaces of solids or veneers of wood other than the type named, an additional clear and conspicuous disclosure is made in immediate conjunction with

the wood name (a) of the composition of the other exposed veneered and solid parts or, in the alternative, (b) of the exact locations of the name wood veneers.

2. Using the terms "Finish: Royal Court Fruitwood", "Finish: Provence Fruitwood", "Finishes * * * Fruitwood * * * Mahogany" and "Mahogany finish" or any other wood name, or any other terms of similar import or meaning to describe furniture not having all exposed surfaces constructed of solid wood of the type named: *Provided however,* That wood names may be nondeceptively used to describe the grain design, color of a stain finish or other type of simulated finish which has been applied to a surface composed of something other than solid wood of the type named if clear and conspicuous disclosure is made in immediate conjunction therewith that the wood name used is descriptive of the grain design, color or other simulated finish.

3. Using the term "foam" or "Foam" or any other terms of similar import or meaning to describe furniture stuffing or mattresses, or parts thereof, not composed of latex foam rubber: *Provided however,* That the word "foam" may be nondeceptively used to describe furniture stuffing or mattresses, or parts thereof, composed of foam of a composition other than latex rubber if clear and conspicuous disclosure is made in immediate conjunction therewith of the kind of foam used.

4. Using the brand name "Naugahyde" or any other name containing the word "hide" or simulations thereof to designate or describe said product, unless wherever used such name is accompanied by such disclosure of the general nature of the product or the coating used as will clearly show that the product is not leather.

5. Using the terms "Spanish", "Italian", "French", "Mediterranean" and "English" or other terms indicative of foreign origin as descriptive of furniture manufactured in the United States; unless in immediate conjunction therewith, it is clearly and conspicuously disclosed that such terms applied to the style of the furniture and not the country or region of its origin: *Provided, however,* That nothing in this paragraph shall prohibit respondent from using the terms "French Provincial", "Italian Provincial" and similar terms which have acquired a secondary meaning descriptive of the style of furniture and considered to be nondeceptive by the Commission's Guides for the Household Furniture Industry.

6. Using the terms "Solid mahogany", "crotch Mahogany", or "Mahogany" or any other word or term of similar import or meaning to describe furniture or its parts made of genus Khaya, also known as African Mahogany, or veneers thereof: *Provided, however,* That the word "mahogany" may be nondeceptively used if where such wood is referred to a clear and conspicuous disclosure is made in immediate conjunction therewith that such wood is genus Khaya, or African Mahogany, or by other terms not suggestive of solid genuine Mahogany ("Swietenia"), and provided further, that in each instance of the use of veneers of such wood, the veneered construction thereof was clearly and conspicuously disclosed in immediate conjunction therewith.

7. Using the terms "carvings," "delicate carvings," "bold carvings," "impressive carvings," "richly carved overlays," or "carved end panels" or any other terms of similar import or meaning to refer to or describe furniture parts not made by cutting or carving.

8. Advertising, displaying, offering for sale, selling, or placing in the hands of others for display or sales purposes any furniture having the appearance of being made of solid wood, but containing exposed surfaces of veneered construction, without clear and conspicuous disclosure of such veneered construction on such furniture, or on tags or labels attached thereto.

9. Advertising, displaying, offering for sale, selling, or placing in the hands of others for display or sales purposes any furniture having the appearance of being made of wood, but containing exposed surfaces composed in whole or in part of plastic, or other materials not possessing a natural wood growth structure, without clear and conspicuous disclosure that such exposed surfaces are made of plastic, or other materials simulating wood, or in the alternative, without clear and conspicuous disclosure that such exposed surfaces are not wood; such disclosures to be made (a) in all advertising and (b) on such furniture, or on a tag or label attached thereto.

10. Misrepresenting, in any manner, or by any means, directly or indirectly, the kind or nature of the wood or other materials used in the manufacture of furniture or any part thereof or misrepresenting in any manner the country of origin of respondent's products.

11. Furnishing to or otherwise placing in the hands of others any means or instrumentalities whereby prospective purchasers may be misled or deceived in the manner or as to the things prohibited by this order.

For the purposes of this order, exposed surfaces are those exposed to view when furniture is placed in the generally accepted position for use.

*It is further ordered,* That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

*It is further ordered,* That respondent notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

*It is further ordered,* That the respondent herein shall, within sixty (60) days after service upon it of this order file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

Issued: July 15, 1970.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 70-11850; Filed, Sept. 8, 1970; 8:45 a.m.]

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[Docket No. C-1778]

## PART 13—PROHIBITED TRADE PRACTICES

### Gerald White and Pilgrim Financial Service

Subpart—Enforcing dealings or payments wrongfully: § 13.1045 *Enforcing dealings or payments wrongfully.* Subpart—Misrepresenting oneself and goods—Business status, advantages or connections: § 13.1390 *Concealed subsidiary, fictitious collection agency, etc.;* § 13.1425 *Government connection.* Subpart—Securing information by subterfuge: § 13.2168 *Securing information by subterfuge.* Subpart—Using misleading name—Vendor: § 13.2365 *Concealed subsidiary, fictitious collection agency, etc.;* § 13.2380 *Government connection.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Gerald White et al., Lawrence, Mass., Docket C-1778, Aug. 11, 1970]

*In the Matter of Gerald White, an Individual Doing Business as Pilgrim Financial Service*

Consent order requiring a Lawrence, Mass., respondent engaged in the business of operating a collection agency to cease using various debt collection forms, using an envelope which has a Washington, D.C., return address, and representing that legal action will be taken against debtors.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

*It is ordered,* That respondent Gerald White, an individual doing business as Pilgrim Financial Service, or under any other name or names, and respondent's representatives, agents, and employees, directly or through any corporate or other device, in connection with the solicitation of accounts for collection or the collection of, or attempts to collect, alleged delinquent accounts or the obtaining of, or attempts to obtain, information concerning alleged delinquent debtors, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using any debt collection form or other material:

a. which appears to be, or simulates, an official or governmental form or document;

b. which bears the name "Payment Demand" or any other name which creates the false impression that a party other than respondent is attempting to collect an alleged debt;

c. which misrepresents or inaccurately states the rights of a creditor under State law to attach the real or personal property, income, wages, or other property of an alleged delinquent debtor.

d. which contains a statement of the rights of a creditor to attach after judgment the real or personal property, income, wages, or other property of an alleged delinquent debtor without disclosing that judgment may not be entered against the debtor unless he has first had an opportunity to appear and defend himself in a court of law; provided, however, that it shall be a defense hereunder for respondent to establish that a form containing a statement prohibited by this paragraph (d) is sent only to debtors against whom final judgments have been otbained.

2. Using any envelope for debt collection purposes:

a. which appears to be, or simulates, an official or governmental envelope;

b. which purports to come from a party other than respondent;

c. which contains a Washington, D.C., return address without disclosing in a prominent place, in clear language, and in type at least as large as the largest type used on said envelope, respondent's name and the fact that the enclosed forms do not come from the United States Government;

d. which contains the statement "The Form Enclosed Is Confidential No One Else May Open" or any statement of similar import.

3. Representing directly or by implication, that legal action will be instituted against an alleged delinquent debtor unless such legal action will in fact be instituted as represented if the debtor fails to make payment or otherwise settle his account.

4. Using any form, questionnaire, or other debt collection communication, whether written or oral, which does not clearly and conspicuously disclose that the purpose of such communication is to obtain information concerning an alleged delinquent debtor or to collect an alleged delinquent account.

*It is further ordered,* That respondent herein shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form of his compliance with this order.

Issued: August 11, 1970.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 70-11858; Filed, Sept. 8, 1970; 8:46 a.m.]

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[Docket No. C-17741]

## PART 13—PROHIBITED TRADE PRACTICES

### Zale Corp.

Subpart—Advertising falsely or misleadingly: § 13.70 *Fictitious or misleading guarantees;* § 13.155 *Prices:* 13.155-15 Comparative; 13.155-40 Exaggerated as regular and customary; 13.155-70 Percentage savings; 13.155-80 Retail as cost, wholesale, discounted, etc. Subpart—Misrepresenting oneself and goods—Goods: § 13.1647 *Guarantees;* Misrepresenting oneself and goods—Prices: § 13.1785 *Comparative;* § 13.1805 *Exaggerated as regular and customary;* § 13.1820 *Retail as cost, wholesale, etc., or discounted.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Zale Corp., Dallas, Tex., Docket C-1774, July 30, 1970]

*In the Matter of Zale Corp., a Corporation*

Consent order requiring a Dallas, Tex., retail jeweler operating through 439 retail outlets and 110 additional outlets under other trade names to cease using deceptive pricing practices, savings, claims, and false guarantees.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

*It is ordered,* That respondent Zale Corp., a corporation, and its officers, and its subsidiaries and their officers, and respondent's representatives, agents, and employees, directly or through any corporate or other device, in connection with the advertising offering for sale, sale, or distribution of watches, jewelry, diamonds or other merchandise, in commerce, as "commerce" is defined in the Federal Trade Commission Act, by and through its retail jewelry outlets operated under the trade name "Zales" or any other trade name, do forthwith cease and desist from:

1. Using the terms "was" or "Regular", or any other word, words or representations of similar import or meaning, to refer to any price amount which is in excess of the price at which such merchandise has been sold or offered for sale in good faith by respondent in the trade area or areas where the representation is made for a reasonably substantial period of time in the recent, regular course of its business; or otherwise misrepresenting the former price at which such merchandise has been sold or offered for sale by respondent.

2. Using the terms "Factory List", "Mfg. List" or "NOT * * * AT ZALES * * *", or any other word, words or representations of similar import or meaning, to refer to any amount which is appreciably in excess of the highest price at which substantial sales of such merchandise have been made in the recent, regular course of business in the trade area where such representations are made; or otherwise misrepresenting the price at which such merchandise has been sold in the trade area where such representations are made.

3. Using the terms "Save 20 percent", "Save 25 percent", or "From 20 percent to 33 percent off", or any other word or words stating or implying reductions in price unless such reductions apply to each article of the particular class of merchandise represented to be offered for sale at the advertised reductions.

4. (a) Representing, in any manner, that purchasers or prospective purchasers of said merchandise will be afforded savings amounting to the difference between respondent's stated price and respondent's former price unless such merchandise has been sold or offered for sale in good faith at the former price by respondent for a reasonably substantial period of time in the recent, regular course of its business.

(b) Representing, in any manner, that purchasers or prospective purchasers of said merchandise will be afforded savings amounting to the difference between respondent's stated price and a compared price for said merchandise in respondent's trade area unless a substantial number of the principal retail outlets in the trade area regularly sell said merchandise at the compared price or some higher price.

(c) Representing, in any manner, that purchasers or prospective purchasers of said merchandise will be afforded savings amounting to the difference between respondent's stated price and a compared value price for comparable merchandise in respondent's trade area, unless substantial sales of merchandise of like grade and quality are being made in the trade area at the compared price or a higher price and unless respondent has in good faith conducted a market survey or obtained a similar representative sample of prices in its trade area which establishes the validity of said compared price and it is clearly and conspicuously disclosed in immediate conjunction with any such representation that the comparison is with merchandise of like grade and quality.

5. Misrepresenting, in any manner, the amount of savings available to purchasers or prospective purchasers of respondent's merchandise at retail.

6. Failing to maintain adequate records (a) which disclose the facts upon which any savings claims, including former pricing claims and comparative value claims, and similar representations of the type described in paragraphs 1-5 of this order are based, and (b) from which the validity of any savings claims, including former pricing claims and comparative value claims, and similar representations of the type described in paragraphs 1-5 of this order can be determined.

7. Representing in advertising or promotional material or using tickets, tags, or labels stating that any price amount is or has been established or suggested as the retail selling price by the manufacturer or distributor for an article of merchandise unless the stated price has been in fact so established for the identical article to which respondent represents it to be applicable.

8. Representing, directly or by implication, that watches, the movements of which have been removed from their original case and placed in a different case, are guaranteed unless the identity of the guarantor, the nature and extent of the guarantee and the manner in which the guarantor will perform thereunder are clearly and conspicuously

disclosed in immediate conjunction with any such representation.

*Provided, however,* That with respect to respondent's retail jewelry outlets in department and discount stores operated under agreements with the store operators, this order shall not take effect for a period of 1 year from the date upon which the Commission issues its decision containing this order to cease and desist.

*It is further ordered,* That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions, subsidiaries, or affiliated corporations and their respective divisions.

*It is further ordered,* That respondent notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

*It is further ordered,* That the respondent herein shall, within sixty (60) days after service upon it of this order file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

*It is further ordered,* That the respondent shall file with the Commission a second report in writing setting forth in detail the manner and form in which it has complied with this order 1 year from the date upon which the Commission issues its decision containing this order to cease and desist.

Issued: July 30, 1970.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 70-11854; Filed, Sept. 8, 1970; 8:46 a.m.]

# Title 21—FOOD AND DRUGS

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

## PART 121—FOOD ADDITIVES

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

ACRYLAMIDE-ACRYLIC ACID RESIN

The Commissioner of Food and Drugs, having evaluated the data in a petition (3414V) filed by Stein, Hall & Co., Inc., 605 Third Avenue, New York, N.Y. 10016, and other relevant material, concludes that the food additive regulations should be amended to provide for the safe use of acrylamide-acrylic acid resin as a suspending agent in nonmedicated aqueous suspensions of premixes to be added in the manufacture of mixed animal feeds.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 121 is amended by adding the following new section:

**§ 121.288 Acrylamide-acrylic acid resin.**

Acrylamide-acrylic acid resin (hydrolized polyacrylamide), only for the purposes of this section as described below, may be safely used in accordance with the following prescribed conditions:

(a) The additive is produced by polymerization of acrylamide with partial hydrolysis, or by copolymerization of acrylamide and acrylic acid with the greater part of the polymer being composed of acrylamide units.

(b) The additive meets the following specifications:

(1) Molecular Weight range: 3 to 6 million.

(2) Viscosity range: 3,000 to 6,000 centipoises at 77° F. in a 1 percent aqueous solution as determined by LVF Brookfield Viscometer or equivalent using a number 6 spindle at 20 r.p.m.

(3) Residual acrylamide: Not more than 0.05 percent.

(c) It is used as a thickener and suspending agent in nonmedicated aqueous suspensions intended for addition to animal feeds.

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

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

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

Dated: August 28, 1970.

SAM D. FINE, *Associate Commissioner for Compliance.*

[F.R. Doc. 70-11870; Filed, Sept. 8, 1970; 8:47 a.m.]

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SUBCHAPTER C—DRUGS

## PART 135a—NEW ANIMAL DRUGS FOR OPHTHALMIC AND TOPICAL USE

### Kanamycin Ophthalmic Ointment and Solution

The Commissioner of Food and Drugs has evaluated new animal drug applications (42-661, 42-883V) filed by Bristol Laboratories, Division of Bristol-Myers Co., Post Office Box 657, Syracuse, N.Y. 13201, proposing the safe and effective use of kanamycin ophthalmic ointment and kanamycin ophthalmic solution in the treatment of certain eye infections in dogs. The applications are approved.

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

**§ 135a.5 Kanamycin ophthalmic ointment.**

(a) *Specifications.* (1) The kanamycin used conforms to the standards of identity, strength, quality, and purity prescribed by § 148.1 of this chapter. (2) The drug, which is in a suitable and harmless ointment base, contains 3.5 milligrams of kanamycin activity (as the sulfate) per gram of ointment.

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

(c) *Conditions of use.* It is indicated for use in dogs in various eye infections due to kanamycin sensitive bacteria. It is used in treating conditions such as conjunctivitis, blepharitis, dacryocystitis, keratitis, and corneal ulcerations and as a prophylactic in traumatic conditions, removal of foreign bodies, and intraocular surgery. Apply a thin film to the affected eye three or four times daily or more frequently if deemed advisable. Treatment should be continued for at least 48 hours after the eye appears normal. For use only by or on the order of a licensed veterinarian.

**§ 135a.6 Kanamycin ophthalmic aqueous solution.**

(a) *Specifications.* (1) The kanamycin used conforms to the standards of identity, strength, quality, and purity prescribed by § 148h.1 of this chapter. (2) The drug, which is in an aqueous solution including suitable and harmless preservatives and buffer substances, contains 10.0 milligrams of kanamycin activity (as the sulfate) per cubic centimeter of solution.

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

(c) *Conditions of use.* It is indicated for use in dogs in various eye infections due to kanamycin sensitive bacteria. It is used in treating conditions such as conjunctivitis, blepharitis, dacryocystitis, keratitis, and corneal ulcerations and as a prophylactic in traumatic conditions, removal of foreign bodies, and intraocular surgery. Instill a few drops into the affected eye every 3 hours or more frequently if deemed advisable. Administer as frequently as possible for the first 48 hours, after which the frequency of applications may be decreased. Treatment should be continued for at least 48 hours after the eye appears normal. For use only by or on the order of a licensed veterinarian.

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

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

Dated: August 28, 1970.

SAM D. FINE,
*Associate Commissioner for Compliance.*

[F.R. Doc. 70-11869; Filed, Sept. 8, 1970; 8:47 a.m.]

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

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

### 2-Acetylamino-5-Nitrothiazole

The Commissioner of Food and Drugs has evaluated a new animal drug application (9-424V) filed by American Cyanamid Co., Post Office Box 400, Princeton, N.J. 08540, proposing the safe and effective use of 2-acetylamino-5-nitrothiazole in turkey feed for certain indications. The application is approved. Based upon an evaluation of the data before him, the Commissioner concludes that a tolerance is required to assure that edible tissues of turkeys treated with 2-acetylamino-5-nitrothiazole are safe for human consumption.

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

**§ 135e.52 2-Acetylamino-5-nitrothiazole.**

(a) *Specifications.* Assay of not less than 96 percent by ultraviolet spectrophotometry.

(b) *Approvals.* (1) Premix 10 percent granted to American Cyanamid Co., Post Office Box 400, Princeton, N.J. 08540.

(c) *Related tolerances in edible products.* See § 135g.71.

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

| | Grams per ton | Limitations | Indications for use |
|---|---|---|---|
| 1. 2-Acetylamino-5-nitrothiazole. | 136.2 (0.015%) | For turkeys; administer continuously starting 1 to 2 weeks before outbreaks usually occur; discontinue use 7 days before slaughter; use eggs from medicated birds for hatching purposes only. | Aid in prevention of blackhead (histomoniasis). |
| 2. 2-Acetylamino-5-nitrothiazole. | 454 (0.05%) | For turkeys; administer for 2 weeks at first signs of outbreaks; discontinue use 7 days before slaughter; use eggs from medicated birds for hatching purposes only. | Aid in control of blackhead (histomoniasis). |

**§ 135g.71 2-Acetylamino-5-nitrothiazole.**

A tolerance of 0.1 part per million is established for negligible residues of 2-acetylamino-5-nitrothiazole in the edible tissues of turkeys.

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

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

Dated: August 31, 1970.

SAM D. FINE,
*Associate Commissioner for Compliance.*

[F.R. Doc. 70-11872; Filed, Sept. 8, 1970; 8:48 a.m.]

## PART 148q—GENTAMICIN

### Nonsterile Gentamicin Sulfate and Gentamicin Sulfate Ophthalmic Solution

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357) and under authority delegated to the Commissioner (21 CFR 2.120), the following two new sections are added to Part 148q to provide for certification of the subject antibiotic drugs:

**§ 148q.1a Nonsterile gentamicin sulfate.**

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* Gentamicin sulfate is the sulfate salt of a kind of gentamicin or a mixture of two or more such salts. It is a powder, white to buff in color. It is readily soluble in water but insoluble in ethanol. It is so purified and dried that:

(i) Its potency is not less than 590 micrograms of gentamicin per milligram on an anhydrous basis.

(ii) It passes the safety test.

(iii) Its loss on drying is not more than 18.0 percent.

(iv) Its pH in an aqueous solution containing 40 milligrams per milliliter is not less than 3.5 and not more than 5.5.

(v) Its specific rotation in an aqueous solution containing 10 milligrams per milliliter at 25° C. is not less than +107° and not more than +121°.

(vi) Its content of gentamicin $C_1$ is not less than 25 or more than 50 percent; of gentamicin $C_{1a}$, not less than 15 nor more than 40 percent; and of gentamicin $C_2$, not less than 20 nor more than 50 percent.

(vii) It gives a positive identity test for gentamicin sulfate.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 148.3(b) of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 146.2 of this chapter, each such request shall contain:

(i) Results of tests and assays on the batch for potency, safety, loss on drying, pH, specific rotation, content of gentamicins $C_1$, $C_{1a}$, and $C_2$, and identity.

(ii) *Samples required.* 10 packages, each containing approximately 500 milligrams.

(b) *Tests and methods of assay—*(1) *Potency.* Proceed as directed in § 141.110 of this chapter, preparing the sample for assay as follows: Dissolve an accurately weighed sample in sufficient 0.1*M* potassium phosphate buffer, pH 8.0 (solution 3), to give a stock solution of convenient concentration. Further dilute the stock solution with solution 3 to the reference concentration of 0.1 microgram of gentamicin per milliliter (estimated).

(2) *Safety.* Proceed as directed in § 141.5 of this chapter.

(3) *Loss on drying.* Proceed as directed in § 141.501(c) of this chapter.

(4) *pH.* Proceed as directed in § 141.503 of this chapter, using an aqueous solution containing 40 milligrams of gentamicin per milliliter.

(5) *Specific rotation.* Accurately weigh the sample to be tested in a volumetric flask and dilute with sufficient distilled water to give a solution containing approximately 10 milligrams per milliliter. Proceed as directed in § 141.520 of this chapter, using a 1.0 decimeter polarimeter tube and calculate the specific rotation on an anhydrous basis.

(6) *Content of gentamicins $C_1$, $C_{1a}$, and $C_2$.* Proceed as directed in § 148q.1(b)(8).

(7) *Identity.* Proceed as directed in § 141.521 of this chapter, using a 0.5 percent mixture of the sample in a potassium bromide disc prepared as described in paragraph (b)(1) of that section.

**§ 148q.5 Gentamicin sulfate ophthalmic solution.**

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* Gentamicin sulfate ophthalmic solution contains in each milliliter the equivalent of 3.0 milligrams of gentamicin and suitable buffers and preservatives. Its potency is satisfactory if it is not less than 90 and not more than 135 percent of the number of milligrams of gentamicin it is represented to contain. It is sterile. Its pH is not less than 6.5 nor more than 7.5. The gentamicin sulfate conforms to the standards prescribed by § 148q.1a(a)(1).

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 148.3 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 146.2 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The gentamicin sulfate used in making the batch for potency, safety, loss on drying, pH, specific rotation, content of gentamicins $C_1$, $C_{1a}$, and $C_2$, and identity.

(*b*) The batch for potency, sterility, and pH.

(ii) Samples required:

(*a*) The gentamicin sulfate used in making the batch: 10 packages, each containing not less than 500 milligrams.

(*b*) The batch:

(*1*) For all tests except sterility: A minimum of five immediate containers.

(*2*) For sterility testing: 20 immediate containers, collected at regular intervals throughout each filling operation.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 141.110 of this chapter, preparing the sample for assay as follows: Dilute an accurately measured aliquot with 0.1*M* potassium phosphate buffer, pH 8.0 (solution 3), to the reference concentration of 0.1 microgram of gentamicin per milliliter (estimated).

(2) *Sterility.* Proceed as directed in § 141.2 of this chapter, using the method described in paragraph (e)(1) of that section.

(3) *pH.* Proceed as directed in § 141.503 of this chapter, using the undiluted sample.

Data supplied by the manufacturer concerning the subject antibiotic drugs have been evaluated. Since the conditions prerequisite to providing for certification of these drugs have been complied with and since it is in the public interest not to delay in so providing, notice and public procedure and delayed effective date are not prerequisites to this promulgation.

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

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

Dated: August 28, 1970.

SAM D. FINE,
*Associate Commissioner for Compliance.*

[F.R. Doc. 70-11871; Filed, Sept. 8, 1970; 8:47 a.m.]

