FEDERAL REGISTER

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Agencies in this issue—

Agricultural Stabilization and Conservation Service
Atomic Energy Commission
Business and Defense Services Administration
Civil Aeronautics Board
Consumer and Marketing Service
Customs Bureau
Education Office
Federal Aviation Administration
Federal Communications Commission
Federal Highway Administration
Federal Home Loan Bank Board
Federal Insurance Administration
Federal Power Commission
Federal Reserve System
Fish and Wildlife Service
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Food and Nutrition Service
Hearings and Appeals Office
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Securities and Exchange Commission
Small Business Administration
Tariff Commission

Detailed list of Contents appears inside.

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Title 7—AGRICULTURE

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

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

Subpart—U.S. Standards for Grades of Mixed Nuts in the Shell [1]

The U.S. Department of Agriculture hereby amends the U.S. Standards for Grades of Mixed Nuts in the Shell (7 CFR 51.3520–51.3523). These grade standards are issued under authority of the Agricultural Marketing Act of 1946 (60 Stat. 1087, as amended; 7 U.S.C. 1621–1627), which provides for the issuance of official U.S. grades to designate different levels of quality for the voluntary use of producers, buyers and consumers. Official grading services are also provided under this act upon request of any financially interested party and upon payment of a fee to cover the cost of such services.

Statement of considerations leading to the amendment of the grade standards. In the present mixed nuts standards the size requirement for filberts is "large" in the U.S. Extra Fancy and U.S. Fancy grades, and "medium" in the U.S. Commercial or U.S. Select grade. A further requirement of the mixed nuts standards is that species of nuts shall be graded individually in accordance with U.S. Standards currently in effect for that species. Thus, the grade for filberts under the mixed nuts standards is determined in accordance with the U.S. Standards for Grades of Filberts in the Shell (35 F.R. 11453). However, under the revised filbert standards it is no longer required that nuts meet a specific size classification in order to grade U.S. No. 1. Size may now be specified in connection with the grade in terms of minimum diameter, minimum and maximum diameters or a specific size classification.

Mixed nuts packers experience difficulty in conforming to the size requirements of the mixed nuts standards relative to filberts, due to the fixed diameters specified for the respective size classifications in the filbert standards. Mixtures of large and jumbo size filberts and of medium and larger size filberts have been more readily available than large size or medium size alone. The presence of mixtures of "large" and "jumbo," or "medium" and larger filberts, in lots of mixed nuts resulted, in most cases, in the failure of lots to meet the grade requirements.

In view of this problem, the minimum size requirement for filberts in the U.S. Extra Fancy and U.S. Fancy grades of mixed nuts should be changed from "large" to forty-four sixty-fourths of an inch for long type varieties and forty-nine sixty-fourths of an inch for round type varieties in recognition of the mixed sizes of filberts of the large and jumbo size. Also, the minimum size requirements for filberts in the U.S. Commercial or U.S. Select grade of mixed nuts should be changed from "medium" to thirty-four sixty-fourths of an inch for long type varieties and forty-five sixty-fourths of an inch for round type varieties due to such mixtures of sizes that are available. The respective diameters are the same as the applicable minimum diameters for the large and medium size classifications, respectively. These changes establish a minimum size requirement for filberts without any maximum size.

The changes in the size requirements will permit packers to utilize readily available sizes of filberts in packing mixed nuts, without the additional expense of resizing to remove oversize nuts. Consumers should benefit because packages of mixed nuts could contain a higher proportion of more desirable, larger size filberts than in the past.

The revised filbert standards contain a metric conversion table for convenience in translating size requirements from fractions of inches to millimeters. The portion of such table which contains the various fractions of inches used in the mixed nuts standards is set forth as a part of such standards for convenience purposes.

The standards are amended to read as follows:

General

Sec.
51.3520 General.

Grades

51.3521 U.S. Extra Fancy.
51.3522 U.S. Fancy.
51.3523 U.S. Commercial or U.S. Select

Metric Conversion Table

51.3524 Metric conversion table.

Authority: The provisions of this subpart issued under secs. 203, 205, 60 Stat. 1087, as amended; 1090 as amended; 7 U.S.C. 1622, 1624.

General

§ 51.3520 General.

Any lot of mixed nuts in the shell which is classified as meeting the requirements of a U.S. grade for mixed nuts in the shell is required to conform to the applicable mixture, sizes and grades set forth in one of the following grades. Each species of nut shall be graded individually in accordance with U.S. Standards currently in effect for that species. The percentages in the mixture shall be determined on the basis of weight, and each species must conform to the minimum and maximum percentages specified in the mixture as set forth in §§ 51.3521–51.3523. A composite sample shall be drawn to determine mixture, size, and grade. When any species in a lot fails to meet the applicable requirements as to mixture, size or grade prescribed for a particular U.S. grade for mixed nuts in the shell, the entire lot fails to meet the requirements of such U.S. grade.

Grades

§ 51.3521 U.S. Extra Fancy.

Species of nut	Allowable mixture		Minimum size	Minimum grade
	Minimum percent	Maximum percent		
Almonds	10	40	28/64 inch	U.S. No. 1.
Brazils	10	40	Large	U.S. No. 1.
Filberts	10	40	Long type varieties 44/64 inch; Round type varieties 49/64 inch	U.S. No. 1.
Pecans	10	40	Extra Large	U.S. No. 1.
Walnuts	10	40	Large	U.S. No. 1.

§ 51.3522 U.S. Fancy.

Species of nut	Allowable mixture		Minimum size	Minimum grade
	Minimum percent	Maximum percent		
Almonds	10	40	28/64 inch	U.S. No. 1.
Brazils	10	40	Medium	U.S. No. 1.
Fiberts	10	40	Long type varieties 44/64 inch; Round type varieties 49/64 inch	U.S. No. 1.
Pecans	10	40	Large	U.S. No. 1.
Walnuts	10	40	Medium	U.S. No. 1.

[1] Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug and Cosmetic Act or with applicable State laws and regulations.

§ 51.3523 U.S. Commercial or U.S. Select.

Species of Nut	Allowable mixture		Minimum size	Minimum grade
	Minimum percent	Maximum percent		
Almonds	5	40	28/64 inch	U.S. No. 1.
Brazils	5	40	Medium	U.S. No. 1.
Filberts	5	40	Long type varieties 34/64 inch. Round type varieties 45/64 inch.	U.S. No. 1.
Pecans	5	40	Medium	(a) External quality: U.S. No .1. (b) Internal quality: 75 percent U.S. No. 1 quality with not more than 10 percent seriously damaged kernels, including therein not more than 6 percent which are rancid, moldy, decayed, or damaged by insects.
Walnuts	5	40	Baby	(a) External quality: 85 percent U.S. No. 1 quality. (b) Internal quality: 85 percent U.S. No. 1 quality, except that the lot need only meet the requirements for U.S. No. 2 grade for kernel color; with not more than 8 percent seriously damaged kernels, including therein not more than 5 percent which are damaged by insects.

METRIC CONVERSION TABLE

§ 51.3524 Metric conversion table.

Inches:	*Millimeters (mm)*
49/64	19.4
45/64	17.9
44/64	17.5
34/64	13.5
28/64	11.1

It is hereby found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) and that good cause exists for making it effective at the time specified in that the amendment of the U.S. Standards for Grades of Mixed Nuts in the Shell relieves restrictions by liberalizing the size requirements for filberts which will benefit both the packers and users of mixed nuts in the shell; and no useful purpose would be served by postponing the effective date.

These standards shall become effective upon publication in the FEDERAL REGISTER and will thereupon supersede the U.S. Standards for Grades of Mixed Nuts in the Shell which have been in effect since October 1, 1968 (7 CFR 51.3520–51.3523).

Dated: September 11, 1970.

G. R. GRANGE,
Acting Administrator.

[F.R. Doc. 70-12349; Filed, Sept. 17, 1970; 8:45 a.m.]

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

Standards for Grades of Canned Apricots, Clingstone Peaches, and Pears; Liquid Media and Brix Measurements

Amendments to these grade standards [1] are issued under authority of the Agricultural Marketing Act of 1946 (secs. 202–208, 68 Stat. 1087, as amended; 7 U.S.C. 1621–1627) which provides for the issuance of official U.S. grades to designate different levels of quality for the voluntary use of producers, buyers, and consumers. Official grading services are also provided under this Act upon request and upon payment of a fee to cover the cost of such service.

Statement of consideration leading to the amendments. Following action by the Food and Drug Administration removing approval of the use of cyclamate compounds as artificial sweeteners in foods, it is deemed to be in the public interest to delete any listing of permissible ingredients in artificially sweetened fruit and vegetable products in the USDA grade standards. Currently there are three such U.S. standards.

In Part 52 of Chapter I of Title 7 of the Code of Federal Regulations, the listed subparts are amended as follows:

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

Subpart—U.S. Standards for Grades of Canned Pears is amended as follows:

Section 52.1614 is revised to read:

§ 52.1614 Liquid media and Brix measurements for canned pears.

"Cut-out" requirements for liquid media in canned pears are not incorporated in the grades of the finished product since sirup or any other liquid medium, as such, is not a factor of quality for the purposes of these grades. The designations of liquid packing media and the Brix measurements, where applicable, are as follows:

Designations	*Brix measurement*
"Extra heavy sirup" or "Extra heavy pear juice sirup".	22° or more but not more than 35°.
"Heavy sirup" or "Heavy pear juice sirup".	18° or more but less than 22°.
"Light sirup" or "Light pear juice sirup".	14° or more but less than 18°.
"Slightly sweetened water" or "Slightly sweetened pear juice".	Less than 14°.
"In water"	Not applicable.
"In pear juice"	Not applicable.
"In clarified juice"	Not applicable.
"Artificially sweetened".	Not applicable.

Subpart—U.S. Standards for Grades of Canned Clingstone Peaches

Subpart—U.S. Standards for Grades of Canned Clingstone Peaches is amended as follows.

Section 52.2565 is revised to read:

§ 52.2565 Liquid media and Brix measurements for canned clingstone peaches.

"Cut-out" requirements for liquid media in canned clingstone peaches are not incorporated in the grades of the finished product since sirup or any other liquid medium, as such, is not a factor of quality for the purposes of these grades. The designations of liquid packing media and the Brix measurements, where applicable, are as follows:

Designations	*Brix measurement*
"Extra heavy sirup" or "Extra heavy peach juice sirup".	24° or more but not more than 35°.
"Heavy sirup" or "Heavy peach juice sirup".	19° or more but less than 24°.
"Light sirup" or "Light peach juice sirup".	14° or more but less than 19°.
"Slightly sweetened water" or "Slightly sweetened peach juice".	Less than 14°.
"In water"	Not applicable.
"In peach juice"	Not applicable.
"Artificially sweetened".	Not applicable.

Subpart—U.S. Standards for Grades of Canned Apricots

Subpart—U.S. Standards for Grades of Canned Apricots is amended as follows:

Section 52.2645 is revised to read:

§ 52.2645 Liquid media and Brix measurements for canned apricots.

"Cut-out" requirements for liquid media in canned apricots are not incorporated in the grades of the finished product since sirup or any other liquid medium, as such, is not a factor of quality for the purposes of these grades. The designations of liquid packing media and the Brix measurements, where applicable, are as follows:

Designations	*Brix measurement*
"Extra heavy sirup" or "Extra heavy apricot juice sirup".	25° or more but not more than 40°.
"Heavy sirup" or "Heavy apricot juice sirup".	21° or more but less than 25°.
"Light sirup" or "Light apricot juice sirup".	16° or more but less than 21°.
"Slightly sweetened water" or "Slightly sweetened apricot juice".	Less than 16°.
"In water"	Not applicable.
"In apricot juice"	Not applicable.
"Artificially sweetened".	Not applicable.

It is hereby found impractical and contrary to the public interest to give notice of proposed rule making and invite public comment because of the nature of the substantive changes. These

[1] Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable State laws and regulations.

changes bring the USDA grade Standards for Canned Apricots, Canned Clingstone Peaches, and Canned Pears into line with mandatory requirements of the Federal Food, Drug and Cosmetic Act with respect to artificial sweeteners. No good purpose would be served by such rule making procedure.

It is hereby found that good cause exists for not postponing the effective date of these amendments beyond that specified (5 U.S.C. 553) in that:

(1) The mandatory regulation with which the concerned foods industry must comply is in effect; and

(2) These amendments will bring the voluntary USDA grade standards into compliance with the applicable provisions of the Federal Food, Drug and Cosmetic Act.

Effective date. The amendments to the U.S. Standards for Grades of Canned Apricots, Canned Clingstone Peaches, and Canned Pears shall become effective upon publication in the FEDERAL REGISTER.

(Secs. 202-208, 60 Stat. 1087, as amended; 7 U.S.C. 1621-1627)

Dated: September 14, 1970.

G. R. GRANGE,
Acting Administrator.

[F.R. Doc. 70-12465; Filed, Sept. 17, 1970; 8:48 a.m.]

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

[Export Reg. 18]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Export Shipments

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905) regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of exports of oranges, including Temple and Murcott Honey oranges, grapefruit, and tangelos, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The Growers Administrative Committee has recommended size and grade requirements, as specified herein, for oranges, grapefruit, and tangelos so as to assure the exportation of good quality fruit and thereby aid the expansion of export markets.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this regulation until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments, including those in export other than to Canada or Mexico, of oranges, including Temple and Murcott Honey oranges, grapefruit, and tangelos, grown in the production area, are in progress or will begin in the near future and, insofar as possible, all such export shipments should be subject to regulation in order to prevent the shipment of undesirable fruit; the recommendation and supporting information for the grade and size limitation hereinafter prescribed for exports of oranges, including Temple and Murcott Honey oranges, grapefruit, and tangelos, other than to Canada or Mexico, were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on September 10, 1970; such meeting was held to consider recommendations for regulation on exports, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this regulation, including the effective time hereof, are identical with the aforesaid recommendation of the committee and information concerning such provisions and effective time has been disseminated among handlers of such fruit; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period hereinafter set forth; and compliance with this regulation will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time hereof.

§ 905.527 Export Regulation 18.

(a) *Order.* (1) During the period September 21, 1970, through September 12, 1971, no handler shall ship to any destination outside the continental United States, other than to Canada or Mexico:

(i) Any oranges, including Temple and Murcott Honey oranges, grapefruit, or tangelos, grown in the production area, which do not grade at least U.S. No. 2 Russet:

(ii) Any oranges, including Murcott Honey oranges but not including Temple oranges, grown in the production area, which are of a size smaller than 2⁴⁄₁₆ inches in diameter, except that a tolerance of 10 percent, by count, of oranges, except Temple oranges, smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the amended United States Standards for Florida Oranges and Tangelos;

(iii) Any Temple oranges, grown in the production area, which are of a size smaller than 2⁹⁄₁₆ inches in diameter, except that a tolerance of 10 percent, by count, of Temple oranges smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the aforesaid U.S. Standards for Florida Oranges and Tangelos;

(iv) Any grapefruit, grown in the production area, which are of a size smaller than 3⁵⁄₁₆ inches in diameter, except that a tolerance of 10 percent, by count, of grapefruit smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the revised U.S. Standards for Florida Grapefruit; or

(v) Any tangelos, grown in the production area, which are of a size smaller than 2⁵⁄₁₆ inches in diameter, except that a tolerance of 10 percent, by count, of tangelos smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in said amended U.S. Standards for Florida Oranges and Tangelos.

(2) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order, and terms relating to grade and diameter as used herein, shall have the same meaning as is given to the respective terms in the revised U.S. Standards for Florida Grapefruit (§§ 51.750-51.783 of this title), or the U.S. Standards for Florida Oranges and Tangelos (§§ 51.1140-51.1178 of this title).

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

Dated: September 14, 1970.

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

[F.R. Doc. 70-12429; Filed, Sept. 17, 1970; 8:45 a.m.]

PART 906—ORANGES AND GRAPEFRUIT GROWN IN LOWER RIO GRANDE VALLEY IN TEXAS

Expenses and Rate of Assessment

On September 2, 1970, notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 13887) regarding proposed expenses and the proposed rate of assessment for the fiscal period August 1, 1970, through July 31, 1971, pursuant to the marketing agreement, as amended, and Order No. 906, as amended (7 CFR Part 906), regulating the handling of oranges and grapefruit grown in the Lower Rio Grande Valley in Texas, effective under the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). After consideration of all relevant

matters presented, including the proposals set forth in the aforesaid notice which were submitted by the Texas Valley Citrus Committee (established pursuant to the said amended marketing agreement and order), it is hereby found and determined that:

§ 906.210 Expenses and rate of assessment.

(a) *Expenses.* The expenses that are reasonable and likely to be incurred by the Texas Valley Citrus Committee during the period August 1, 1970, through July 31, 1971, will amount to $660,000.

(b) *Rate of assessment.* The rate of assessment for said period, payable by each handler in accordance with § 906.34, is fixed at $0.045 per seven-tenths bushel carton, or equivalent quantity of oranges and grapefruit.

It is hereby found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of oranges and grapefruit are now being made; (2) the relevant provisions of said marketing agreement and this part require that the rate of assessment fixed for a particular fiscal period shall be applicable to all assessable fruit from the beginning of such period; and (3) the current fiscal period began on August 1, 1970, and the rate of assessment herein fixed will automatically apply to all assessable oranges and grapefruit beginning with such date.