# Title 24—HOUSING AND HOUSING CREDIT

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

### SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

### PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

### List of Designated Areas

Section 1914.4 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

**§ 1914.4 List of designated areas.**

* * * * * * *

| State | County | Location | Map No. | State map repository | Local map repository | Effective date of authorization of sale of flood insurance for area |
|---|---|---|---|---|---|---|
| * * * | * * * | * * * | * * * | * * * | * * * | * * * |
| Alabama | Mobile | Mobile | E 01 097 2100 01 through E 01 097 2100 07 | Alabama Development Office, State Office Bldg., Montgomery, Ala. 36104. Alabama Insurance Department, Room 453, Administrative Bldg., Montgomery, Ala. 36104. | Office of the City Clerk, City Hall, Post Office Box 1827, Mobile, Ala. 36601. | Sept. 11, 1970. |
| Alaska | | Skagway | E 02 000 2370 01 | Local Affairs Agency, Office of the Governor, Juneau, Alaska 99801. Alaska Insurance Department, Room 416, Goldstein Bldg., Pouch D, Juneau, Alaska 99801. | Office of the City Clerk, City Hall, Skagway, Alaska 99840. | Do. |
| California | Los Angeles | La Puente | E 06 037 1845 01 E 06 037 1845 02 | Department of Water Resources, Post Office Box 388, Sacramento, Calif. 95802. California Insurance Department, 1407 Market St., San Francisco, Calif. 94103. California Insurance Department, 107 South Broadway, Los Angeles, Calif. 90012. | Office of the City Clerk, City Hall, 15900 East Main St., La Puente, Calif. 91744. | Do. |
| Florida | Gulf | Port St. Joe | E 12 045 2600 01 E 12 045 2600 02 E 12 045 2600 03 | Department of Community Affairs, 309 Office Plaza, State Capitol, Tallahassee, Fla. 32301. State of Florida Insurance Department, Treasurer's Office, State Capitol, Tallahassee, Fla. 32303. | Office of the City Clerk, Port St. Joe, Fla. 32456. | Do. |
| Do | Palm Beach | Highland Beach | E 12 099 1350 01 E 12 099 1350 02 | do | Town of Highland Beach, 3612 South Ocean Blvd., Delray Beach, Fla. 33444. | Do. |
| Do | Pinellas | Oldsmar | E 12 103 2310 01 through E 12 103 2310 05 | do | Office of the Mayor, Oldsmar, Fla. 33557. | Do. |
| Do | Volusia | Daytona Beach | E 12 127 0780 01 through E 12 127 0780 04 | do | Office of the City Manager, Post Office Box 551, Daytona Beach, Fla. 32015. | Do. |
| Louisiana | East Baton Rouge. | Baker | E 22 033 0100 01 | State Department of Public Works, Post Office Box 44155, Capitol Station, Baton Rouge, La. 70804. Louisiana Insurance Department, Box 4214, Capitol Station, Baton Rouge, La. 70804. | Office of the City Clerk, City Hall, Post Office Box 308, Baker, La. 70714. | Do. |
| Do | Lafourche | Golden Meadow | E 22 057 0850 01 | do | Mayor's Office, 313 North Bayou Dr., Golden Meadow, La. 70357. | Do. |
| Mississippi | Hancock | Unincorporated areas—Southern part. | I 28 045 0000 05 I 28 045 0000 06 I 28 045 0000 07 | State of Mississippi Governor's Emergency Council, 429 Mississippi St., Room 409, Jackson, Miss. 39205. Mississippi Research and Development Center, Information Services Division, Post Office Drawer 2470, Jackson, Miss. 39205. Mississippi Insurance Department, 910 Woolfolk Bldg., Jackson, Miss. 39205. | Office of the Chancery Clerk, Hancock County Courthouse, Bay St. Louis, Miss. 39520. | Do. |
| Do | do | Bay St. Louis | I 28 045 0130 02 | do | City Hall, South Second St., Bay St. Louis, Miss. 39520. | Do. |
| Do | do | Waveland | I 28 045 2740 02 | do | Office of the Town Clerk, Town Hall, Waveland, Miss. 39576. | Do. |
| Do | Harrison | Biloxi | I 28 047 0230 03 I 28 047 0230 04 | do | Office of the Building Official, City Hall, 216 Lamuse St., Biloxi, Miss. 39530. | Do. |
| Do | do | Gulfport | I 28 047 1020 03 I 28 047 1020 04 | do | Office of the City Clerk, City Hall, Post Office Box 1780, Gulfport, Miss. 39501. | Do. |
| Do | do | Long Beach | I 28 047 1380 02 | do | Office of the City Clerk, City Hall, Long Beach, Miss. 39560. | Do. |
| Do | do | Pass Christian | I 28 047 1910 02 | do | Temporary City Hall, 111 Heirn Ave., Pass Christian, Miss. 39571. | Do. |

| State | County | Location | Map No. | State map repository | Local map repository | Effective date of authorization of sale of flood insurance for area |
|---|---|---|---|---|---|---|
| Mississippi | Jackson | Moss Point | E 28 059 1680 01 et seq. | State of Mississippi Governor's Emergency Council, 429 Mississippi St., Room 409, Jackson, Miss. 39205. Mississippi Research and Development Center, Information Services Division, Post Office Drawer 2470, Jackson, Miss. 39205. Mississippi Insurance Department, 910 Woolfolk Bldg., Jackson, Miss. 39205. | Office of the Building Inspector, Denny and Harris Sts., Moss Point, Miss. 39563. | Sept. 11, 1970. |
| New Jersey | Cape May | West Wildwood | E 34 009 3630 01 | Department of Conservation and Economic Development, Box 1390, Trenton, N.J. 07707. Department of Banking and Insurance, State House Annex, Trenton, N.J. 08625. | Borough of West Wildwood, 701 West Glenwood Ave., West Wildwood, N.J. 08260. | Do. |
| Do | Ocean | Lavellette | E 34 029 1630 01<br>E 34 029 1630 02 | do | Borough Hall, Lavellette, N.J. 08735. | Do. |
| New York | Suffolk | Asharoken | E 36 103 0280 01<br>E 36 103 0280 02 | New York State Department of Conservation, State Campus, Albany, N.Y. 12226. New York Insurance Department, 123 William St., New York, N.Y. 10038. | Office of the Village Clerk, 545 Asharoken, Ave., Northport, N.Y. 11768. | Do. |
| Rhode Island | Newport | Middletown | E 44 005 0135 01<br>E 44 005 0135 02 | Rhode Island Statewide Planning Program, Room 123-A, The State House, Providence, R.I. 02903. Rhode Island Insurance Department, Room 418, 49 Westminster St., Providence, R.I. 02903. | Town Hall, 350 East Main Rd., Middletown, R.I. 02840. | Do. |
| Do | do | Warren | E 44 005 0225 01<br>E 44 005 0225 02 | do | Office of the Town Clerk, Town Hall, Main St., Warren, R.I. 02885. | Do. |
| Do | Providence | Cranston | E 44 007 0050 01 through E 44 007 0050 07 | do | City Planning Commission Office, Room 311, City Hall, 829 Park Ave., Cranston, R.I. 02910. | Do. |
| Do | do | Providence | E 44 007 0190 01<br>E 44 007 0190 02 | do | Graphics Section, Department of Planning and Urban Development, 410 Howard Bldg., 10 Dorrance St., Providence, R.I. 02903. | Do. |
| Do | Washington | South Kingstown | E 44 009 0205 01 through E 44 009 0205 04 | do | Town Hall, 66 High St., Wakefield, R.I. 02879. | Do. |
| South Carolina | Charleston | Folly Beach | E 45 019 0875 01 | South Carolina Water Resources Planning and Coordinating Committee, 1411 Barnwell St., Columbia, S.C. 29201. South Carolina Insurance Department, Federal Land Bank Bldg., 1401 Hampton St., Columbia, S.C. 29201. | Office of the Building Official, 17 Center St., Folly Beach, S.C. 29439. | Do. |
| Texas | Harris | Shoreacres | E 48 201 6370 01<br>E 48 201 6370 02 | Texas Water Development Board, Post Office Box 12386, Capitol Station, Austin, Tex. 78701. Texas Insurance Board, 1110 San Jacinto St., Austin, Tex. 78701. | Office of the Mayor, City Hall, 619 Shoreacres Blvd., La Porte, Tex. 77571. | Do. |
| Virginia | | Virginia Beach | E 51 810 2540 01 through E 51 810 2540 29 | Department of Conservation and Economic Development, Division of Water Resources, 911 East Broad St., Richmond, Va. 23219. Virginia Insurance Department, 700 Blanton Bldg., Post Office Box 1157, Richmond, Va. 23209. | Office of the City Clerk, City Hall, Virginia Beach, Va. 23456. | Do. |

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 F.R. 17804, Nov. 28, 1968), as amended (secs. 408–410, Public Law 91–152, Dec. 24, 1969), 42 U.S.C. 4001–4127; Secretary's delegation of authority to Federal Insurance Administrator, 34 F.R. 2680, Feb. 27, 1969; and designation of Acting Federal Insurance Administrator effective July 22, 1970, 35 F.R. 12360, Aug. 1, 1970)

Issued: September 8, 1970.

CHARLES W. WIECKING,
*Acting Federal Insurance Administrator.*

[F.R. Doc. 70-11839; Filed, Sept. 8, 1970; 8:45 a.m.]

## PART 1915—IDENTIFICATION OF FLOOD-PRONE AREAS

### List of Flood Hazard Areas

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

§ 1915.3 **List of flood hazard areas.**

* * * * * * *

| State | County | Location | Map No. | State map repository | Local map repository | Effective date of identification of areas which have special flood hazards |
|---|---|---|---|---|---|---|
| * * * | * * * | * * * | * * * | * * * | * * * | * * * |
| Alabama | Mobile | Mobile | T 01 097 2100 01 through T 01 097 2100 07 | Alabama Development Office, State Office Bldg., Montgomery, Ala. 36104. Alabama Insurance Department., Room 453, Administrative Bldg., Montgomery, Ala. 36104. | Office of the City Clerk, City Hall, Post Box Box 1827, Mobile, Ala. 36601. | Sept. 8, 1970. |
| Alaska | | Skagway | H 02 000 2370 01 | Local Affairs Agency, Office of the Governor, Juneau, Alaska 99801. Alaska Insurance Department., Room 416, Goldstein Bldg., Pouch D, Juneau, Alaska 99801. | Office of the City Clerk, City Hall, Skagway, Alaska 99840. | Do. |
| California | Los Angeles | La Puente | T 06 037 1845 01 T 06 037 1845 02 | Department of Water Resources, Post Office Box 388, Sacramento, Calif. 95802. California Insurance Department, 1407 Market St., San Francisco, Calif. 94103. California Insurance Department, 107 South Broadway, Los Angeles, Calif. 90012. | Office of the City Clerk, City Hall, 15900 East Main St., La Puente, Calif. 91744. | Do. |
| Florida | Gulf | Port St. Joe | T 12 045 2600 01 T 12 045 2600 02 T 12 045 2600 03 | Department of Community Affairs, 309 Office Plaza, State Capitol, Tallahassee, Fla. 32301. State of Florida Insurance Department, Treasurer's Office, State Capitol, Tallahassee, Fla. 32303. | Office of the City Clerk, Port St. Joe, Fla. 32456. | Do. |
| Do | Palm Beach | Highland Beach | T 12 099 1350 01 T 12 099 1350 02 | do | Town of Highland Beach, 3612 South Ocean Blvd., Delray Beach, Fla. 33444. | June 16, 1970. |
| Do | Pinellas | Oldsmar | T 12 103 2310 01 through T 12 103 2310 05 | do | Office of the Mayor, Oldsmar, Fla. 33557. | Sept. 6, 1970. |
| Do | Volusia | Daytona Beach | T 12 127 0780 01 through T 12 127 0780 04 | do | Office of the City Manager, Post Office Box 551, Daytona Beach, Fla. 32015. | Do. |
| Louisiana | East Baton Rouge. | Baker | H 22 033 0190 01 | State Department of Public Works, Post Office Box 44155, Capitol Station, Baton Rouge, La. 70804. Louisiana Insurance Department, Box 4214, Capitol Station, Baton Rouge, La. 70804. | Office of the City Clerk, City Hall, Post Office 308, Baker, La. 70714. | June 19, 1970. |
| Do | Lafourche | Golden Meadow | T 22 057 0850 01 | do | Mayor's Office, 313 North Bayou Dr., Golden Meadow, La. 70357. | Sept. 8, 1970. |
| Mississippi | Hancock | Unincorporated areas—Southern part. | H 28 045 0000 05 H 28 045 0000 06 H 28 045 0000 07 | State of Mississippi Governor's Emergency Council, 429 Mississippi St., Room 409, Jackson, Miss. 39205. Mississippi Research and Development Center, Information Services Division, Post Office Drawer 2470, Jackson, Miss. 39205. Mississippi Insurance Department, 910 Woolfolk Bldg., Jackson, Miss. 39205. | Office of the Chancery Clerk, Hancock County Courthouse, Bay St. Louis, Miss. 39520. | June 27, 1970 |
| Do | Jackson | Moss Point | T 28 059 1680 01 et seq. | State of Mississippi Governor's Emergency Council, 429 Mississippi St., Room 409, Jackson, Miss. 39205. Mississippi Research and Development Center, Information Services Division, Post Office Drawer 2470, Jackson, Miss. 39205. Mississippi Insurance Department, 910 Woolfolk Bldg., Jackson, Miss. 39205. | Office of the Building Inspector, Denny and Harris Sts., Moss Point, Miss. 39563. | Sept. 8, 1970. |
| Do | do | Ocean Springs | H 28 059 1810 01 | do | City Hall, 1010 Porter Ave., Ocean Springs, Miss. 39564. | Aug. 13, 1970. |
| New Jersey | Cape May | West Wildwood | T 34 009 3630 01 | Department of Conservation and Economic Development, Box 1390, Trenton, N.J. 07707. Department of Banking and Insurance, State House Annex, Trenton, N.J. 08625. | Borough of West Wildwood, 701 West Glenwood Ave., West Wildwood, N.J. 08260. | Sept. 8, 1970. |
| Do | Ocean | Lavellette | T 34 029 1630 01 T 34 029 1630 02 | do | Borough Hall, Lavellette, N.J. 08735 | Do. |
| New York | Suffolk | Asharoken | T 36 103 0280 01 T 36 103 0280 02 | New York State Department of Conservation, State Campus, Albany, N.Y. 12226. New York Insurance Department, 123 William St., New York, N.Y. 10038. | Office of the Village Clerk, 545 Asharoken Ave., Northport, N.Y. 11768. | Do. |
| Rhode Island | Newport | Middletown | T 44 005 0135 01 T 44 005 0135 02 | Rhode Island Statewide Planning Program, Room 123-A, The State House, Providence, R.I. 02903. Rhode Island Insurance Department, Room 418, 49 Westminster St., Providence, R.I. 02903. | Town Hall, 350 East Main Rd., Middletown, R.I. 02840. | Do. |
| Do | do | Warren | T 44 005 0225 01 T 44 005 0225 02 | do | Office of the Town Clerk, Town Hall, Main St., Warren, R.I. 02885. | Do. |
| Do | Providence | Cranston | T 44 007 0050 01 through T 44 007 0050 07 | do | City Planning Commission Office, Room 311, City Hall, 829 Park Ave., Cranston, R.I. 02910. | Do. |

| State | County | Location | Map No. | State map repository | Local map repository | Effective date of identification of areas which have special flood hazards |
|---|---|---|---|---|---|---|
| Rhode Island | Providence | Providence | T 44 007 0190 01<br>T 44 007 0190 02 | Rhode Island, etc.—Continued | Graphics Section, Department of Planning and Urban Development, 410 Howard Bldg., 10 Dorrance St., Providence, R.I. 02903. | Sept. 8, 1970. |
| Do. | Washington | South Kingstown | T 44 009 0205 01 through T 44 009 0205 04 | do | Town Hall, 66 High St., Wakefield, R.I. 02879. | Do. |
| South Carolina | Charleston | Folly Beach | T 45 019 0875 01 | South Carolina Water Resources Planning and Coordinating Committee, 1411 Barnwell St., Columbia, S.C. 29201.<br>South Carolina Insurance Department, Federal Land Bank Bldg., 1401 Hampton St., Columbia, S.C. 29201. | Office of the Building Official, 17 Center St., Folly Beach, S.C. 29439. | Do. |
| Texas | Harris | Shoreacres | T 48 201 6370 01<br>T 48 201 6370 02 | Texas Water Development Board, Post Office Box 12386, Capitol Station, Austin, Tex. 78701.<br>Texas Insurance Board, 1110 San Jacinto St., Austin, Tex. 78701. | Office of the Mayor, City Hall, 619 Shoreacres Blvd., La Porte, Tex. 77571. | Do. |
| Virginia | | Virginia Beach | T 51 810 2540 01 through T 51 810 2540 29 | Department of Conservation and Economic Development, Division of Water Resources, 911 East Broad St., Richmond, Va. 23219.<br>Virginia Insurance Department, 700 Blanton Bldg., Post Office Box 1157, Richmond, Va. 23209. | Office of the City Clerk, City Hall, Virginia Beach, Va. 23456. | Do. |

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 F.R. 17804, Nov. 28, 1968), as amended (secs. 408–410, Public Law 91–152, Dec. 24, 1969), 42 U.S.C. 4001–4127; Secretary's delegation of authority to Federal Insurance Administrator, 34 F.R. 2680, Feb. 27, 1969; and designation of Acting Federal Insurance Administrator effective July 22, 1970, 35 F.R. 12360, Aug. 1, 1970)

Issued: September 8, 1970.

CHARLES W. WIECKING,
*Acting Federal Insurance Administrator.*

[F.R. Doc. 70–11840; Filed, Sept. 8, 1970; 8:45 a.m.]

# Title 49—TRANSPORTATION

## Chapter I—Hazardous Materials Regulations Board, Department of Transportation

[Docket No. HM–38; Amendment No. 179–4]

## PART 179—SPECIFICATIONS FOR TANK CARS

### Restriction of Capacity of Tank Cars and Interlocking Couplers

The purpose of this amendment to the Hazardous Materials Regulations of the Department of Transportation is to restrict the gross weight and volume capacity of, and require interlocking couplers on all new tank cars used to transport hazardous materials.

On December 11, 1969, the Hazardous Materials Regulations Board published Docket No. HM–38; Notice No. 69–31 (34 F.R. 19553) proposing to amend Part 179 of the Hazardous Materials Regulations as indicated above. In that notice, the Board stated its concern with the increasing number of railroad accidents involving tank cars transporting hazardous materials in which the tank released its contents, through either puncture or rupture. Reference was made to the mounting death and personal injury rate resulting from these accidents, as well as the property loss. Interested persons were afforded an opportunity to participate in this rule making.

Regarding the imposition of a capacity limitation of 34,500 gallons, many respondents noted that large capacity tank cars tended to reduce the hazard to the public by reducing the number of cars required for a given volume movement. No consideration was expressed for the fact that increased capacity will result in a greater hazard in the event that the tank car is punctured or ruptured in a derailment. Large capacity tank cars also increase the hazard of soil, water and air pollution.

Many responses were addressed to the question of limiting the total gross weight on rail to 263,000 pounds. Some of the data discussed the validity of a weight limitation as a control measure to improve railroad safety, focusing primarily on weight-related causative accident factors and the effects on kinetic energy of the tank car.

Causative accident factors show that stress failures in track and car parts account for approximately 50 percent of all rail accidents. The Board believes that the relationship between such stress failures and car weight is direct.

In every example offered citing rail loads in excess of the proposed limit, particular mention was made of the special routing clearances and controls exercised over the movement of these cars. Such special measures are not present in normal tank car movement, which is the situation to which the Board must address itself. Only one response offered design data which showed that due consideration had been given to overbuilding a tank and running gear to obtain the margin of safety which is required by good engineering practice.

Weight related stress failures are known to have occurred in existing "100 ton" capacity, 263,000 pounds gross weight tank cars which have been in service for a period of years. "Fix" programs to correct buckling and fatigue cracking at both ends of stub sills on underframeless cars have been underway for several years. It is necessary to have an upgrading of the present tank car fleet in order to withstand the rigors of the normal railroad environment over the expected life of the tank cars. This upgrading must be accomplished before considering allowing increase of the stress loads on equipment and the rail plant caused by heavier cars.

One respondent addressed himself to the influence of weight on kinetic energy of the tank car and mentioned the ability of a larger mass to absorb a larger amount of kinetic energy. Increasing the weight of the tank car produces a linear increase in its kinetic energy at equal velocity. This increased kinetic energy increases the likelihood that the tank will be punctured or will rupture in an accident. Therefore, the Board believes that limiting the maximum weight of a tank car will reduce incidents of puncture and rupture.

Inadequate consideration has been given in current design practice to the selection of material thicknesses to compensate for greater kinetic energy levels encountered as tank car weight increases. As train operating speeds increase, this kinetic energy increases exponentially.

Sill design has been held nearly constant despite change in tank car weight and capacity, and shell thickness has varied only as a function of the tensile strength of materials and tank diameter. It is apparent that the weight (stress) related elements have not been strengthened as a direct function of capacity. The Board believes that this, in effect, results in a lower factor of safety in larger capacity tank cars as related to smaller capacity cars.

Virtually all respondents mentioned the economic impact of the proposed weight-capacity limitations. It must be recognized that the cost of accidents is also a part of the national distribution costs and is reflected in freight rates.

In order to accurately determine the economic effect of this rule making, the Board retained an independent expert to analyze the overall costs of "large

capacity" tank cars as related to "smaller capacity" tank cars. The following table summarizes his findings:

SUMMARY OF TANK CAR TRANSPORTATION COSTS

LIQUEFIED PETROLEUM GAS

| | Dollars per ton | Cents per gallon |
|---|---|---|
| 500-mile movement: | | |
| 70-ton capacity | 8.58 | 2.0151 |
| 100-ton capacity | 7.22 | 1.6957 |
| 125-ton capacity | 6.71 | 1.5757 |
| 140-ton capacity | 7.65 | 1.7983 |
| 1,000-mile movement: | | |
| 70-ton capacity | 13.52 | 3.1777 |
| 100-ton capacity | 11.54 | 2.7111 |
| 125-ton capacity | 10.84 | 2.5465 |
| 140-ton capacity | 11.98 | 2.8165 |
| 1,500-mile movement: | | |
| 70-ton capacity | 18.47 | 4.3403 |
| 100-ton capacity | 15.86 | 3.7265 |
| 125-ton capacity | 14.97 | 3.5173 |
| 140-ton capacity | 16.32 | 3.8347 |

The table indicates that costs involved in utilizing the "100ton" capacity tank car differ little from those costs involved in utilizing the "125ton" capacity tank car. The "100ton" capacity tank car actually offers some cost savings over the "140ton" capacity tank car. The Board believes public safety warrants the slight reduction in economic efficiency which results from utilizing "100ton" capacity tank cars in place of "125ton" capacity tank cars.

For the above reasons, the Board concludes that the proposed restrictions on tank car weight-capacity are in the public interest. Until the present problems involved in using the "100ton" capacity tank cars are resolved and until evidence is presented to show that increased stress levels associated with higher unit loadings on the rail plant and tank car equipment at prevailing speeds have been adequately compensated for, this will remain the Board's conclusion.

The Board further believes that the application of interlocking automatic couplers on all new tank cars will materially improve safety by reducing the incidence of tank head puncture and tank car pileup.

Since the date of Notice No. 69–31, there have been 19 accidents involving tank cars transporting hazardous materials in which the contents have been released causing severe hazard. One such accident occurred at Crescent City, Ill., on June 21, 1970. The continuing occurrence of accidents of this nature makes evident the need for action. The Hazardous Materials Regulations Board is aware that research efforts are being made by the affected industries, and that the Federal Railroad Administration has entered into contracts to study certain aspects of tank car design and accident behavior. It is hoped that these efforts will develop improved tank designs and methods of construction, including specialized hardware, which will enable all newly built tank cars to be able to safely transport hazardous materials. Until the results of these research activities are known, the Board believes that the proposed steps must be taken to prevent proliferation of the problems resulting from the continued construction of large capacity tank cars exceeding 34,500 gallons. While the Board recognizes that the Crescent City accident involved tank cars having capacities in the 30,000-gallon range, it believes that larger capacity cars would have released much greater quantities of hazardous materials, with consequently increased fire hazard and property damage. In addition, the added weight on rail would have increased the impact forces in the derailment and might well have resulted in additional punctures, fires, and violent ruptures.

Several responses noted the lack of a readily acceptable definition of the term "rebuilt tank car." This term has been deleted from the amendment pending the Board's further review.

The Board believes that by requiring installation of interlocking couplers that will resist car telescoping and jackknifing in derailments and emergency stops, the incidence of tank head and side puncture will be markedly reduced. At Crescent City, a tank head puncture caused the eventual conflagration and violent ruptures.

In consideration of the foregoing and for reasons discussed in the preamble of Notice No. 69–31, 49 CFR Part 179 is amended as follows:

(A) In the table of contents, §§ 179.13 and 179.14 are added to read as follows:

Sec.
179.13 Tank car capacity and gross weight limitation.
179.14 Tank car couplers.

(B) § 179.13 is added to read as follows:

**§ 179.13 Tank car capacity and gross weight limitation.**

Tank cars built after November 30, 1970, must not exceed 34,500 gallons capacity or 263,000 pounds gross weight on rail. Existing tank cars may not be converted to exceed 34,500 gallons capacity or 263,000 pounds gross weight on rail.

(C) § 179.14 is added to read as follows:

**§ 179.14 Tank car couplers.**

All tank cars built after November 30, 1970, must be equipped with interlocking automatic couplers that will resist car telescoping and jackknifing in derailments and emergency stops and that are approved by the Federal Railroad Administrator.

This amendment is effective November 13, 1970.

(Secs. 831–835, Title 18, United States Code; sec. 9, Department of Transportation Act, 49 U.S.C. 1657)

Issued in Washington, D.C., on September 2, 1970.

HAROLD C. HEISS,
*Acting Administrator,*
*Federal Railroad Administration.*

[F.R. Doc. 70–11887; Filed, Sept. 8, 1970; 8:49 a.m.]

## Chapter X—Interstate Commerce Commission

### SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Fifth Revised S.O. 1041]

## PART 1033—CAR SERVICE

### Distribution of Boxcars

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 2d day of September 1970.

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

*It is ordered,* That:

**§ 1033.1041 Service Order No. 1041.**

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

(1) Return to owners empty, except as otherwise authorized in subparagraph (2) of this paragraph, all plain boxcars which are listed in the Official Railway Equipment Register, I.C.C. R.E.R. 376, issued by E. J. McFarland, or reissues thereof, as having mechanical designation XM, with inside length 44'6" or less and equipped with doors less than 9 feet wide, owned by the following railroads:

Burlington Northern Inc.
Chicago and North Western Railway Co.
Chicago, Milwaukee, St. Paul and Pacific Railroad Co.
Soo Line Railroad Co.

(2) Boxcars described in subparagraph (1) of this paragraph, may be loaded to stations on the lines of the owning railroad, or to any other station which is closer to the owner than the station at which loaded. After unloading at a junction with the car owner such cars shall be delivered to the car owner at that junction, either loaded or empty.

(3) In determining distances to the car owner from the points of loading or unloading, tariff distances applicable via

the lines of the carriers obligated under Car Service Rules 1 and 2 to move the car shall be used.

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

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

(c) *Effective date.* This order shall become effective at 12:01 a.m., September 3, 1970.

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

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

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

By the Commission, Railroad Service Board.

[SEAL] JOSEPH M. HARRINGTON,
*Acting Secretary.*

[F.R. Doc. 70–11911; Filed, Sept. 8, 1970; 8:51 a.m.]

# Title 22—FOREIGN RELATIONS

## Chapter I—Department of State

### SUBCHAPTER C—FEES AND FUNDS

[Departmental Reg. 108.625]

### PART 22—FEES AND CHARGES, FOREIGN SERVICE

### Tariff of Fees

Section 22.1, Code of Federal Regulations, is revised by the following changes and additions to items 6, 15, and 50:

§ 22.1 Tariff of Fees, Foreign Service of the United States of America.

* * * * * * *

PASSPORT AND CITIZENSHIP SERVICES

| *Item No.* | |
|---|---|
| 6. | Execution of application for or issuance of passport— |
| | * * * * * * * |
| | (b) To American seamen who require a passport in connection with their duties aboard an American flag-vessel (22 U.S.C. 214) ---------- No fee |
| | (c) To wid[illegible] children, parents, brothers, or sisters of deceased members of the Armed Forces proceeding abroad to visit the graves of such members (22 U.S.C. 214) ---------- No fee |
| | (d) To employees of the American National Red Cross proceeding broad as a member of the civilian component of the Armed Forces of the United States (10 U.S.C. 2602(c)) ---------- No fee |
| | (e) To Peace Corps Volunteers and Volunteer Leaders, who are deemed to be employees of the United States for purposes of exemption from passport fees (22 U.S.C. 2504(h)) ---------- No fee |
| | * * * * * * * |
| 15. | Granting an exception under § 53.2(h) of this chapter (Travel Control Regulations) ---------- $25.00 |
| | * * * * * * * |

NOTARIAL SERVICES AND AUTHENTICATIONS

| | |
|---|---|
| 50. | Administering an oath and certificate thereof for petition for immediate relative, nonimmigrant fiance(e), temporary worker nonimmigrant, nonimmigrant intra-company transferee, or preference immigrant status ---------- $2.50 |

* * * * * * *

*Effective date.* This revision shall become effective upon publication in the FEDERAL REGISTER.

(Secs. 3, 4, 63 Stat. 111, as amended; 22 U.S.C. 2658, E.O. 10718; 3 CFR 1954–1958 Comp.)

Dated: August 5, 1970.

For the Secretary of State.

[SEAL] WILLIAM B. MACOMBER,
*Deputy Under Secretary for Administration.*

[F.R. Doc. 70–11884; Filed, Sept. 8, 1970; 8:49 a.m.]

# Title 50—WILDLIFE AND FISHERIES

## Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

### PART 32—HUNTING

### National Wildlife Refuges in Missouri and Illinois

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

MISSOURI

CLARENCE CANNON NATIONAL WILDLIFE REFUGE

Public hunting of mourning doves on the Clarence Cannon National Wildlife Refuge is permitted only on the area designated by signs as open to hunting. This open area, comprising 3,746 acres, is delineated on a map available from the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111. Hunting shall be in accordance with all applicable State regulations concerning the hunting of mourning doves subject to the following conditions:

(1) The open season for hunting mourning doves on the refuge is from September 1, 1970, through September 30, 1970, inclusively.

The provision of this special regulation supplements the regulations which govern hunting on wildlife refuges generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through September 30, 1970.

ILLINOIS

CHAUTAUQUA NATIONAL WILDLIFE REFUGE

Public hunting of blue-winged, green-winged, and cinnamon teal on the Chautauqua National Wildlife Refuge, Ill., is permitted from September 19 through September 27, 1970, and the hunting of geese, ducks and coots is permitted from October 17 through December 10, 1970, but only on the area designated by signs as open to hunting. This open area comprising 745 acres is delineated on a map available at refuge headquarters, Havana, Ill., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111. Hunting shall be in accordance with all applicable State and Federal regulations subject to the following special condition:

(1) Blinds—Temporary blinds of wood or brush may be constructed. Blinds do not become the property of those constructing them and will be available on a daily basis.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuges generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 10, 1970.

LEWIS R. GARLICK,
*Acting Regional Director, Bureau of Sport Fisheries and Wildlife.*

AUGUST 31, 1970.

[F.R. Doc. 70-11888; Filed, Sept. 8, 1970; 8:49 a.m.]

## PART 32—HUNTING

### Certain National Wildlife Refuges in Idaho

The following regulations are issued and are effective on date of publication in the FEDERAL REGISTER. These regulations apply to public hunting on portions of certain National Wildlife Refuges in Idaho.

*General conditions.* Hunting shall be in accordance with applicable State regulations. Portions of refuges which are open to hunting are designated by signs and/or delineated on maps. Special conditions applying to individual refuges are listed on the reverse side of the refuge hunting maps. No vehicle travel is permitted except on maintained roads and trails. Maps are available at refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 730 Northeast Pacific Street, Portland, Oreg. 97208.

**§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.**

Migratory game birds may be hunted on the following refuge areas:

Bear Lake Nat'l Wildlife Refuge, Post Office Box 837, Soda Springs, Idaho 83276.
Camas National Wildlife Refuge, Hamer, Idaho 83425.
Deer Flat National Wildlife Refuge, Route 1, Box 335, Nampa, Idaho 83651.
Grays Lake National Wildlife Refuge, Post Office Box 837, Soda Springs, Idaho 83276.
Kootenai National Wildlife Refuge, Star Route No. 1, Bonners Ferry, Idaho 83805.
Minidoka National Wildlife Refuge, Route 4, Rupert, Idaho 83350.

**§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.**

Upland game birds may be hunted on the following refuge areas:
Camas National Wildlife Refuge, Hamer, Idaho 83425.
Special Condition: Pheasant and sage grouse only may be hunted.
Deer Flat National Wildlife Refuge, Route 1, Box 335, Nampa, Idaho 83651.
Kootenai National Wildlife Refuge, Star Route No. 1, Bonners Ferry, Idaho 83805.
Minidoka National Wildlife Refuge, Route 4, Rupert, Idaho 83350.

**§ 32.32 Special regulations; big game; for individual wildlife refuge areas.**

Big game animals may be hunted on the following refuge areas:
Camas National Wildlife Refuge, Hamer, Idaho 83425.
Special Condition: Antelope only may be hunted.
Deer Flat National Wildlife Refuge, Route 1, Box 335, Nampa, Idaho 83651.
Special Condition: Deer may be hunted on the Snake River Island sector only.
Grays Lake National Wildlife Refuge, Post Office Box 837, Soda Springs, Idaho 83276.
Kootenai National Wildlife Refuge, Star Route No. 1, Bonners Ferry, Idaho 83805.

The provisions of these special regulations supplement the regulations which govern hunting on wildlife refuge areas generally and which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through June 30, 1971.

TRAVIS S. ROBERTS,
*Deputy Regional Director, Bureau of Sport Fisheries and Wildlife.*

AUGUST 27, 1970.

[F.R. Doc. 70-11874; Filed, Sept. 8, 1970; 8:48 a.m.]

## PART 32—HUNTING

### Rice Lake National Wildlife Refuge, Minn.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

**§ 32.32 Special regulations; big game; for individual wildlife refuge areas.**

MINNESOTA

RICE LAKE NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Rice Lake National Wildlife Refuge is permitted from sunrise to sunset November 14 through November 15, 1970, inclusive, only on the area designated by signs as open to hunting. This open area comprising 13,000 acres, is delineated on a map available at refuge headquarters, McGregor, Minn., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111. Hunting shall be in accordance with all applicable State regulations governing the hunting of deer.

CARL E. POSPICHAL,
*Refuge Manager, Rice Lake National Wildlife Refuge, McGregor, Minn.*

AUGUST 31, 1970.

[F.R. Doc. 70-11875; Filed, Sept. 8, 1970; 8:48 a.m.]

# Proposed Rule Making

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

### [ 43 CFR Part 1725 ]

### PROGRAM POLICY

### Environmental Considerations

The National Environmental Policy Act of 1969 (83 Stat. 852) directs all Federal agencies to "use all practicable means, consistent with other essential considerations of national policy * * * (to) attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences * * *."

Executive Order No. 11514 further directs the Federal agencies to develop programs and measures to protect and enhance environmental quality and to bring their policies into conformance with the intent, purposes, and procedures of the Act.

This amendment revises the management policy for public lands administered by the Bureau of Land Management to include specifically the considerations required by the Act and Executive Order.

This proposed rule making is issued pursuant to the authority vested in the Secretary of the Interior by R.S. 453 (43 U.S.C. 2), R.S. 2478 (43 U.S.C. 1201), and the National Environmental Policy Act of 1969 (83 Stat. 852) and Executive Order No. 11514.

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

Section 1725.3–2 is amended to read as follows:

**§ 1725.3–2 Intensity of use and management of lands retained for multiple-use management.**

The land will be managed to the fullest extent possible under existing law: To attain the widest range of beneficial uses of the environment without environmental degradation, risk to health or safety, or other undesirable or unintentional consequences to the environment; for optimum production of the various products and for those uses for which they are physically and economically suited; and to preserve important historic, cultural, and natural aspects of our national heritage. The following matters will be considered:

(a) Existing or future demand for the resource use, value, or commodity.

(b) Coordination and cooperation with the resource use and management programs of States, local governments, public organizations and private landowners.

(c) Consistency with national programs.

(d) Compatibility of the possible uses.

(e) Compatibility with the maintenance and enhancement of long-term productivity of the lands and the integrity of the environment.

WALTER J. HICKEL,
*Secretary of the Interior.*

AUGUST 29, 1970.

[F.R. Doc. 70–11876; Filed, Sept. 8, 1970; 8:48 a.m.]

## DEPARTMENT OF AGRICULTURE

### Consumer and Marketing Service

### [ 7 CFR Part 924 ]

### FRESH PRUNES GROWN IN DESIGNATED COUNTIES IN WASHINGTON AND IN UMATILLA COUNTY, OREG.

### Notice of Proposed Rule Making With Respect to Approval of Expenses and Fixing of Rate of Assessment for the 1970–71 Fiscal Period and Carryover of Unexpended Funds

Consideration is being given to the following proposals submitted by the Washington-Oregon Fresh Prune Marketing Committee, established under the marketing agreement and Order No. 924 (7 CFR Part 924) regulating the handling of fresh prunes grown in designated counties in Washington and in Umatilla County, Oreg., effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), as the agency to administer the terms and provisions thereof:

(1) Expenses that are reasonable and likely to be incurred by said committee, during the period April 1, 1970, through March 31, 1971, will amount to $14,251.

(2) That there be fixed, at $0.80 per ton of fresh prunes, the rate of assessment payable by each handler in accordance with § 924.41 of the aforesaid marketing agreement and order.

(3) That unexpended assessment funds, in excess of expenses incurred during the fiscal period ended March 31, 1970, shall be carried over as a reserve in accordance with the applicable provisions of § 924.42 of said marketing agreement and order.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals shall file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the 10th day 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)).

Dated: September 2, 1970.

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

[F.R. Doc. 70–11886; Filed, Sept. 8, 1970; 8:49 a.m.]

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### [ 7 CFR Part 1133 ]

### MILK IN INLAND EMPIRE MARKETING AREA

### Notice of Proposed Suspension of Certain Provisions of the Order

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), the suspension of certain provisions of the order regulating the handling of milk in the Inland Empire marketing area is being considered for September, October, and November 1970.

All persons who desire to submit written data, views, or arguments in connection with the proposed suspension should file the same with the Hearing Clerk, Room 112–A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250, not later than 7 days from the date of publication of this notice in the FEDERAL REGISTER. All documents filed should be in quadruplicate.

All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The provision proposed to be suspended, which is in § 1133.12(c)(5), is "Producers eligible for diversion in the months of September, October, or November must in addition have their milk received at a pool plant on at least 6 days (3 days in the case of every-other-day delivery) during the current month".

The proposed suspension would remove the requirement that a producer must deliver any milk to a pool plant in September, October, or November to qualify his diverted milk as producer milk during such month.

A cooperative representing a substantial number of producers on the market requested the suspension. The basis for the cooperative's request is that current conditions in the market require it to

handle a disproportionate share of an increasing quantity of the reserve supplies of milk for the market. Without the proposed suspension, the cooperative claims it would be forced to make uneconomic movements of producer milk to qualify it for pooling.

Signed at Washington, D.C., on September 2, 1970.

G. R. GRANGE,
*Acting Administrator.*

[F.R. Doc. 70-11917; Filed, Sept. 8, 1970; 8:51 a.m.]

# DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

## Food and Drug Administration

## [ 21 CFR Part 144 ]

## 2-ACETYLAMINO-5-NITROTHIAZOLE AND ANTIBIOTICS IN POULTRY FEED

### Proposed Revocation of Exemption From Certification Requirements

Notice is given that the Commissioner of Food and Drugs proposes to amend the antibiotic drug regulations to revoke the exemption of poultry feed containing 2-acetylamino-5-nitrothiazole and antibiotics from certification requirements. Available information with respect to such drug when used in combination with antibiotics fails to establish that there is substantial evidence that the combination drug will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in its labeling. Specifically, available data for the combination drug do not include substantial evidence that each ingredient designated as active makes a contribution to the total claimed effect.

Accordingly, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512 (i), (n), 82 Stat. 347; 21 U.S.C. 360b (i), (n)) and under authority delegated to him (21 CFR 2.120), the Commissioner proposes that § 144.26 *Animal feed containing certifiable antibiotic drugs* be amended by revoking paragraph (b)(19).

Interested persons may, within 30 days after publication hereof 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 comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof.

Date: August 31, 1970.

SAM D. FINE,
*Associate Commissioner for Compliance.*

[F.R. Doc. 70-11873; Filed, Sept. 8, 1970; 8:48 a.m.]

## Social Security Administration

## [ 20 CFR Part 405 ]

## FEDERAL HEALTH INSURANCE FOR THE AGED

### Fire and Safety Requirements for Extended Care Facilities and for Hospitals Not Accredited by Joint Commission on Accreditation of Hospitals or American Osteopathic Association

*Correction*

In F.R. Doc. 70-11555 appearing at page 13888 in the issue for Wednesday, September 2, 1970, the word "underground" in § 405.1022(b)(1)(iv) should read "ungrounded".

# DEPARTMENT OF TRANSPORTATION

## Federal Aviation Administration

## [ 14 CFR Part 71 ]

[Airspace Docket No. 70-WE-43]

## CONTROL ZONE AND TRANSITION AREA

### Proposed Alteration

The Federal Aviation Administration (FAA) is considering amendments to Part 71 of the Federal Aviation Regulations that would alter the Crescent City, Calif., control zone and transition area.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 5651 West Manchester Avenue, Post Office Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

As parts of these proposals relate to the navigable airspace outside the United States, this notice is submitted in consonance with the ICAO International Standards and Recommended Practices.

Applicability of International Standards and Recommended Practices by the Air Traffic Service, FAA, in areas outside domestic airspace of the United States is governed by Article 12 of and Annex 11 to the Convention on International Civil Aviation, which pertain to the establishment of air navigation facilities and services necessary to promoting the safe, orderly and expeditious flow of civil air traffic. Their purpose is to insure that civil flying on international air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

The International Standards and Recommended Practices in Annex 11 apply in those parts of the airspace under the jurisdiction of a contracting state, derived from ICAO, wherein air traffic services are provided and also whenever a contracting state accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting state accepting such responsibility may apply the International Standards and Recommended Practices to civil aircraft in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention on International Civil Aviation, Chicago, 1944, state aircraft are exempt from the provisions of Annex 11 and its Standards and Recommended Practices. As a contracting state, the United States agreed by Article 3(d) that its state aircraft will be operated in international airspace with due regard for the safety of civil aircraft.

Since these actions involve, in part, the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

The FAA proposes the following airspace actions:

1. The Crescent City control zone would be amended to read as follows:

Within a 5-mile radius of Jack McNamara Field, Crescent City (lat. 41°46'50'' N., long. 124°14'00'' W.) within 3 miles each side of the Crescent City VORTAC 325° radial, extending from the 5-mile radius zone to 8 miles northwest of the VORTAC and within 1.5 miles each side of the Crescent City VORTAC 180° radial, extending from the 5-mile radius zone to 5.5 miles south of the VORTAC.

2. The Crescent City transition area would be amended to read as follows:

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Jack McNamara Field, Crescent City (lat. 41°46'50'' N., long. 124°14'00'' W.); within 3 miles each side of the Crescent City VORTAC 325° radial, extending from the 5-mile radius area to 9 miles northwest of the VORTAC, and within 4 miles each side of the Crescent City VORTAC 180° radial, extending from the 5-mile radius area to 10 miles south of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within 10 miles east and 7 miles west of the Crescent City VORTAC 180° and 360° radials, extending from 8 miles north to 20 miles south of the VORTAC; within 5 miles each side of the Crescent City VORTAC 234° radial, extending from the VORTAC to 12 miles southwest of the VORTAC, and within 8 miles northeast and 9.5 miles southwest of

the Crescent City VORTAC 325° radial, extending from the VORTAC to 18.5 miles northwest of the VORTAC.

The proposed changes to the Crescent City control zone and transition area are necessary to provide controlled airspace for aircraft executing instrument approaches in accordance with revised approach procedures.

These amendments are proposed under the authority of section 307(a) and 1110 of the Federal Aviation Act of 1958 (49 U.S.C. 1348 and 1510), Executive Order 10854 (24 F.R. 9565) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on August 31, 1970.

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

[F.R. Doc. 70-11883; Filed, Sept. 8, 1970; 8:49 a.m.]

# ATOMIC ENERGY COMMISSION

## [ 10 CFR Ch. I ]

[Dockets Nos. RM-102-2; PRM-102-A]

## CONSIDERATION OF POSSIBLE FINDING OF PRACTICAL VALUE

### Designation of Presiding Officers

The Atomic Energy Commission published a notice in the FEDERAL REGISTER on August 12, 1970, that it will hold a public rule making hearing on September 17, 1970, in connection with its consideration of the question whether a finding of practical value should be made pursuant to section 102 of the Atomic Energy Act of 1954, as amended, with respect to some type or types of light water, nuclear power reactors.

Notice is hereby given that the following members of the Commission's staff have been designated to preside at the hearing: Bertram H. Schur, Associate General Counsel, Chairman; Edson G. Case, Director, Division of Reactor Standards; and Merrill J. Whitman, Assistant Director for Program Analysis, Division of Reactor Development and Technology. The presiding officers will certify the record of the hearing to the Commission.

(Sec. 102, 68 Stat. 936; 42 U.S.C. 2132; sec. 161, 68 Stat. 948; 42 U.S.C. 2201)

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

For the Atomic Energy Commission.

W. B. MCCOOL,
*Secretary of the Commission.*

[F.R. Doc. 70-12038; Filed, Sept. 8, 1970; 10:41 a.m.]

# Notices

## DEPARTMENT OF THE TREASURY

### Bureau of Customs

### ALUMINUM ELECTROLYTIC AND CERAMIC CAPACITORS

#### Withholding of Appraisement Notice

Information was received on March 22, 1968, that aluminum electrolytic and ceramic capacitors from Japan were being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as "the Act"). This information was the subject of an "Antidumping Proceeding Notice" which was published in the FEDERAL REGISTER of September 25, 1968, on page 14420. The "Antidumping Proceeding Notice" indicated that there was evidence on record concerning injury to or likelihood of injury to or prevention of establishment of an industry in the United States.

Pursuant to section 201(b) of the Act (19 U.S.C. 160(b)), notice is hereby given that there are reasonable grounds to believe or suspect that the purchase price or exporter's sales price (secs. 203 and 204 of the Act; 19 U.S.C. 162 and 163) of such aluminum electrolytic and ceramic capacitors from Japan is less, or likely to be less, than the foreign market value (sec. 205 of the Act; 19 U.S.C. 164).

*Statement of reasons.* Capacitors from Japan appear to be sold to the United States to both related and unrelated purchasers within the meaning of section 207 of the Antidumping Act.

Sufficient quantities appear to have been sold in Japan to afford a proper basis of comparison.

The information currently before the Bureau tends to indicate that the probable basis of comparison will be between purchase price or exporter's sales price and home market price.

Preliminary analysis suggests that purchase price will probably be calculated by deducting inland freight, mandatory Japanese Government inspection fee, and Japanese customs broker fees as appropriate from the f.o.b. Japanese port prices.

Exporter's sales price will probably be determined by deducting U.S. Customs duty, ocean freight, marine insurance, customhouse broker charges, inland freight in the United States and selling expense in the United States, cartage in the Japanese port, mandatory Japanese Government inspection fee, and inland freight in Japan from the resale price of the related U.S. purchaser.

It appears that home market prices will probably be based on the weighted averages of delivered prices to customers in Japan. Adjustments will probably be made for differences in packing, for inland freight, interest expenses, bad debt losses, and selling expenses, where appropriate.

Using the above criteria, there are reasonable grounds to believe or suspect that purchase price or exporter's sales price will be lower than home market price.

Customs officers are being directed to withhold appraisement of aluminum electrolytic and ceramic capacitors from Japan in accordance with § 153.48, Customs Regulations (19 CFR 153.48).

In accordance with §§ 153.32(b) and 153.37, Customs Regulations (19 CFR 153.32(b), 153.37), interested parties may present written views or arguments, or requests in writing that the Secretary of the Treasury afford an opportunity to present oral views.

Any written views or arguments or requests that the Secretary of the Treasury afford an opportunity to present oral views should be addressed to the Commissioner of Customs, 2100 K Street NW., Washington, D.C. 20226, in time to be received by his office not later than 14 days from the date of publication of this notice in the FEDERAL REGISTER.

This notice, which is published pursuant to § 153.34(b), Customs Regulations, shall become effective upon publication in the FEDERAL REGISTER. It shall cease to be effective at the expiration of 6 months from the date of such publication, unless previously revoked.

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

Approved: September 2, 1970.

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

[F.R. Doc. 70-11921; Filed, Sept. 8, 1970; 8:51 a.m.]

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[T.D. 70-193]

[Customs Delegation Order No. 37]

### CUSTOMS AGENCY SERVICE

#### Transfer of Functions

SEPTEMBER 1, 1970.

Order of the Commissioner of Customs transferring the functions under Public Law No. 362—84th Congress—1st Session, to agents of the Customs Agency Service.

Under the authority conferred upon me by Treasury Department Order No. 165-5, dated October 17, 1956 (T.D. 54222, 21 F.R. 8242), the functions under Public Law No. 362—84th Congress—1st Session (Act of Aug. 11, 1955, 21 U.S.C. 198a, 198b, 198c), are hereby transferred as follows:

1. All of the said functions are transferred to special agents in charge of the Bureau of Customs;

2. All of the said functions, except the authority to issue subpoenas, are transferred to senior resident special agents, resident special agents, and special agents of the Bureau of Customs.

This order supersedes Customs Delegation Order No. 10, dated October 19, 1956 (T.D. 54223, 21 F.R. 8242).

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

[F.R. Doc. 70-11922; Filed, Sept. 8, 1970; 8:51 a.m.]

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[T.D. 70-194]

[Customs Delegation Order No. 38]

### CUSTOMS AGENTS ET AL.

#### Delegation of Authority

SEPTEMBER 1, 1970.

Order of the Commissioner of Customs delegating certain functions, rights, privileges, powers, and duties to customs agents.

By virtue of authority vested in me by Treasury Department Order No. 165, Revised (T.D. 53654, 19 F.R. 7241), the functions, rights, privileges, powers, and duties formerly vested by section 509 of the Tariff Act of 1930, as amended (19 U.S.C. 1509), in collectors of customs and appraisers of merchandise to cite to appear before them and examine upon oath, which said officers are authorized to administer, any owner, importer, consignee, agent, or other person upon any matter or thing which they may deem material respecting any imported merchandise then under consideration or previously imported within 1 year, in ascertaining the classification or the value thereof or the rate or amount of duty; and to require the production of any letters, accounts, contracts, invoices, or other documents relating to said merchandise, and to require such testimony to be reduced to writing, which functions, rights, privileges, powers, and duties were delegated to district directors of customs and regional commissioners of customs by Customs Delegation Order No. 22 (T.D. 56470, 30 F.R. 11180) and to the assistant regional commissioners and the deputy regional commissioner of customs for Customs Region II, New York, by Customs Delegation Orders Nos. 23 and 24 (T.D. 66-100, 31 F.R. 7150; and T.D. 66-113, 31 F.R. 7842), are hereby delegated also to special agents in charge, deputy special agents in charge, and assistant special agents in charge of the Bureau of Customs, effective on the date of publication of this order in the FEDERAL REGISTER.

This order supersedes Customs Delegation Order No. 26, dated August 12, 1966 (T.D. 66-170, 31 F.R. 11039).

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

[F.R. Doc. 70-11923; Filed, Sept. 8, 1970; 8:52 a.m.]

# DEPARTMENT OF THE INTERIOR

## Bureau of Land Management

[Serial No. A-4451]

## ARIZONA

### Notice of Public Sale

Under the provisions of the Public Land Sale Act of September 19, 1964 (78 Stat. 988; 43 U.S.C. 1421–1427), 43 CFR, Subpart 2720, a tract of land will be offered for sale to the highest bidder at a sale to be held at 10:30 a.m., local time, on Thursday, October 15, 1970, at the Land Office, Room 3204 Federal Building, 230 North First Avenue, Phoenix, Ariz. The land is described as follows:

GILA AND SALT RIVER MERIDIAN, ARIZONA

T. 6 S., R. 26 E.,
Sec. 31, lot 8.

The area described contains 29.30 acres. The appraised value of the tract is $2,100.

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

The land is traversed by a paved county highway paralleled by a barbed wire fence and telephone and power transmission lines. These improvements are being neither claimed nor sold by the United States.

Bids may be made by the principal or his agent, either at the sale or by mail. Bids must be for all the land in the parcel. A bid for less than the appraised value of the land is unacceptable. Bids sent by mail will be considered only if received by the Land Office, Bureau of Land Management, Room 3204, Federal Building, 230 North First Avenue, Phoenix, Ariz. 85025, prior to 10:30 a.m., on Thursday, October 15, 1970. Bids made prior to the public auction must be in sealed envelopes, and accompanied by certified checks, postal money orders, bank drafts, or cashier's checks, payable to the Bureau of Land Management, for the full amount of the bid plus publication costs. The envelopes must be marked in the lower left-hand corner "Public Sale Bid, Parcel No. 1, sale of October 15, 1970." The authorized officer shall publicly declare the highest qualifying sealed bid received. Oral bids shall then be invited in specified increments. After oral bids, if any, are received, the authorized officer shall declare the high bid. A successful oral bidder must submit a guaranteed remittance, in full payment for the tract and cost of publication, before 3:30 p.m. of the day of the sale. Interested bidders may inquire at the Land Office any time after September 16, 1970, to ascertain the cost of publication.