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

Dated: September 14, 1970.

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

[F.R. Doc. 70-12430; Filed, Sept. 17, 1970; 8:45 a.m.]

PART 967—CELERY GROWN IN FLORIDA

Limitation of Handling

Notice of rule making with respect to a proposed limitation of handling regulation to be made effective under Marketing Agreement No. 149 and Order No. 967, both as amended (7 CFR Part 967), regulating the handling of celery grown in Florida, was published in the FEDERAL REGISTER June 23, 1970 (35 F.R. 10226). This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.). The notice afforded interested persons an opportunity to file with the Hearing Clerk written data, views, or arguments pertaining thereto not later than the 30th day after its publication. Although none was filed with the Hearing Clerk as prescribed in the notice, a letter of opposition was sent to this Division by Chiglades Farm, Ltd. Chiglades' objection has been considered along with information submitted by the Florida Celery Committee and other available information.

After consideration of all relevant matters, including the proposal set forth in the aforesaid notice, the data, views, and recommendations of the Florida Celery Committee, the aforesaid objection and other available information, it is hereby found that the limitation of handling regulation, as hereinafter set forth, including the establishment of the Marketable Quantity, and the determination of the Uniform Percentage, as provided in § 967.38(a) will tend to effectuate the declared policy of the act by establishing and maintaining such orderly marketing conditions for celery as will tend to increase returns to producers of such celery.

The regulation as hereinafter set forth is based on the assessment of supply and demand prospects in the 1970-71 season. It is estimated Florida celery producers will plant 13,000 acres in 1970-71, 1 percent above last season's acreage. Assuming an average yield of 657 crates per acre (1966-67 through 1968-69) there would be a potential supply of 8,541,000 crates. Also there are indications California celery acreage will be increased. Under normal conditions Florida cannot reasonably expect to successfully market such an amount.

In recent years, the annual celery production from the acreage planted in Florida and California has readily exceeded the requirements of the U.S., Canadian, and other export markets. During the last four seasons, from 6.1 to 7.3 million crates of Florida celery have been sold annually for fresh market. At the same time, however, from about 975 to 1,600 acres of celery grown for harvest were abandoned annually, mainly for economic reasons. Assuming an average yield of 657 crates per acre, this equates to an annual abandonment ranging from over 600,000 to over 1 million crates.

The Marketable Quantity herein established is at a level which will provide ample opportunity for the industry to strive to market the greatest number of crates at reasonable prices to consumers, while at the same time providing the possibility of a reasonable return to growers for their efforts and investment.

The establishment of a Marketable Quantity for the 1970-71 marketing year of 7,887,375 crates will result in the handling of approximately 1.3 million fewer crates of celery than the total Base Quantities of present producers, which amount to 9,223,520 crates. Also considering the large quantity of celery abandoned during the last four seasons, and the 1970-71 Marketable Quantity being in the upper range of probable fresh marketings at acceptable farm prices, establishing a reserve for new or adjusted Base Quantities under such conditions is not warranted. Under present circumstances, if the total Base Quantities were increased, it would be necessary to reduce the Marketable Allotment of each producer to even less than the 84.312 percent of his Base Quantity established herein. Therefore, in accordance with §§ 967.37(d) and 967.152, no reserve is established for new or increased Base Quantities at this time.

However, the committee is required to review, prior to November 1, the marketing policy it has adopted for the 1970-71 season and, as changes are indicated, the committee may recommend appropriate revisions in the regulations.

It is hereby found that good cause exists for not postponing the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) notice was given of the proposed limitation regulation set forth in this section through publicity in the production area and by publication in the June 23, 1970, FEDERAL REGISTER, (2) as provided in said marketing agreement and order, this regulation applies to celery marketed during the 1970-71 season, (3) compliance with this section will not require any special preparation by handlers which cannot be completed prior to the time actual handling of harvested celery begins, approximately the latter part of October, (4) prompt promulgation of this regulation will be beneficial to all interested parties because it should afford producers and handlers maximum time to plan their operations accordingly, and (5) no useful purpose will be served by postponing such promulgation.

It is, therefore, ordered as follows:

§ 967.306 Marketable quantity, uniform percentage, and limitation on handling for the 1970-71 season ending July 31, 1971.

(a) The Marketable Quantity for the 1970-71 season is established, pursuant to § 967.36(a), as 7,887,375 crates.

(b) As provided in § 967.38(a), the Uniform Percentage for the 1970-71 season is determined as 84.312 percent.

(c) During the 1970-71 season no handler may handle, as provided in § 967.36(b)(1), any harvested celery unless it is within the Marketable Allotment for the producer of such celery.

(d) No reserve for Base Quantities for the 1970-71 season is established.

(e) Terms used herein shall have the same meaning as when used in the said marketing agreement and order.

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

Dated: September 15, 1970.

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

[F.R. Doc. 70-12485; Filed, Sept. 16, 1970; 12:40 p.m.]

Chapter XVI—Food and Nutrition Service (Food Stamp Program), Department of Agriculture

PART 1601—PARTICIPATION OF STATE AGENCIES AND ELIGIBLE HOUSEHOLDS

Financial Liabilities of State Agency

Part 1601 of Chapter XVI of Title 7 of the Code of Federal Regulations is

amended as follows to provide for the handling of certain claims arising out of the erroneous issuance of free coupons under the Food Stamp Program:

Section 1601.7 is amended by adding thereto a new paragraph (d) to read as follows:

§ 1601.7 Financial liabilities of the State agency.

* * * * *

(d) If excess free coupons are issued because of an error by the State agency or a misunderstanding of program provisions by a participating household, the State agency shall take appropriate corrective action to prevent any further issuance of excess free coupons to such household. The State agency may decline collection action to recover the value of the excess free coupons from the recipient household in any case in which such value is less than $250 under the following conditions:

(1) The issuance of excess free coupons did not involve gross negligence or fraud covered by paragraphs (a) and (c) of this section; and

(2) The State agency determines that either (i) it cannot collect or enforce collection of any significant sum from the household, (ii) the cost of collection action likely will exceed the amount recoverable thereby, or (iii) evidence necessary to prove the claim cannot be produced.

In any case described in this paragraph in which the value of excess coupons issued is $250 or more, the State agency may decline collection action under the conditions specified herein only with the concurrence of FNS. In any such case, the State agency shall submit a statement of the facts and its proposed determination to FNS for review and concurrence.

(Sec. 4(c), Stat. 703; U.S.C. 2013(c))

NOTE: The reporting and/or record-keeping requirements contained herein have been approved by the Office of Management and Budget in accordance with the Federal Reports Act of 1942.

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

RICHARD E. LYNG,
Assistant Secretary.

SEPTEMBER 14, 1970.

[F.R. Doc. 70-12431; Filed, Sept. 17, 1970; 8:45 a.m.]

Title 12—BANKS AND BANKING

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

[No. 70-228]

PART 545—OPERATIONS

Term of Construction Loans in Urban Renewal Areas

SEPTEMBER 10, 1970.

Resolved that the Federal Home Loan Bank Board considers it desirable to amend § 545.6-18 of the rules and regulations for the Federal Savings and Loan System (12 CFR 545.6-18) for the purpose of permitting Federal savings and loan associations to make 5-year construction loans for large multiunit dwellings and shopping centers in urban renewal areas. Accordingly, the Federal Home Loan Bank Board hereby amends paragraph (b) of said § 545.6-18 by adding a new subparagraph (4) thereto, to read as follows, effective September 18, 1970:

§ 545.6-18 Urban renewal loans and investments.

* * * * *

(b) *Investments in loans.* No investment in any loan on the security of a first lien on real property shall be made under this section which is not in accordance with, and otherwise authorized by, the provisions of this Part 545, with the following exceptions:

* * * * *

(4) A construction loan on (i) other dwelling units, (ii) a combination of dwelling units, including homes, and business property involving only minor or incidental business use, or (iii) other improved real estate, or any combination thereof, which otherwise meets the requirements of paragraph (b)(3) or (c)(5) of § 545.6-1, may be made for a term of not more than 60 months.

* * * * *

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943-48 Comp., p. 1071)

Resolved further that, since affording notice and public procedure on the above amendment would delay it from becoming effective for a period of time and since it is in the public interest that the authority contained in the amendment become effective as soon as possible, the Board hereby finds that notice and public procedure on said amendment are contrary to the public interest under the provisions of 12 CFR 508.11 and 5 U.S.C. 553(b); and since the amendment relieves restriction, publication for the 30-day period specified in 12 CFR 508.14 and 5 U.S.C. 553(d) prior to the effective date of the amendment is unnecessary; and the Board hereby provides that the amendment shall become effective as hereinbefore set forth.

By the Federal Home Loan Bank Board.

[SEAL] JACK CARTER,
Secretary.

[F.R. Doc. 70-12457; Filed, Sept. 17, 1970; 8:47 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 70-197]

PART 16—LIQUIDATION OF DUTIES

Countervailing Duties; Sugar Content of Certain Articles From Australia

Net amount of bounty declared for the months of April, May, and June 1970, for products of Australia subject to the countervailing duty order published in T.D. 54582.

For administrative reasons, the countervailing duty to be imposed on the sugar content of certain articles from Australia will be published quarterly instead of monthly.

The Treasury Department is in receipt of official information that the rates of bounties or grants paid or bestowed by the Australian Government within the meaning of section 303, Tariff Act of 1930 (19 U.S.C. 1303), on the exportation during the months of April, May, and June 1970, of approved fruit products and other approved products containing sugar amounts to Australian $81.10, $76.50, and $82.10, respectively, per 2,240 pounds of sugar content.

The net amount of bounties or grants on the above-described commodities which are manufactured or produced in Australia is hereby ascertained, determined, and declared to be the rates stated above. Additional duties on the above-described commodities, except those commodities covered by T.D. 55716 (27 F.R. 9595), whether imported directly or indirectly from that country, equal to the net amount of the bounty shown above shall be assessed and collected.

The table in § 16.24(f) under "Australia—Sugar content of certain articles" is amended (1) by deleting therefrom the reference to T.D. 69-229 and (2) by adding a reference to this Treasury decision. As amended the last three lines of the table under this commodity will read:

Country	Commodity	Treasury decision	Action
* * *	* * *	* * *	* * *
		69-253	New rate.
		70-105	New rate.
		70-197	New rate.
* * *	* * *	* * *	* * *

(R.S. 251, secs. 303, 624, 46 Stat. 687, 759; 19 U.S.C. 66, 1303, 1624)

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

Approved: August 25, 1970.

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[F.R. Doc. 70-12450; Filed, Sept. 17, 1970; 8:47 a.m.]

[T.D. 70-198]

PART 153—ANTIDUMPING

Whole Dried Eggs From Holland

SEPTEMBER 11, 1970.

Section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), gives the Secretary of the Treasury responsibility for determination of sales at less than fair value. Pursuant to such authority the Secretary of the Treasury has determined that whole dried eggs from Holland are being, or are likely to be, sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)).

Section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), gives the U.S. Tariff Commission responsibility for determination of injury or likelihood of injury. The U.S. Tariff Commission has determined, and on July 31, 1970, it notified the Secretary of the Treasury that an industry in the United States is being injured by reason of the importation of whole dried eggs from Holland sold, or likely to be sold, at less than fair value within the meaning of the Antidumping Act, 1921, as amended.

On behalf of the Secretary of the Treasury, I hereby make public these determinations, which constitute a finding of dumping with respect to whole dried eggs from Holland.

Section 153.43 of the Customs Regulations is amended by adding the following to the list of findings of dumping currently in effect:

Merchandise	Country	T.D.
Whole dried eggs	Holland	70-198

(Secs. 201, 407, 42 Stat. 11, as amended, 18; 19 U.S.C. 160, 173)

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

[F.R. Doc. 70-12463; Filed, Sept. 17, 1970; 8:48 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 10580; Amdt. Nos. 1-19; 95-198]

PART 1—DEFINITIONS AND ABBREVIATIONS

PART 95—IFR ALTITUDES

Implementation of Area Navigation

The purpose of these amendments to Parts 1 and 95 of the Federal Aviation Regulations is, respectively, to add definitions of terms used in the designation of area navigation routes and to provide for the establishment of IFR altitudes for such routes.

The initial regulatory action taken by the FAA in the field of area navigation was the adoption of Amendments 71-7 and 75-3 (effective on July 22, 1970, and based on Notice 69-27, 34 F.R. 9570, published in the FEDERAL REGISTER on June 18, 1969) which established a regulatory basis for the future designation of specific area low routes and area high routes. The action taken herein is supplementary to those amendments and serves to provide definitions with respect to area navigation and to make it possible for the establishment, in the future, of IFR altitudes for area navigation high routes and low routes.

Since the designation of area navigation routes and the establishment of en route IFR altitudes is imminent, and in light of the fact that standard instrument approach procedures for such routes have been published, I have determined that there is a requirement for the early adoption of these amendments. Therefore, I find that notice and public procedure hereon are unnecessary and impracticable and that good cause exists for making them effective in less than 30 days.

In consideration of the foregoing, Parts 1 and 95 of the Federal Aviation Regulations are amended, effective September 18, 1970, as follows:

1. By amending § 1.1 of Part 1 to include the following definitions:

§ 1.1 **General definitions.**

* * * * *

"Area navigation (RNAV)" means a method of navigation that permits aircraft operations on any desired course within the coverage of station-referenced navigation signals or within the limits or self-contained system capability.

"Area navigation low route" means an area navigation route within the airspace extending upward from 1,200 feet above the surface of the earth to, but not including, 18,000 feet MSL.

"Area navigation high route" means an area navigation route within the airspace extending upward from, and including, 18,000 feet MSL to flight level 450.

* * * * *

"RNAV way point (W/P)" means a predetermined geographical position used for route or instrument approach definition or progress reporting purposes that is defined relative to a VORTAC station position.

* * * * *

2. By amending paragraph (a), paragraph (b), the first sentence of paragraph (d), and paragraph (g) of § 95.1 of Part 95 as follows:

§ 95.1 **Applicability.**

(a) This part prescribes altitudes governing the operation of aircraft under IFR on Federal airways, jet routes, area navigation low or high routes, or other direct routes for which a MEA is designated in this part. In addition, it designates mountainous areas and changeover points.

(b) The MAA is the highest altitude on a Federal airway, jet route, area navigation low or high route, or other direct route for which a MEA is designated in this part at which adequate reception of navigation aid signals is assured.

* * * * *

(d) The MEA prescribed for a Federal airway or segment thereof, area navigation low or high route, or other direct route, applies to the entire width of the airway, segment or route between the radio fixes defining the airway, segment or route. * * *

* * * * *

(g) The COP applies to operation of an aircraft along a Federal airway, jet route, area navigation low or high route, or other direct route for which a MEA is designated in this part. It is the most appropriate point for transfer of the airborne navigation reference between the facility or way point abaft the aircraft and the next appropriate facility or way point along the Federal airway, jet route, area navigation low or high route, or other direct route that provides:

* * * * *

(2) A common source of azimuth guidance for all aircraft operating along the same segment of the Federal airway, jet route, area navigation low or high route, or other direct route.

3. By amending § 95.8001 to read as follows:

§ 95.8001 **General.**

This subpart prescribes COP's for Federal airways, jet routes, area navigation routes, or other direct routes for which an MEA is designated in this part. Unless otherwise specified the COP is midway between the navigation facilities or way points for straight route segments, or at the intersection of radials or courses forming a dogleg in the case of dogleg route segments.

(Secs. 307, 313(a), and 601, Federal Aviation Act of 1958, 49 U.S.C. 1348, 1354, and 1421; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

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

J. H. SHAFFER,
Administrator.

[F.R. Doc. 70-12456; Filed, Sept. 17, 1970; 8:47 a.m.]

[Docket No. 10038; Amdt. 37-24]

PART 37—TECHNICAL STANDARD ORDER AUTHORIZATIONS

Cargo Pallets, Nets, and Containers

The purpose of this amendment is to establish minimum performance standards that cargo pallets, nets, and containers must meet in order for a manufacturer to identify them with the applicable Technical Standard Order (TSO) designation. This action was published as a notice of proposed rule making (35 F.R. 15, Jan. 1, 1970), and circulated as Notice 69-56.

Under the present Federal Aviation Regulations cargo pallets, nets, and containers must be approved under the aircraft type certificate or by a supplemental type certificate. In Notice 69-56 the FAA noted the rapid growth in the aircargo industry and the corresponding increase in the development of cargo loading devices, and proposed to establish minimum performance standards for the manufacture of cargo pallets, nets, and containers under the Technical Standard Order system. The notice proposed to incorporate by reference in the TSO the performance standards set forth in National Aerospace Standard, NAS 3610, approved October 1969, except Sheets 59 through 93.

A number of comments were received in response to the notice. These generally favored the proposed action, although a number of changes were recommended.

The comments, together with the changes to the proposal resulting therefrom, are discussed below.

Several comments noted that sheets 59 through 93, inclusive, of NAS 3610 were not incorporated by reference in the proposed TSO and stated that these sheets are needed to define the restraint systems for which the unit load device must be designed and structurally tested or analyzed. The FAA agrees and the rule as adopted contains a reference to those sheets.

One comment misinterpreted NAS 3610 in its statement that overthrow straps were identified by the symbol "N" and that they should be identified by the symbol "S" to distinguish them from the nets indicated in the configuration drawings. Separate identification of overthrow straps was intentionally omitted from NAS 3610. They are used in combination with a Type II net or container for use in a Class I system and are not considered separately under the single NAS 3610 classification identifier.

With reference to the loads specified for Class II devices in Table XIV, one comment recommended increasing the loads to a level equal to the highest load level to be encountered in any of the emerging aircraft in order to improve pallet interchangeability. The FAA does not agree with this recommendation. The increased loads were considered during the development of NAS 3610 and were rejected because they would result in the derating of existing devices used in present aircraft.

Two commentators recommended that the number of net receptacles on pallet configurations 1A3 and 1B3, Sheets 24 and 33, of NAS 3610 be doubled. The recommended change has not been made since doubling the number of net receptacles for these pallet configurations could result in improper installation of nets and overthrow straps and the misalignment and misengagement of the stirrup fittings with the restraint system locks.

Several comments noted a few dimensional errors in the configuration drawings in NAS 3610 and also questioned the correctness of the directional arrows on several of the drawings. NAS 3610 has been revised to correct these errors and the directional arrows have been removed to avoid any misunderstanding. Accordingly, the proposal has been changed to reference NAS 3610, Revision 1, approved April 30, 1970. In this connection, one commentator recommended that NAS 3610 be incorporated into the TSO without limiting it to a particular issue in order that any changes in the NAS standard would automatically become the TSO standard. The FAA does not agree. The FAA has adopted the performance standards set forth in NAS 3610, Revision 1 for incorporation by reference into the proposed TSO. If the FAA determines that the TSO standards should be amended because of a subsequent revision to NAS 3610, the rulemaking procedures set forth in Part 11 of the Federal Aviation Regulations should be followed in making the amendment.

The recommendations of several commentators that the proposed TSO include additional cargo loading devices and the recommendation of one commentator that an additional loading system be added in Table XIV are beyond the scope of the notice. However, the comments will be considered in connection with future rulemaking action.

The proposed TSO standards require the article to comply with the fire protection requirements of § 25.853. It has subsequently been determined that aircraft loading masters may need to know the burning rate of the article in order to determine compatibility with the aircraft, and a marking requirement has been added to paragraph (b) to require that the burning rate be specified.

Finally, the data requirement in proposed paragraph (c)(3) has been changed to specify "An assembly drawing" in order to more clearly indicate the type of drawing that must be submitted.

Interested persons have been afforded the opportunity to participate in the making of this amendment and all relevant material submitted has been fully considered.

In consideration of the foregoing, Part 37 of the Federal Aviation Regulations is amended effective October 18, 1970, by adding a new § 37.199 to read as follows:

§ 37.199 Cargo pallets, nets, and containers, TSO–C90.

(a) *Applicability*—(1) *Minimum performance standards.* This Technical Standard Order prescribes the minimum performance standards that aircraft cargo pallets, nets, and containers must meet in order to be identified with the applicable TSO marking. New models of such equipment which are so identified that are manufactured on or after October 18, 1970, must meet the minimum performance standards for cargo pallets, nets, and containers as set forth in National Aerospace Standard, NAS 3610, Revision 1, approved April 30, 1970. National Aerospace Standard, NAS 3610, Revision 1, approved April 30, 1970, entitled "Cargo Unit Load Devices—Specification for" is incorporated by reference herein in accordance with 5 U.S.C. 552(a)(1) and § 37.23 and is available as indicated in § 37.23. Additionally, National Aerospace Standard, NAS 3610 may be examined at any FAA regional office of the Chief, Engineering and Manufacturing Branch (or in the case of the Western Region, the Chief, Aircraft Engineering Division), and may be obtained from National Standards Association, Inc., 1321 14th Street NW., Washington, D.C. 20005 at a cost of eight (8) dollars.

(2) *Exceptions.* Paragraph 3.5 of NAS 3610 is not essential to compliance with this section since paragraph (b) of this TSO provides the necessary marking requirements.

(b) *Markings.* In lieu of the marking requirements of § 37.7(d), cargo pallets, nets, and containers must be legibly and permanently marked in an area clearly visible after the article is loaded with cargo, with the following information:

(1) Name and address of the manufacturer.

(2) The weight of the article to the nearest pound.

(3) The serial number or date of manufacture or both.

(4) The identification of the article in the code system set out in paragraph 1.2.1 of NAS 3610, Revision 1, approved April 30, 1970.

(5) Any limitations or restrictions.

(6) If the article is not omnidirectional, the words "Forward", "Aft", and "Side" must be conspicuously and appropriately placed.

(7) The burning rate determined for the article under paragraph 3.7 of NAS 3610, Revision 1, approved April 30, 1970.

(8) The applicable TSO number.

(c) *Data requirements.* In addition to the data specified in § 37.5, the manufacturer must furnish to the Chief, Engineering and Manufacturing Branch, Flight Standards Division, Federal Aviation Administration, in the region in which the manufacturer is located (or in the case of the Western Region, the Chief, Aircraft Engineering Division), the following technical data:

(1) One copy of the manufacturer's analysis and/or test results showing compliance with the requirements of this TSO.

(2) One copy of the manufacturer's instructions for installation, operation, servicing, maintenance, and repair of the article.

(3) An assembly drawing of the article showing and describing the actual language of all markings, their location, and size of print.

(d) *Previously approved equipment.* Cargo pallets, nets, and containers approved prior to October 18, 1970, may continue to be manufactured under the provisions of their original approval.

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

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

R. S. SLIFF,
Acting Director,
Flight Standards Service.

NOTE: The incorporation by reference in this document was approved by the Director of the Federal Register on April 16, 1969.

[F.R. Doc. 70-12454; Filed, Sept. 17, 1970; 8:47 a.m.]

[Docket No. 10078; Amdt. 121-67]

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

Carriage of Persons Without Compliance With Passenger-Carrying Requirements

The purpose of this amendment to Part 121 of the Federal Aviation Regulations is to allow air carriers and commercial operators to carry additional

categories of persons aboard an airplane without complying with the passenger-carrying airplane and operation requirements of Part 121.

This amendment is based on a notice of proposed rule making (Notice 70-3) published in the FEDERAL REGISTER on January 27, 1970 (35 F.R. 1053).

This amendment expands the categories of persons who may be carried aboard an airplane operated under Part 121 without complying with the passenger-carrying requirements, reorganizes the aircraft and operating requirements that must be met when such persons are carried, and adds some new requirements. The specific changes are more fully discussed in the notice.

The comments received in response to the notice support the proposal, but recommend several changes.

One commentator stated that persons are often required to be carried on cargo airplanes to make adjustments to the cargo or to operate equipment that controls the environment of the cargo in flight and suggested such persons be added to the list of persons who may be carried without complying with the passenger-carrying requirements. We do not believe the suggested change is necessary because such persons may be considered as necessary for the safety of the flight or the preservation of fragile or perishable cargo.

One comment requested that the requirement in proposed § 121.583(b)(2) for a means of notifying each person about smoking and safety belts be changed to allow the notification to be given orally. The rule is not intended to prohibit the flight crewmembers from orally notifying the passengers. However, if the passengers are not located close to the flight crewmembers, the flight crewmembers must have some other means of notifying the passengers without having to leave their position. The proposal is changed to clarify the requirement.

The Air Transport Association pointed out that the oral briefing required by § 121.583(c) could become unnecessarily burdensome to the flight crew on a flight having several intermediate stops if the briefing must be given before each takeoff. In response to this comment, § 121.583(c) is changed to clarify the intent of the passenger briefing requirement. At intermediate stops the briefing need be given only when persons who have not been orally briefed board the aircraft. The certificate holder must insure that all persons have received the briefing before each takeoff.

The notice did not include § 121.573 in the list of passenger-carrying requirements that need not be complied with in § 121.583(a). This amendment adds § 121.573 to the list inasmuch as the requirements in § 121.573, which pertain to briefing passengers in extended overwater operations, are covered by § 121.583(c).

The Air Line Pilots Association recommended that the seats for the persons covered by § 121.583 be required to be located outside of the cockpit area. In some large cargo airplanes the extra seats are in the cockpit area and that area may be the only location for extra seats. Inasmuch as the location of the seats was not a subject of the notice and relocation of seats has not been considered by persons affected by the rules, the recommendation is not adopted by this amendment.

Another comment suggested requirements for food and sanitation equipment. Such requirements are also considered to be outside the scope of the notice.

It should be noted that the inclusion of persons in the categories of persons who may be carried without complying with certain requirements of Part 121 does not relieve a carrier from any passenger-carrying restriction in the regulations of the Civil Aeronautics Board.

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

In consideration of the foregoing, Part 121 of the Federal Aviation Regulations is amended, effective October 18, 1970, as follows:

1. By amending § 121.1(d) to read as follows:

§ 121.1 Applicability.

* * * * *

(d) For the purpose of this part, "passenger-carrying airplane" or "passenger-carrying operation" means one carrying any person other than a person listed in § 121.583.

* * * * *

2. By amending § 121.583 to read as follows:

§ 121.583 Carriage of persons without compliance with the passenger-carrying requirements of this part.

(a) When authorized by the certificate holder, the following persons, but no others, may be carried aboard an airplane without complying with the passenger-carrying airplane requirements in §§ 121.309(f), 121.310, 121.391, 121.571, and 121.587; the passenger-carrying operation requirements in §§ 121.157(c), 121.161, and 121.291; and the requirements pertaining to passengers in §§ 121.285, 121.313(i), 121.317, 121.547, and 121.573:

(1) A crewmember.

(2) A company employee.

(3) An FAA air carrier inspector, or an authorized representative of the National Transportation Safety Board, who is performing official duties.

(4) A person necessary for—

(i) The safety of the flight;

(ii) The safe handling of animals;

(iii) The safe handling of radioactive materials (within the meaning of Part 103 of this chapter);

(iv) The security of valuable or confidential cargo;

(v) The preservation of fragile or perishable cargo;

(vi) Experiments on, or testing of, cargo containers or cargo handling devices;

(vii) The operation of special equipment for loading or unloading cargo; and

(viii) The loading or unloading of outsize cargo.

(5) A person described in subparagraph (4) of this paragraph, when traveling to or from his assignment.

(6) A person performing duty as an honor guard accompanying a shipment made by or under the authority of the United States.

(7) A military courier, military route supervisor, military cargo contract coordinator, or a flight crewmember of another military cargo contract air carrier or commercial operator, carried by a military cargo contract air carrier or commercial operator in operations under a military cargo contract, if that carriage is specifically authorized by the appropriate armed forces.

(8) A dependent of an employee of the certificate holder when traveling with the employee on company business to or from outlying stations not served by adequate regular passenger flights.

(b) No certificate holder may operate an airplane carrying a person covered by paragraph (a) of this section unless—

(1) Each person has unobstructed access from his seat to the pilot compartment or to a regular or emergency exit;

(2) The pilot in command has a means of notifying each person when smoking is prohibited and when safety belts must be fastened; and

(3) The airplane has an approved seat with an approved safety belt for each person. The seat must be located so that the occupant is not in any position to interfere with the flight crewmembers performing their duties.

(c) Before each takeoff, each certificate holder operating an airplane carrying persons covered by paragraph (a) of this section shall ensure that all such persons have been orally briefed by the appropriate crewmember on—

(1) Smoking;

(2) The use of seat belts;

(3) The location and operation of emergency exits;

(4) The use of oxygen and emergency oxygen equipment; and

(5) For extended overwater operations, the location of life rafts, and the location and operation of life preservers including a demonstration of the method of donning and inflating a life preserver.

(d) Each certificate holder operating an airplane carrying persons covered by paragraph (a) of this section shall incorporate procedures for the safe carriage of such persons into the air carrier's or commercial operator's operations manual.

(e) The pilot in command may authorize a person covered by paragraph (a) of this section to be admitted to the crew compartment of the airplane.

(Secs. 313(a), 601, 604, Federal Aviation Act of 1958, 49 U.S.C. 1354, 1421, 1424; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on September 10, 1970.

J. H. SHAFFER,
Administrator.

[F.R. Doc. 70-12455; Filed, Sept. 17, 1970; 8:47 a.m.]

Chapter II—Civil Aeronautics Board

SUBCHAPTER D—SPECIAL REGULATIONS

[Reg. SPR-40]

PART 378—INCLUSIVE TOURS BY SUPPLEMENTAL AIR CARRIERS, CERTAIN FOREIGN AIR CARRIERS, AND TOUR OPERATORS

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 15th day of September 1970.

Pursuant to the authority delegated to the General Counsel in § 385.19 of the Board's organizational regulations, there follows a reissuance of Part 378 incorporating all amendments which were in effect on September 15, 1970. The reissuance, which incorporates minor editorial amendments to delete an obsolete reporting requirement and reflect a change in a statutory reference, shall become effective 20 days after publication in the FEDERAL REGISTER. Procedure for review by the Board is set forth in Subpart C of Part 385.

By the Civil Aeronautics Board.

[SEAL] R. TENNEY JOHNSON,
General Counsel.

Subpart A—General Provisions

Sec.
378.1 Applicability.
378.2 Definitions.
373.3 Exemption.
378.3a Jurisdiction over foreign tour operators.
378.4 Approval of certain interlocking relationships.
378.5 Effect of exemption on antitrust laws.
378.6 Suspension of exemption authority.

Subpart B—Conditions and Limitations

378.10 Procedure.
378.11 Discrimination.
378.12 Methods of competition.
378.13 Tour Prospectus.
378.14 Charter contract.
378.15 Tariffs to be filed for charter trips.
378.16 Surety bond.
378.17 Contract between tour operators and tour participants.
378.18 [Reserved]
378.19 Inclusive tours operated by U.S. supplemental carriers for foreign tour operators.

Subpart C—Post Tour Reporting Requirements

378.20 Post tour reporting.

Subpart D—Miscellaneous

378.30 Waiver.
378.31 Enforcement.

AUTHORITY: The provisions of this Part 378 issued under secs. 101 (3) and (33), 204, 401, 402, 409, 414 of the Federal Aviation Act of 1958, as amended, 72 Stat. 737 (as amended by 76 Stat. 143, 82 Stat. 867), 743, 754 (as amended by 76 Stat. 143, 82 Stat. 867), 757, 768, 770; 49 U.S.C. 1301, 1324, 1371, 1372, 1379, 1384.

Subpart A—General Provisions

§ 378.1 Applicability.

This part establishes the terms and conditions governing the furnishing of inclusive tours in interstate, overseas, and foreign air transportation by supplemental air carriers, certain foreign air carriers and tour operators, and in foreign air transportation by foreign tour operators. This part also relieves tour operators from various provisions of the Act and the Board's regulations for the purpose of enabling them to provide inclusive tours to members of the general public utilizing aircraft chartered from supplemental air carriers and certain foreign air carriers. It also sets forth the circumstances and conditions under which supplemental air carriers may charter to foreign tour operators, and contains a limited declination of exercise of jurisdiction over the latter. The provisions of this regulation shall not be construed as limiting any other authority to engage in air transportation issued by the Board. Nothing contained in this part shall be construed as repealing or amending any provisions of any of the Board's regulations, unless the context so requires.

§ 378.2 Definitions.

As used in this part, unless the context otherwise requires—

(a) "Inclusive tour charter" means the charter of an entire aircraft by a tour operator or, with respect to tours which originate in a foreign country, by a foreign tour operator for the carriage by a supplemental air carrier of persons traveling in air transportation on inclusive tours.

(b) "Inclusive tour" means a round-trip tour which combines air transportation pursuant to an inclusive tour charter and land services, and which meets all of the following requirements:

(1) A minimum of seven (7) days must elapse between departure and return;

(2) The land portion of the tour must provide overnight hotel accommodations at a minimum of three places other than the point of origin, such places to be no less than 50 air miles from each other;

(3) The tour price shall include, at a minimum, all hotel accommodations and necessary air or surface transportation between all places on the itinerary, including transportation to and from air and surface carrier terminals utilized at such places other than the point of origin;

(4) The charge to the passengers for the tour, as set forth in the tour prospectus, shall be not less than 130 percent of any "bulk inclusive tour"[1] fare charged by a certificated route air carrier or combination of such carriers (including charge for stopovers) or not less than 110 percent of any available fare or fares charged by a certificated route air carrier or combination of such carriers (including charge for stopovers) for individually ticketed service on the circle route beginning at the point of origin, to the various points where stopovers are made, and return to the point of origin: *Provided*, That the tour shall be subject to the terms and conditions which are applicable to such fare or fares, as set forth in the tariff of the certificated route carrier or carriers. For purposes of this provision, the term "available fare" includes promotional or discount fares, such as family fares, children's fares, excursion fares, fares applicable to special classes of persons, group fares, etc. Where similar promotional or discount fares are offered on both jet and propeller aircraft, the available fare shall be that charged for jet services. Where no regularly scheduled service is provided between the points involved, the available fare shall be based on the fares to the nearest point served by a certificated route air carrier; and

(5) An aircaft under charter to one tour operator or foreign tour operator may carry any number of tour groups, provided that if more than one group is carried, each of the groups shall consist of 40 or more tour participants.