If no bids are received for the sale tract on Thursday, October 15, 1970, the tract will be reoffered on the first Thursday of subsequent months at 10:30 a.m., beginning November 5, 1970.

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

The right is reserved to determine at any time that the lands should not be sold or that any and all bids should be rejected.

The land described in this notice has been segregated from all forms of appropriation, including locations under the general mining laws, except for sale under this Act, from the date of the proposed classification decision. Inquiries concerning this sale should be addressed to the Land Office Manager, Bureau of Land Management, Room 3022, Federal Building, 230 North First Avenue, Phoenix, Ariz. 85025, or to the District Manager, Bureau of Land Management, Safford District Office, 1707 Thatcher Building, Safford, Ariz. 85546.

GLENDON E. COLLINS,
*Manager, Arizona Land Office.*

[F.R. Doc. 70–11877; Filed, Sept. 8, 1970; 8:49 a.m.]

[New Mexico 11733]

## NEW MEXICO

### Notice of Classification

AUGUST 31, 1970.

Pursuant to section 2 of the Act of September 19, 1964 (43 U.S.C. 1412), the lands described below are hereby classified for disposal through exchange under section 8 of the Act of June 28, 1934 (48 Stat. 1272; 43 U.S.C. 315g), as amended.

The lands affected by this classification are located in McKinley County and are described as follows:

NEW MEXICO PRINCIPAL MERIDIAN

T. 20 N., R. 8 W.,
Sec. 1;
Sec. 3, lots, 1, 2, 3, 4, S½N½, and SW¼;
Sec. 9;
Sec. 11, N½ and SW¼;
Sec. 13;
Sec. 15, W½ and SE¼;
Sec. 23;
Sec. 25, N½ and SW¼;
Secs. 27 and 35.

T. 16 N., R. 11 W.,
Sec. 1, lots 3, 4, and S½NW¼;
Sec. 3;
Sec. 11, W½;
Sec. 13, SW¼;
Sec. 19, lots 1, 2, E½, and E½NW¼;
Sec. 21, S½;
Sec. 31.

T. 17 N., R. 11 W.,
Secs. 3, 5, 7, 9, 11, 13, and 15;
Sec. 17, W½, and SE¼;
Secs. 19, 21, 23, and 27;
Sec. 29, E½;
Secs. 31, 33, and 35.

T. 17 N., R. 13 W.,
Sec. 1, lots 3, 4, S½NW¼, and S½;
Sec. 3, lots 1, 2, S½NE¼, and SE¼;
Sec. 5, lots 3, 4, S½NW¼, and S½;
Sec. 7, lots 1, 2, 3, 4, NE¼, and E½W½;
Sec. 13, NE¼;
Sec. 15, SE¼;
Sec. 19;
Sec. 25, NE¼ and S½;
Sec. 27, S½;
Sec. 29, SE¼;
Secs. 31, 33, and 35.

The areas described aggregate 23,848.10 acres.

For a period of 30 days, interested parties may submit comments to the Secretary of the Interior, LLM, 721, Washington, D.C. 20240 (43 CFR 2462.3).

W. J. ANDERSON,
*State Director.*

[F.R. Doc. 70–11878; Filed, Sept. 8, 1970; 8:48 a.m.]

## Office of Hearings and Appeals

[Docket No. M 71–6]

## LANSCOAL MINING CO., INC.

### Petition for Modification of Interim Mandatory Safety Standard

In accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969 (83 Stat., 742, et seq., Public Law 91–173), notice is given hereby that the Lanscoal Mining Co., Inc. has filed a petition to modify the application of section 303(a) of the Act with respect to its mine No. 36–01763, No. 9 Mine Water Level Drift, located at Lansford, Pa.

Section 303(a) of the Act provides: "All coal mines shall be ventilated by mechanical ventilation equipment installed and operated in a manner approved by an authorized representative of the Secretary and such equipment shall be examined daily and a record shall be kept of such examination."

Petitioner proposes that said mine be excepted from the application of the requirements of said section 303(a) on the ground, inter alia, that an alternative method of achieving the result of such standard exists which will at all times guarantee no less than the same measure of protection afforded the miners of such mine by such standard.

A copy of the petition is available for inspection in the Office of Hearings and Appeals, U.S. Department of the Interior, 11th floor, Ballston Tower No. 3, 4015 Wilson Boulevard, Arlington, Va.

Office of Hearings and Appeals,

JAMES M. DAY,
*Director.*

SEPTEMBER 2, 1970.

[F.R. Doc. 70–11879; Filed, Sept. 8, 1970; 8:48 a.m.]

## Office of the Secretary

### BIG VALLEY RANCHERIA IN CALIFORNIA AND INDIVIDUAL MEMBERS THEREOF

### Notice of Termination of Federal Supervision Over Property

Notice is hereby given deleting the names of the following dependent members of the immediate families of distributees from those listed in the November 3, 1965, approved Notice of Termination of Federal Supervision over the Property of the Big Valley Rancheria in California and Individual Members Thereof.

| Deletion of dependent family members | Date of birth | Address | Relationship to distributee | Distributee |
|---|---|---|---|---|
| Mabel Esther Brown | 5-15-42 | 3615 Quigley St., Oakland, Calif. | Daughter | Theresa Hopper Brown (Calvin Brown, father). |
| Stephen A. Brown | 3-11-44 | Post Office Box 267, Clearlake Oaks, Calif. | Son | Do. |
| Anthony J. Brown | 5-10-47 | do | do | Do. |
| Nathan M. Brown | 10- 5-50 | do | do | Do. |
| Carter G. Brown | 12-15-51 | do | do | Do. |
| Sarah J. Brown | 8-9-54 | do | Daughter | Do. |
| Alphonse Robles Brown | 10-10-59 | do | Grandson | Do. |
| Geraldine Esther Brown | 6-28-40 | Post Office Box 317, Clearlake Oaks, Calif. | Daughter | Elvina Hopper Brown (Jim Brown, father). |
| Raymond Brown | 11-23-42 | do | Son | Do. |
| Marvin Brown | 2- 5-45 | do | do | Do. |
| Cecil Brown | 4- 8-47 | 3800 Dale Pl., Oakland, Calif. | do | Do. |
| Sharon Brown | 3- 6-50 | Post Office Box 317, Clearlake Oaks, Calif. | Daughter | Do. |
| Thomas Brown | 3-26-51 | do | Son | Do. |
| Jim Brown, Jr. | 2-15-53 | do | do | Do. |
| Bonnie Morindo | 8- 6-51 | Post Office Box 347, Clearlake Oaks, Calif. | Daughter | Ermadine Hopper Morindo Geary (Thomas B. Morindo, father). |
| Martha Morindo | 8-10-52 | do | do | Do. |
| Mayfield Morindo | 11- 9-53 | do | Son | Do. |
| Barbara Morindo | 5-13-56 | do | Daughter | Do. |
| Brenda Geary | 6-28-58 | do | do | Herbert Geary (Morindo a.k.a. Morinda, Maranda, Miranda). |
| Leora Rene Barnes | 2-18-58 | Post Office Box 346, Clearlake Oaks, Calif. | do | Rose Hopper Barnes (Dewey Barnes, father). |

The fathers, as indicated, of the above-named dependent family members are nonterminated members of the Sulphur Bank Rancheria. This notice, with respect to the above-named dependent family members only, rescinds pro tanto, and as of November 11, 1965, the Notice of Termination approved November 3, 1965, which became effective on publication on November 11, 1965, FEDERAL REGISTER, Volume 30, Number 219. This notice becomes effective as of the date of publication in the FEDERAL REGISTER.

HARRISON LOESCH,
*Assistant Secretary of the Interior.*

AUGUST 25, 1970.

[F.R. Doc. 70-11880; Filed, Sept. 8, 1970; 8:48 a.m.]

# DEPARTMENT OF COMMERCE

## Maritime Administration

### PRUDENTIAL-GRACE LINES, INC.

### Notice of Application

Notice is hereby given that Prudential-Grace Lines, Inc. has applied for permission for its combination passenger-cargo ships, "SSs Santa Rosa" and "Santa Paula," operating on the Trade Route No. 4 Combination Passenger-Freight Service, to call southbound at the port of Kingston, Jamaica, from a U.S. Atlantic port or ports.

Any person, firm or corporation having any interest in such application and desiring a hearing on issues pertinent to section 605(c) of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1175), should by the close of business on September 18, 1970, notify the Secretary, Maritime Subsidy Board in writing in triplicate, and file petition for leave to intervene in accordance with the rules of practice and procedure of the Maritime Subsidy Board.

In the event a section 605(c) hearing is ordered to be held, the purpose thereof will be to receive evidence relevant to (1) whether the application is one with respect to a vessel to be operated on a service, route, or line served by citizens of the United States which would be in addition to the existing service, or services, and if so, whether the service already provided by vessels of U.S. registry in such service, route, or line is inadequate, and (2) whether in the accomplishment of the purpose and policy of the Act additional vessels should be operated thereon.

If no request for hearing and petition for leave to intervene is received within the specified time, or if the Maritime Subsidy Board determines that petitions for leave to intervene filed within the specified time do not demonstrate sufficient interest to warrant a hearing, the Maritime Subsidy Board will take such action as may be deemed appropriate.

By Order of the Maritime Subsidy Board.

Dated: September 4, 1970.

JAMES S. DAWSON, Jr.,
*Secretary.*

[F.R. Doc. 70-12015; Filed, Sept. 8, 1970; 8:52 a.m.]

# DEPARTMENT OF AGRICULTURE

## Commodity Credit Corporation

[Amdt. 3]

### SALES OF CERTAIN COMMODITIES

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

The CCC Monthly Sales List for the fiscal year ending June 30, 1971, published in 35 F.R. 10922, is amended as follows:

1. Section 26 entitled *Rice, Rough—Unrestricted Use Sales—FOB Warehouse* is revised to read as follows:

*Rice, Rough—Unrestricted Use Sales—FOB Warehouse*

The minimum price is the market price but not less than the formula price.

The formula price is the 1970 loan rate plus 5 percent plus the monthly markup shown in this section. Basis of sale is FOB 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 one percent smut in excess of the listed percentage.

MONTHLY MARKUPS—CENTS PER HUNDREDWEIGHT

| | |
|---|---|
| *1970* | |
| September | 13 |
| October | 17 |
| November | 22 |
| December | 26 |
| *1971* | |
| January | 31 |
| February | 33 |
| March | 40 |
| April | 45 |
| May | 49 |
| June | 49 |

2. Section 33 entitled *Linseed Oil (Raw) Unrestricted Use Sales* is amended by the insertion of the following sentence after the first sentence:

For September the price will be $0.1182 per pound.

3. Section 49 entitled *Nonfat Dry Milk—Export Sales* is revised to read as follows:

*Nonfat Dry Milk—Export Sales*

Sales are in carlots only in-store at storage location of products. Competitive offers, or at announced prices, under MP-23, pursuant to invitations issued by the Minneapolis ASCS Commodity office. Invitations will indicate the type of export sales authorized, whether sales will be made by competitive offers or at announced prices, and the period of time such price will be in effect.

Signed at Washington, D.C., on September 2, 1970.

CARROLL G. BRUNTHAVER,
*Acting Executive Vice President, Commodity Credit Corporation.*

[F.R. Doc. 70-11916; Filed, Sept. 8, 1970; 8:51 a.m.]

## Consumer and Marketing Service

## HUMANELY SLAUGHTERED LIVESTOCK

### Identification of Carcasses; Changes in List of Establishments

Pursuant to section 4 of the Act of August 27, 1958 (7 U.S.C. 1904), and the statement of policy thereunder in 9 CFR 381.1, the list (35 F.R. 12862) of establishments which are operated under Federal inspection pursuant to the Federal Meat Inspection Act (21 U.S.C. 601 et seq.) and which use humane methods of slaughter and incidental handling of livestock is hereby amended as follows:

The reference to Pioneer Packing Co., Establishment 372, and the reference to swine with respect to such establishment are deleted. The reference to Lundy Packing Co., Establishment 413, and the reference to swine with respect to such establishment are deleted. The reference to sheep and swine with respect to Kenton Packing Co., Establishment 36, is deleted. The reference to calves with respect to Perretta Packing Co., Inc., Establishment 571, is deleted. The reference to swine with respect to Missouri Valley Meat Co., Establishment 7604, is deleted.

The following table lists species at additional establishments and additional species at previously listed establishments that have been reported as being slaughtered and handled humanely.

| Name of establishment | Establishment No. | Cattle | Calves | Sheep | Goats | Swine | Horses | Mules |
|---|---|---|---|---|---|---|---|---|
| Sam Kane Packing Co. | 337 | (*) | (*) | | | | | |
| Packers outlet | 746 | (*) | | | | | | |
| Aristo Kansas Meat Packers | 1528A | (*) | | | | | | |
| Dean Sausage Co., Inc. | 6621 | | | | | (*) | | |
| Schwartzman Packing Co. | 7003 | (*) | | | | | | |
| Chef Reddy Meats Co. | 7049 | (*) | | | | (*) | | |
| Cribbs Sausage Co. | 7424 | | | | | (*) | | |
| Dic-Kota Meat Products, Inc. | 7645 | (*) | | | | (*) | | |
| New establishments reported: 8. | | | | | | | | |
| The Val Decker Packing Co. | 95 | (*) | | | | | | |
| Central Packing Co., Inc. | 96 | (*) | | | | | | |
| Liberty Packing Co. | 101 | | (*) | | | | | |
| The Merchants Co. | 116 | | (*) | | | | | |
| Acme Markets, Inc. | 279 | | | (*) | | | | |
| A. Dicillo & Sons, Inc. | 448 | | (*) | | | | | |
| Meat Laboratory, Oklahoma State University. | 526 | | (*) | | | | | |
| Piute Packing Co. | 550 | | | | | (*) | | |
| P & H Packing Co., Inc. | 2211A | (*) | | | | | | |
| G & C Packing Co. | 2262 | | (*) | | | | | |
| George H. Meyer Sons, Inc. | 6521 | | | (*) | | | | |
| Hatch Packing Co., Inc. | 7021 | | | (*) | | | | |
| Casselton Cold Storage | 7611 | | | (*) | | | | |
| Fairmont Lockers | 7615 | | | (*) | (*) | | | |
| City Meat & Locker | 7644 | | | (*) | | | | |
| Knute's Meat Processing & Sales | 7655 | | | (*) | | | | |
| Species added: 17. | | | | | | | | |

Done at Washington, D.C., on September 2, 1970.

L. H. BURKERT,
*Acting Deputy Administrator,*
*Consumer Protection.*

[F.R. Doc. 70-11918; Filed, Sept. 8, 1970; 8:51 a.m.]

## Federal Crop Insurance Corporation

[Notice No. 52]

## WHEAT IN IDAHO AND UTAH

### Extension of the Closing Date for Filing of Applications for the 1971 Crop Year

Pursuant to the authority contained in § 401.103 of Title 7 of the Code of Federal Regulations, the time for filing applications for wheat crop insurance for the 1971 crop year in the Idaho and Utah counties listed below is hereby extended until the close of business on September 25, 1970. Such applications received during this period will be accepted only after it is determined that no adverse selectivity will result.

IDAHO

| | |
|---|---|
| Ada. | Jefferson. |
| Bannock. | Jerome. |
| Bingham. | Lincoln. |
| Bonneville. | Madison. |
| Camas. | Minidoka. |
| Canyon. | Oneida. |
| Caribou. | Owyhee. |
| Cassia. | Power. |
| Franklin. | Teton. |
| Fremont. | Twin Falls. |
| Gooding. | |

UTAH

| | |
|---|---|
| Box Elder. | Salt Lake. |
| Cache. | Utah. |
| Davis. | Weber. |

[SEAL] RICHARD H. ASLAKSON,
*Manager,*
*Federal Crop Insurance Corporation.*

[F.R. Doc. 70-11919; Filed, Sept. 8, 1970; 8:51 a.m.]

[Notice No. 53]

## WHEAT IN KANSAS, OKLAHOMA AND TEXAS

### Extension of the Closing Date for Filing of Applications for the 1971 Crop Year

Pursuant to the authority contained in § 401.103 of Title 7 of the Code of Federal Regulations, the time for filing applications for wheat crop insurance for the 1971 crop year in the Kansas, Oklahoma and Texas counties listed below is hereby extended until the close of business on September 4, 1970. Such applications received during this period will be accepted only after it is determined that no adverse selectivity will result.

KANSAS

| | |
|---|---|
| Barton. | Meade. |
| Cheyenne. | Ness. |
| Clark. | Norton. |
| Comanche. | Pawnee. |
| Decatur. | Phillips. |
| Edwards. | Rawlins. |
| Ellis. | Rice. |
| Ellsworth. | Rooks. |
| Finney. | Rush. |
| Ford. | Russell. |
| Gove. | Scott. |
| Graham. | Seward. |
| Grant. | Sheridan. |
| Gray. | Sherman. |
| Greeley. | Stafford. |
| Hamilton. | Stanton. |
| Haskell. | Stevens. |
| Hodgeman. | Thomas. |
| Kearny. | Trego. |
| Kiowa. | Wallace. |
| Lane. | Wichita. |
| Logan. | |

OKLAHOMA

Texas.

TEXAS

| | |
|---|---|
| Carson. | Hutchinson. |
| Castro. | Moore. |
| Dallam. | Ochiltree. |
| Deaf Smith. | Oldham. |
| Floyd. | Parmer. |
| Hale. | Randall. |
| Hansford. | Sherman. |
| Hartley. | Swisher. |

[SEAL] RICHARD H. ASLAKSON,
*Federal Crop Insurance Corporation.*

[F.R. Doc. 70-11920; Filed, Sept. 8, 1970; 8:51 a.m.]

# DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

## Food and Drug Administration

## AMERICAN CYANAMID 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 1B2578) has been filed by American Cyanamid Co., Wayne, N.J. 07470, proposing that § 121.2526 *Components of paper and paperboard in contact with aqueous and fatty foods* (21 CFR 121.2526) be amended to provide for the safe use of poly[(methylimino) (2-hydroxytrimethylene) hydrochloride] as a retention aid in the manufacture of paper and paperboard intended for use in contact with aqueous and fatty foods.

Dated: August 28, 1970.

SAM D. FINE,
*Associate Commissioner*
*for Compliance.*

[F.R. Doc. 70-11863; Filed, Sept. 8, 1970; 8:47 a.m.]

[Docket No. FDC-D-233; NADA No. 9-880V]

## CHAS. PFIZER & CO., INC.

### Terramycin Pet Formula Water Tablets; Notice of Opportunity for Hearing

An announcement published in the FEDERAL REGISTER of May 27, 1969 (34

F.R. 8210), invited Chas. Pfizer & Co., Inc., 235 East 42d Street, New York, N.Y. 10017, holder of new animal drug application No. 9-880V for Terramycin Pet Formula Water Tablets (each tablet contains 50 milligrams of oxytetracycline hydrochloride), and any other interested person, to submit pertinent data on the drug's effectiveness. Information received in response to the announcement was found to be inadequate, and available information still fails to provide substantial evidence of effectiveness of the drug for use in treating certain infectious diseases in caged birds and tropical fish.

Therefore, notice is given to Chas. Pfizer & Co., Inc., and to any interested person who may be adversely affected, that the Commissioner of Food and Drugs proposes to issue an order under section 512(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 260b(e)) withdrawing approval of new animal drug application No. 9-880V and all amendments and supplements thereto held by Chas. Pfizer & Co., Inc., for the drug Terramycin Pet Formula Water Tablets 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 provisions of section 512 of the act (21 U.S.C. 360b), the Commissioner will give the applicant, and any interested person who may be adversely affected by an order withdrawing such approval, an opportunity for a hearing at which time such persons may produce evidence and arguments to show why approval of new animal drug application No. 9-880V should not be withdrawn. Promulgation of the order will cause any drug similar in composition to Terramycin Pet Formula Water Tablets, and recommended for similar conditions of use, 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, 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 approval of the new animal drug application.

Failure of such persons to file a written appearance of election within said 30 days 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 the Commissioner finds entitled to protection as a trade secret will not be open to the public, unless the respondent specifies otherwise in his appearance.

If such persons elect to avail themselves of the opportunity for a hearing, they must file a written appearance requesting the hearing and giving the reasons why approval of the new animal drug application should not be withdrawn, together with a well-organized and full-factual analysis of the clinical and other investigational data they are prepared to prove in support of their opposition. A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that a genuine and substantial issue of fact requires a hearing. When it clearly appears from the data in the application and from the reasons and factual analysis in the request for the hearing that no genuine and substantial issue of fact 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 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: August 28, 1970.

SAM D. FINE,
*Associate Commissioner for Compliance.*

[F.R. Doc. 70-11865; Filed, Sept. 8, 1970; 8:47 a.m.]

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[Docket No. FDC-D-223; NADA No. 8-748V et al]

## DR. MAYFIELD LABORATORIES ET AL.

### Hog Wormer; Notice of Opportunity for Hearing

In the FEDERAL REGISTER of December 6, 1968 (33 F.R. 18204), the Commissioner of Food and Drugs announced the conclusions of the Food and Drug Administration and the National Academy of Sciences—National Research Council, Drug Efficacy Study Group, following evaluation by the Administration of reports received from the Academy on the following preparation: Dr. Mayfield Hog Wormer; contains copper aceto-arsenite, antimonyl potassium tartrate, and phenothiazine; by Dr. Mayfield Laboratories, 1209 South Main Street, Charles City, Iowa 50616; NADA (new animal drug application) No. 8-748V.

The announcement invited the above-named holder of said new animal drug application, and any other interested person, to submit pertinent data on the drug's effectiveness.

Adequate efficacy data in response to the announcement has not been received, and available information still fails to provide substantial evidence of effectiveness of the drug for its recommended use in removing large roundworms (*Ascaris*) and nodular worms (*Oesophagostomum*) from swine.

Efficacy data covering the following product which is similar in composition and labeling to the above-named product, although not furnished for review by the Academy as requested in the notice regarding drug effectiveness which was published in the FEDERAL REGISTER of July 9, 1966 (31 F.R. 9426), and, therefore, not evaluated by the Academy, have been reviewed by the Administration. The above-cited findings of the Administration regarding drug effectiveness apply equally to the following: Corn King Hog Wormer; by The Corn King Co., Inc., 700 16th Street NE., Cedar Rapids, Iowa 52400; NADA No. 9-040V.

Therefore, notice is given to the above-named firms and any interested person who may be adversely affected, that the Commissioner proposes to issue an order under section 512(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b(e)) withdrawing approval of all of the new animal drug applications named above, and all amendments and supplements thereto, held by said firms for the listed drug products on the grounds that:

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

In accordance with provisions of section 512 of the act (21 U.S.C. 360b), the Commissioner, will give the applicants, and any interested person who would be adversely affected by an order withdrawing such approval, an opportunity for a hearing at which time such persons may produce evidence and arguments to show why approval of the above-named new animal drug applications should not be withdrawn. Promulgation of the order will cause any drug similar in composition, and recommended for conditions of use similar to those recommended for the above-listed drug products, 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, 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 approval of the new animal drug applications.

Failure of such persons to file a written appearance of election within said 30 days 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 of process the commissioner finds entitled to protection as a trade secret will not be open to the public, unless the respondent specifies otherwise in his appearance.

If such persons elect to avail themselves of the opportunity for a hearing, they must file a written appearance requesting the hearing and giving the reasons why approval of the new animal drug application should not be withdrawn, together with a well-organized and full-factual analysis of the clinical and other investigational data they are prepared to prove in support of their opposition. A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that a genuine and substantial issue of fact requires a hearing. When it clearly appears from the data in the application and from the reasons and factual analysis in the request for the hearing that no genuine and substantial issue of fact 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 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: August 28, 1970.

SAM D. FINE,
*Associate Commissioner for Compliance.*

[F.R. Doc. 70–11866; Filed, Sept. 8, 1970; 8:47 a.m.]

## FRITZSCHE DODGE & OLCOTT, INC., AND THE MINNESOTA MINING & MANUFACTURING 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 1A2580) has been filed by Fritzsche Dodge & Olcott, Inc., 76 Ninth Avenue, New York, N.Y. 10011, and Minnesota Mining & Manufacturing Co., 3M Center, St. Paul, Minn. 55101, proposing that the food additive regulations (21 CFR Part 121) be amended to provide for the safe use of petroleum wax as a component of microcapsules for encapsulating discrete particles of authorized food-flavoring substances.

Dated: August 28, 1970.

SAM D. FINE,
*Associate Commissioner for Compliance.*

[F.R. Doc. 70–11864; Filed, Sept. 8, 1970; 8:47 a.m.]

[Docket No. FDC–D–194; NADA No. 10–815V]

## JENSEN-SALSBERY LABORATORIES

### Paladide; Notice of Opportunity for Hearing

An announcement published in the FEDERAL REGISTER of November 14, 1969 (34 F.R. 18259), invited Jensen-Salsbery Laboratories, Division of Richardson-Merrell Inc., 520 West 21st Street, Kansas City, Mo. 64141, holder of new animal drug application No. 10–815V for Paladide (a drug containing 1.56 grams of cuprous iodide per ounce), and any other interested person, to submit pertinent data on the drug's effectiveness.

Certain data were submitted in response to the announcement; however, available information still fails to provide substantial evidence of effectiveness of the drug for use as adjunctive therapy in the treatment of foot rot (necrotic pododermatitis) in cattle and as an expectorant in respiratory tract congestion of cattle and swine.

Therefore, notice is given to Jensen-Salsbery Laboratories, and to any interested person who may be adversely affected, that the Commissioner of Food and Drugs proposes to issue an order under 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. 10–815V, and all amendments and supplements thereto, held by Jensen-Salsbery Laboratories for the drug Paladide 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 provisions of section 512 of the act (21 U.S.C. 360b), the Commissioner will give the applicant, and any interested person who may be adversely affected by an order withdrawing such approval, an opportunity for a hearing at which time such persons may produce evidence and arguments to show why approval of new animal drug application No. 10–815V should not be withdrawn. Promulgation of the order will cause any drug similar in composition to Paladide, and recommended for conditions of use similar to those recommended for Paladide, 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, 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 approval of the new animal drug application.

Failure of such persons to file a written appearance of election within said 30 days 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 the Commissioner finds entitled to protection as a trade secret will not be open to the public, unless the respondent specifies otherwise in his appearance.