(c) An "inclusive tour group" means an aggregate of persons who are assembled by a tour operator or a foreign tour operator for the purpose of participation as a single unit in an inclusive tour: *Provided, however*, That nothing contained herein shall preclude a tour operator or a foreign tour operator from utilizing any unused space on an aircraft chartered by it for an inclusive tour, for the transportation, on a free or reduced-rate basis, of such tour operator's or foreign tour operator's employees, directors, and officers, and the parents and immediate families of such persons, subject to the provisions of Part 223 of this chapter.

(d) "Tour operator" means any citizen of the United States, as defined in section 101(13) of the Federal Aviation Act, 49 U.S.C. 1301(13) (other than a supplemental air carrier), authorized hereunder to engage in the formation of groups for transportation on inclusive tours.

(d-1) "Foreign tour operator" means any person who is not a U.S. citizen (other than a direct foreign air carrier) engaging in the formation of groups for transportation on inclusive tours and over which the Board by § 378.3a has declined to exercise its jurisdiction.

(e) "Tour participant" means a member of the inclusive tour group.

(f) "Supplemental air carrier" means (1) a supplemental air carrier as defined in § 200.8 of this chapter (Board's economic regulations) and authorized under section 401(d)(3) of the Act to perform inclusive tour charters, or (2) a foreign air carrier which holds a permit issued under section 402 of the Act authorizing it to perform inclusive tour charters, but only to the extent that such tours are to be performed subject to the provisions of this regulation.

(g) "Tour price" means the total amount of money paid by the tour participant to the tour operator for the inclusive tour.

§ 378.3 Exemption.

Subject to the provisions of this part and the conditions imposed, tour operators are hereby relieved from the following provisions of Title IV of the Federal Aviation Act of 1958, as amended, to the extent necessary to permit them to provide inclusive tours:

Section 401.
Section 403.

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[1] As defined in § 378a.2 of this chapter.

Section 404(a), except the requirement to provide safe and adequate service, equipment and facilities in connection with tours operated hereunder.
Section 405(b).
Section 407 (b) and (c).
Sections 408(a) and 409, except control or interlocking relationships with direct air carriers.
Section 412.

§ 378.3a Jurisdiction over foreign tour operators.

The Board declines to exercise its jurisdiction over foreign tour operators with respect to inclusive tours which originate in a foreign country. The Board reserves the right to exercise its jurisdiction over any foreign tour operator at any time if it finds that such action is in the public interest.

§ 378.4 Approval of certain interlocking relationships.

To the extent that any officer or director of a tour operator would be in violation of any of the provisions of section 409(a) (3) and (6) by participating in interlocking relationships covered by the exemption granted by § 378.3, such participation is hereby approved by the Board.

§ 378.5 Effect of exemption on antitrust laws.

The relief granted by §§ 378.3 and 378.4 from sections 408, 409, and 412 of the Act shall not constitute an order under such sections within the meaning of section 414 of the Act, and shall not confer any immunity or relief from operation of the "antitrust laws" or any other statute (except the Act) with respect to any transaction, interlocking relationship, or agreement otherwise within the purview of such sections.

§ 378.6 Suspension of exemption authority.

The Board reserves the power to suspend the exemption authority of any tour operator, without hearing, if it finds that such action is necessary in order to protect the rights of the traveling public.

Subpart B—Conditions and Limitations

§ 378.10 Procedure.

(a) No inclusive tour or series of tours shall be operated, nor shall any tour operator sell or offer to sell, solicit, or advertise such tour or tours, unless there is on file with the Board a tour Prospectus satisfying the requirements of § 378.13. If a series of tours is to be operated for one tour operator pursuant to one charter contract, the Prospectus may cover the entire series, provided the elapsed time between the commencement of the first tour and the departure of the last tour shall not exceed 1 year. The Tour Prospectus shall be filed at least 60 days before commencement of the tour or tours. Late filing of the Prospectus will not be permitted except for good cause shown.

(b) In the event of any change in the facts as reflected in the Prospectus, an amended Prospectus shall be filed no later than five (5) days following such change. Deviations from the Tour Prospectus, or the amended Prospectus, may not be made except where they are compelled by circumstances beyond the control of the carrier or tour operator and there is insufficient time to file an amended Prospectus.

§ 378.11 Discrimination.

No tour operator shall make, give, or cause any undue or unreasonable preference or advantage to any particular person, port, locality, or description of traffic in air transportation in any respect whatsoever or subject any particular person, port, locality, or description of traffic in air transportation to any unjust discrimination or any undue or unreasonable prejudice or disadvantage in any respect whatsoever.

§ 378.12 Methods of competition.

No tour operator shall engage in unfair or deceptive practices or unfair methods of competition in air tranportation or the sale thereof. Advertising by tour operators of tour prices shall be limited to the total tour price without a breakdown into component parts, except that additional charges for optional services or facilities may be reflected.

§ 378.13 Tour Prospectus.

The Prospectus shall include copies of the charter contract, the contract between the tour operator and tour participants, the tour operator's surety bond and, where applicable, a copy of the depository agreement with a bank as provided in § 378.16(b)(2), and shall contain the following information:

(a) Name and address of the tour operator;

(b) The proposed date and time of each flight;

(c) Equipment to be used, including the aggregate number of each type of aircraft and capacity;

(d) The tour itinerary, including hotels (name and length of stay at each), and sightseeing or other arrangements, if any;

(e) The tour price per passenger;

(f) The number of persons expected to participate in the tour;

(g) Charter price of the aircraft;

(h) The individually ticketed air fare, computed as provided in § 378.2(b)(4);

(i) Samples of solicitation material proposed by the tour operator (all sales advertising and solicitation materials employed by the tour operator shall state the name of the supplemental air carrier to be utilized).

§ 378.14 Charter contract.

The charter contract between the tour operator and the supplemental carrier shall evidence a binding commitment on the part of the carrier to furnish the air transportation required for the tour or tours covered by the contract.

§ 378.15 Tariffs to be filed for charter trips.

No supplemental air carrier shall perform any charter trips for inclusive tours unless such air carrier shall have on file with the Board a currently effective tariff showing all rates, fares, and charges for such charter trips and showing the rules, regulations, practices, and services in connection with such transportation.

§ 378.16 Surety bond.

(a) Except as provided in paragraph (b) of this section, the tour operator shall furnish a surety bond in an amount of not less than twice the amount of the charter price for the air transportation to be furnished in connection with such tour: *Provided, however,* That the liability of the surety to any tour participant shall not exceed the tour price.

(b) The supplemental air carrier and the prospective tour operator may elect, in lieu of furnishing a surety bond as provided under paragraph (a) of this section, to comply with the requirements of subparagraphs (1) and (2) of this paragraph as follows:

(1) The tour operator shall furnish a surety bond in a minimum amount of $10,000 per flight up to a maximum amount of $100,000 for a series of 10 or more flights, for the protection of the tour participants, the bond to continue in effect until completion of the tour or series of tours: *Provided, however,* That the liability of the surety to any tour participant shall not exceed the tour price.

(2) The supplemental air carrier and tour operator shall enter into an agreement with a designated bank, the terms of which shall include the following: (i) Each tour participant shall pay for his deposit and subsequent payments comprising the tour price only by check or money order payable to such bank which shall maintain a separate account for each tour: *Provided, however,* That if the tour participant makes a cash deposit, the tour operator or travel agent who receives such cash deposit shall forthwith remit to the designated bank a check for the full amount of the deposit without deduction of commission; (ii) the bank shall not pay the supplemental air carrier the charter price for the transportation earlier than 30 days (including day of departure) prior to the scheduled day of departure of the originating or returning flight, upon certification of the departure date by the supplemental air carrier; (iii) the bank shall reimburse the tour operator for refunds made by the latter to the tour participant upon written notification from the tour operator; (iv) if the tour operator or the supplemental air carrier notifies the bank that a tour has been canceled, the bank shall make the applicable refunds directly to the tour participants; and (v) except as provided in subdivision (iii) of this subparagraph, the bank shall not pay any funds from the account to the tour operator prior to 2 banking days after completion of each tour, when the balance in the account shall be paid to the tour operator, upon certification of the completion date by the supplemental air carrier. As used in this subparagraph, the term "bank" includes a bank, savings and loan association, or other financial institution insured by the Federal Deposit Insurance Corporation or

the Federal Savings and Loan Insurance Corporation.

(c) The bond required under paragraphs (a) and (b)(1) of this section shall insure the financial responsibility of the tour operator and the supplying of the transportation and all other accommodations, services, and facilities in accordance with the contract between the tour operator and the tour participants, and shall be in the form set forth in the appendix attached to Part 378. Such bond shall be issued by a reputable and financially responsible bonding or surety company which is legally authorized to issue bonds of that type in the State in which the tour originates. For purposes of this section, the term "State" includes any territory or possession of the United States, or the District of Columbia. The Board will consider that a bonding or surety company is prima facie qualified under this section if such company's surety bonds are accepted by the Interstate Commerce Commission under 49 CFR 1084.6, and if such company is listed in Bests' Insurance Reports (Fire and Casualty) with a general policyholders' rating of "A" or better. If the bond does not comply with the requirements of this section, or for any reason fails to provide satisfactory or adequate protection for the public, the Board will notify the supplemental air carrier and the tour operator, by registered or certified mail, stating the deficiencies of the bond. Unless such deficiencies are corrected within the time set forth in such notification, the subject tour or tours shall in no event be operated.

(d) The bond required by this section shall provide that unless the tour participant files a claim with the tour operator within sixty (60) days after completion of the tour, the surety shall be released from all liability under the bond to such tour participant. The contract between the tour operator and the tour participant shall contain notice of this provision.

§ 378.17 Contract between tour operators and tour participants.

Where each participant in a tour receives the same accommodations, land tours, etc., the contract between the tour operator and the tour participants shall be the same. Contracts between tour operators and tour participants shall include provisions concerning the following matters:

(a) Method of payment, e.g., installment payments;

(b) Refunds in the event of the tour's cancellation or the passenger's change in plans;

(c) Carriers' liability limitations for passengers' baggage;

(d) Aircraft equipment substitutions;

(e) Seating accommodations; and

(f) Nonperformance of tour because of insufficient number of participants.

(g) Unless the tour participant files a claim with the tour operator within sixty (60) days after completion of the tour, the surety shall be released from all liability under the bond to such tour participant (see § 378.16(d)).

§ 378.18 [Reserved]

§ 378.19 Inclusive tours operated by U.S. supplemental carriers for foreign tour operators.

(a) At least 90 days in advance of the date of departure of the proposed tour or series of tours to be operated by a U.S. supplemental air carrier for a foreign tour operator, the supplemental carrier shall file with the Civil Aeronautics Board (Director, Bureau of Operating Rights) a Tour Prospectus which shall contain the following information:

(1) Name and address of the foreign tour operator;

(2) The proposed date and time of each flight;

(3) Equipment to be used, including the aggregate number of each type of aircraft and capacity;

(4) The tour itinerary, including hotels (name and length of stay at each), and sightseeing or other arrangements, if any;

(5) The tour price per passenger;

(6) The number of persons expected to participate in the tour;

(7) Charter price of the aircraft;

(8) The individually ticketed air fare, computed as provided in § 378.2(b)(4).

(b) A U.S. supplemental air carrier operating an inclusive tour for a foreign tour operator shall require full payment of the total charter price prior to commencement of the air transportation.

Subpart C—Post Tour Reporting Requirements

§ 378.20 Post tour reporting.

(a) Within 30 days after completion of a tour or series of tours, the supplemental air carrier and tour operator shall jointly file with the Board (Supplementary Services Division, Bureau of Operating Rights) a post tour report: *Provided*, That in the case of a series of tours which exceeds 6 months between commencement of the first tour and departure of the last tour, the supplemental air carrier and tour operator shall file a joint interim report within 30 days after the expiration of 6 months from commencement of the first tour, covering tours completed during such 6 months. The post tour and interim report shall indicate whether or not the tours authorized hereunder were, in fact, performed. To the extent that the operations differed from those described in the prospectus filed under § 378.10, such differences shall be fully detailed including the reasons therefor. However, the making of such an explanation shall not of itself operate as authority for or excuse any such deviation.

(b) The supplemental air carrier shall promptly notify the Board regarding any tours covered by a prospectus filed under § 378.10 that are later canceled.

Subpart D—Miscellaneous

§ 378.30 Waiver.

A waiver of any of the provisions of this regulation may be granted by the Board upon its own initiative, or upon the submission by a supplemental air carrier of a written request therefor, provided that such a waiver is in the public interest and it appears to the Board that special or unusual circumstances warrant a departure from the provisions set forth herein.

§ 378.31 Enforcement.

In case of any violation of the provisions of the Act, or this part, or any other rule, regulation, or order issued under the Act, the violator may be subject to a proceeding pursuant to sections 1002 and 1007 of the Act before the Board or a U.S. District Court, as the case may be, to compel compliance therewith, to civil penalties pursuant to the provisions of section 901(a) of the Act, or, in the case of willful violation, to criminal penalties pursuant to the provisions of section 902 (a) of the Act; or other lawful sanctions.

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

TOUR OPERATOR'S SURETY BOND UNDER PART 378 OF THE SPECIAL REGULATIONS OF THE CIVIL AERONAUTICS BOARD (14 CFR PART 378)

Know all men by these presents, that we --,
(Name of tour operator)
of ------------------------, -------------
(City) (State)
as Principal (hereinafter called Principal), and ---------------------------- a corpora-
(Name of Surety)
tion created and existing under the laws of the State of -------------- as Surety (here-
(State)
inafter called Surety) are held and firmly bound unto the United States of America in the sum of --------------------------, for
(See § 378.16 of Part 378)
which payment, well and truly to be made, we bind ourselves and our heirs, executors, administrators, successors, and assigns, jointly and severally, firmly by these presents.

Whereas the Principal intends to become a tour operator pursuant to the provisions of Part 378 of the Board's Special Regulations and other rules and regulations of the Board relating to insurance or other security for the protection of tour participants, and has elected to file with the Civil Aeronautics Board such a bond as will insure financial responsibility and the supplying of transportation and other services subject to Part 378 of the Board's Special Regulations in accordance with contracts, agreements, or arrangements therefor, and

Whereas this bond is written to assure compliance by the Principal as an authorized tour operator with Part 378 of the Board's Special Regulations, and other rules and regulations of the Board relating to insurance or other security for the protection of tour participants, and shall inure to the benefit of any and all tour participants to whom the Principal may be held legally liable for any of the damages herein described.

Now, therefore, the condition of this obligation is such that if the Principal shall pay or cause to be paid to tour participants any sum or sums for which the Principal may be held legally liable by reason of the Principal's failure faithfully to perform, fulfill, and carry out all contracts, agreements, and arrangements made by the Principal while this bond is in effect for the supplying of transportation and other services pursuant to and in accordance with the provisions of Part 378 of the Board's Special Regulations, then this obligation shall be void, otherwise to remain in full force and effect.

The liability of the Surety with respect to any tour participant shall not exceed the tour price (as defined in Part 378 of the Board's Special Regulations) paid by or on behalf of such participant.

The liability of the Surety shall not be discharged by any payment or succession of payments hereunder, unless and until such payment or payments shall amount in the aggregate to the penalty of the bond, but in no event shall the Surety's obligation hereunder exceed the amount of said penalty. The Surety agrees to furnish written notice to the Civil Aeronautics Board forthwith of all suits filed, judgments rendered, and payments made by said Surety under this bond.

This bond is effective the ------ day of ------------, 19--, 12:01 a.m., standard time at the address of the Principal as stated herein and shall continue in force until terminated as hereinafter provided. The Principal or the Surety may at any time terminate this bond by written notice to the Civil Aeronautics Board at its Office in Washington, D.C., such termination to become effective thirty (30) days after actual receipt of said notice by the Board. The Surety shall not be liable hereunder for the payment of any of the damages hereinbefore described which arise as the result of any contracts, agreements, undertakings, or arrangements made by the Principal for the supplying of transportation and other services after the termination of this bond as herein provided, but such termination shall not affect the liability of the Surety hereunder for the payment of any such damages arising as the result of contracts, agreements, or arrangements made by the Principal for the supplying of transportation and other services prior to the date such termination becomes effective. Liability of the Surety under this bond shall in all events be limited only to a tour participant or tour participants who shall within sixty (60) days after the termination of the particular tour described herein give written notice of claim to the tour operator and all liability on this bond shall automatically terminate sixty (60) days after the termination date of the particular tour covered by this bond except for claims filed within the time provided herein.

In witness whereof, the said Principal and Surety have executed this instrument on the ------ day of ----------- 19--.

PRINCIPAL

Name------------------------------------

By------------------------------------
(Signature and title)

Witness------------------------------------

SURETY

Name------------------------------ [SEAL]

By------------------------------------
(Signature and title)

Witness------------------------------------

Only corporations may qualify to act as surety and they must establish to satisfaction of the Civil Aeronautics Board legal authority to assume the obligations of surety and financial ability to discharge them.

[F.R. Doc. 70-12467; Filed, Sept. 17, 1970; 8:48 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

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

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

List of Designated Areas

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

§ 1914.4 List of designated areas.

* * * * * * *

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
* * *	* * *	* * *	* * *	* * *	* * *	* * *
California	Los Angeles	Monrovia	E 06 037 2220 01 through E 06 037 2220 04	Department of Water Resources, Box 388, Sacramento, Calif. 95802. California Insurance Department, 107 South Broadway, Los Angeles, Calif. 90012, and 1407 Market St., San Francisco, Calif. 94103.	Public Works Department, City of Monrovia, 415 South Ivy Ave., Monrovia, Calif. 91016.	September 18, 1970.
Do	Ventura	Unincorporated areas.	E 06 111 0000 01 through E 06 111 0000 09	do	Public Works Department, 597 East Main St., Ventura, Calif. 93003.	Do.
Florida	Bay	Mexico Beach	E 12 005 2002 01	Department of Community Affairs, 309 Office Plaza, Tallahassee, Fla. 32301. State of Florida Insurance Department, Treasurer's Office, State Capitol, Tallahassee, Fla. 32303.	Office of the Mexico Beach Corp., U.S. 98 at 31st St., Post Office Box 123, Mexico Beach, Fla. 32410.	Do.
Do	Palm Beach	Ocean Ridge	E 12 099 2280 01	do	Town Hall, 6450 North Ocean Blvd., Ocean Ridge, Fla. 33444.	Do.
Do	Sarasota	Sarasota	E 12 115 2780 01, et seq.	do	Office of the City Clerk and Auditor, 1565 First St., Sarasota, Fla. 33578.	Do.
Georgia	Chatham	Unincorporated areas.	E 13 051 0000.01 through E 13 051 0000.04	State Planning and Programming Bureau, 270 Washington St. SW., Atlanta, Ga. 30334. State of Georgia Insurance Commission, State Capitol, Room 238, Atlanta, Ga. 30334.	Metropolitan Planning Commission, 2 East Bay St., Savannah, Ga. 31401.	Do.
Do	do	Savannah	E 13 051 4910.01 E 13 051 4910.02	do	Department of Inspections, Post Office Box 1027, Savannah, Ga. 31402.	Do.
Hawaii	Maui	Maui, Lanai, Molokai.	E 15 009 0000.01 E 15 009 0000.02	Department of Land and Natural Resources, Box 621, Honolulu, Hawaii 96809. Hawaii Insurance Department, Box 3614, Honolulu, Hawaii 96811.	Department of Planning, Maui County, Wailuku, Hawaii 96793.	Do.
Mississippi	Harrison	Unincorporated areas—southern part.	I 28 047 0000 03 through I 28 047 0000 08	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.	Clerk of the Board of Supervisors, Post Office Drawer CC, Gulfport, Miss. 39501.	Do.
Do	Jackson	Unincorporated areas—southern part.	I 28 059 0000 03 through I 28 059 0000 07	do	Jackson County Planning Commission, Courthouse, Pascagoula, Miss. 39567.	Do.
Do	do	Moss Point	I 28 059 1680 01 through I 28 059 1680 05	do	Office of the Building Inspector, Denny and Harris Sts., Moss Point, Miss. 39563.	Do.
Do	do	Ocean Springs	I 28 059 1810 02	do	City Hall, 1018 Porter Ave., Ocean Springs, Miss. 39564.	Do.
Do	do	Pascagoula	I 28 059 1900 05 through I 28 059 1900 08	do	Office of the City Clerk, Post Office Drawer 908, Pascagoula, Miss. 39567.	Do.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
North Carolina	Macon	Franklin	E 37 113 1710 01 E 37 113 1710 02	North Carolina Department of Water and Air Resources, Post Office Box 9392, Raleigh, N.C. 27603. Commissioner of Insurance, State of North Carolina, Post Office Box 351, Raleigh, N.C. 27602.	Town Office, 70 West Main St., Franklin, N.C. 28734.	Do.
Do	Mecklenburg	Long Beach	E 37 019 2696 01	do	Town Hall, East Ocean Highway, Long Beach, N.C. 28461.	Do.
Ohio	Cuyahoga	Garfield Heights	E 39 035 2840 01	Ohio Department of Natural Resources, Columbus, Ohio 43215. Ohio Department of Insurance, 115 East Rich St., Columbus, Ohio 43215.	Building Department, 5555 Turney Rd., Garfield Heights, Ohio 44125.	Do.
Rhode Island	Washington	Narragansett	E 44 009 0137 01 through E 44 009 0137 03	Rhode Island Statewide Planning Program, Room 123-A, The State House, Providence, R.I. 02903. Rhode Island Insurance Department, Room 418, 49 Westminister St., Providence, R.I. 02903.	Town Clerk's Office, Town Hall, 66 Rodman St., Narragansett, R.I. 02882.	Do.
Do	do	North Kingstown	E 44 009 0155.01	do	Department of Planning, 80 Boston Neck Rd., North Kingstown, R.I. 02852.	Do.
South Carolina	Charleston	Sullivan's Island	E 45 019 2515.01	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 Township Clerk, Sullivan's Island Township Commission, 1610 Middle St., Sullivan's Island, S.C. 29482.	Do.
Tennessee	Roane	Harriman	E 47 145 1060 01 E 47 145 1060 02 E 47 145 1060 03	Office of Federal and Urban Affairs, 321 Seventh Ave., North, Nashville, Tenn. 37219. Tennessee State Planning Commission, Room C2-208, Central Services Bldg., Nashville, Tenn. 37219. State Insurance Commission, R-114, State Office Bldg., Nashville, Tenn. 37219.	Office of the City Treasurer, Post Office Box 305, Harriman, Tenn. 37748.	Do.
Texas	Harris	Water Control and Improvement District No. 60.	E 48 201 8000.01	Texas Water Development Board, 301 West Second St., Austin, Tex. 78711. State Board of Insurance, 11th and San Jacinto, Austin, Tex. 78701.	Harris County Water Control and Improvement District No. 60, 4000 NASA Rd. 1, Seabrook, Tex. 77586.	Do.

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

Issued: September 18, 1970.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[F.R. Doc. 70-12320; Filed, Sept. 17, 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
* * *	* * *	* * *	* * *	* * *	* * *	* * *
California	Los Angeles	Monrovia	T 06 037 2220 01 through T 06 037 2220 04	Department of Water Resources, Box 388, Sacramento, Calif. 95802. California Insurance Department, 107 South Broadway, Los Angeles, Calif. 90012, and 1407 Market St., San Francisco, Calif. 94103.	Public Works Department, City of Monrovia, 415 South Ivy Ave., Monrovia, Calif. 91016.	September 18, 1970.
Do	Ventura	Unincorporated areas.	T 06 111 0000 01 through T 06 111 0000 09	do	Public Works Department, 597 East Main St., Ventura, Calif. 93003.	Do.
Florida	Bay	Mexico Beach	T 12 005 2002 01	Department of Community Affairs, 309 Office Plaza, Tallahassee, Fla. 32301. State of Florida Insurance Department, Treasurer's Office, State Capitol, Tallahassee, Fla. 32303.	Office of the Mexico Beach Corp., U.S. 98 at 31st St., Post Office Box 123, Mexico Beach, Fla. 32410.	Do.
Do	Palm Beach	Ocean Ridge	H 12 099 2280 01	do	Town Hall, 6450 North Ocean Blvd., Ocean Ridge, Fla. 33444.	June 16, 1970
Do	Sarasota	Sarasota	T 12 115 2780 01 et seq.	do	Office of the City Clerk and Auditor, 1565 First St., Sarasota, Fla. 33578.	September 18, 1970.
Georgia	Chatham	Unincorporated areas.	T 13 051 0000 01 through T 13 051 0000 04	State Planning and Programming Bureau, 270 Washington St. SW., Atlanta, Ga. 30334. State of Georgia Insurance Commission, State Capitol, Room 238, Atlanta, Ga. 30334.	Metropolitan Planning Commission, 2 East Bay St., Savannah, Ga. 31401.	Do.
Do	do	Savannah	T 13 051 4910 01 T 13 051 4910 02	do	Department of Inspections, Post Office Box 1027, Savannah, Ga. 31402.	Do.
Hawaii	Maui	Maui, Lanai, Molokai.	T 15 009 0000 01 T 15 009 0000 02	Department of Land and Natural Resources, Box 621, Honolulu, Hawaii 96809. Hawaii Insurance Department, Box 3614, Honolulu, Hawaii 96811.	Department of Planning, Maui County, Wailuku, Hawaii 96793.	Do.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Mississippi	Harrison	Unincorporated areas—southern part.	H 28 047 0000 03 through H 28 047 0000 08	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.	Clerk of the Board of Supervisors, Post Office Drawer CC, Gulfport, Miss. 39501.	July 17, 1970.
Do	Jackson	Unincorporated areas—southern part.	H 28 059 0000 03 through H 28 059 0000 07	do	Jackson County Planning Commission, Courthouse, Pascagoula, Miss. 39567.	June 27, 1970.
Do	do	Moss Point	H 28 059 1680 01 through H 28 059 1680 05	do	Office of the Building Inspector, Denny and Harris St., Moss Point, Miss. 39563.	September 8, 1970.
Do	do	Pascagoula	H 28 059 1900 05 through H 28 059 1900 08	do	Office of the City Clerk, Post Office Drawer 908, Pascagoula Miss. 39567.	July 17, 1970.
North Carolina	Macon	Franklin	T 37 113 1710 01 T 37 113 1710 02	North Carolina Department of Water and Air Resources, Post Office Box 9392, Raleigh, N.C. 27603. Commissioner of Insurance, State of North Carolina, Post Office Box 351, Raleigh, N.C. 27602.	Town Office, 70 West Main St. Franklin, N.C. 28734.	September 18, 1970.
Do	Mecklenburg	Long Beach	T 37 019 2696 01	do	Town Hall, East Ocean Highway, Long Beach, N.C. 28461.	Do.
Ohio	Cuyahoga	Garfield Heights	T 39 035 2840 01	Ohio Department of Natural Resources, Columbus, Ohio 43215. Ohio Department of Insurance, 115 East Rich St., Columbus, Ohio 43215.	Building Department, 5555 Turney Rd., Garfield Heights, Ohio 44125.	Do.
Rhode Island	Washington	Narragansett	T 44 009 0137 01 through T 44 009 0137 03	Rhode Island State wide 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 Clerk's Office, Town Hall, 66 Rodman St., Narragansett, R.I. 02882.	Do.
Do	do	North Kingstown	T 44 009 0155 01	do	Department of Planning, 80 Boston Neck Rd., North Kingstown, R.I. 02852.	Do.
South Carolina	Charleston	Sullivan's Island	T 45 019 2515 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 Township Clerk, Sullivan's Island Township Commission, 1610 Middle St., Sullivan's Island, S.C. 29482.	Do.
Tennessee	Roane	Harriman	T 47 145 1060 01 T 47 145 1060 02 T 47 145 1060 03	Office of Federal and Urban Affairs, 321 Seventh Ave. North, Nashville, Tenn. 37219. Tennessee State Planning Commission, Room C2-208, Central Services Bldg., Nashville, Tenn. 37219. State Insurance Commission, R-114, State Office Bldg., Nashville, Tenn. 37219.	Office of the City Treasurer, Post Office Box 305, Harriman, Tenn. 37748.	Do.
Texas	Harris	Water Control and Improvement District No. 60.	T 48 201 8000 01	Texas Water Development Board, 301 West Second St., Austin, Tex. 78711. State Board of Insurance, 11th and San Jacinto, Austin, Tex. 78701.	Harris County Water Control and Improvement District No. 60, 4000 NASA Rd. 1, Seabrook, Tex. 77586.	Do.

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

Issued: September 18, 1970.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[F.R. Doc. 70-12321; Filed, Sept. 17, 1970; 8:45 a.m.]

Title 50—WILDLIFE AND FISHERIES

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

SUBCHAPTER B—HUNTING AND POSSESSION OF WILDLIFE

PART 10—MIGRATORY BIRDS

Open Seasons, Bag Limits, and Possession of Certain Migratory Game Birds

Correction

In F.R. Doc. 70-11566 appearing at page 14055 in the issue of Friday, September 4, 1970, the following changes should be made:

1. In the second column of page 14058 under § 10.53(g), the Colorado season for San Luis Valley should read "Oct. 1–Oct. 18".

2. In the third column of page 14058 under § 10.53(g), the South Dakota season should be changed so that the first date given for the heading "Remainder of State" reading "Dec. 26–Jan. 14" should be transposed so as to appear as the second entry for the "High Plains counties".

Title 49—TRANSPORTATION

Chapter III—Federal Highway Administration, Department of Transportation

SUBCHAPTER B—MOTOR CARRIER SAFETY REGULATIONS

[Docket No. MC-14; Notice 70-12]

PART 393—PARTS AND ACCESSORIES NECESSARY FOR SAFE OPERATION

Fire Extinguishers and Fusees; Change of Effective Date

In the FEDERAL REGISTER for August 15, 1970 (35 F.R. 13018), an amendment to § 393.95 of the Motor Carrier Safety Regulations, dealing with requirements for fire extinguishers and fusees, was published.

The Director of the Bureau of Motor Carrier Safety has received a petition from the American Trucking Associations, Inc., requesting an extension of the effective date of that amendment. Such a petition is in order under the requirements of Part 389 of the Motor Carrier Safety Regulations.

The petitioner indicates that the new rules published on August 15, to go into effect on September 10, 1970, do not allow adequate time for compliance, especially by small fleet owners and individual operators of commercial motor vehicles.

The Director has studied the information provided in the subject petition and agrees that a longer time for compliance with the provisions of the amendment is needed by at least some motor carriers. For that reason the Director hereby grants the petition. The effective date of the amendment to the Motor Carrier Safety Regulations, set forth in Docket No. MC-14, concerning Fire Extinguishers and Fusees, is hereby changed from September 10, 1970, to December 1, 1970.

(Sec. 204, Interstate Commerce Act, as amended, 49 U.S.C. 304, 18 U.S.C. 834; sec. 6, Department of Transportation Act, 49 U.S.C. 1655; delegations of authority in 49 CFR 1.48 and 389.4)

Issued on September 11, 1970.

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

[F.R. Doc. 70-12427; Filed, Sept. 17, 1970; 8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Part 730]

RICE

Notice of Determinations To Be Made With Respect to Marketing Quotas, National, State, and County Acreage Allotments, County Normal Yields, and Period for Conducting Referendum on Marketing Quotas for 1971 Crop

Pursuant to the authority contained in applicable provisions of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1301, 1352, 1353, 1354), the Secretary of Agriculture is preparing to determine whether marketing quotas are required to be proclaimed for the 1971 crop of rice; to determine and proclaim the national acreage allotment for the 1971 crop of rice; to apportion among States and counties the national acreage allotment for the 1971 crop of rice; to establish county normal yields for the 1971 crop of rice; and to establish a period for conducting a referendum on marketing quotas in the event quotas are proclaimed for the 1971 crop of rice.

Section 354 of the act provides that whenever in the calendar year 1970 the Secretary determines that the total supply of rice for the 1970–71 marketing year will exceed the normal supply for such marketing year, the Secretary shall, not later than December 31, 1970, proclaim such fact and marketing quotas shall be in effect for the crop of rice produced in 1971. Within 30 days after the issuance of such proclamation, the Secretary shall conduct a referendum by secret ballot of farmers engaged in the production of the immediately preceding crop of rice to determine whether farmers are in favor of or opposed to such quotas.

Section 352 of the act, as amended, provides that the national acreage allotment of rice for 1971 shall be that acreage which the Secretary determines will, on the basis of the national average yield of rice for the 5 calendar years 1966 through 1970, produce an amount of rice adequate, together with the estimated carryover from the 1970–71 marketing year, to make available a supply for the 1971–72 marketing year not less than the normal supply. The Secretary is required under this section of the act to proclaim such national acreage allotment not later than December 31, 1970.

Section 353(c)(6) of the act, as amended, provides that the national acreage allotment of rice for 1971 shall be not less than the national acreage allotment for 1956, including the 13,512 acres apportioned to States pursuant to paragraph (5) of section 353(c) of the act. Under this provision, the national acreage allotment of rice for 1971 will be not less than 1,652,596 acres.

As defined in section 301 of the act, for purposes of these determinations, "total supply" for any marketing year is the carryover of rice for such marketing year, plus the estimated production of rice in the United States during the calendar year in which such marketing year begins and the estimated imports of rice into the United States during such marketing year; "normal supply" for any marketing year is the estimated domestic consumption of rice for the marketing year ending immediately prior to the marketing year for which normal supply is being determined, plus the estimated exports of rice for the marketing year for which normal supply is being determined, plus 10 per centum of such consumption and exports, with adjustments for current trends in consumption and for unusual conditions as deemed necessary; and "marketing year" for rice is the period August 1–July 31.

Section 353(a) and (c)(6) of the act requires that the national acreage allotment of rice for the 1971 crop, less a reserve of not to exceed 1 per centum thereof for apportionment to farms receiving inadequate allotments because of insufficient State or county allotments or because rice was not planted on the farm during all the years of the base period, be apportioned among the several States in which rice is produced in the same proportion that they shared in the total acreage allotted to States in 1956 (State acreage allotments, plus the additional acreage allocated to States under section 353(c)(5) of the act as amended).