If such persons elect to avail themselves of the opportunity for a hearing, they must file a written appearance requesting the hearing and giving the reasons why approval of the new animal drug application should not be withdrawn, together with a well-organized and full-factual analysis of the clinical and other investigational data they are prepared to prove in support of their opposition. A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that a genuine and substantial issue of fact requires a hearing. When it clearly appears from the data in the application and from the reasons and factual analysis in the request for the hearing that no genuine and substantial issue of fact 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 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 dele-

gated to the Commissioner (21 CFR 2.120).

Dated: August 28, 1970.

SAM D. FINE,
*Associate Commissioner for Compliance.*

[F.R. Doc. 70-11867; Filed, Sept. 8, 1970; 8:47 a.m.]

## STAUFFER CHEMICAL CO.

### Notice of Filing 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)), notice is given that a petition (PP 0F1006) has been filed by Stauffer Chemical Co., 1200 South 47th Street, Richmond, Calif. 94804, proposing establishment of a tolerance (21 CFR Part 120) for negligible residues of the herbicide *S*-(*O*,*O*-diisopropyl phosphorodithioate) of *N*-(2-mercaptoethyl) benzenesulfonamide and its oxygen analog *S*-(*O*,*O*-diisopropyl phosphorothioate) of *N*-(2-mercaptoethyl) benzenesulfonamide in or on the raw agricultural commodity winter squash at 0.1 part per million.

The analytical method proposed in the petition for determining residues of the herbicide is a gas chromatographic procedure using a phosphorus-specific thermionic detector with a cesium bromide tip.

Dated: August 28, 1970.

SAM D. FINE,
*Associate Commissioner for Compliance.*

[F.R. Doc. 70-11862; Filed, Sept. 8, 1970; 8:47 a.m.]

## STERWIN LABORATORIES, INC.

### Notice of Withdrawal of Petition for Food Additive Nalidixate

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

A petition (41-835V) was filed by Sterwin Laboratories, Inc., subsidiary of Sterling Drug, Inc., 90 Park Avenue, New York, N.Y. 10016, for which notice was published in the FEDERAL REGISTER of May 29, 1969 (34 F.R. 8304), proposing that the food additive regulations be amended to provide for the safe use of nalidixate (sodium 1-ethyl-1,4-dihydro-7-methyl-4-oxo - 1,8 - naphthyridine-3-carboxylate monohydrate) in the drinking water of chickens as an aid in the control of gram-negative bacterial infections in chronic respiratory disease (air-sac infection).

Subsequently, the Commissioner of Food and Drugs requested the petitioner to submit certain additional information within 180 days of the petition's filing date. The requested information has not been received; therefore, in accordance with § 121.51(j) of the procedural food additive regulations (21 CFR 121.51(j)), the subject petition is considered withdrawn without prejudice to a future filing.

Dated: August 28, 1970.

SAM D. FINE,
*Associate Commissioner for Compliance.*

[F.R. Doc. 70-11861; Filed, Sept. 8, 1970; 8:47 a.m.]

[Docket No. FDC-D-167; NADA No. 6-218V]

## WESTCHESTER VETERINARY PRODUCTS

### Dr. Merrick's Ear Canker Creme; Notice of Withdrawal of Approval of New Animal Drug Application

A notice of opportunity for a hearing on the proposed withdrawal of approval of new animal drug application No. 6-218V held by Westchester Veterinary Products, Inc., Division of Combe Chemical, Inc., White Plains, N.Y. 10601, for the drug Dr. Merrick's Ear Canker Creme, was published in the FEDERAL REGISTER of June 18, 1970 (35 F.R. 10051). Westchester Veterinary Products, Inc. has waived the opportunity for a hearing on the proposed withdrawal of approval of said application.

Based on the grounds set forth in the notice of opportunity for a hearing, the Commissioner of Food and Drugs concludes that approval of new animal drug application No. 6-218V should be withdrawn. Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512 (e), 82 Stat. 345-47; 21 U.S.C. 360b(e)) and under authority delegated to the Commissioner (21 CFR 2.120), approval of new animal drug application No. 6-218V, including all amendments and supplements thereto, is hereby withdrawn effective on the date of signature of this document.

Dated: August 28, 1970.

SAM D. FINE,
*Associate Commissioner for Compliance.*

[F.R. Doc. 70-11868; Filed, Sept. 8, 1970; 8:47 a.m.]

## Office of Education

## LIBRARY SERVICES AND CONSTRUCTION

### Promulgation of Federal Shares

Pursuant to section 104(d) and subject to the limitations of section 104(c) of the Library Services and Construction Act, 70 Stat. 293, as amended, and it having been found that the three most recent consecutive years for which satisfactory data are available from the Department of Commerce as to per capita income, are the years 1967, 1968, and 1969, the Federal shares for the purposes of Titles I, II, and Parts A and B of Title IV of such Act for the several States, Puerto Rico, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Virgin Islands are hereby promulgated as indicated below to be effective for the fiscal years ending June 30, 1972, and June 30, 1973.

| *State* | *Federal share (percent)* |
|---|---|
| Alabama | 65.39 |
| Alaska | 40.15 |
| Arizona | 55.37 |
| Arkansas | 66.00 |
| California | 41.66 |
| Colorado | 51.47 |
| Connecticut | 37.12 |
| Delaware | 44.00 |
| Florida | 53.26 |
| Georgia | 58.95 |
| Hawaii | 47.74 |
| Idaho | 60.25 |
| Illinois | 41.56 |
| Indiana | 50.03 |
| Iowa | 51.74 |
| Kansas | 52.31 |
| Kentucky | 61.62 |
| Louisiana | 61.62 |
| Maine | 58.79 |
| Maryland | 45.08 |
| Massachusetts | 43.46 |
| Michigan | 46.03 |
| Minnesota | 51.02 |
| Mississippi | 66.00 |
| Missouri | 52.58 |
| Montana | 57.28 |
| Nebraska | 51.97 |
| Nevada | 41.30 |
| New Hampshire | 52.48 |
| New Jersey | 42.13 |
| New Mexico | 61.01 |
| New York | 39.66 |
| North Carolina | 61.15 |
| North Dakota | 60.06 |
| Ohio | 49.26 |
| Oklahoma | 58.51 |
| Oregon | 51.34 |
| Pennsylvania | 50.25 |
| Rhode Island | 47.43 |
| South Carolina | 65.04 |
| South Dakota | 58.96 |
| Tennessee | 62.25 |
| Texas | 56.01 |
| Utah | 59.09 |
| Vermont | 55.72 |
| Virginia | 55.30 |
| Washington | 46.77 |
| West Virginia | 64.23 |
| Wisconsin | 50.72 |
| Wyoming | 54.50 |
| District of Columbia | 35.69 |
| *Outlying parts of the United States:* | |
| American Samoa | 66.00 |
| Guam | 66.00 |
| Puerto Rico | 66.00 |
| Virgin Islands | 66.00 |
| Trust Territory of the Pacific Islands | 100.00 |

Dated: August 31, 1970.

T. H. BELL,
*Acting U.S. Commissioner of Education.*

[F.R. Doc. 70-11860; Filed, Sept. 8, 1970; 8:46 a.m.]

## Public Health Service

## BIOLOGICAL PRODUCTS

### Statement of Policy and Interpretation

Application of section 351, Public Health Service Act and 42 CFR Part 73, to biological substances for detecting hepatitis associated antigen in human blood and blood products.

Section 351 of the Public Health Service Act, as amended (42 U.S.C. 262) prohibits the sale, barter, or exchange in interstate or foreign commerce, or within the District of Columbia, of any virus, therapeutic serum, toxin, antitoxin, or analogous product or arsphenamine or its derivatives (or any other trivalent organic arsenic compound) applicable to the prevention, treatment, or cure of diseases or injuries of man, unless such products have been propagated or manufactured and prepared at an establishment holding an unsuspended and unrevoked license issued by the Secretary of Health, Education, and Welfare to propagate or manufacture, and prepare such products.

It has come to the attention of the Director, National Institutes of Health, that antibodies in certain blood sera may be used in detecting in human blood and blood products the presence of an antigen (commonly called "Australia antigen" or "hepatitis associated antigen") closely related to the agent of serum hepatitis, and thereby, by enabling identification and elimination as a source for transfusion or use in man, of products so contaminated, preventing or lessening the occurrence of such disease in man from such products.

Notice is hereby given that the Director, National Institutes of Health, finds such products to be biological products applicable to the prevention of a disease of man, namely, serum hepatitis, within the intendment of section 351, Public Health Service Act, as amended, and regulations thereunder, Title 42, Code of Federal Regulations Part 73, particularly § 73.1 (i) and (k). Accordingly, sale, barter or exchange of such product or products in interstate or foreign commerce or within the District of Columbia without a license issued by the Secretary under section 351 is prohibited by law.

The value of such product or products is recognized and standards designed to insure their continued safety, purity and potency are in process and will be prescribed in regulations as soon as feasible. Until such standards are prescribed, a license for such product or products may not be issued.

This notice is an interpretation of the applicability of Section 351, Public Health Service Act, to a particular product and a statement of policy under such section, and is therefore exempt from the requirements of the Administrative Procedure Act (5 U.S.C. 553) pertaining to public participation in rule making.

*Effective date.* This Notice shall become effective upon publication in the FEDERAL REGISTER.

Dated: August 28, 1970.

ROBERT Q. MARSTON,
*Director,*
*National Institutes of Health.*

[F.R. Doc. 70-11889; Filed, Sept. 8, 1970; 8:49 a.m.]

# CIVIL AERONAUTICS BOARD

[Dockets Nos. 20929, 22531; Order 70-9-10]

## ALASKA AIRLINES, INC., ET AL.

### Order Instituting Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 1st day of September 1970.

On April 21, 1969, 11-member air carriers of the Air Traffic Conference of America[1] filed, pursuant to section 412(a) of the Federal Aviation Act of 1958, as amended (the Act) an agreement entitled "Standard Automated Reservations Interline Agreement." This agreement, referred to hereafter as the "intercarrier agreement," is intended to enable the carriers to provide their travel agents, inter alia, with computerized access to the carriers' seat availability. As modified by an amendment filed December 22, 1969 (CAB 20953-A1), the intercarrier agreement now has five attachments, identified as follows: (1) the agreement between the Executive Secretary of the Air Traffic Conference of America and ATARS Computer System, Inc. ("ATARCSI Agreement"); (2) a description of the technical requirements of the system ("functional description"); (3) a form contract between ATARCSI and the Selling Agents ("agent contract"); (4) a standard schedule of charges to the carriers ("carrier charges"); and (5) a list of the requirements to be met by an automated reservations system in order to be considered qualified as a common system ("functional requirements"). The intercarrier agreement and the five attachments constitute what we shall refer to as the "ATARS Agreement."

On July 15, 1969, in Order 69-7-74, the Board deferred action on the agreement, requested comments thereon from interested persons and set the matter for oral argument on September 3, 1969. Opposition to approval of the agreement, based in large part on the exclusive nature of the arrangement,[2] was received from various vendors of competing systems and from the Department of Justice. At the request of ATARCSI, the Board agreed to postpone oral argument pending further consideration of the matter by the parties.

On December 22, 1969, an amendment was filed which modified the ATARCSI agreement to permit the carriers to furnish space availability information to, and enter into arrangements with, vendors whose systems meet or exceed the functional requirements (which accompanied the amendment) and who were willing to provide the same guarantees set forth in the ATARCSI agreement.[3] Since this amendment created new substantive considerations, the Board further deferred action on the matter and invited interested persons to file comments.[4] On April 29, 1970, the Board issued Order 70-4-148, reviewing the comments in brief and setting the matter for oral argument. The comments received in support of the amended agreement, from the carriers, American Society of Travel Agents and ATARCSI, all expressed the view that modification of the exclusivity provision had removed any color of antitrust violation, and that any qualified vendor was free to market its system to the carriers. Opponents maintained that the amendment did not dispose of the antitrust objections previously expressed. Other issues were raised concerning the Board's jurisdiction over agreements between carrier and noncarrier parties and whether approval of such agreements extended antitrust immunity to such noncarrier parties. Oral argument on these matters was held on May 13, 1970.

On consideration of all the foregoing, the Board has decided to further defer action on the agreement, as amended, and to institute an investigation aimed at establishing a more complete record on which to base a decision. For we must conclude, after reviewing two separate sets of comments and the information presented at oral argument, that the differences between the parties and others as to the intent and effect of the agreement are as irreconcilable as they were at the outset and that they cannot be resolved on the record before us. More importantly, the underlying facts and the possible inferences which can be drawn therefrom remain obscure and unclear, a situation which compels their development and airing in a hearing.

We think a more complete record is necessary to explore some basic questions. In view of the amendment to the agreement filed by the carriers which purports to eliminate the previous exclusivity features, we must have a greater knowledge of how the ATARS system will be utilized by carriers and customers in conjunction with the systems of other

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[1] The Board's records reflect the following participants: Alaska Airlines, Inc., Continental Air Lines, Inc., Delta Air Lines, Inc., Eastern Air Lines, Inc., Mohawk Airlines, Inc., National Airlines, Inc., Northeast Airlines, Inc., Northwest Airlines, Inc., Trans World Airlines, Inc., United Air Lines, Inc., and Western Air Lines, Inc.

[2] Original paragraph 12 of the ATC-ATARCSI agreement, in effect prevented any participant from furnishing schedule availability or passenger itinerary information for use in any automated system other than ATARS.

[3] The "ATARCSI Guarantees" represent the agreement of ATARCSI to provide the type of system which ATC had decided was necessary. Thus, the guarantees provide, inter alia, that ATARCSI will assume total cost and management responsibility for the system and that it will supply all hardware, software, and service necessary to make the system operable. It contains other technical guarantees, such as the 3-second minimum response interval for the computer to respond to an inquiry.

[4] Order 70-1-39, Jan. 8, 1970.

qualified vendors.[5] These are in the nature of operational questions as to what each system could do, or could not do, if it were the only system in effect or if it existed along with, and operationally had to deal with, other systems as well. Such information also bears upon the antitrust questions which exist, since we think greater operational information is relevant to the question of whether competition is technologically and financially feasible from the point of view of the carriers, the vendors and the customers.

Of course, the nature of the antitrust inquiry comprehends, but does not end with exploration of whether the existence of a market structure conducive to maximum feasible competition will be imperiled by approval of the agreement. For, assuming arguendo that such could be the case, we must still determine whether there is a serious air transportation need which the agreement would fill, and if so whether that would outweigh the detriments to competition. We cannot state that the present record contains enough facts (as opposed to argument) which allow us to make an informed judgment on the major issues.

A number of other questions also present themselves. These include the alternatives available to the airlines, and the considerations which prompted them to take the route that led to the selection of ATARCSI and the adoption of the functional requirements; whether the functional requirements and guarantees are required in the performance of an adequate automated reservations system; the significance of the alleged head start which ATARCSI has, even in a multiple vendor system, by virtue of its having already signed with 11 domestic carriers; whether other vendors had a chance to submit bids to the carriers; the impact on the carriers' costs if another sytsem or multiple systems were adopted; the effect of one or multiple systems on the costs to the vendors' customers; and the feasibility for such customers of multiple systems.[6] There is also the question of whether the relationship between ATARCSI and the carriers requires Board approval under section 408 of the Act and, if so, whether such approval should be granted.

We also find that the present state of the record is insufficient to determine the effect of Board approval of the agreement on those carriers who are not signatories thereto. A substantial question has been raised as to whether our previous approval of ATC Resolution 40.41 (Agreement CAB 18923–A1) [7] locks nonsignatory carriers into the ATARS system. Whether in fact it does so, and what the consequences and public interest effects of such a situation would be, will be included in the investigation, with the related question of whether our previous approval of Agreement CAB 18923–A1 should be revoked or modified.

At the oral argument certain persons advanced the idea of a central data bank, access to which would be open to competing vendors who, in turn, would convey availability information to their customers. We have no present views as to whether such a system is desirable and feasible and, if so, what the Board's role should be with regard thereto, but we think that these are matters which should be explored in the hearing. Thus, for example, the question of whether a central data bank and/or other components of an automated reservation facility are a natural monopoly and, if so, how such a system may develop, would be relevant to our determination as to approval or disapproval of the agreement now before us.

Finally, we note the absence to date from the proceedings of several of the ATC carrier members. One such carrier, American, operates a large sophisticated computerized facility, to which it has granted access by Telemax, one of the vendor parties herein. Moreover, American reportedly owns a 50 percent interest in Reservations World, another vendor party herein. We think that American's participation in the proceedings, and that of all other ATC member carriers, is needed for the development of the factual and technical record to be developed in the next phase of this proceeding. Accordingly, we shall make all U.S. certificated scheduled carriers parties hereto.

*Accordingly, it is ordered,* That:

1. Action on Agreement CAB 20953, as amended, be and it hereby is deferred;

2. An investigation to be known as Automated Reservations Systems Investigation be initiated for the purpose of exploring the issues discussed above and deciding what action should be taken with respect to Agreements CAB 20953 and 18923–A1; and

3. All persons who participated in oral argument in Docket 20929, and all U.S. certificated scheduled air carriers, be and they hereby are made parties to this proceeding and will be served copies of this order.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
*Secretary.*

[F.R. Doc. 70–11896; Filed, Sept. 8, 1970; 8:50 a.m.]

[Docket No. 20291; Order 70–9–12]

## INTERNATIONAL AIR TRANSPORT ASSOCIATION

### Order Regarding Passenger Sales Agents

Issued under delegated authority September 1, 1970.

An agreement has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's economic regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of the Traffic Conferences of the International Air Transport Association (IATA), and adopted as a result of the 3d Meeting of the Passenger Agency Committee held April 7–14, 1970, in Montreal. The agreement has been assigned the above-designated CAB Agreement number.

The agreement would amend provisions governing the granting of free and reduced fare transportation to passenger sales agents and tour conductors. The more substantive amendments to resolutions applicable to United States-based agents relate to provisions concerning trips for agents at a 75-percent discount. These provisions would be amended so as to (1) clarify the carriers' intentions that an agent would not be denied the transportation concession on the basis that such an agent is awaiting review of an alleged violation of an IATA resolution, (2) provide that a period of suspension does not break the continuity of the required 12 months' eligibility period, and (3) include in the application form for reduced fare concessions a statement that an agent is responsible for the veracity of information supplied.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14, it is not found, on a tentative basis, that the following resolutions, which are incorporated in Agreement CAB 21882, are adverse to the public interest or in violation of the Act:

Agreement CAB 21882:

| | *IATA Resolutions* |
|---|---|
| R–2 | 103 (PAC) 203 (U.S.A.). |
| | 203 (PAC) 203. |
| | 303 (PAC) 203. |
| | JT12 (3PAC) 203. |
| | JT23 (3PAC) 203. |
| | JT31 (3PAC) 203. |
| | JT123 (3PAC) 203. |
| R–3 | 103 (PAC) 203 (Except U.S.A.). |
| | 203 (PAC) 203. |
| | 303 (PAC) 203. |
| | JT12 (3PAC) 203. |
| | JT23 (3PAC) 203. |
| | JT31 (3PAC) 203. |
| | JT123 (3PAC) 203. |

[5] The amendment to the agreement filed by the carriers in December 1969 has been relied on as evidence that the exclusivity of the original agreement has been completely eliminated and that any system meeting the functional requirements and providing equivalent minimum guarantees of ATARCSI can market its system to the carriers at any time. This amendment also provided that any vendor (presumably including ATARCSI) or any party to the agreement could request a determination by the ATC monitor as to the qualifications of a system, which determination was thereafter subject to arbitration. We think amplification is necessary of the details of the qualification procedures, and especially whether they provide a realistic opportunity for other vendors to compete.

[6] This question relates to the basic question whether a central data bank is the most workable means of supplying vendors, and whether such a system is desirable in order to avoid problems, if such would otherwise exist, of requiring customer access to several vendors in order to reach all air carriers (see text, infra p. 5).

[7] Order E–26098, dated Dec. 11, 1967.

Agreement CAB 21882—Continued

| | IATA Resolutions |
|---|---|
| R–4 | 103 (PAC) 203b. |
| | 203 (PAC) 203b. |
| | 303 (PAC) 203b. |
| | JT12 (3PAC) 203b. |
| | JT23 (3PAC) 203b. |
| | JT31 (3PAC) 203b. |
| | JT123 (3PAC) 203b. |
| R–5 | 103 (PAC) 204. |
| | 203 (PAC) 204. |
| | 303 (PAC) 204. |
| | JT12 (3PAC) 204. |
| | JT23 (3PAC) 204. |
| | JT31 (3PAC) 204. |
| | JT123 (3PAC) 204. |

*Accordingly, it is ordered,* That:

Action on Agreement CAB 21882, R–2 through R–5, be and hereby is deferred with a view toward eventual approval.

Persons entitled to petition the Board for review of this order, pursuant to the Board's regulations, 14 CFR 385.50, may, within 10 days after the date of service of this order, file such petitions in support of or in opposition to our proposed action herein.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
*Secretary.*

[F.R. Doc. 70–11895; Filed, Sept. 8, 1970; 8:49 a.m.]

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[Docket No. 22459; Order 70–9–5]

## SEMO AVIATION, INC.

### Order To Show Cause

Issued under delegated authority September 1, 1970.

The Postmaster General filed a notice of intent August 7, 1970, pursuant to 14 CFR Part 298, petitioning the Board to establish for the above captioned air taxi operator, a final service mail rate of 57 cents per great circle aircraft mile for the transportation of mail by aircraft between Jonesboro and Little Rock, via Batesville, Ark., based on six round trips per week.

No protest or objection was filed against the proposed services during the time for filing such objections. The Postmaster General states that the Department and the carrier agree that the above rate is a fair and reasonable rate of compensation for the proposed services. The Postmaster General believes these services will meet postal needs in the market. He states the air taxi plans to initiate mail service with Beechcraft 18 aircraft.

It is in the public interest to fix, determine, and establish the fair and reasonable rate of compensation to be paid by the Postmaster General for the proposed transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between the aforesaid points. Upon consideration of the notice of intent and other matters officially noticed, it is proposed to issue and order [1] to include the following findings and conclusions:

The fair and reasonable final service mail rate to be paid to Semo Aviation, Inc., in its entirety by the Postmaster General pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, shall be 57 cents per great circle aircraft mile between Jonesboro and Little Rock, via Batesville, Ark., based on six round trips per week.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR Part 302, 14 CFR Part 298, and 14 CFR 385.16(f),

*It is ordered,* That:

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

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

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

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

5. This order shall be served upon Semo Aviation, Inc., the Postmaster General, and Texas International Airlines, Inc.

[1] This order to show cause is not a final action and is not regarded as subject to the review provisions of 14 CFR Part 385. These provisions will be applicable to final action taken by the staff under authority delegated in § 385.16(g).

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
*Secretary.*

[F.R. Doc. 70–11894; Filed, Sept. 8, 1970; 8:49 a.m.]

# CIVIL SERVICE COMMISSION

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

### Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Health, Education, and Welfare to fill by noncareer executive assignment in the excepted service the position of Executive Director, President's Commission on School Finance.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
*Executive Assistant to the Commissioners.*

[F.R. Doc. 70–11907; Filed, Sept. 8, 1970; 8:50 a.m.]

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## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

### Notice of Grant of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Housing and Urban Development to fill by noncareer executive assignment in the excepted service the position of Assistant Commissioner for Subsidized Housing Programs, Office of the Assistant Secretary for Housing Production and Mortgage Credit—FHA Commissioner.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
*Executive Assistant to the Commissioners.*

[F.R. Doc. 70–11899; Filed, Sept. 8, 1970; 8:50 a.m.]

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## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

### Notice of Grant of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Housing and Urban Development to fill by noncareer executive assignment in the excepted service the

position of Assistant Commissioner for Unsubsidized Insured Housing Programs, Office of the Assistant Secretary for Housing Production and Mortgage Credit—FHA Commissioner.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
*Executive Assistant to the Commissioners.*

[F.R. Doc. 70-11900; Filed, Sept. 8, 1970; 8:50 a.m.]

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

### Notice of Grant of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Housing and Urban Development to fill by noncareer executive assignment in the excepted service the position of Director, Housing Programs Management Division, Office of Housing Management, Renewal and Housing Management.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
*Executive Assistant to the Commissioners.*

[F.R. Doc. 70-11901; Filed, Sept. 8, 1970; 8:50 a.m.]

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

### Notice of Revocation of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Housing and Urban Development to fill by noncareer executive assignment in the excepted service the position of Director, Office of Community Development, Office of the Assistant Secretary for Renewal and Housing Assistance.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
*Executive Assistant to the Commissioners.*

[F.R. Doc. 70-11902; Filed, Sept. 8, 1970; 8:50 a.m.]

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

### Notice of Revocation of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Housing and Urban Development to fill by noncareer executive assignment in the excepted service the position of Assistant Commissioner for Multifamily Housing, Assistant-Commissioner, Federal Housing Administration.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
*Executive Assistant to the Commissioners.*

[F.R. Doc. 70-11903; Filed, Sept. 8, 1970; 8:50 a.m.]

## DEPARTMENT OF JUSTICE

### Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Justice to fill by noncareer executive assignment in the excepted service the position of Legal Counsel and Special Assistant to the Director, Community Relations Service.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
*Executive Assistant to the Commissioners.*

[F.R. Doc. 70-11908; Filed, Sept. 8, 1970; 8:50 a.m.]

## FEDERAL TRADE COMMISSION

### Notice of Revocation of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Federal Trade Commission to fill by noncareer executive assignment in the excepted service the position of Director, Bureau of Industry Guidance.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
*Executive Assistant to the Commissioners.*

[F.R. Doc. 70-11905; Filed, Sept. 8, 1970; 8:50 a.m.]

## FEDERAL TRADE COMMISSION

### Notice of Grant of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Federal Trade Commission to fill by noncareer executive assignment in the excepted service the position of Director, Bureau of Competition.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
*Executive Assistant to the Commissioners.*

[F.R. Doc. 70-11906; Filed, Sept. 8, 1970; 8:50 a.m.]