The State acreage allotment of rice for the 1971 crop would be apportioned to producers in "producer States" and to farms in "farm States" in accordance with the Regulations for Determination of Acreage Allotments for 1969 and Subsequent Crops of Rice (§§ 730.61 to 730.87, 33 F.R. 14520, 17764; 34 F.R. 3733, 5629; 35 F.R. 5995, 11454).

Section 301(b)(13)(D) of the act provides that the "normal yield" of rice for 1971 for any county shall be the average yield per acre of rice for the county during the 5 calendar years 1966 through 1970 adjusted for abnormal weather conditions and trends in yields. Provision is made therein that if for any such year data are not available, or there is no actual yield, an appraised yield for such year, determined in accordance with regulations of the Secretary, taking into consideration the yields obtained in surrounding counties during such year and the yield in years for which data are available, shall be used as the actual yield for such year.

Section 301(b)(13)(F) of the act provides that if on account of drought, flood, insect pests, plant disease, or other uncontrollable natural cause, the yield for any county for any year during the years 1966 through 1970 is less than 75 per centum of the average, 75 per centum of such average shall be substituted therefor in calculating the normal yield per acre; and if on account of abnormally favorable weather conditions the yield for any county for any year during the years 1966 through 1970 is in excess of 125 per centum of the average, 125 per centum of such average shall be substituted therefor in calculating the normal yield per acre.

Prior to making any of the foregoing determinations with respect to marketing quotas and national, State, and county acreage allotments, and county normal yields for the 1971 crop of rice, including national, State and county reserves, and announcing the period of the referendum, if marketing quotas are required, consideration will be given to data, views, and recommendations pertaining thereto which are submitted in writing to the Director, Oilseeds and Special Crops Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250. All written submissions must be postmarked not later than 15 days after the date of publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at such times and places and in a manner convenient to the public business (7 CFR 1.27(b)).

Signed at Washington, D.C., on September 14, 1970.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 70-12464; Filed, Sept. 17, 1970; 8:48 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Serial No. U 12307]

UTAH

Notice of Proposed Classification of Public Lands for Multiple-Use Management

1. Pursuant to the Act of September 19, 1964 (78 Stat. 986; 43 U.S.C. 1411-18), and to the regulations in Title 43 CFR Group 2400, it is proposed to classify for multiple-use management the public lands within the area described in paragraph 2 below. Publication of this notice has the effect of segregating the described lands from appropriation under the agricultural land laws (43 U.S.C., Parts 7 and 9; 25 U.S.C., sec. 334), and from sales under section 2455 of the Revised Statutes as amended (43 U.S.C. 1171). Except as noted in paragraph 3, the lands shall remain open to all other applicable forms of appropriation, including the mining and mineral leasing laws. As used herein, "public lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for a Federal use or purpose.

2. The public domain lands proposed to be classified are those administered by the Bureau of Land Management within the following described area in the northern part of San Juan County:

SALT LAKE MERIDIAN, UTAH

Beginning at the east ¼-corner of sec. 28, T. 28 S., R. 26 E.; thence following the Manti-LaSal National Forest boundary westerly to the southwest corner of sec. 19, T. 28 S., R. 24 E.; thence west 1¼ miles, south ¼ mile, west ½ mile, north ½ mile, west ¼ mile, north ¼ mile, west 1 mile, north ½ mile, west ¼ mile, north 1 mile, west 2¾ miles, to the northwest corner of sec. 18, T. 28 S., R. 23 E.; thence west ¼ mile, south ¼ mile, west ¼ mile, north ¼ mile, west ½ mile, north ¼ mile, west 1 mile, north ¼ mile, west 1 mile, south ¼ mile, west 2 miles, north ¾ mile, west ¾ mile, north 1 mile, west ¼ mile to the northwest corner of sec. 6, T. 28 S., R. 22 E.; thence north ¾ mile, west ¼ mile, north ½ mile, west ¼ mile, north ¼ mile, west ½ mile, north ½ mile, west ½ mile, north 1 mile, west 1 mile, north ½ mile, west ¾ mile, north ¼ mile, west ¼ mile, north ¼ mile, west ½ mile, north ½ mile, west 1 mile, south ½ mile, west 1½ miles to the Colorado River; thence southwesterly along the Colorado River to the boundary of Canyonlands National Park at approximately the northwest corner of sec. 33, T. 27 S., R. 20 E.; thence following southerly and westerly along the east and south boundary of Canyonlands National Park to the Colorado River at approximately the north ¼-corner of sec. 22, T. 31 S., R. 17 E.; thence southwesterly along the Colorado River and east shore of Lake Powell to the south rim of Dark Canyon; thence southeasterly along the south rim of Dark Canyon to the Manti-LaSal National Forest in sec. 14, T. 34 S., R. 17 E.; thence northerly and easterly along the north boundary of the Manti-LaSal National Forest (Monticello District) to the northeast corner of sec. 34, T. 32 S., R. 23 E.; thence north ¾ mile, east ¼ mile, north ¼ mile, east ¼ mile, north ¼ mile, east ¼ mile, north ½ mile, east ¼ mile, north ¼ mile, east ¼ mile, north ¼ mile, east ¼ mile, north ¾ mile, east ¼ mile, north ½ mile, east ¼ mile, north ½ mile to the northwest corner of sec. 7, T. 32 S., R. 24 E.; thence east ¼ mile, north ¼ mile, east 1 mile, north 2 miles, east ¼ mile, north ½ mile, east 1 mile, south ¼ mile, east ¼ mile, south ¼ mile, east 1 mile, north ½ mile, east ½ mile, south ¼ mile, east ¼ mile, south ¼ mile, east ¼ mile, south ½ mile, west ¼ mile, south ¼ mile to the south ¼-corner of sec. 35, T. 31 S., R. 24 E.; thence south ¼ mile, east ¼ mile, south ¼ mile, east ¼ mile, south ¼ mile, east ¼ mile, south ¼ mile, east ¼ mile, south ½ mile, west ¼ mile, south ½ mile, west ¼ mile, south ½ mile, east ¼ mile, north ¼ mile, east ¼ mile, north ½ mile, east ¼ mile, north ¼ mile, east ¼ mile to the southwest corner of sec. 6, T. 32 S., R. 25 E.; thence north ¼ mile, east ¼ mile, north ½ mile, east ½ mile, south ¼ mile, east ½ mile, south ¼ mile, east ½ mile, south ¼ mile, east ¼ mile, south ¼ mile, east ¼ mile, south ½ mile, east ½ mile, south ¼ mile, east ¼ mile, south ¼ mile, east ½ mile, north ¼ mile, west ¼ mile, north ¼ mile, west ¼ mile, north ¼ mile, west ½ mile, north 1 mile, west ¼ mile, north 1 mile, east ¼ mile to the south ¼-corner of sec. 33, T. 31 S., R. 25 E.; thence north ¼ mile, west 1 mile, north ¼ mile, west ¼ mile, north ¾ mile, west ¼ mile, north ½ mile, west ¼ mile, north ¼ mile, east ¼ mile, north ¼ mile, east ¼ mile, north ¼ mile, east ½ mile, north ¼ mile, west ¼ mile, north ¼ mile, west ¾ mile, north ¾ mile, west ¼ mile, north ¼ mile to the south ¼-corner of sec. 7, T. 31 S., R. 25 E.; thence west ¼ mile, north ¼ mile, west 1 mile, north ¼ mile, west ¼ mile, north ½ mile, east ¼ mile, south ¼ mile, east 1 mile, south ¼ mile, east 1½ miles, south ½ mile, east ¾ mile, north ¼ mile, east ¼ mile, north ¼ mile, east 1 mile, south ¼ mile, east ¼ mile, south ¼ mile, east 1¼ miles, south ¼ mile, east ¼ mile, south ¼ mile, east ¼ mile, south ¼ mile, east ¾ mile, south ½ mile, east ½ mile, north ¼ mile to the northeast corner of sec. 19, T. 31 S., R. 26 E.; thence east ½ mile, south ¼ mile, east ¾ mile, south ¼ mile, west ¼ mile, south ¼ mile, west ¾ mile, south ½ mile, west ¼ mile, south ½ mile, west ¼ mile, south 1½ miles, east ½ mile, south ½ mile, east ½ mile, north ¼ mile, east ¼ mile, north 1 mile, east ¾ mile, north ¼ mile, east ¼ mile, north ½ mile, east ¼ mile, south ½ mile, east ½ mile, south ¾ mile, east approximately 28 chains to the Utah-Colorado State line at the southeast corner of sec. 35, T. 31 S., R. 26 E.; thence north along the State line to the point of beginning. The area described aggregates approximately 808,543 acres of public domain land.

State and privately owned lands within the above described area are not affected by this proposed classification.

3. Publication of this notice also has the effect of segregating the proposed recreation, archeological, and study areas described below from all forms of appropriation, selection, location, and entry under the public land laws, including the general mining laws, but not the mineral leasing laws:

SALT LAKE MERIDIAN, UTAH

SALT CREEK OVERLOOK

T. 32 S., R. 20 E.,
Sec. 21, SE¼;
Sec. 22, W½SW¼.

WILSON ARCH

T. 29 S., R. 23 E.,
Sec. 15, SE¼SE¼.

LOOKING GLASS ROCK

T. 29 S., R. 23 E.,
Sec. 17, SE¼NE¼SE¼, NE¼SE¼SE¼.

BIG INDIAN ROCK

T. 30 S., R. 24 E.,
Sec. 24, SE¼SE¼SW¼, SW¼SW¼SE¼.

NEEDLES OVERLOOK

T. 29 S., R. 20 E.,
Sec. 22, SE¼SE¼;
Sec. 23, S½NW¼, N½SW¼, SW¼SW¼.

WINDWHISTLE CAMPGROUND

T. 30 S., R. 22 E.,
Sec. 13, SW¼NE¼, E½SW¼, SE¼NW¼SW¼, NE¼SW¼SW¼, W½SE¼.

HATCH POINT CAMPGROUND

T. 28 S., R. 21 E.,
Sec. 9, SW¼NE¼, SE¼NW¼, NE¼SW¼, NW¼SE¼.

ANTICLINE OVERLOOK

T. 27 S., R. 21 E.,
Sec. 8, E½SE¼.

ARCHEOLOGICAL SITES

T. 31 S., R. 18 E.,
Sec. 35, W½NW¼SW¼.
T. 32 S., R. 18 E.,
Sec. 10, SW¼NE¼SW¼ (unsurveyed);
Sec. 11, NW¼NW¼SW¼, SE¼SE¼SW¼, SW¼SW¼SE¼ (unsurveyed);
Sec. 13, N½NE¼SW¼ (unsurveyed).
T. 32 S., R. 19 E.,
Sec. 18, NW¼SE¼ (unsurveyed) (Campground).
T. 33 S., R. 18 E.,
Sec. 12, NW¼SW¼ (unsurveyed);
Sec. 24, SE¼SE¼NE¼ (unsurveyed).
T. 33 S., R. 19 E.,
Sec. 7, SE¼SW¼SW¼ (unsurveyed).

The areas described above aggregate 1,200 acres.

DARK CANYON NATURAL AREA

Beginning at a point where the Colorado River crosses the north section line of sec. 22, T. 31 S., R. 17 E.; thence southwesterly along the Colorado River and the east shore of Lake Powell to the south rim of Dark Canyon in sec. 19, T. 33 S., R. 16 E., thence southerly and easterly along the south rim of Dark Canyon, Lost Canyon, and Black Steer Canyon to the Manti-LaSal National Forest boundary in sec. 14, T. 34 S., R. 17 E.; thence northeasterly along the Manti-LaSal National Forest Boundary to the north rim of the Dark Canyon; on the north section line of sec. 12, T. 34 S., R. 17 E.; thence westerly and northerly following generally along the main rim

of the Dark Canyon Plateau around Young's Canyon, Lean-To Canyon, Bowdie Canyon, and Gypsum Canyon to the north ¼-corner of sec. 29, T. 31 S., R. 18 E., which point is on the south boundary of Canyonlands National Park, thence west along the south boundary of Canyonlands National Park 4 miles to the north ¼-corner of sec. 27, T. 31 S., R. 17 E.; thence north approximately 1 mile to the point of beginning. The Dark Canyon area described aggregates approximately 74,317 acres, of which 17,069 acres are within the proposed Glen Canyon National Recreation Area.

BRIDGER JACK MESA

Those portions of the sections listed below which lie above the main Bridger Jack Mesa rim:

T. 31 S., R. 21 E.,
 Secs. 15, 22, 23, 26, 27, 33, and 34.
T. 32 S., R. 20 E.,
 Sec. 25.
T. 32 S., R. 21 E.,
 Secs. 3, 4, 5, 8, 9, 10, 15 to 21, inclusive, 29, 30, and 31.

The Bridger Jack Mesa area described aggregates approximately 6,290 acres.

4. The public lands in Dark Canyon Natural Area, described above, are further proposed for designation as a "primitive area" by virtue of the authority vested in the Secretary of the Interior under the Classification and Multiple Use Act, supra, and R.S. 2478 (43 U.S.C. 1201) as amended, and pursuant to the provisions of 43 CFR Part 2070.

5. For a period of 60 days from the date of publication of this notice in the FEDERAL REGISTER, all persons who wish to submit comments, suggestions, or objections in connection with the proposed classification may present their views in writing to the District Manager, Bureau of Land Management, 284 South First West, Post Office Box 1327, Monticello, Utah 84535, or to the State Director, Bureau of Land Management, Federal Building, 125 South State Street, Post Office Box 11505, Salt Lake City, Utah 84111. The records and maps depicting these lands are on file and may be reviewed at these offices.

6. A public hearing on this proposed classification will be held on October 14, 1970, at 7 p.m. in the courtroom of the San Juan County Courthouse, Monticello, Utah.

R. D. NIELSON,
State Director.

[F.R. Doc. 70-12426; Filed, Sept. 17, 1970; 8:45 a.m.]

Office of Hearings and Appeals

[Docket No. HOPE 71-3]

BULL RUN MINING CO., INC.

Petition for Modification of Interim Mandatory Safety Standards

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 hereby is given that Bull Run Mining Co., Inc., has filed a petition to modify the application of section 303(b) and section 303(c)(1) of the Act with respect to its No. 1 mine located at Masontown, Preston County, W. Va.

Section 303(b) of the Act provides:

All active workings shall be ventilated by a current of air containing not less than 19.5 volume per centum of oxygen, not more than 0.5 volume per centum of carbon dioxide, and no harmful quantities of other noxious or poisonous gases; and the volume and velocity of the current of air shall be sufficient to dilute, render harmless, and to carry away, flammable, explosive, noxious, and harmful gases, and dust, and smoke and explosive fumes. The minimum quantity of air reaching the last open crosscut in any pair or set of developing entries and the last open crosscut in any pair or set of rooms shall be 9,000 cubic feet a minute, and the minimum quantity of air reaching the intake end of a pillar line shall be 9,000 cubic feet a minute. The minimum quantity of air in any coal mine reaching each working face shall be 3,000 cubic feet a minute. Within 3 months after the operative date of this title, the Secretary shall prescribe the minimum velocity and quantity of air reaching each working face of each coal mine in order to render harmless and carry away methane and other explosive gases and to reduce the level of respirable dust to the lowest attainable level. The authorized representative of the Secretary may require in any coal mine a greater quantity and velocity of air when he finds it necessary to protect the health or safety of miners. Within 1 year after the operative date of this title, the Secretary or his authorized representative shall prescribe the maximum respirable dust level in the intake aircourses in each coal mine in order to reduce such level to the lowest attainable level. In robbing areas of anthracite mines, where the air currents cannot be controlled and measurements of the air cannot be obtained, the air shall have perceptible movement.

Section 303(c)(1) of the Act provides:

Properly installed and adequately maintained line brattice or other approved devices shall be continuously used from the last open crosscut of an entry or room of each working section to provide adequate ventilation to the working faces for the miners and to remove flammable, explosive, and noxious gases, dust, and explosive fumes, unless the Secretary or his authorized representative permits an exception to this requirement, where such exception will not pose a hazard to the miners. When damaged by falls or otherwise, such line brattice or other devices shall be repaired immediately.

Petitioner proposes that said mine be excepted from the application of the requirements of said section 303(b) and said section 303(c)(1) on the grounds, inter alia, that an alternative method of achieving the result of such standards exists which will at all times guarantee no less than the same measure of protection afforded the miners of such mine by such standards; and that the application of such standards to its mine will result in a diminution of safety to the miners in its mine.

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 14, 1970.

[F.R. Doc. 70-12451; Filed, Sept. 17, 1970; 8:47 a.m.]

DEPARTMENT OF COMMERCE

Business and Defense Services Administration

COLORADO STATE UNIVERSITY

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

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

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

Docket No. 70-00658-33-46500. Applicant: Colorado State University, Department of Pathology, College of Veterinary Medicine and Biological Science, Fort Collins, Colo. 80521. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter A.B., Sweden.

Intended use of article: The article will be used to produce acceptable thick and thin sections on a number of different tissues, such as lung, heart, kidney, retina, choroid and sclera. Research concerns an ultrastructural study of hypoxic induced pulmonary hypertension and ultrastructural aspects of a congenital retinal dyplasia. Pathology trainees are offered four courses in biological preparations for electron microscopy.

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

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the foreign article was ordered (Oct. 28, 1968).

Reasons: The foreign article has a guaranteed minimum thickness capability of 50 angstroms. The most closely comparable domestic instrument available at the time the foreign article was ordered was the Model MT-2 ultramicrotome manufactured by Ivan Sorvall, Inc. (Sorvall). The Sorvall Model MT-2 had a guaranteed minimum thickness capability of 100 angstroms.

We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated August 14, 1970, that a minimum thickness capability of less than 100 angstroms is pertinent to the applicant's research studies.

We, therefore, find that the Sorvall Model MT-2 is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

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

manufactured in the United States at the time the foreign article was ordered.

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

[F.R. Doc. 70-12438; Filed, Sept. 17, 1970; 8:46 a.m.]

CORNELL UNIVERSITY

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

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

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

Docket No. 70-00617-91-46040. Applicant: Cornell University, Ithaca, N.Y. 14850. Article: Electron microscope, Model EM 300. Manufacturer: Philips Electronics NVD, The Netherlands.

Intended use of article: The article will be used for botanical research on ultrastructural studies concerning differentiating and mature sieve elements in ferns and cycads; investigations of sieve tube elements in tobacco (Nicotiana), linden (Tilia); and willow (Salix) before and after the penetration of aphid stylets; of P-protein with special reference to the subunits and the orientation of P-protein strands within the sieve elements in angiosperms; studies on fungi; and ultrastructural studies on the fate of chloroplasts during spore germination in the filamentous algo Zygnema.

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

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

Reasons: The foreign article provides a continuous magnification from 220 to 550,000 magnifications, without changing the polepiece. The most closely comparable domestic instrument is the Model EMU-4B which was formerly manufactured by the Radio Corp. of America (RCA), and which is presently being supplied by the Forgflo Corp. (Forgflo). The Model EMU-4B, with its standard polepiece, has a specified range from 1,400 to 240,000 magnifications. For survey and scanning, the lower end of this range can be reduced to 400 magnifications or less. But the continued reduction of magnification induces an increasingly greater distortion. The domestic manufacturer suggests in its literature on the Model EMU-4B that for highest quality, low magnification electron micrographs in the magnification range between 500 and 70,000 magnifications, an optional low magnification polepiece should be used. Changing the polepiece on the Model EMU-4B requires a break in the vacuum of the column.

We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated August 5, 1970, that the applicant requires the capability of taking high quality micrographs at low magnifications in order to achieve the purposes for which the foreign article is intended to be used.

HEW further advises that breaking the vacuum in the column induces the danger of contamination which would very likely lead to the failure of the experiment. Therefore, the capability of moving from 220 to 550,000 magnifications without changing polepieces, while at the same time providing high quality micrographs at low magnifications, is considered to be a pertinent characteristic.

For these reasons, we find that the Model EMU-4B is not of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used.

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

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

[F.R. Doc. 70-12440; Filed, Sept. 17, 1970; 8:46 a.m.]

GEORGIA INSTITUTE OF TECHNOLOGY

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

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

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

Docket No. 70-00836-00-46040. Applicant: Georgia Institute of Technology, 225 North Avenue NW., Atlanta, Ga. 30322. Article: Specimen airlock. Manufacturer: Siemens A.G., West Germany.

Intended use of article: The article is an accessory for an existing Elmiskop IA electron microscope.

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

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

Reasons: The application relates to an accessory for an electron microscope that was previously imported for the use of the applicant institution and which is being furnished by the manufacturer of the instrument with which it is intended to be used.

The Department of Commerce knows of no similar accessory being manufactured in the United States, which is interchangeable with the foreign article or can be readily adapted to the instrument with which such accessory is intended to be used.

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

[F.R. Doc. 70-12441; Filed, Sept. 17, 1970; 8:46 a.m.]

KUAKINI HOSPITAL, HONOLULU, HAWAII

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

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

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

Docket No. 70-00628-33-46500. Applicant: Kuakini Hospital, 347 North Kuakini Street, Honolulu, Hawaii 96817. Article: Ultramicrotome, Model "OmU2". Manufacturer: C. Reichert Optische Werke A.G., Austria.

Intended use of article: The article will be used for a study of the Hawaiian feral mongoose stomach. An electron microscopic study of topographical relationship of mast cells, fibroblasts, and collagen fibers of different consistency and composition and cellular interaction between the fibroblasts and mucosal mast cells require ultrathin sections of various thickness. Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the foreign article was ordered August 7, 1969.

Reasons: The foreign article has a guaranteed minimum thickness capability of at least 50 angstroms. The most closely comparable domestic instrument available at the time the foreign article

was ordered was the Model MT-2 ultramicrotome manufactured by Ivan Sorvall, Inc. (Sorvall). The Sorvall Model MT-2 had a guaranteed minimum thickness capability of 100 angstroms.

We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated August 12, 1970, that a minimum thickness capability of less than 100 angstroms is pertinent to the applicant's research studies.

We, therefore, find that the Sorvall Model MT-2 is not of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used.

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

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

[F.R. Doc. 70-12444; Filed, Sept. 17, 1970; 8:46 a.m.]

MOUNT SINAI HOSPITAL, NEW YORK, N.Y.

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

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

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

Docket No. 70-00597-33-46040. Applicant: Mount Sinai Hospital, 11 East 100th Street, New York, N.Y. 10029. Article: Electron microscope, Model JEM-100B. Manufacturer: Japan Electron Optics Lab. Co., Ltd., Japan.

Intended use of article: One of the major research aims for which the article will be used, will center around various mechanism of embryonic development of the eye with special emphasis being placed upon the lens-cornea relationship. The aim of this project is to try and develop antibody labels to developing lens proteins and then examine developing corneal tissue with the corresponding peroxidase labeled material in an effort to localize the site and nature of a possible lens humoral agent.

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

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

Reasons: The foreign article provides a continuous magnification from 500 to 500,000 magnifications, without changing the polepiece. The most closely comparable domestic instrument is the Model EMU-4B which was formerly manufactured by the Radio Corp. of America, and which is presently being supplied by the Forgflo Corp. (Forgflo). The Model EMU-4B, with its standard polepiece, has a specified range from 1,400 to 240,000 magnifications. For survey and scanning, the lower end of this range can be reduced to 400 magnifications or less. But the continued reduction of magnification induces an increasingly greater distortion. The domestic manufacturer suggests in its literature on the Model EMU-4B, that for highest quality, low magnification electron micrographs in the magnification range between 500 and 70,000 magnifications, an optional low magnification polepiece should be used. Changing the polepiece on the Model EMU-4B requires a break in the vacuum of the column.

We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated August 3, 1970, that the applicant requires the capability of taking high quality micrographs at low magnifications in order to achieve the purposes for which the foreign article is intended to be used.

HEW further advises that breaking the vacuum in the column induces the danger of contamination which would very likely lead to the failure of the experiment. Therefore, the capability of moving from 500 to 500,000 magnifications without changing polepieces, while at the same time providing high quality micrographs at low magnifications, is considered to be a pertinent characteristic.

For these reasons, we find that the Model EMU-4B is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

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

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

[F.R. Doc. 70-12446; Filed, Sept. 17, 1970; 8:46 a.m.]

PRINCETON UNIVERSITY

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

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

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

Docket No. 70-00603-01-86300. Applicant: Princeton University, Purchasing Department, Post Office Box 33, Princeton, N.J. 08540. Article: Viscoelastometer, Model DDV Ⅱ. Manufacturer: Toyo Measuring Instruments Co., Ltd., Japan.

Intended use of article: The article will be used to study the viscoelastic properties of various polymeric materials measured as a function of frequency of vibration and of temperature. The experiments to be conducted will initially include triblock copolymer films of styrene and butadiene. Another material to be studied is a polyurethane block copolymer.

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

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

Reasons: The foreign article provides the capability for measurements involving phase angles down to 10^{-3} radians at temperatures down to −140° C. The most closely comparable domestic instrument, the Model PPM-5R manufactured by H. M. Morgan (Morgan), does not allow phase angle measurements down to 10^{-3} radians or at temperatures below −50° C. We are advised by the National Bureau of Standards in its memorandum dated June 23, 1970, that the capability to make phase angle measurements down to 10^{-3} radians at temperatures down to −140° C. is a pertinent characteristic. NBS also advises that it knows of no other domestic instrument that can be used for the applicant's intended purpose. For this reason, we find that the Morgan Model PPM-5R is not of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used.

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

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

[F.R. Doc. 70-12448; Filed, Sept. 17, 1970; 8:46 a.m.]

UNIVERSITY OF CALIFORNIA

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

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of

the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

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

Docket No. 70-00639-33-46500. Applicant: University of California, San Diego, Post Office Box 109, La Jolla, Calif. 92037. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produktor A.B., Sweden.

Intended use of article: The article will be used for research concerning the elucidation of mechanism of demyelination and remyelination in human and experimental disease. Biopsy specimens from brains of patients with various demyelinating disorders are sent to the applicant from many medical centers in the United States. The tissue taken from these patients is of irreplaceable research and diagnostic value. The outcome of the studies will determine the treatment of these patients.

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

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

Reasons: Examination of the applicant's thin sections under the electron microscope will provide optimal information when such sections are uniform in thickness and have smoothly cut surfaces. Conditions for obtaining high quality sections depend to a large extent on the properties of the specimen being sectioned (e.g., hardness, consistency, toughness etc.), the properties of the embedding media and the geometry of the block. In connection with a prior case (Docket No. 69-00665-33-46500) which relates to the duty-free entry of an identical foreign article, the Department of Health, Education, and Welfare (HEW) advised that "Smooth cuts are obtained when the speed of cutting (among such [other] factors as knife edge condition and angle), is adjusted to the characteristics of the material being sectioned. The range of cutting speeds and a capability for the higher cutting speeds is, therefore, a pertinent characteristic of the ultramicrotome to be used for sectioning materials that experience has shown difficult to section." In connection with another prior case (Docket No. 70-00077-33-46500) relating to the duty-free entry of an identical foreign article, HEW advised that "ultrathin sectioning of a variety of tissues having a wide range in density, hardness etc." requires a maximum range in cutting speed and, further, that "The production of ultrathin serial sections of specimens that have great variation in physical properties is very difficult". The foreign article has a cutting speed range of 0.1 to 20 millimeters/second (mm./sec.). The most closely comparable domestic instrument is the Model MT-2B ultramicrotome manufactured by Ivan Sorvall, Inc. (Sorvall). The Sorvall Model MT-2B ultramicrotome has a cutting speed range of 0.09 to 3.2 mm./sec.

We are advised by HEW in its memorandum of August 12, 1970, that cutting speeds in excess of 4 mm./sec. are pertinent to the applicant's research studies involving the sectioning of brain tissue in long unbroken series of uniform thickness sections.

HEW cited as precedent its prior recommendation relating to Docket No. 70-00203-33-46500 which conforms in many particulars with the captioned application. We, therefore, find that the Model MT-2B ultramicrotome is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

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

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

[F.R. Doc. 70-12436; Filed, Sept. 17, 1970; 8:46 a.m.]

UNIVERSITY OF CALIFORNIA

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

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

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

Docket No. 70-00481-33-77030. Applicant: University of California, San Francisco, Purchasing Department, 1438 South 10th Street, Richmond, Calif. 94804. Article: NMR spectrometer, Model JNM-4H-100. Manufacturer: Japan Electron Optics Laboratory Co., Ltd., Japan. Intended use of article: A major research application for which the article will be used is a study of the perturbation of P^{31} chemical shifts and coupling constants of nucleoside phosphates like adenosine triphosphate by hormone (e.g., epinephrine). As increasing quantities of the hormone are added to a sample of adexosine triphosphate, it is expected that one of the phosphate signals will show a small down field shift. From the magnitude of the change in the chemical shift, the association constant for the interaction can be determined.

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

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

Reasons: Captioned application is a resubmission of Docket No. 69-00374-33-77030, which was ordered on December 30, 1968, and which was denied without prejudice to resubmission due to informational deficiencies in the original application. The foreign article provides a combined internal-external lock capability in one instrument. Effective September 1969, the Varian Model XL-100-15 became available with inter alia the capability for internal-external locking in one instrument. However, at the time the foreign article was ordered, the most closely comparable domestic instrument was the Varian Model HA 100 which provides only an internal lock.

We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated May 11, 1970, that an internal lock is required to perform an experiment described in the application. HEW further advises that this is a pertinent characteristic of the foreign article.

For the foregoing reason, we find that the Varian Model AA 100 is not of equivalent scientific value to the foreign article, for the purposes for which the foreign article is intended to be used.

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

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

[F.R. Doc. 70-12437; Filed, Sept. 17, 1970; 8:46 a.m.]

UNIVERSITY OF CALIFORNIA ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

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

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

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

Docket No. 71-00095-33-77040. Applicant: University of California, San Francisco, Purchasing Department, 1438 South 10th Street, Richmond, Calif. 94804. Article: Mass spectrometer, Model MS-902. Manufacturer: Associated Electrical Industries, Ltd., United Kingdom. Intended use of article: The article will be used for studies in analytical, chemical and biochemical problems of importance in medical and other health-related research. The general classes of compounds to be investigated are coumarines, alkaloids, polypeptides, nucleotides, polycyclic aromatic hydrocarbons, steroids, terpenes and heterocycles. Application received by Commissioner of Customs: August 17, 1970.

Docket No. 71-00096-00-46040. Applicant: University of Chicago, operator of Argonne National Laboratory, 9700 South Cass Avenue, Argonne, Ill. 60439. Article: Tilting and rotation cartridge. Manufacturer: Siemens A.G., West Germany. Intended use of article: The article is an accessory for a previously imported electron microscope. Application received by Commissioner of Customs: August 17, 1970.

Docket No. 71-00097-98-30600. Applicant: Fairleigh Dickinson University, Mechanical Engineering Department, 1000 River Road, Teaneck, N.J. 07666. Article: Hydrostatic pressure and center of pressure apparatus. Manufacturer: Armfield Engineering, Ltd., United Kingdom. Intended use of article: The article will be used for educational purposes in a course entitled Fluids Laboratory for experiments related to fluid flow. Students groups will conduct independent experimental projects upon completion of a complement of basic experiments. Application received by Commissioner of Customs: August 17, 1970.

Docket No. 71-00098-01-77030. Applicant: The University of Georgia, Department of Medicinal Chemistry, School of Pharmacy, Athens, Ga. 30601. Article: NMR spectrometer, Model R-20. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article will be used for graduate and undergraduate educational purposes and for scientific research. Complete structural analysis of organic compounds, synthetic and naturally occurring, are being evaluated as to their medical properties. For example, heterocyclic analogs of serotonin, lysergic acid, and gramine are being synthesized. The instrument will be utilized in a course in drug analysis for professional pharmacy students, and by graduate students in a course in advanced drug analysis as well as in their research. Application received by Commissioner of Customs: August 18, 1970.

Docket No. 71-00099-33-46040. Applicant: Northwestern University Medical School, 303 East Chicago Avenue, Chicago, Ill. 60611. Article: Electron microscope, Model HU-11F. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article will be used for research projects concerning a sterometric study of nerve cells in a variety of experimental; situations; an investigation of the structure and distribution of motor end plates in extraocular muscles and the relation of fine structure to function in the larynx and middle ear of rodents, bats and man; and for ultrastructural analysis of embryonic chick otocysts in tissue culture. Application received by Commissioner of Customs: August 18, 1970.

Docket No. 71-00100-33-46040. Applicant: Northwestern University Medical School, 303 East Chicago Avenue, Chicago, Ill. 60611. Article: Electron microscope, Model HU-12. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article will be used for research in the fine structure and cytochemistry of catecholamine uptake, storage and release mechanisms; analysis of extracellular transport mechanisms in the central nervous system; ultrastructural analysis of microtubular transport system of neurons and neuroglial cells; a study of the oligodendroglial cells in experimental allergic encephalomyelitis; and for a study of the intercellular matrix of human gliablastoma multiforme. Application received by Commissioner of Customs: August 18, 1970.

Docket No. 71-00101-01-77030. Applicant: Rhode Island College, Providence, R.I. 02908. Article: NMR spectrometer, Model JNM-MH-60-II. Manufacturer: Japan Electron Optics Lab. Co., Ltd., Japan. Intended use of article: The article will be used for a study of the esterification of telluric acid with glycols, requiring a broad temperature range. Routine analysis of product samples and unknown samples will be assigned to students. High temperature studies of materials which are viscous at room temperatures will be conducted. Variable temperature studies for determining proton exchange rates and hindrance to rotation about bonds with partial pi character will be undertaken. Application received by Commissioner of Customs: August 18, 1970.