## OFFICE OF ECONOMIC OPPORTUNITY

### Notice of Title Changes in Noncareer Executive Assignments

By notice of September 3, 1969, F.R. Doc. 69-10461 the Civil Service Commission authorized the Office of Economic Opportunity to fill by noncareer executive assignment the position of Chief, Research and Planning Division. This is notice that the title of this position is now being changed to Chief, Communications Development Division, Office of Program Development.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
*Executive Assistant to the Commissioners.*

[F.R. Doc. 70-11904; Filed, Sept. 8, 1970; 8:50 a.m.]

# FEDERAL POWER COMMISSION

[Docket No. G-2683 etc.]

## DUQUESNE NATURAL GAS CO. ET AL.

### Findings and Order

AUGUST 25, 1970.

Findings and order after statutory hearing issuing certificates of public convenience and necessity amending orders issuing certificates, permitting and approving abandonment of service, terminating certificates, substituting respondents, making successors co-respondents, redesignating proceedings, making rate changes effective, accepting agreements and undertakings for filing, requiring filing of agreements and undertakings, and accepting related rate schedules and supplements for filing.

Each of the applicants listed herein has filed an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas in interstate commerce or for permission and approval to abandon service or a petition to amend an order issuing a certificate, all as more fully set forth in the applications and petitions, as supplemented and amended.

Applicants have filed related FPC gas rate schedules or supplements thereto and propose to initiate or abandon natural gas service in interstate commerce as indicated in the tabulation herein. All sales certificated herein are at rates either equal to or below the ceiling prices established by the Commission's statement of general policy No. 61-1, as amended, or involve sales for which permanent certificates have been previously issued; except that sales from areas for which area rates have been determined are authorized to be made at or below the applicable area base rates adjusted for quality of the gas, and under the conditions prescribed in the orders determining said rates.

Duquesne Natural Gas Co. (Operator) et al., as applicant in Docket No. G-4229,

and Duquesne Natural Gas Co., as applicant in Dockets Nos. G–8408 and CI63–1650, proposes to continue the sales of natural gas heretofore authorized in said dockets to be made pursuant to Associated Programs, Inc. (Operator), et al., FPC Gas Rate Schedule No. 3 and Associated Programs, Inc., FPC Gas Rate Schedule Nos. 2 and 6, respectively. Said rate schedules will be redesignated as those of applicant. The presently effective rates under the predecessor's FPC Gas Rate Schedule Nos. 2, 3, and 6 are in effect subject to refund in Dockets Nos. RI65–580, RI65–581, and RI67–452, respectively. On December 15, 1969, Associated Programs, Inc., filed with the Commission notices of changes in rate under its FPC Gas Rate Schedule Nos. 2 and 3; and by order issued January 9, 1970, in Docket No. RI70–1036 et al., the Commission suspended said changes in Dockets Nos. RI70–1037 and RI70–1038, respectively, until June 15, 1970, and thereafter until made effective. The notices of change were designated as Supplement No. 6 to FPC Gas Rate Schedule No. 2 and Supplement No. 8 to FPC Gas Rate Schedule No. 3. On May 21, 1970, applicant filed a motion to make the changes in rate effective subject to refund. In its certificate applications applicant states that in addition to the refund obligation required by § 154.92(d)(3) of the regulations under the Natural Gas Act, it intends to be responsible for the total refund from the dates the increased rates of its assignor became effective subject to refund in Dockets Nos. RI67–452, RI70–1037, and RI70–1038. Since the effective date of the assignments is January 1, 1970, prior to the date on which amounts could be collected subject to refund in Dockets Nos. RI70–1037 and RI70–1038, applicant's assumption of its assignor's refund liability can be applicable only to those amounts collected subject to refund in Docket No. RI67–452. Concurrently with its certificate applications, applicant submitted agreements and undertakings in Dockets Nos. RI67–452, RI70–1037, and RI70–1038 to assure the refunds of all amounts collected in excess of amounts determined to be just and reasonable in said proceedings and a motion to be substituted in lieu of Associated Programs, Inc., as respondent in said proceedings. Therefore, applicant will be made co-respondent in the proceedings pending in Dockets Nos. RI65–580 and RI65–581 and will be substituted in lieu of Associated Programs, Inc., as respondent in the proceedings pending in Dockets Nos. RI67–452, RI70–1037, and RI70–1038; said proceedings will be redesignated accordingly; the changes in rate suspended in Dockets Nos. RI70–1037 and RI70–1038 will be made effective subject to refund; the agreements and undertakings filed in Dockets Nos. RI67–452, RI70–1037, and RI70–1038 will be accepted for filing; and applicant will be required to file agreements and undertakings in Dockets Nos. RI65–580 and RI65–581 to assure the refunds of any amounts collected by it in excess of the amounts determined to be just and reasonable in said proceedings.

Signal Oil & Gas Co. (Operator), as applicant in Docket No. G–6668, proposes to continue the sale of natural gas heretofore authorized in said docket to be made pursuant to Signal Oil & Gas Co., a division of The Signal Cos., Inc. (Operator), FPC Gas Rate Schedules Nos. 29, 32, and 33, and as applicant in Dockets Nos. CI62–739 and CI63–577, proposes to continue the sales of natural gas heretofore authorized in said dockets to be made pursuant to Signal Oil & Gas Co., a division of The Signal Co., Inc. (Operator), FPC Gas Rate Schedules Nos. 30 and 31, respectively. By order issued March 5, 1970, in Docket No. G–11647 et al., the Commission amended the orders issuing certificates of public convenience and necessity in Dockets Nos. CI62–739 and CI63–577 by authorizing Signal Oil & Gas Co., a division of The Signal Cos., Inc. (Operator), to continue the sales of natural gas theretofore authorized in said dockets to be made pursuant to Service Gas Products Co. (Operator) FPC Gas Rate Schedules Nos. 4 and 5, respectively. By order issued April 17, 1970, in Docket No. G–3566 et al., the Commission amended the order issuing a certificate in Docket No. G–6668 by authorizing Signal Oil & Gas Co., a division of The Signal Cos., Inc. (Operator), to continue the sale of natural gas theretofore authorized in said docket to be made pursuant to Service Gas Products Co. (Operator) FPC Gas Rate Schedules Nos. 1, 2, and 3. The then effective rates under Service Gas Products Co.'s rate schedules were in effect subject to refund in Docket No. RI69–712. Therefore, applicant will be made a co-respondent in said proceeding and the proceeding will be redesignated accordingly. Applicant has heretofore filed a general undertaking to assure the refund of amounts collected in excess of amounts determined to be just and reasonable in proceedings under section 4(e) of the Natural Gas Act.

PetroDynamics, Inc. (Operator), et al., Applicant in Dockets Nos. G–17834 and G–17835, proposes to continue the sales of natural gas heretofore authorized in said dockets to be made pursuant to Smith Development Co., et al., FPC Gas Rate Schedules Nos. 2A, 2B, and 2C and Smith Development Co., et al., FPC Gas Rate Schedules Nos. 1A and 1B, respectively. Said rate schedules will be redesignated as those of applicant. The presently effective rate under Smith's rate schedules is in effect subject to refund in Docket No. RI65–617. Therefore, applicant will be made a co-respondent in said proceeding and said proceeding will be redesignated accordingly. Applicant has heretofore filed a general undertaking to assure the refund of amounts collected in excess of amounts determined to be just and reasonable in proceedings under section 4(e) of the Natural Gas Act.

Terra Resources, Inc., (Operator), et al., applicant in Dockets Nos. CI63–403, CI63–642, and CI64–357, proposes to continue the sales of natural gas heretofore authorized in said dockets to be made pursuant to CRA, Inc. (Operator), et al., FPC Gas Rate Schedules Nos. 25, 26, and 43, respectively. The presently effective rates for sales under CRA's FPC Gas Rate Schedules Nos. 25 and 26 are in effect subject to refund in Docket No. RI68–702, and the presently effective rate for sales under CRA's FPC Gas Rate Schedule No. 43, except for production from the Nitchie Gulch 11–9 well, is in effect subject to refund in Docket No. RI69–484. Applicant has filed motions to be made co-respondent in said proceedings and agreements and undertakings to assure the refunds of any amounts collected by it in excess of the amounts determined to be just and reasonable in said proceedings. Therefore, applicant will be made co-respondent in said proceedings; said proceedings will be redesignated accordingly; and the agreements and undertakings will be accepted for filing.

Prudential Minerals Exploration Corp. et al., applicant in Dockets Nos. CI67–1089 and CI67–1504, proposes to continue the sales of natural gas heretofore authorized in said dockets to be made pursuant to General Petroleum Corp. et al., FPC Gas Rate Schedules Nos. 5 and 6. Said rate schedules will be redesignated as those of applicant. A proposed increased rate under said rate schedules is suspended in Docket No. RI70–1189 and applicant requests to be substituted in lieu of General Petroleum Corp. as respondent in said proceeding. Therefore, applicant will be substituted as respondent and the proceeding will be redesignated accordingly.

Hadson Ohio Oil Co. (Operator) et al., applicant in Docket No. CI67–1637, proposes to continue the sale of natural gas heretofore authorized in said docket to be made pursuant to T. K. Hendrick (Operator) et al., FPC Gas Rate Schedule No. 8. Said rate schedule will be redesignated as that of applicant. The presently effective rate under Hendrick's rate schedule is in effect subject to refund in Docket No. RI69–126 and a subsequent change in rate is suspended in Docket No. RI70–1459. Therefore, applicant will be made a co-respondent in the proceeding pending in Docket No. RI69–126 and will be substituted in lieu of T. K. Hendrick as respondent in the proceeding pending in Docket No. RI70–1459; said proceedings will be redesignated accordingly; and applicant will be required to file an agreement and undertaking in Docket No. RI69–126 to assure the refund of any amounts collected by it in excess of the amount determined to be just and reasonable in said proceeding.

Southern Gulf Production Co., a California corporation (Operator) et al., applicant in Docket No. CI69–306, proposes to continue the sale of natural gas heretofore authorized in said docket to be made pursuant to Southern Gulf Production Co. (Operator) et al., FPC Gas Rate Schedule No. 1. The predecessor was a Texas corporation. The predecessor's rate schedule will be redesignated as that of applicant. The presently effective rate under the predecessor's rate schedule is in effect subject to refund in

Docket No. RI69–151 and applicant requests to be substituted as respondent in said proceeding. Applicant indicates in its certificate application that in addition to the refund obligation required by § 154.92(d)(3) of the regulations under the Natural Gas Act, it intends to be responsible for the total refund from the time that the increased rate of its assignor was made effective subject to refund. Concurrently with its certificate application applicant submitted an agreement and undertaking to assure the refund of all amounts collected in excess of amounts determined to be just and reasonable in said proceeding. Therefore, applicant will be substituted as respondent; the proceeding will be redesignated accordingly; and the agreement and undertaking will be accepted for filing.

Michael V. Kelly and William E. Brock, doing business as Kelly-Brock, applicants in Docket No. CI70–988, purpose to continue in part the sale of natural gas heretofore authorized in Docket No. CI60–459 to be made pursuant to Atlantic Richfield Co. FPC Gas Rate Schedule No. 215. An instrument of ratification of the contract comprising said rate schedule will be accepted for filing as a rate schedule of applicants. The presently effective rate under said rate schedule is in effect subject to refund in Docket No. RI69–256 and a prior increased rate was collected for a locked-in period subject to refund in Docket No. RI70–700. Therefore, Applicants will be made co-respondents in said proceedings; the proceedings will be redesignated accordingly; and applicants will be required to file agreements and undertakings to assure the refunds of any amounts collected by them in excess of the amounts determined to be just and reasonable in said proceedings.

Ashland Oil, Inc., applicant in Docket No. CI70–1018, proposed to continue in part the sale of natural gas heretofore authorized in Docket No. CI66–857 to be made pursuant to Cleary Petroleum Corp. (Operator) et al., FPC Gas Rate Schedule No. 19. The contract comprising said rate schedule will also be accepted for filing as a rate schedule of Applicant. The presently effective rate under Cleary's rate schedule is in effect subject to refund in Docket No. RI66–416. Applicant requests to be made a co-respondent in said proceeding. Therefore, Applicant will be made co-respondent and said proceeding will be redesignated accordingly. Applicant has heretofore filed a general undertaking to assure the refund of amounts collected in excess of amounts determined to be just and reasonable in proceedings under section 4(e) of the Natural Gas Act.

The Commission's staff has reviewed each application and recommends each action ordered as consistent with all substantive Commission policies and required by the public convenience and necessity.

After due notice by publication in the FEDERAL REGISTER, petitions to intervene by Long Island Lighting Co. were filed in Dockets Nos. G–14711 and CI70–966, in the matter of the applications filed on May 2, 1963, and April 24, 1970, respectively, and a notice of intervention by the Public Service Commission of the State of New York was filed in Docket No. G–14711, in the matter of the application filed on May 2, 1963. The petitions to intervene and the notice of intervention have been withdrawn and no other petitions to intervene, notices of intervention, or protests to the granting of any of the applications have been filed.

At a hearing held on August 20, 1970, the Commission on its own motion received and made a part of the record in this proceeding all evidence, including the applications and petitions, as supplemented and amended, and exhibits thereto, submitted in support of the authorizations sought herein, and upon consideration of the record.

The Commission finds:

(1) Each applicant herein is a "natural-gas company" within the meaning of the Natural Gas Act as heretofore found by the Commission or will be engaged in the sale of natural gas in interstate commerce for resale for ultimate public consumption, subject to the jurisdiction of the Commission, and will, therefore, be a "natural-gas company" within the meaning of the Natural Gas Act upon the commencement of service under the authorizations hereinafter granted.

(2) The sales of natural gas hereinbefore described, as more fully described in the applications in this proceeding, will be made in interstate commerce subject to the jurisdiction of the Commission; and such sales by applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) Applicants are able and willing properly to do the acts and to perform the service proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules and regulations of the Commission thereunder.

(4) The sales of natural gas by applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are required by the public convenience and necessity and certificates therefor should be issued as hereinafter ordered and conditioned.

(5) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the orders issuing certificates of public convenience and necessity in various dockets involved herein should be amended as hereinafter ordered and conditioned.

(6) The sales of natural gas proposed to be abandoned as hereinbefore described and as more fully described in the applications and in the tabulation herein are subject to the requirements of subsection (b) of section 7 of the Natural Gas Act.

(7) The abandonments proposed by applicants herein are permitted by the public convenience and necessity and should be approved as hereinafter ordered.

(8) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the certificates heretofore issued to applicants relating to the abandonments hereinafter permitted and approved should be terminated or that the orders issuing said certificates should be amended by deleting therefrom authorization to sell natural gas from the subject acreage.

(9) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Duquesne Natural Gas Co. should be made a co-respondent in the proceedings pending in Dockets Nos. RI65–580 and RI65–581 and should be substituted in lieu of Associated Programs, Inc., as respondent in the proceedings pending in Dockets Nos. RI67–452, RI70–1037, and RI70–1038; that said proceedings should be redesignated accordingly; that the changes in rate suspended in Dockets Nos. RI70–1037 and RI70–1038 should be made effective subject to refund; that the agreements and undertakings submitted in Dockets Nos. RI67–452, RI70–1037, and RI70–1038 should be accepted for filing; and that Duquesne Natural Gas Co. should be required to file agreements and undertakings in Dockets Nos. RI65–580 and RI65–581.

(10) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Signal Oil & Gas Co. (Operator) should be made a co-respondent in the proceeding pending in Docket No. RI69–712 and that said proceeding should be redesignated accordingly.

(11) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that PetroDynamics, Inc. (Operator), et al., should be made a co-respondent in the proceeding pending in Docket No. RI65–617 and that said proceeding should be redesignated accordingly.

(12) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Terra Resources, Inc. (Operator) et al., should be made a co-respondent in the proceedings pending in Dockets Nos. RI68–702 and RI69–484; that said proceedings should be redesignated accordingly; and that the agreements and undertakings submitted by Terra Resources should be accepted for filing.

(13) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Prudential Minerals Exploration Corp. et al., should be substituted in lieu of General Petroleum Corp. et al., as respondent in the proceeding pending in Docket No. RI70–1189 and that said proceeding should be redesignated accordingly.

(14) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Hadson Ohio Oil Co. (Operator) et al., should be made a co-respondent in the proceeding pending in Docket No. RI69–126 and should be substituted in lieu of T. K. Hendrick (Operator) et al., as respondent in the proceeding pending in Docket No. RI70–1459; that said proceedings should be

redesignated accordingly; and that Hadson should be required to file an agreement and undertaking in Docket No. RI69–126.

(15) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Southern Gulf Production Co., a California corporation (Operator) et al., should be substituted in lieu of Southern Gulf Production Co. (Operator) et al., as respondent in the proceeding pending in Docket No. RI69–151; that said proceeding should be redesignated accordingly; and that the agreement and undertaking submitted by the successor corporation should be accepted for filing.

(16) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Michael V. Kelly and William E. Brock, doing business as Kelly-Brock, should be made co-respondents in the proceedings pending in Dockets Nos. RI69–256 and RI70–700; that said proceedings should be redesignated accordingly; and that they should be required to file agreements and undertakings.

(17) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Ashland Oil, Inc., should be made a co-respondent in the proceeding pending in Docket No. RI66–416 and that said proceeding should be redesignated accordingly.

(18) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the FPC gas rate schedules and supplements related to the authorizations hereinafter granted should be accepted for filing.

The Commission orders:

(A) Certificates of public convenience and necessity are issued upon the terms and conditions of this order authorizing sales by applicants of natural gas in interstate commerce for resale, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, all as hereinbefore described and as more fully described in the applications and in the tabulation herein.

(B) The certificates granted in paragraph (A) above are not transferable and shall be effective only so long as applicants continue the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations, and orders of the Commission.

(C) The grant of the certificates issued in paragraph (A) above shall not be construed as a waiver of the requirements of section 4 of the Natural Gas Act or of Part 154 or Part 157 of the Commission's regulations thereunder and is without prejudice to any findings or orders which have been or which may hereafter be made by the Commission in any proceedings now pending or hereafter instituted by or against applicants. Further, our action in this proceeding shall not foreclose nor prejudice any future proceedings or objections relating to the operation of any price or related provisions in the gas purchase contracts herein involved. Nor shall the grant of the certificates aforesaid for service to the particular customers involved imply approval of all of the terms of the contracts, particularly as to the cessation of service upon termination of said contracts as provided by section 7(b) of the Natural Gas Act. The grant of the certificates aforesaid shall not be construed to preclude the imposition of any sanctions pursuant to the provisions of the Natural Gas Act for the unauthorized commencement of any sales of natural gas subject to said certificates.

(D) The certificates issued herein are subject to the following conditions:

(a) The initial rate for the sale authorized in Docket No. CI70–804 shall be 17.35 cents per Mcf at 15.025 p.s.i.a. including tax reimbursement and subject to B.t.u. adjustment.

(b) The initial rate for sales authorized in Dockets Nos. CI70–931 and CI70–974 shall be 17 cents per Mcf at 14.65 p.s.i.a. subject to B.t.u. adjustment.

(c) The authorization herein granted in Docket No. CI70–974 is for the sale of gas. If applicant and Northern Natural Gas Co. invoke the exchange provisions of their contract, they shall make appropriate filings with the Commission for authorization for such service.

(d) The initial rate for the sale authorized in Docket No. CI70–966 shall be 15 cents per Mcf at 14.65 p.s.i.a.

(e) The initial rate for the sale authorized in Docket No. CI70–1106 shall be 16 cents per Mcf at 14.65 p.s.i.a. subject to B.t.u. adjustment.

(f) The certificate issued in Docket No. CI70–1106 is conditioned upon any determination which may be made in the proceeding pending in Docket No. R–338 with respect to the transportation of liquefiable hydrocarbons.

(g) Applicants in Dockets Nos. CI70–804 and CI70–966 shall not require buyers to take-or-pay for an annual quantity of gas well gas which is in excess of an average of 1 Mcf per day for each 7,300 Mcf of determined gas well gas reserves or the specified contract quantities, whichever are the lesser amounts.

(h) Applicants in Dockets Nos. CI70–931, CI70–974, and CI70–1024 shall not require buyers to take-or-pay for an annual quantity of gas well gas during the first 2 contract years which is in excess of an average 1 Mcf per day for each 3,650 Mcf of determined gas well gas reserves and a 1 Mcf per day for each 7,300 Mcf of determined gas reserves thereafter or the specified contract quantities, whichever are the lesser amounts.

(i) Issuance of the certificates in Dockets Nos. CI70–931 and CI70–974 shall not be construed as constituting approval of the advance payment provisions of the contracts (sections 7 and 8 of Article III) and (section 7 of Article III), respectively, and any such payments shall be subject to future orders of the Commission concerning the propriety of such payments.

(E) The order issuing a certificate in Docket No. CI67–248 is amended by authorizing the gathering and compression of gas for Western States Producing Co. (Operator) et al., as described in the tabulation herein.

(F) The orders issuing certificates in Dockets Nos. G–20465, CI60–459, CI66–857, and CI68–1137 are amended by deleting therefrom authorization to sell natural gas from acreage assigned to applicants in Dockets Nos. CI70–1041, CI70–988, CI70–1018 and CI70–1058, respectively.

(G) The orders issuing certificates in the following dockets are amended to reflect the successors in interest as certificate holders:

| | | |
|---|---|---|
| G–2683 | CI63–577 | CI67–1089 |
| G–4229 | CI63–642 | CI67–1504 |
| G–6668 | CI63–1084 | CI67–1637 |
| G–8408 | CI63–1560 | CI68–24 |
| G–11243 | CI64–357 | CI68–1432 |
| G–14711 | CI64–1142 | CI69–306 |
| G–17834 | CI65–207 | CI69–845 |
| G–17835 | CI66–853 | CI69–1154 |
| CI60–645 | CI66–1012 | CI70–374 |
| CI62–739 | CI67–820 | CI70–375 |
| CI63–403 | | |

(H) The temporary certificate heretofore issued in Docket No. CI64–357 on March 21, 1969, is amended by substituting Terra Resources, Inc. (Operator), et al., as certificate holder in lieu of CRA, Inc. (Operator), et al.

(I) The authorizations granted in Dockets Nos. G–11243 and CI60–645 in paragraph (G) above are subject, however, to Opinion Nos. 546 and 546–A, and accompanying orders, specifically including those relating to rate reductions, refunds, and filings required by those orders.

(J) Permission for and approval of the abandonment of service by applicants, as hereinbefore described, all as more fully described in the applications and in the tabulation herein are granted.

(K) The temporary certificate heretofore issued in Docket No. CI68–1258 is terminated. Applicant shall not be relieved of any refunds that may be ordered in the proceeding in Docket No. CI68–1258.

(L) The certificates heretofore issued in Dockets Nos. G–15396, CI64–1334, CI68–519, and CI68–1234 are terminated.

(M) Duquesne Natural Gas Co. is made a co-respondent in the proceeding pending in Docket No. RI65–580 and is substituted in lieu of Associated Programs, Inc., as respondent in the proceedings pending in Dockets Nos. RI67–452 and RI70–1037; and said proceedings are redesignated accordingly. Duquesne Natural Gas Co. (Operator) et al., is made a co-respondent in the proceeding pending in Docket No. RI65–581 and is substituted in lieu of Associated Programs, Inc. (Operator) et al., as respondent in the proceeding pending in Docket No. RI70–1038; and said proceedings are redesignated accordingly. The agreements and undertakings submitted by Duquesne in Dockets Nos. RI67–452, RI70–1037, and RI70–1038 are accepted for filing. The rates, charges and classifications set forth in Supplement No. 6 to Duquesne Natural Gas Co. FPC Gas Rate Schedule No. 7 (formerly Associated Programs, Inc., FPC Gas Rate Schedule No. 2) and in Supplement No. 8 to Duquesne Natural Gas Co. (Operator) et al., FPC Gas Rate Schedule No. 8 (formerly Associated

Programs, Inc. (Operator et al., FPC Gas Rate Schedule No. 3) shall be effective subject to refund as of June 15, 1970. For sales made pursuant to its FPC Gas Rate Schedule No. 2, Duquesne shall charge and collect the rate of 14.3676 cents per Mcf at 14.65 p.s.i.a., subject to refund in Docket No. RI65–580, from January 1, 1970, through June 14, 1970, and the rate of 15.4269 cents per Mcf at 14.65 p.s.i.a., subject to refund in Docket No. RI70–1037, from June 15, 1970. For sales made pursuant to its FPC Gas Rate Schedule No. 3, Duquesne shall charge and collect the rate of 14.37454 cents per Mcf at 14.65 p.s.i.a., subject to refund in Docket No. RI65–581, from January 1, 1970, through June 14, 1970, and the rate of 15.4536 cents per Mcf at 14.65 p.s.i.a., subject to refund in Docket No. RI70–1038, from June 15, 1970. Duquesne shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder. The agreements and undertakings filed by Duquesne in Dockets Nos. RI67–452, RI70–1037, and RI70–1038 shall remain in full force and effect until discharged by the Commission.

(N) Within 30 days from the date of this order, Duquesne Natural Gas Co. in Docket No. RI65–580 and Duquesne Natural Gas Co. (Operator), et al., in Docket No. RI65–581 shall execute, in the form set out below, and shall file with the Secretary of the Commission acceptable agreements and undertakings to assure the refunds of any amounts collected by it, together with interest at the rate of 7 percent per annum, in excess of the amounts determined to be just and reasonable in said proceedings. Unless notified to the contrary by the Secretary of the Commission within 30 days from the date of submission, such agreements and undertakings shall be deemed to have been accepted for filing. The agreements and undertakings shall remain in full force and effect until discharged by the Commission.

(O) Signal Oil & Gas Co. (Operator) is made a co-respondent in the proceeding pending in Docket No. RI69–712 and said proceeding is redesignated accordingly. Signal shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(P) PetroDynamics, Inc. (Operator), et al., is made a co-respondent in the proceeding pending in Docket No. RI65–617 and said proceeding is redesignated accordingly. PetroDynamics, Inc., shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(Q) Terra Resources, Inc. (Operator), et al., is made a co-respondent in the proceedings pending in Dockets Nos. RI68–702 and RI69–484; said proceedings are redesignated accordingly; and the agreements and undertakings submitted by Terra Resources, Inc., in said proceedings are accepted for filing. Terra Resources, Inc., shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder. The agreements and undertakings shall remain in full force and effect until discharged by the Commission.

(R) Prudential Minerals Exploration Corp., et al., is substituted in lieu of General Petroleum Corp., et al., as respondent in the proceeding pending in Docket No. RI70–1189 and said proceeding is redesignated accordingly.

(S) Hadson Ohio Oil Co. (Operator) et al., is made a co-respondent in the proceeding pending in Docket No. RI69–126 and is substituted in lieu of T. K. Hendrick (Operator) et al., as respondent in the proceeding pending in Docket No. RI70–1459 and said proceedings are redesignated accordingly. Hadson Ohio Oil Co. shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(T) Within 30 days from the date of this order, Hadson Ohio Oil Co. (Operator) et al., shall execute, in the form set out below, and shall file with the Secretary of the Commission an acceptable agreement and undertaking in Docket No. RI69–126 to assure the refund of any amounts collected by it, together with interest at the rate of 7 percent per annum, in excess of the amount determined to be just and reasonable in said proceeding. Unless notified to the contrary by the Secretary of the Commission within 30 days from the date of submission, such agreement and undertaking shall be deemed to have been accepted for filing. The agreement and undertaking shall remain in full force and effect until discharged by the Commission.

(U) Southern Gulf Production Co., a California corporation (Operator) et al., is substituted in lieu of Southern Gulf Production Co. (Operator) et al., as respondent in the proceeding pending in Docket No. RI69–151; said proceeding is redesignated accordingly; and the agreement and undertaking submitted by the successor corporation is accepted for filing. The successor corporation shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder. The agreement and undertaking shall remain in full force and effect until discharged by the Commission.

(V) Michael V. Kelly and William E. Brock, doing business as Kelly-Brock, are made co-respondents in the proceedings pending in Dockets Nos. RI69–256 and RI70–700 and said proceedings are redesignated accordingly. They shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(W) Within 30 days from the date of this order, Michael V. Kelly and William E. Brock, doing business as Kelly-Brock, shall execute in the form set out below, and shall file with the Secretary of the Commission in Dockets Nos. RI69–256 and RI70–700 acceptable agreements and undertakings to assure the refunds of any amounts collected by them, together with interest at the rate of 7 percent per annum, in excess of the amounts determined to be just and reasonable in said proceedings. Unless notified to the contrary by the Secretary of the Commission within 30 days from the date of submission, such agreements and undertakings shall be deemed to have been accepted for filing. The agreements and undertakings shall remain in full force and effect until discharged by the Commission.

(X) Ashland Oil, Inc., is made a co-respondent in the proceeding pending in Docket No. RI66–416 and said proceeding is redesignated accordingly. Ashland Oil, Inc., shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(Y) The rate schedules and rate schedule supplements related to the authorizations granted herein are accepted for filing or are redesignated, all as described in the tabulation herein.

By the Commission.

[SEAL] KENNETH F. PLUMB,
*Acting Secretary.*

| Docket No. and date filed | Applicant | Purchaser, field, and location | FPC rate schedule to be accepted | | |
|---|---|---|---|---|---|
| | | | Description and date of document | No. | Supp. |
| G–2683 E 4–29–70 | Duquesne Natural Gas Co. (Operator) et al. (successor to Associated Programs, Inc. (Operator) et al.). | Tennessee Gas Pipeline Co., a division of Tenneco Inc., Trans-Tex Field, Wharton County, Tex. | Associated Programs, Inc. (Operator), et al., FPC GRS No. 1. | 6 | |
| | | | Supplements Nos. 1–10 | 6 | 1–10 |
| | | | Notice of succession 4–15–70. | | |
| | | | Assignment 1–1–70 | 6 | 11 |
| | | | Effective date: 1–1–70 | | |
| G–4229 E 4–29–70 | do | Trunkline Gas Co., Cage Ranch Field, Brooks County, Tex. | Associated Programs, Inc. (Operator), et al., FPC GRS No. 3. | 8 | |
| | | | Supplements Nos. 1–8 | 8 | 1–8 |
| | | | Notice of succession 4–15–70 | | |
| | | | Assignment 1–1–70 | 8 | 9 |
| | | | Effective date: 1–1–70 | | |
| G–6668 E 5–6–70 | Signal Oil & Gas Co. (Operator) (successor to Signal Oil & Gas Co., a division of The Signal Cos., Inc. (Operator)). | Lone Star Gas Co., Doyle Plant, Stephens County, Okla. | Signal Oil & Gas Co., a division of the Signal Cos., Inc. (Operator), FPC GRS No. 29. | 29 | |
| | | | Supplements Nos. 1–7 | 29 | 1–7 |
| | | | Notice of succession (undated). | | |
| | | | Effective date: 12–31–69 | | |

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

| Docket No. and date filed | Applicant | Purchaser, field, and location | FPC rate schedule to be accepted: Description and date of document | No. | Supp. |
|---|---|---|---|---|---|
| G-6668<br>E 5-6-70 | do | Lone Star Gas Co., Aylesworth Plant, Marshall County, Okla. | Signal Oil & Gas Co., a division of the Signal Cos., Inc. (Operator), FPC GRS No. 32. | 32 | |
| | | | Supplements Nos. 1-4 | 32 | 1-4 |
| | | | Notice of succession (undated). | | |
| | | | Effective date: 12-31-69 | | |
| G-6668<br>E 5-6-70 | do | Lone Star Gas Co., Hoover Plant, Garvin County, Okla. | Signal Oil & Gas Co., a division of The Signal Companies, Inc. (Operator), FPC GRS No. 33. | 33 | |
| | | | Supplements Nos. 1-7 | 33 | 1-7 |
| | | | Notice of succession (undated). | | |
| | | | Effective date; 12-31-69 | | |
| G-8408<br>E 4-29-70 | Duquesne Natural Gas Co. (successor to Associated Programs, Inc.). | Trunkline Gas Co., Alfred-Almond Field, Jim Wells County, Tex. | Associated Programs, Inc., FPC GRS No. 2. | 7 | |
| | | | Supplements Nos. 1-6 | 7 | 1-6 |
| | | | Notice of succession 4-15-70 | | |
| | | | Assignment 1-1-70 | 7 | 7 |
| | | | Effective date: 1-1-70 | | |
| G-11243<br>E 5-19-70 | Terra Resources, Inc. (Operator) et al. (successor to CRA, Inc. (Operator) et al.). | Southern Natural Gas Co., Napoleonville Field, Assumption Parish, La. | CRA, Inc. (Operator) et al., FPC GRS No. 38. | 11 | |
| | | | Supplements Nos. 1-3 | 11 | 1-3 |
| | | | Notice of succession 5-18-70 | | |
| | | | Assignment 3-26-70 | 11 | 4 |
| G-14711<br>E 5-2-63 | Trans-State Oil Co., a division of Hess Oil & Chemical Corp. et al. (successor to Kin-Ark Oil Co.). | Southern Natural Gas Co., acreage in Walthall and Marion Counties, Miss. | Kin-Ark Oil Co., FPC GRS No. 1. | 1 | |
| | | | Notice of succession 4-30-63 | | |
| | | | Assignment 9-22-61[1] | 1 | 1 |
| | | | Assignment 10-6-61[2] | 1 | 2 |
| | | | Assignment 10-6-61[3] | 1 | 3 |
| G-14711<br>E 6-1-70 | Hess Oil & Chemical Division, Amerada Hess Corp. et al. (successor to Trans-State Oil Co., a division of Hess Oil & Chemical Corp. et al.). | do | Trans-State Oil Co., a division of Hess Oil and Chemical Corp. et al., FPC GRS No. 1. | 1 | |
| | | | Supplements Nos. 1-3 | 1 | 1-3 |
| | | | Notice of name change 5-28-70. | | |
| | | | Effective date: 6-20-69 | | |
| G-17834<br>E 5-18-70 | PetroDynamics, Inc. (Operator) et al. (successor to Smith Development Co. et al.). | Phillips Petroleum Co., Texas-Hugoton Field, Sherman County, Tex. | Smith Development Co. et al., FPC GRS Nos. 2A, 2B and 2C. | 25 | |
| | | | Supplements Nos. 1-8 | 25 | 1-8 |
| | | | Notice of succession (undated). | | |
| | | | Effective date: 7-15-68 | | |
| G-17835<br>E 5-18-70 | do | do | Smith Development Co. et al., FPC GRS Nos. 1A and 1B. | 24 | |
| | | | Supplements Nos. 1-3 | 24 | 1-3 |
| | | | Notice of succession (undated). | | |
| | | | Effective date: 7-15-68 | | |
| CI60-645<br>E 5-18-70 | Terra Resources, Inc. (successor to CRA, Inc.). | Tennessee Gas Pipeline Co., a division of Tenneco Inc., Grosse Isle Field, Vermilion Parish, La. | CRA, Inc., FPC GRS No. 14. | 9 | |
| | | | Supplement No. 1 | 9 | 1 |
| | | | Notice of succession 5-7-70. | | |
| | | | Assignment 3-26-70 | 9 | 2 |
| CI62-739<br>E 5-6-70 | Signal Oil & Gas Co. (Operator) (successor to Signal Oil & Gas Co., a division of The Signal Co., Inc. (Operator)). | Lone Star Gas Co., W. Hoover Plant, Carter County, Okla. | Signal Oil & Gas Co., a division of The Signal Companies, Inc. (Operator), FPC GRS No. 30. | 30 | |
| | | | Supplements Nos. 1-2 | 30 | 1-2 |
| | | | Notice of succession (undated). | | |
| | | | Effective date: 12-31-69 | | |
| CI63-403<br>E 6-1-70 [4] | Terra Resources, Inc. (Operator) et al. (successor to CRA, Inc. (Operator) et al.). | El Paso Natural Gas Co., Bar-X Field, Grand County, Utah, and Mesa County, Colo. | CRA, Inc. (Operator) et al., FPC GRS No. 25. | 8 | |
| | | | Supplements Nos. 1-9 | 8 | 1-9 |
| | | | Notice of succession 5-28-70 | | |
| | | | Assignment 3-26-70 | 8 | 10 |
| CI63-577<br>E 5-6-70 | Signal Oil & Gas Co. (Operator) (successor to Signal Oil & Gas Co., a division of The Signal Co., Inc. (Operator)). | Lone Star Gas Co., Doyle Plant, Stephens County, Okla. | Signal Oil & Gas Co., a division of The Signal Companies, Inc. (Operator), FPC GRS No. 31. | 31 | |
| | | | Supplements Nos. 1-3 | 31 | 1-3 |
| | | | Notice of succession (undated). | | |
| | | | Effective date: 12-31-69 | | |
| CI63-642<br>E 6-2-70 [5] | Terra Resources, Inc. (Operator) et al. (successor to CRA, Inc. (Operator) et al.). | El Paso Natural Gas Co., Bar-X Field, Grand County, Utah, and Mesa County, Colo. | CRA, Inc. (Operator) et al., FPC GRS No. 26. | 7 | |
| | | | Supplements Nos. 1-10 | 7 | 1-10 |
| | | | Notice of succession 6-1-70 | | |
| | | | Assignment 3-26-70 | 7 | 11 |
| CI63-1084<br>E 5-19-70 | Terra Resources, Inc. (successor to CRA, Inc.). | Kansas-Nebraska Natural Gas Co., Inc. and Northern Utilities, Inc., Boone Dome Area, Natrona County, Wyo. | CRA, Inc., FPC GRS No. 42. | 4 | |
| | | | Supplements Nos. 1-3 | 4 | 1-3 |
| | | | Notice of succession 5-18-70 | | |
| | | | Assignment 3-26-70 | 4 | 4 |
| CI63-1560<br>E 4-29-70 | Duquesne Natural Gas Co. (successor to Associated Programs, Inc.). | Valley Gas Transmission, Inc., Koopman and San Diego, East Fields, Jim Wells and Duval Counties, Tex. | Associated Programs, Inc., FPC GRS No. 6. | 9 | |
| | | | Supplements Nos. 1-2 | 9 | 1-2 |
| | | | Notice of succession 4-15-70. | | |
| | | | Assignment 1-1-70 | 9 | 3 |
| | | | Effective date: 1-1-70 | | |
| CI64-357<br>E 5-11-70 | Terra Resources, Inc. (Operator) et al. (successor to CRA, Inc. (Operator) et al). | Mountain Fuel Supply Co., Nitchie Gulch Field, Sweetwater County, Wyo. | CRA, Inc. (Operator) et al., FPC GRS No. 43. | 5 | |
| | | | Supplements Nos. 1-11 | 5 | 1-11 |
| | | | Notice of succession 5-7-70. | | |
| | | | Assignment 3-26-70 | 5 | 12 |
| CI64-1142<br>E 5-4-70 | do | Kansas-Nebraska Natural Gas Co., Inc., North Shawnee, Flat Top Field, Converse County, Wyo. | CRA, Inc. (Operator) et al., FPC GRS No. 53. | 3 | |
| | | | Supplements Nos. 1-2 | 3 | 1-2 |
| | | | Notice of succession 5-1-70 | | |
| | | | Assignment 3-26-70 | 3 | 3 |
| CI64-1334<br>5-15-70 [6] | Wolf's Head Oil Refining Co., Inc. | Pennzoil United, Inc., acreage in West Virginia. | Notice of cancellation 5-11-70. [7 8] | 1 | 1 |
| CI65-207<br>E 4-29-70 | Duquesne Natural Gas Co. (successor to Associated Programs, Inc.). | Texas Eastern Transmission Corp., Englehart Field, Colorado County, Tex. | Associated Programs, Inc., FPC GRS No. 8. | 10 | |
| | | | Supplements Nos. 1-13 | 10 | 1-13 |
| | | | Notice of succession 4-15-70. | | |
| | | | Assignment 1-1-70 | 10 | 14 |
| | | | Effective date: 1-1-70 | | |
| CI66-853<br>E 5-6-70 | Signal Oil & Gas Co. (Operator) (successor to Signal Oil & Gas Co., a division of The Signal Cos., Inc. (Operator)). | Panhandle Eastern Pipe Line Co., East Aline Plant, Alfalfa, Woods Major, and Dewey Counties, Okla. | Signal Oil & Gas Co., a division of The Signal Cos., Inc (Operator), FPC GRS No. 25. | 25 | |
| | | | Supplement Nos. 1-7 | 25 | 1-7 |
| | | | Notice of succession (undated). | | |
| | | | Effective date: 12-31-69 | | |
| CI66-1012<br>E 5-19-70 | Terra Resources, Inc. (Operator) et al. (successor to CRA, Inc. (Operator) et al.). | Mountain Fuel Supply Co., Nitchie Gulch Field, Sweetwater County, Wyo. | CRA, Inc. (Operator) et al., FPC GRS No. 41. | 6 | |
| | | | Supplement No. 1 | 6 | 1 |
| | | | Notice of succession 5-18-70 | | |
| | | | Assignment 3-26-70 | 6 | 2 |
| CI67-248<br>3-5-70 [9] | Beacon Gasoline Co | Western States Producing Co.,[9] Welcome Field, Columbia County, Ark. | Contract 2-16-70 | 24 | |
| | | | Agreement 2-16-70 | 24 | 1 |
| CI67-820<br>E 5-6-70 | Signal Oil & Gas Co. (Operator) (successor to Signal Oil & Gas Co., a division of The Signal Cos., Inc. (Operator)). | Michigan Wisconsin Pipe Line Co., Northeast Lovedale Plant, Woods County, Okla. | Signal Oil & Gas Co., a division of The Signal Cos., Inc. (Operator), FPC GRS No. 28. | 28 | |
| | | | Supplement Nos. 1-3 | 28 | 1-3 |
| | | | Notice of succession (undated). | | |
| | | | Effective date: 12-31-69 | | |
| CI67-1089<br>E 5-12-70 | Prudential Minerals Exploration Corp. et al. (successor to General Petroleum Corp. et al.). | El Paso Natural Gas Co., Basin Dakota Field, San Juan County, N. Mex. | General Petroleum Corp. et al., FPC GRS No. 5. | 9 | |
| | | | Supplement Nos. 1-2 | 9 | 1-2 |
| | | | Notice of succession (undated). | | |
| | | | Assignment 4-30-70 | 9 | 3 |
| | | | Effective date: 6-9-69 | | |

See footnotes at end of table.

| Docket No. and date filed | Applicant | Purchaser, field, and location | FPC rate schedule to be accepted | | |
|---|---|---|---|---|---|
| | | | Description and date of document | No. | Supp. |
| CI67-1504<br>E 5-12-70 | do | El Paso Natural Gas Co., Basin Dakota Field, Rio Arriba County, N. Mex. | General Petroleum Corp. et al., FPC GRS No. 6. | 10 | |
| | | | Supplements Nos. 1-4 | 10 | 1-4 |
| | | | Notice of succession (undated). | | |
| | | | Assignment 4-30-70 | 10 | 5 |
| | | | Effective date: 6-9-69 | | |
| CI67-1637<br>E 5-18-70 | Hadson Ohio Oil Co. (Operator) et al. (successor to T. K. Hendrick (Operator) et al.). | Natural Gas Pipeline Co. of America, acreage in Beckham County, Okla. | T. K. Hendrick (Operator) et al., FPC GRS No. 8. | 4 | |
| | | | Supplements Nos. 1-2 | 4 | 1-2 |
| | | | Notice of succession (undated). | | |
| | | | Assignment 12-16-69 | 4 | 3 |
| | | | Effective date: 12-16-69 | | |
| CI68-24<br>E 5-12-70 | Prudential Minerals Exploration Corp. (Operator) et al. (successor to General Petroleum Corp. (Operator) et al.). | El Paso Natural Gas Co., Basin Dakota Field, San Juan County, N. Mex. | General Petroleum Corp. (Operator) et al., FPC GRS No. 7. | 11 | |
| | | | Supplement No. 1 | 11 | 1 |
| | | | Notice of succession (Undated). | | |
| | | | Assignment 4-30-70 | 11 | 2 |
| | | | Effective date: 6-9-69 | | |
| CI68-1258<br>B 5-12-70 [10] | Texas City Refining, Inc. (Operator) et al. | United Gas Pipe Line Co., Bayou Jean LaCroix Field, Terrebonne Parish, La. | Notice of cancellation 7-8-70.[8 11] | 4 | 2 |
| CI68-1432<br>E 5-12-70 | Prudential Minerals Exploration Corp. (successor to Eljohn Petroleum Corp.). | El Paso Natural Gas Co., Basin Dakota Field, San Juan County, N. Mex. | Eljohn Petroleum Corp., FPC GRS No. 1. | 13 | |
| | | | Supplements Nos. 1-2 | 13 | 1-2 |
| | | | Notice of succession (undated). | | |
| | | | Assignment 4-30-70 | 13 | 3 |
| | | | Effective date: 6-9-69 | | |
| CI69-306<br>E 5-11-70 | Southern Gulf Production Co. (Operator) et al., a California corporation (successor to Southern Gulf Production Co. (Operator) et al., a Texas corporation). | Transcontinental Gas Pipe Line Corp., Washburn Ranch, West (5450') Field, LaSalle County, Tex. | Southern Gulf Production Co. (Operator) et al., a Texas corporation, FPC GRS No. 1. | 1 | |
| | | | Supplements Nos. 1-6 | 1 | 1-6 |
| | | | Notice of succession 3-2-70 | | |
| | | | Assignment 8-4-69 [12] | 1 | 7 |
| | | | Certificate of amendment 8-15-69.[13] | 1 | 8 |
| | | | Effective date: 8-4-69 | | |
| CI69-845<br>E 5-12-70 | Prudential Minerals Exploration Corp. et al. (successor to General Petroleum Corp. et al.). | El Paso Natural Gas Co., Ignacio Area, LaPlata County, Colo. | General Petroleum Corp., et al., FPC GRS No. 8. | 12 | |
| | | | Notice of succession (undated). | | |
| | | | Assignment 4-30-70 | 12 | 1 |
| | | | Effective date: 6-9-69 | | |
| CI69-1024<br>A 5-1-69 | George Dansby et al., d.b.a. Dansby and Waters. | United Fuel Gas Co., acreage in Floyd County, Ky. | Contract 3-3-69 (No. 7046).[14] | 2 | |
| CI69-1154<br>E 5-12-70 | Prudential Minerals Exploration Corp. (successor to Eljohn Petroleum Corp.). | El Paso Natural Gas Co., Basin Dakota Field, San Juan County, N. Mex. | Eljohn Petroleum Corp., FPC GRS No. 2. | 14 | |
| | | | Supplements Nos. 1-3 | 14 | 1-3 |
| | | | Notice of succession (undated). | | |
| | | | Assignment 4-30-70 | 14 | 4 |
| | | | Effective date: 6-9-69 | | |
| CI70-374<br>E 5-6-70 | Signal Oil & Gas Co. et al. (successor to Signal Oil & Gas Co., a division of The Signal Cos., Inc., et al.). | Panhandle Eastern Pipe Line Co., Northeast Trail Plant, Dewey County, Okla. | Signal Oil & Gas Co., a division of The Signal Cos., Inc., et al. FPC GRS No. 26. | 26 | |
| | | | Supplements Nos. 1-2 | 26 | 1-2 |
| | | | Notice of succession (undated). | | |
| | | | Effective date: 12-31-69 | | |
| CI70-375<br>E 5-6-70 | Signal Oil & Gas Co. (Operator) (successor to Signal Oil & Gas Co., a division of The Signal Cos., Inc. (Operator)). | Panhandle Eastern Pipe Line Co., Aline Plant, Alfalfa, Woods, and Major Counties, Okla. | Signal Oil & Gas Co., a division of The Signal Cos., Inc. (Operator), FPC GRS No. 27. | 27 | |
| | | | Supplements Nos. 1-3 | 27 | 1-3 |
| | | | Notice of succession (undated). | | |
| | | | Effective date: 12-31-69 | | |
| CI70-804<br>A 3-6-70 | Western States Producing Co. (Operator) et al. | Texas Gas Transmission Corp., Welcome Field, Columbia County, Ark. | Contract 2-20-70 | 2 | |
| | | | Compliance 5-25-70 [14 15] | 2 | 1 |
| CI70-859<br>A 3-19-70 | L. O. Ward (Operator) et al. | Oklahoma Natural Gas Gathering Corp., Ringwood Field, Major County, Okla. | Contract 1-27-70 | 2 | |
| | | | Assignment 1-29-70 | 2 | 1 |
| | | | Compliance 7-3-70 [14 16] | 2 | 2 |
| CI70-931<br>A 4-13-70 | Southwestern Natural Gas, Inc. (Operator) et al. | Northern Natural Gas Co., Pan Petro Field, Ochiltree County, Tex. | Contract 3-17-70 | 7 | |
| | | | Compliance 5-25-70 [14 17] | 7 | 1 |
| CI70-966<br>A 4-24-70 | Marshall Exploration, Inc. (Operator) et al. | Texas Eastern Transmission Corp., Whalen Field, Harrison County, Tex. | Contract 1-8-70 | 6 | |
| | | | Ratified 3-24-70 | 6 | 1 |
| | | | Compliance 6-15-70 [14 18] | 6 | 2 |
| CI70-974<br>A 4-24-70 | Texas Oil & Gas Corp. (Operator) et al.[19] | Northern Natural Gas Co., acreage in Ellis, Harper, and Beaver Counties, Okla. | Contract 3-25-70 [14] | 60 | |
| CI70-988<br>(CI60-459)<br>F 4-30-70 | Michael V. Kelly and William E. Brock, d.b.a. Kelly-Brock (successor to Atlantic Richfield Co.). | Tennessee Gas Pipeline Co., a division of Tenneco Inc., Englehart Field, Colorado County, Tex. | Ratified 3-16-70 [20] | 1 | |
| | | | Contract 3-16-60 [21] | 1 | 1 |
| | | | Notice of change 10-28-69 | 1 | 2 |
| | | | Assignment 12-4-69 [14 22] | 1 | 3 |
| CI70-1010<br>(G-15396)<br>B 5-11-70 | Pennzoil Producing Co. | Claiborne Gasoline Co., Mount Olive Field, Claiborne Parish, La. | Notice of cancellation 5-8-70.[8 23] | 226 | 6 |
| CI70-1012<br>(CI68-519)<br>B 5-13-70 | Mesa Petroleum Co. (Operator) et al. | Michigan Wisconsin Pipe Line Co., Laverne Field, Harper County, Okla. | Notice of cancellation 5-8-70.[8 11] | 33 | 2 |
| CI70-1013<br>(CI68-1234)<br>B 5-13-70 | do | Colorado Interstate Gas Co., a division of Colorado Interstate Corp., Laverne Field, Harper County, Okla. | Notice of cancellation 5-8-70.[8 11] | 35 | 5 |
| CI70-1018<br>(CI66-857)<br>F 5-14-70 | Ashland Oil, Inc. (successor to Cleary Petroleum Corp.). | Oklahoma Natural Gas Gathering Corp., Ringwood Field, Major County, Okla. | Contract 3-10-66 [24] | 198 | |
| | | | Letter agreement 3-4-66 | 198 | 1 |
| | | | Assignment 1-14-70 [14 25] | 198 | 2 |
| CI70-1024<br>A 5-18-70 | Burnett Corp. | Natural Gas Pipeline Co. of America, West Panhandle Field, Carson County, Tex. | Contract 4-1-70 | 4 | |
| | | | Compliance 6-25-70 [14 26] | 4 | 1 |
| CI70-1041<br>(G-20465)<br>F 5-22-70 | Joseph B. Gould (successor to Mountain States Natural Gas Corp.). | El Paso Natural Gas Co., Pictured Cliffs Field, Rio Arriba County, N. Mex. | Contract 12-2-59 [27] | 6 | |
| | | | Letter agreement 7-5-60 | 6 | 1 |
| | | | Assignment 11-8-67 [28] | 6 | 2 |
| | | | Assignment 5-8-68 [29] | 6 | 3 |
| | | | Effective date: 5-8-68 | | |
| CI70-1058<br>(CI68-1137)<br>F 5-28-70 | Joseph B. Gould (successor to W. M. Gallaway). | El Paso Natural Gas Co., Ballard Pictured Cliffs Field, Rio Arriba County, N. Mex. | Contract 2-26-68 [30] | 7 | |
| | | | Assignment 6-13-69 [31] | 7 | 1 |
| | | | Effective date: 6-1-69 | | |
| CI70-1106<br>A 6-15-70 | Yucca Petroleum Co. (Operator) et al. | Panhandle Eastern Pipe Line Co., acreage in Seward County, Kans. | Contract 5-14-70 | 17 | |
| | | | Compliance 7-8-70 [14 32] | 17 | 1 |

[1] Assignment from Kin-Ark to Trans-State of all of the property covered by the rate schedule.
[2] Assignment from Trans-State to The Cane Corp. of a portion of the properties conveyed by Kin-Ark.
[3] Assignment from Trans-State to Craig Castle and Joe R. Scroggins of a portion of the properties conveyed by Kin-Ark.

See footnotes at end of table.

[4] Morrison and all other gas except Dakota.
[5] Dakota gas only.
[6] Petition filed to terminate the certificate heretofore issued in Docket No. CI64-1334.
[7] Through an internal reorganization Wolf's Head Oil Refining Co., Inc., a wholly owned subsidiary, was merged into its parent, Pennzoil United, Inc., effective Jan. 1, 1970. The subject gas is continuing to be sold to Consolidated Gas Supply Corp. under Pennzoil United's FPC GRS No. 10 and related certificate in Docket No. G-7004.
[8] Effective date: Date of this order.
[9] Applicant requests authorization to gather and process the subject gas. The gas will be processed in applicant's plant and delivered to Texas Gas Transmission Corp. under Western States Producing Co. FPC GRS No. 2, Docket No. C170-804.
[10] Original application in Docket No. CI68-1258 sought certificate of public convenience and necessity. Applicant now proposes to abandon the subject sale previously commenced pursuant to temporary authorization.
[11] Source of gas depleted.
[12] Assigns acreage from Southern Gulf Production Co. to California Gulf Production Corp.
[13] Changes corporate name from California Gulf Production Corp. to Southern Gulf Production Co.; includes State certification dated Aug. 28, 1969.
[14] Effective date: Date of initial delivery (applicant shall advise the Commission as to such date).
[15] Complies with temporary certificate issued May 22, 1970. Applicant states willingness to accept a permanent certificate conditioned as the temporary certificate.
[16] Complies with the temporary certificate issued June 26, 1970.
[17] Complies with temporary certificate issued May 22, 1970. Applicant states willingness to accept a permanent certificate conditioned as the temporary certificate.
[18] Complies with temporary certificate issued June 11, 1970. Applicant states willingness to accept a permanent certificate conditioned as the temporary certificate.
[19] Contract rate is 20 cents, however, Applicant is willing to accept a permanent certificate conditioned to 17 cents subject to B.t.u. adjustment, advance payment provisions and take-or-pay provisions consistent with those imposed on other similar sales in the area.
[20] Ratifies contract dated March 16, 1960, between Tennessee Gas Pipeline Co. and Atlantic Richfield Co.
[21] Currently on file as Atlantic Richfield Co. FPC GRS No. 215.
[22] Assigns acreage from Atlantic to William E. Brock and Michael V. Kelly, d.b.a. Kelly-Brock from the surface of the ground to a depth of 6,711 feet.
[23] Production of gas no longer economically feasible.
[24] Between Cleary Petroleum, Inc. (predecessor of Cleary Petroleum Corp.) and the purchaser. Also on file as Cleary Petroleum Corp. (Operator), et al., FPC GRS No. 19.
[25] Conveys acreage from Cleary Petroleum Corp. to Ashland Oil, Inc.
[26] Complies with temporary certificate issued June 18, 1970. Applicant states willingness to accept a permanent certificate conditioned as the temporary certificate.
[27] On file as Mountain States Natural Gas Corp. FPC GRS No. 5.
[28] From Mountain States to Floyd J. Ray. Ray has made no filings with regard to this assignment.
[29] From Floyd J. Ray to Joseph B. Gould.
[30] On file as W. M. Gallaway FPC GRS No. 1.
[31] From W.M. Gallaway to Joseph B. Gould (dedication limited down to the base of the Pictured Cliffs Formation).
[32] Complies with temporary certificate issued July 2, 1970. Applicant states willingness to accept a permanent certificate conditioned as the temporary certificate.

Suggested agreement and undertaking:

BEFORE THE FEDERAL POWER COMMISSION

(Name of Respondent ----------)

Docket No. ------

AGREEMENT AND UNDERTAKING OF (NAME OF RESPONDENT) TO COMPLY WITH REFUNDING AND REPORTING PROVISIONS OF SECTION 154.102 OF THE COMMISSION'S REGULATIONS UNDER THE NATURAL GAS ACT

(Name of Respondent) hereby agrees and undertakes to comply with the refunding and reporting provisions of section 154.102 of the Commission's regulations under the Natural Gas Act insofar as they are applicable to the proceeding in Docket No. ------, and has caused this agreement and undertaking to be executed and sealed in its name by a duly authorized officer this ---------- day of ----------, 19--.

(Name of Respondent)

By ----------

Attest:

----------

[F.R. Doc. 70-11693; Filed, Sept. 8, 1970; 8:45 a.m.]

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[Docket No. CP71-51]

## NATURAL GAS PIPELINE COMPANY OF AMERICA

### Notice of Application

SEPTEMBER 4, 1970.

Take notice that on August 31, 1970, Natural Gas Pipeline Company of America (Applicant), 122 South Michigan Avenue, Chicago, Ill. 60603, filed in Docket No. CP71-51 an abbreviated application pursuant to section 7(c) of the Natural Gas Act, for a certificate of public convenience and necessity authorizing Applicant to transport gas for delivery to Cities Service Oil Co. (Cities Service) for field compressor fuel and to construct and operate facilities to effectuate such delivery, as hereinafter described, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant proposes to transport and deliver up to 500 Mcf per day of gas to Cities Service for use as fuel in new field compressors in the Bluitt Field, Roosevelt County, N. Mex., the operation of which Applicant states, will increase the deliveries of gas to Applicant under an existing gas purchase contract between Applicant and Cities Service. Applicant further proposes to construct and operate a tap, metering facilities and related facilities necessary for this delivery in Roosevelt County, N. Mex. The application states that the cost of the proposed facilities is estimated to be $11,000 for which Applicant will be reimbursed by Cities Service.

The Applicant states that the volume of gas delivered by Applicant to Cities Service will be deducted from the volumes of gas which Applicant pays for under the existing gas purchase contract between Applicant and Cities Service, dated October 1, 1964, covering a sale to Applicant by Cities Service from the Bluitt Field plant. Further, Cities Service will pay Applicant a 0.4 cent per Mcf charge for gas delivered by Applicant to Cities Service.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before September 14, 1970, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

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

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

KENNETH F. PLUMB,
*Acting Secretary.*

[F.R. Doc. 70-11954; Filed, Sept. 8, 1970; 8:52 a.m.]

# FEDERAL RESERVE SYSTEM

## FIRST NATIONAL BANCORPORATION, INC.

### Order Disapproving Acquisition of Bank Stock by Bank Holding Company

In the matter of the application of The First National Bancorporation, Inc., Denver, Colo., for approval of acquisition of more than 80 percent of the voting shares of The First National Bank of Pueblo, Pueblo, Colo.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)) and § 222.3(a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), and application by The First National Bancorporation, Inc., Denver, Colo., a registered bank holding company, for the Board's prior approval of the acquisition of more than 80 percent of the voting shares of The First National Bank of Pueblo, Pueblo, Colo.

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

Notice of receipt of the application was published in the FEDERAL REGISTER on February 27, 1970 (35 F.R. 3846), providing an opportunity for interested

persons to submit comments and views with respect to the proposal. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered by the Board.

*It is hereby ordered,* For the reasons set forth in the Board's Statement[1] of this date, that said application be and hereby is denied.

By order of the Board of Governors,[2] September 1, 1970.

[SEAL] ELIZABETH L. CARMICHAEL,
*Assistant Secretary.*

[F.R. Doc. 70-11844; Filed, Sept. 8, 1970; 8:45 a.m.]

## FIRST ALABAMA BANCSHARES, INC.

### Order for Hearing

In the matter of the application of First Alabama Bancshares, Inc., Birmingham, Ala., pursuant to section 3 of the Bank Holding Company Act of 1956 (Docket No. BHC-108).

On July 29, 1970, there was published in the FEDERAL REGISTER (35 F.R. 12163), a notice of receipt by the Board of Governors of an application, filed pursuant to section 3(a) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842 (a)), by First Alabama Bancshares, Inc., Birmingham, Ala., for the Board's prior approval of action whereby Applicant would become a bank holding company through the acquisition of 80 percent or more of the voting shares of The First National Bank of Montgomery; Exchange Security Bank, Birmingham; and The First National Bank of Huntsville; all in Alabama.

Pursuant to section 3(b) of said Act, the Board is required to notify the appropriate Federal or State supervisory authority of the filing of the application; to allow 30 days for the submission of views and recommendation by such authority; and, if within such 30-day period the said authority disapproves the application in writing, to schedule a hearing on the application.

Notice of receipt of the subject application was duly given to the Superintendent of Banks for the State of Alabama and the Comptroller of the Currency. Within 30 days thereafter, the Superintendent submitted to the Board in writing a recommendation that the application be denied. Accordingly,

*It is hereby ordered,* That, pursuant to section 3(b) of the said Act, and section 222.3(c) of the Board's Regulation Y (12 CFR Part 222.3(c)), a public hearing with respect to this application be held commencing at 10 a.m. on September 22, 1970, at the Parliament House, 420 South 20th Street, Birmingham, Ala., before a duly designated hearing examiner, such hearing to be conducted in accordance with the Board's rules of practice for formal hearings (12 CFR Part 263).

*It is further ordered,* That the following matters will be the subject of consideration at said hearing, without prejudice to the designation of additional related matters and questions upon further examination:

(1) Whether the proposed acquisition would result in a monopoly, or would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States;

(2) Whether the effect of the proposed acquisition in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or in any other manner would be in restraint of trade, and whether any anticompetitive effects found with respect to the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served;

(3) The financial and managerial resources and future prospects of the company and the banks concerned, and the convenience and needs of the community to be served.

*It is further ordered,* That any person desiring to give testimony, present evidence, or otherwise participate in these proceedings should file with the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, on or before September 16, 1970, a written request containing a statement of the nature of the petitioner's interest in the proceedings, the extent of the participation desired, a summary of the matters concerning which petitioner wishes to give testimony or submit evidence, and the names and identity of witnesses who propose to appear. Requests will be presented to the designated hearing examiner for his determination and persons submitting them will be notified of his decision.

By order of the Board of Governors, September 4, 1970.

[SEAL] ELIZABETH L. CARMICHAEL,
*Assistant Secretary.*

[F.R. Doc. 70-11951; Filed, Sept. 8, 1970; 8:52 a.m.]

# SMALL BUSINESS ADMINISTRATION

## UTAH CAPITAL CORP.

### Notice of Approval for Transfer of Control of Licensed Small Business Investment Company

On August 11, 1970, a notice of application for transfer of control was published in the FEDERAL REGISTER (35 F.R. 12731) stating that an application had been filed with the Small Business Administration (SBA) pursuant to § 107.701 of the regulations governing Small Business Investment Companies (33 F.R. 326, 13 CFR Part 107) for transfer of control of Utah Capital Corp. (Utah) 2510 South State Street, Salt Lake City, Utah 84115, a Federal Licensee under the Small Business Investment Act of 1958, as amended (Act), License No. 11/11-0010 to the following who will own 98.25 percent of Utah's common stock:

Thomas F. Christensen, President and Director, Route 2, Box 37, Shelley, Idaho 83274.
Ray G. Whiting, Director, 985 Westchester, Idaho Falls, Idaho 83401.
Dale L. Christensen, Director, Firth, Idaho 83236.
Richard W. Harper, Director, 449 Essex Street, Lynnfield, Mass. 01904.

Interested persons were given 10 days to submit written comments to SBA. No unfavorable comments were received.

SBA having considered the application and all other pertinent information with regard thereto, hereby approves the application for transfer of control.

A. H. SINGER,
*Associate Administrator for Investment.*

AUGUST 26, 1970.

[F.R. Doc. 70-11890; Filed, Sept. 8, 1970; 8:49 a.m.]

[Delegation of Authority No. 5-B.1 (Rev. 1)]

## DIRECTOR, OFFICE OF MANAGEMENT ASSISTANCE AND CHIEF, MANAGEMENT CONTRACTS DIVISION

### Delegation of Authority To Provide Financial Assistance

Delegation of Authority No. 5-B.1 (35 F.R. 8517) is hereby revised to read as follows:

I. Pursuant to the authority delegated by the Administrator to the Associate Administrator for Procurement and Management Assistance by Delegation of Authority No. 5-B, Revision 1 (34 F.R. 781), the following authority is hereby redelegated to the specific positions as indicated herein:

A. *Director, Office of Management Assistance.* To take all necessary actions in connection with the administration and management of grants, agreements, and contracts executed by the Associate Administrator for Procurement and Management Assistance under the authority granted in section 406 of the Economic Opportunity Amendments of 1967, except termination of the original grant, agreement, or contract. This includes without limitation the authority to issue amendments, changes, or modifications to such grants, agreements, and contracts.

B. *Chief, Management Contracts Division.* To take all necessary actions in connection with the administration and management of grants, agreements, and

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Kansas City.

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

contracts executed by the Associate Administrator for Procurement and Management Assistance under the authority granted in section 406 of the Economic Opportunity Amendments of 1967, except termination of the original grant, agreement, or contract. This includes without limitation the authority to issue amendments, changes or modifications to such grants, agreements, and contracts.

II. The authority delegated herein may not be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as acting in that position.

IV. Authority delegated by Delegation of Authority No. 5–B.1 (35 F.R. 8517) is hereby revoked by this revision thereof without prejudice to any prior actions taken thereunder.

*Effective date.* August 28, 1970.

MARSHALL J. PARKER,
*Associate Administrator for Procurement and Management Assistance.*

[F.R. Doc. 70–11891; Filed, Sept. 8, 1970; 8:49 a.m.]

# INTERSTATE COMMERCE COMMISSION

## FOURTH SECTION APPLICATION FOR RELIEF

SEPTEMBER 3, 1970.

Protests to the granting of an application must be prepared in accordance with § 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. 42043—*Liquid Caustic Soda from Baton Rouge, La.* Filed by O. W. South, Jr., agent (No. A6195), for interested rail carriers. Rates on caustic soda (sodium hydroxide), liquid, in multiple tank carloads (5), as described in the application, from Baton Rouge, La., to specified points in Florida and Georgia.

Grounds for relief—Barge competition.

Tariff—Supplement 148 to Southern Freight Association, agent, tariff ICC S–699.

By the Commission.

[SEAL] JOSEPH M. HARRINGTON,
*Acting Secretary.*

[F.R. Doc. 70–11909; Filed, Sept. 8, 1970; 8:51 a.m.]

[Notice 584]

## MOTOR CARRIER TRANSFER PROCEEDINGS

SEPTEMBER 8, 1970.

Application filed for temporary authority under section 210(a)(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC–FC–72363. By application filed August 28, 1970, HUNTINGTON MOVING AND STORAGE CO., Post Office Box 1801, 1102 Vernon St., Huntington, W. Va. 25719, seeks temporary authority to lease the operating rights of CHARLES C. RITCHIE and PAUL C. RITCHIE, doing business as GOODE TRANSFER COMPANY, 513 Church St., Mullens, W. Va. 25882, under Section 210a(b). The transfer to HUNTINGTON MOVING AND STORAGE CO., of the operating rights of CHARLES C. RITCHIE and PAUL C. RITCHIE, doing business as GOODE TRANSFER COMPANY is presently pending.

By the Commission.

[SEAL] JOSEPH M. HARRINGTON,
*Acting Secretary.*

[F.R. Doc. 70–11910; Filed, Sept. 8, 1970; 8:51 a.m.]

[Ex Parte No. 267]

[Special Permission No. 71–1100]

## INCREASED FREIGHT RATES, 1971

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., this 2d day of September 1970.

Upon consideration of a petition dated September 1, 1970, filed by Edward A. Kaier and other attorneys for and on behalf of railroads of the United States, and on behalf of certain water and motor carriers having joint rates with said railroads for authority (1) to depart from the Commission's tariff publishing rules to the extent necessary to enable such carriers to publish general increases in freight rates and charges applicable within, from, to, and via Eastern territory as defined in Appendix II to the petition, and within, from, to, and via Western territory as defined in said Appendix II, by means of a master tariff and other short-form methods, (2) for authority to publish and establish increases in such rates and charges upon 5 days' notice to the Commission and to the public of 8 percent, effective September 15, 1970, and 15 percent effective November 1, 1970, and (3) for modification of all outstanding orders of the Commission to the extent necessary to permit only publication of the aforesaid increases in rates and charges;

For good cause shown, it is ordered:

1. All railroads, and water and motor carriers having joint rates with said railroads, and their tariff publishing agents be, and they are hereby, authorized to depart from the Commission's tariff publishing rules when posting and filing tariffs to become effective on not less than 60 days' notice to the Commission and to the public, but not earlier than November 18, 1970, providing for increased rates and charges not exceeding 15 percent as set forth in said petition, in the following manner:

(a) By publication and filing of master tariffs of increased rates and charges which shall contain a provision reading substantially as follows:

"In the event any increases resulting from the application of this tariff exceed the increases subsequently approved or prescribed by the Interstate Commerce Commission, the carriers will refund the difference between the increases resulting from the application of this tariff and any increases which may subsequently be approved or prescribed by the Interstate Commerce Commission with 4 percent interest.

"In the event an increase resulting from the application of this tariff is disapproved by the Commission and no increase is authorized, the carriers will refund the full amount of the increase collected with 4 percent interest."

(b) By publication and filing of connecting link supplements to one or more tariffs connecting such a tariff or tariffs with the master tariff of increased rates and charges.

(c) By publication and filing of tariffs or supplements of specific increased rates and charges, subject to the same provisions concerning refunds as contained in paragraph 1(a), and

(d) By publication of provisions in tariffs or supplements subjecting the rates and charges therein to the provisions of the master tariffs.

2(1) Master tariffs, supplements thereto, and supplements to tariffs which are issued in short-form method shall bear notation reading substantially as follows:

The form of this publication is permitted by authority of Interstate Commerce Commission Permission No. 71–1100 of September 2, 1970.

(2) Other tariffs or supplements containing specific increased rates or charges shall bear notation reading:

This publication is issued under authority of Interstate Commerce Commission Permission No. 71–1100 of September 2, 1970.

3. Connecting-link supplements authorized herein shall be exempt from the Commission's tariff publishing rules relating to the number of supplements and volume of supplemental matter permitted. This and all other relief from the Commission's tariff publishing rules authorized herein shall expire with September 4, 1971.

4. Outstanding orders of the Commission are modified only to the extent necessary to permit the filing of tariffs containing the proposed increased rates and charges, and all tariffs filed shall be subject to protest, suspension, or rejection.

*And it is further ordered,* That the petition in all other respects be, and it is hereby, denied.

*And it is further ordered,* 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.

[SEAL] JOSEPH M. HARRINGTON,
*Acting Secretary.*

[F.R. Doc. 70–11945; Filed, Sept. 8, 1970; 8:52 a.m.]

[Ex Parte No. 267]

## INCREASED FREIGHT RATES, 1971

At a general session of the Interstate Commerce Commission held at its office in Washington, D.C. on the 2d day of September A.D. 1970.

It appearing, that by a petition filed on September 1, 1970, by substantially

all of the railroads and certain other carriers in Eastern and Western Territories, seeking the institution of an investigation by the Commission into the adequacy of freight rates and charges of all carriers by railroad within the United States, authorization of proposed increases in freight rates and charges as set forth therein including entry of an order modifying all outstanding orders of the Commission to the extent necessary to make the proposed increased rates and charges effective and entry of appropriate orders under sections 4 and 6 of the Interstate Commerce Act, and

It further appearing, that on September 2, 1970, the Commission entered Special Permission Order No. 71-1100 authorizing the filing of the tariff schedules of increased rates and charges to become effective not earlier than November 18, 1970, upon not less than 60 days' notice to the Commission and the general public, subject to possible suspension by the Commission as provided by the Act.

And it further appearing, that, pursuant to regulations published in 35 F.R. 13216 the railroads and other carriers mentioned above filed and served on September 1, 1970, verified statements containing the evidential support and justification for the aforesaid proposed increases in rates and charges, and good cause appearing therefor:

1. *It is ordered,* That an investigation be, and it is hereby, instituted into and concerning the adequacy of the freight rates and charges of all common carriers by railroad in the United States and the extent to which the proposed increases in rates and charges are necessary to provide revenues sufficient to enable the carriers, under honest, economical, and efficient management, to provide adequate and efficient railway transportation service at the lowest cost consistent with the furnishing of such service, and the reasonableness and lawfulness of such increases under the provisions of the Interstate Commerce Act and the National Transportation Policy.

2. *It is further ordered,* That all common carriers by railroad subject to the Interstate Commerce Act be, and they are hereby, made respondents to this proceeding.

3. *It is further ordered,* That the record in the pending general rail rate increase proceeding entitled Ex Parte No. 265, Increased Freight Rates, 1970, be, and it is hereby, made a part of the record in this proceeding.

4. *It is further ordered,* That this proceeding be, and it is hereby, referred to Hearing Examiner Robert C. Bamford for hearing commencing on September 21, 1970, at 9:30 a.m., District of Columbia daylight saving time, at the offices of the Interstate Commerce Commission, Washington, D.C., for the purpose of cross-examination of witnesses submitting verified statements on behalf of the respondents on September 1, 1970, pursuant to the provisions published in 35 F.R. 13216, as noted above, said hearing to be held in conjunction with that now ordered in Ex Parte No. 265.

5. *It is further ordered,* That any person opposing the proposed increases in rates and charges shall file and serve verified statements and arguments as provided below, on or before October 14, 1970.

(a) The verified statements shall contain all evidence relevant and material to the issues in this proceeding which the party desires to have considered by the Commission (except oral cross-examination and rebuttal related thereto) and will be considered as submitted in evidence along with the verified statements of the respondents, as basis for a decision by the Commission on the merits of the issues.

(b) Verified statements may include argument in support of an affiant's position but such argument shall be set forth in a separate section of the document containing the verified statement. If desired, such argument may be contained in a separate document simultaneously filed and served.

(c) Each verified statement shall be signed in ink by the affiant and verified (notarized) in the manner provided by Rule 50 and Form No. 6 of the Commission's general rules of practice. The post office address of the affiant or his counsel shall be shown.

(d) Verified statements, with or without attached appendices, and arguments, as specified above, shall be filed and served as follows:

The original and 24 copies of each such document for the use of the Commission shall be sent to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

One copy of each statement shall be sent by first-class mail to each of the Regional Offices of the Commission where it will be open to public inspection.

Twenty-five copies shall be served upon Edward A. Kaier, Esq., American Railroad Building, 1920 L Street NW., Washington. D.C. 20036, which service shall constitute service upon all respondents.

In all cases, where service is made by mail, the document shall be mailed in time to be received by October 14, 1970.

(e) Each verified statement shall contain a certificate of service stating that it has been timely served on opposing parties, as herein provided; and verified statements not so served will not be considered.

(f) Verified statements and arguments by persons opposed to the proposed increases in rates and charges should include all matters which they desire the Commission to consider with respect to statutory suspension of the rates pending completion of the investigation, as well as evidence relevant to the ultimate decision. Any party who does not desire to submit verified statements of evidence as described above, may file and serve in like fashion unverified protests which will be considered by the Commission only with respect to the issue of suspension.

6. *It is further ordered,* That any party who has duly filed and served verified statements in Ex Parte Docket No. 265, Increased Freight Rates, 1970, may rely thereon as submitted in evidence in this proceeding or may supplement same by a further verified statement submitted as provided in paragraph 5.

7. *It is further ordered,* That on or before November 2, 1970, the respondents shall file with the Commission and serve upon opposing parties such replies to protests seeking suspension and rebuttal evidence on the merits of the proceeding as they desire to present. Such evidence shall be in the form and served in the same manner as the opening statements filed in accordance with the regulations published in 35 F.R. 13216, except that replies and rebuttal verified statements need be served only upon the party (and his counsel if known) to whose evidence the reply or rebuttal is directed. Such statements shall, however, be furnished to other interested parties upon request. In the event that the respondents desire to exercise their right to cross-examine any affiant to a verified statement filed in support of protestants pursuant to the provisions of paragraph 5, they shall give notice thereof on or before November 2, 1970, to said affiant (and his counsel if known) and to the Commission by first class mail. Any protestant who wishes to exercise his right to cross-examine any affiant to a verified rebuttal statement of the respondents shall, in like fashion notify the affiant and the respondents at the address set forth in paragraph 5(d), and the Commission, not later than November 5, 1970.

8. *It is further ordered,* That a further hearing in this proceeding shall commence on November 9, 1970, at 9:30 a.m., District of Columbia standard time, at the offices of the Interstate Commerce Commission, Washington, D.C., for the purpose of cross-examination of witnesses submitting verified statements, and to afford an opportunity for parties to submit such other pertinent evidence which the Examiner deems necessary to complete the record.

9. *It is further ordered,* That the Commission will not receive oral argument on the issue of whether to permit the proposed increases to become effective pending completion of the investigation herein instituted, or whether they should be suspended in whole or in part. Any party desiring to be heard in oral argument on the merits following closing of the record herein should address a request therefor to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

10. *It is further ordered,* That future orders and notices of the Commission in this proceeding will be sent only to those parties participating as herein provided, parties of record in Ex Parte No. 265, and to those other interested persons who specifically request to be included on the service list.

11. *And it is further ordered,* That a copy of this order be filed with the Director, Office of the Federal Register for publication in the FEDERAL REGISTER as notice to interested parties.

By the Commission.

[SEAL] JOSEPH M. HARRINGTON,
*Acting Secretary.*

[F.R. Doc. 70-11946; Filed, Sept. 8, 1970; 8:52 a.m.]

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