Docket No. 71-00103-60-46040. Applicant: U.S. Department of Agriculture, ARS, Management Services Division for Marketing and Nutrition Research, Post Office Box 53326, 701 Loyola Avenue, Room T-12017, New Orleans, La. 70150. Article: Electron microscope, Model HU-12. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article will be used for the training of graduate students and post doctorates in the techniques and application of electron microscopy and, for M.D.'s and Ph.D.'s whose major interest is to obtain results as rapidly as possible. Research projects concern ultrastructural studies of cell walls and their component parts as they relate to texture, investigations of ripening and postharvest cytology as it relates to turgor, color and texture, and for studies of fruit and vegetable skin, peel, shell and core. Application received by Commissioner of Customs: August 18, 1970.

Docket No. 71-00104-99-01200. Applicant: The Ohio School for the Deaf, 500 Morse Road, Columbus, Ohio 43214. Article: Four SUVAG 1 trainers which are specialized group amplifying equipment. Manufacturer: Societe Sedi Monsieur Germe. Intended use of article: The article will be used in grades kindergarten through 12 for classroom instruction in the applicant's program for a method of training the deaf. Application received by Commissioner of Customs: August 19, 1970.

Docket No. 71-00107-65-46070. Applicant: Trustees of the University of Pennsylvania, Purchasing Department, 3451 Walnut Street, Philadelphia, Pa. 19104. Article: Scanning electron microscope, Model JSM-U3. Manufacturer: Japan Electron Optics Lab. Co., Ltd., Japan. Intended use of article: The article will be used for research on the structure of bone and teeth, fractography of bone and piezo-electric effects of bone under load; a study of fatigue crack propagations theories; and for a study of the morphology of cracks and deformation bands in polymers. A graduate level course will be given in the School of Metallurgy and Material Science to teach students how to use the microscope, prepare specimens, take photographs and analyze the data. Application received by Commissioner of Customs: August 19, 1970.

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

[F.R. Doc. 70-12435; Filed, Sept. 17, 1970; 8:46 a.m.]

UNIVERSITY OF CONNECTICUT

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

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

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

Docket No. 70-00656-33-46500. Applicant: University of Connecticut, Health Center, Building No. 4, Farmington Avenue, Farmington, Conn. 06032. Article: Ultramicrotome, Model LKB 8800.

Manufacturer: LKB Produkter A.B., Sweden.

Intended use of article: The article will be used for research on isolated cell structures of bacterial spores, purified

inner and outer membranes, purified cell walls, ribosomes, mesosomes, and inclusion bodies such as phosphate or B hydroxybutyrate particles; whole bacterial cells, PPLO (pleuropneumonia-like-organisms, or L-forms) and virus particles; synthetic monolayers composed of lipopolysaccharide-phospholipid-protein; and isolated nuclei from liver and other cells grown in tissue culture. The properties of these materials differ in dimension as well as rigidity and require the thinnest sections possible.

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

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the foreign article was ordered (Apr. 11, 1969). Reasons: The foreign article has a guaranteed minimum thickness capability of 50 angstroms. The most closely comparable domestic instrument available at the time the foreign article was ordered was the Model MT-2 ultramicrotome manufactured by Ivan Sorvall, Inc. (Sorvall). The Sorvall Model MT-2 had a guaranteed minimum thickness capability of 100 angstroms. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated August 14, 1970, that a minimum thickness capability of less than 100 angstroms is pertinent to the applicant's research studies. We, therefore, find that the Sorvall Model MT-2 is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

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

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

[F.R. Doc. 70-12439; Filed, Sept. 17, 1970; 8:46 a.m.]

UNIVERSITY OF HAWAII

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

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

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

Docket No. 70-00634-33-43400. Applicant: University of Hawaii, Department of Physiology, 2538 The Mall, Snyder Hall 407, Honolulu, Hawaii 96822. Article: Micromanipulators (6), Model MM-3, and stands. Manufacturer: Narishige Scientific Instrument Lab., Japan.

Intended use of article: The articles will be used in original scientific research on specific problems in the area of neural integration in crustacea. The experiments involve recording sensory input to the nervous system, activity in "command interneurons", and motor output.

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

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

Reasons: The foreign article provides compactness with a high precision and a wide degree of motion. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated July 31, 1970, that the compactness of the foreign article is pertinent to the purposes for which the article is intended to be used. HEW also advises that it knows of no scientifically equivalent instrument which is manufactured in the United States.

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

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

[F.R. Doc. 70-12442; Filed, Sept. 17, 1970; 8:46 a.m.]

UNIVERSITY OF ILLINOIS

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

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

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

Docket No. 70-00516-82-84200. Applicant: University of Illinois, Purchasing Division, 223 Administration Building, Urbana, Ill. 61801. Article: Water tunnel, Model No. K 23. Manufacturer: Kemp & Remmers, West Germany.

Intended use of article: The article will be used for research in a broad range of studies of cavitation and a study of bodies intended to move at high speeds in water.

Comments: No comments have been received in regard to this application.

Decision: Application approved. No domestic manufacturer was both able and willing to manufacture an intrument or apparatus of equivalent scientific value to the foreign article, for such purposes as the article is intended to be used and have it available to the applicant without unreasonable delay in accordance with § 602.1(f) of the above-cited regulations.

Reasons: Captioned application is a resubmission of 69-00449-82-84200 which was denied without prejudice to resubmission on September 12, 1969 because, in response to Question 10 on the application form concerning the applicant's consideration of domestically manufactured water tunnels, the applicant stated: "No other manufacturing firms of this type of equipment are known, foreign or domestic." Commerce Department records listed, however, two domestic firms as manufacturers of water tunnels (Hydronautics, Inc. and Oceanic, Inc.). In September 12, 1969, notice of denial without prejudice to resubmission, the applicant was accordingly advised to write these two domestic companies. In the captioned application, the applicant states that letters were written to Hydronautics, Inc., and Oceanic, Inc. Hydronautics, Inc., did not respond to the applicant's correspondence. Oceanic, Inc., replied stating: "We do not manufacture or fabricate tunnels. We do not know of any firm in the United States which specializes in the design and/or fabrication of water tunnels." Section 602.1(f)(2), the applicable regulation, provides in pertinent part:

> *Produced on order.* An instrument, apparatus or accessory shall be considered to be produced on order if a domestic manufacturer lists it in a current catalog and is able and willing to produce the instrument, apparatus or accessory within the United States and have it available without unreasonable delay to the applicant. In determining whether a U.S. manufacturer is able and willing to produce such instrument, apparatus or accessory and have it so available, the Administrator shall take into account the normal commercial practices applicable to the production and delivery of instruments, apparatus or accessories of the same general category.

The above language clearly means that a domestic manufacturer must be both "able and willing" to produce an instrument in the United States of equivalent scientific value to the foreign article. Based on the factual record of this application, we find that neither Hydronautics, Inc., nor Oceanic, Inc., was both able and willing to manufacture a water tunnel of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used in accordance with § 602.1(f) of the regulations.

The Department of Commerce knows of no domestic manufacturer which was able and willing to manufacture an in-

strument or apparatus of equivalent scientific value to the foreign article, for such purposes as the article is intended to be used.

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

[F.R. Doc. 70-12443; Filed, Sept. 17, 1970; 8:46 a.m.]

UNIVERSITY OF MINNESOTA

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

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

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

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

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

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the foreign article was ordered (May 7, 1969). Reasons: The foreign article has a guaranteed minimum thickness capability of 50 angstroms. The most closely comparable domestic instrument available at the time the foreign article was ordered was the Model MT-2 ultramicrotome manufactured by Ivan Sorvall, Inc. (Sorvall). The Sorvall Model MT-2 had a guaranteed minimum thickness capability of 100 angstroms. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated August 12, 1970, that a minimum thickness capability of less than 100 angstroms is pertinent to the applicant's research studies. We, therefore, find that the Sorvall Model MT-2 is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

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

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

[F.R. Doc. 70-12445; Filed, Sept. 17, 1970; 8:46 a.m.]

YALE UNIVERSITY

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

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

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

Docket No. 70-00606-33-46040. Applicant: Yale University, Purchasing Department, 20 Ashmun Street, New Haven, Conn. 06520. Article: Electron microscope, Model HU-12. Manufacturer: Hitachi Ltd., Japan.

Intended use of article: The article will be used in the Department of Obstetrics and Gynecology for studies pertaining to reproductive biology, for investigations on fine structural analyses of the functional aspects of cellular organelles, and for medical and graduate students who have elected to do their thesis in reproductive biology. Research concerns alterations in pathological specimens such as endometrial carcinoma when exposed to therapeutic agents, hormones and drugs, both in patients and in organ culture to determine the effects of these agents on cyto-differentiation.

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

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

Reasons: The foreign article provides a continuous magnification from 500 to 500,000 magnifications, without changing the polepiece. The most closely comparable domestic instrument is the Model EMU-4B which was formerly manufactured by the Radio Corp. of America, and which is presently being supplied by the Forgflo Corp. (Forgflo). The Model EMU-4B, with its standard polepiece, has a specified range from 1,400 to 240,000 magnifications. For survey and scanning, the lower end of this range can be reduced to 400 magnifications or less. But the continued reduction of magnification induces an increasingly greater distortion. The domestic manufacturer suggests in its literature on the Model EMU-4B that for highest quality, low magnification electron micrographs in the magnification range between 500 and 70,000 magnifications, an optimal low magnification polepiece should be used. Changing the polepiece on the Model EMU-4B requires a break in the vacuum of the column.

We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated August 5, 1970, that the applicant requires the capability of taking high-quality micrographs at low magnifications in order to achieve the purposes for which the foreign article is intended to be used.

HEW further advises that breaking the vacuum in the column induces the danger of contamination which would very likely lead to the failure of the experiment. Therefore, the capability of moving from 500 to 500,000 magnifications without changing polepieces, while at the same time providing high-quality micrographs at low magnifications, is considered to be a pertinent characteristic.

For these reasons, we find that the Model EMU-4B is not of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used.

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

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

[F.R. Doc. 70-12447; Filed, Sept. 17, 1970; 8:46 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[DESI 6902]

CERTAIN DRUGS CONTAINING NICOTINYL ALCOHOL OR TARTRATE

Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following drugs marketed by Roche Laboratories, Division of Hoffmann-LaRoche Inc., 340 Kingsland Street, Nutley, N.J. 07110:

1. Roniacol Tablets containing nicotinyl alcohol as the tartrate (NDA 6-902).

2. Roniacol Elixir containing nicotinyl alcohol (NDA 6-902).

3. Roniacol Timespan Tablets containing nicotinyl alcohol as the tartrate (NDA 11-813).

4. Tigacol Capsules containing nicotinyl alcohol as the tartrate and trimethobenzamide hydrochloride (NDA 12-410).

These drugs are regarded as new drugs. The effectiveness classification and marketing status are described below.

A. *Effectiveness classification.* The Food and Drug Administration has considered the Academy reports and concludes that:

1. Nicotinyl tartrate in combination with trimethobenzamide hydrochloride lacks substantial evidence of effectiveness for its recommended use for the relief of vertigo due to "other related conditions."

2. The drugs listed in this announcement are regarded as possibly effective for their indications other than the indication listed in paragraph A1.

B. *Marketing status.* 1. Within 60 days of the date of publication of this announcement in the FEDERAL REGISTER, the holder of any previously approved new-drug application for a drug described in paragraph A1 above is requested to submit a supplement to his application to provide for revised labeling, as needed, which deletes the indications for which such drug has been classified as lacking substantial evidence of effectiveness. Such supplement should be submitted under the provisions of § 130.9 (d) and (e) of the new-drug regulations (21 CFR 130.9 (d) and (e)) which permit certain changes to be put into effect at the earliest possible time; the revised labeling should be put into use within the 60-day period. Failure to do so may result in a proposal to withdraw approval of the new-drug application.

2. If any such preparation is on the market without an approved new-drug application, its labeling should be revised if it includes those claims for which substantial evidence of effectiveness is lacking as described in paragraph A1 above. Failure to delete such indications and to put the revised labeling into use within 60 days after the date of publication hereof in the FEDERAL REGISTER may cause the drug to be subject to regulatory proceedings.

3. Holders of previously approved new-drug applications for any drug described in this announcement and any person marketing such drug without approval will be allowed 6 months from the date of publication of this announcement in the FEDERAL REGISTER to obtain and submit in a supplemental or an original new-drug application data to provide substantial evidence of effectiveness for those indications for which the drug is regarded as possibly effective. To be acceptable for consideration in support of the effectiveness of a drug, any such data must be previously unsubmitted, well-organized, and include data from adequate and well-controlled clinical investigations (identified for ready review) as described in § 130.12(a)(5) of the regulations published in the FEDERAL REGISTER of May 8, 1970 (35 F.R. 7250). Carefully conducted and documented clinical studies obtained under uncontrolled or partially controlled situations are not acceptable as a sole basis for the approval of claims of effectiveness, but such studies may be considered on their merits for corroborative support of efficacy and evidence of safety.

4. At the end of the 6-month period, any such data will be evaluated to determine whether there is substantial evidence of the effectiveness of the drug for such uses. After that evaluation, the conclusions concerning the drugs will be published in the FEDERAL REGISTER. If no studies have been undertaken or if the studies do not provide substantial evidence of effectiveness, procedures will be initiated to withdraw approval of the new-drug applications for these drugs pursuant to section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)). Withdrawal of approval of the applications will cause any such drug on the market to be a new drug for which an approval is not in effect.

The above-named holder of the new-drug applications for these drugs has been mailed a copy of the NAS-NRC reports. Any interested person may obtain a copy of these reports by writing to the office named below.

Communications forwarded in response to this announcement should be identified with the reference number DESI 6902, directed to the attention of the appropriate office listed below, and addressed (unless otherwise specified) to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852:

Supplements (identify with NDA number): Office of Marketed Drugs (BD-200), Bureau of Drugs.
Original new-drug applications: Office of New Drugs (BD-100), Bureau of Drugs.
All other communications regarding this announcement: Special Assistant for Drug Efficacy Study Implementation (BD-201), Bureau of Drugs.
Requests for NAS-NRC Reports: Press Relations Office (CE-200), Food and Drug Administration, 200 C Street SW., Washington, D.C. 20204.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050-53, as amended; 21 U.S.C. 352, 355) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: August 21, 1970.

SAM D. FINE,
Associate Commissioner for Compliance.

[F.R. Doc. 70-12432; Filed, Sept. 17, 1970; 8:45 a.m.]

[DESI 8173]

MONOBENZONE TOPICAL PREPARATIONS

Drugs for Human Use; Drug Efficacy Study Implementation

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

1. Benoquin Lotion containing 5 percent monobenzone (NDA 10-253), and

2. Benoquin Ointment containing 20 percent monobenzone (NDA 8-173), both marketed by Paul B. Elder Co., 705 East Mulberry Street, Post Office Box 31, Bryan, Ohio 43506.

These drugs are regarded as new drugs. The effectiveness classification and marketing status are described below.

A. *Effectiveness classification.* The Food and Drug Administration has considered the Academy reports, as well as other available evidence, and concludes that monobenzone is possibly effective for its recommended use in the treatment of severe freckling, hyperpigmentation from photosensitization following the use of certain perfumes, melasma of pregnancy, and hyperpigmentation following skin inflammation, and for final depigmentation in disseminated vitiligo.

B. *Marketing status.* 1. Holders of previously approved new-drug applications and any person marketing any such drug without approval will be allowed 6 months from the date of publication of this announcement in the FEDERAL REGISTER to obtain and to submit in a supplemental or original new-drug application data to provide substantial evidence of effectiveness for those indications for which these drugs have been classified as possibly effective. To be acceptable for consideration in support of the effectiveness of a drug, any such data must be previously unsubmitted, well-organized, and include data from adequate and well-controlled clinical investigations (identified for ready review) as described in § 130.12(a)(5) of the regulations published in the FEDERAL REGISTER of May 8, 1970 (35 F.R. 7250). Carefully conducted and documented clinical studies obtained under uncontrolled or partially controlled situations are not acceptable as a sole basis for the approval of claims of effectiveness, but such studies may be considered on their merits for corroborative support of efficacy and evidence of safety.

2. At the end of the 6-month period, any such data will be evaluated to determine whether there is substantial evidence of effectiveness for such uses. After the evaluation, the conclusions concerning the drugs will be published in the FEDERAL REGISTER. If no studies have been undertaken or if the studies do not provide substantial evidence of effectiveness, procedures will be initiated to withdraw approval of the new-drug applications

for such drugs pursuant to section 505(e) of the Federal Food, Drug, and Cosmetic Act. Withdrawal of approval of the applications will cause any such drugs on the market to be new drugs for which an approval is not in effect.

The above-named holder of the new-drug applications for these drugs has been mailed a copy of the NAS-NRC reports. Any interested person may obtain a copy of such reports by writing to the office named below.

Communications forwarded in response to this announcement should be identified with the reference number DESI 8173, directed to the attention of the appropriate office listed below, and addressed (unless otherwise specified below) to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852:

Supplements (identify with NDA number): Office of Marketed Drugs (BD-200), Bureau of Drugs.
Original new-drug applications: Office of New Drugs (BD-100), Bureau of Drugs.
All other communications regarding this announcement: Special Assistant for Drug Efficacy Study Implementation (BD-201), Bureau of Drugs.
Requests for NAS-NRC Reports: Press Relations Office (CE-200), Food and Drug Administration, 200 C Street SW., Washington, D.C. 20204.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050-53, as amended; 21 U.S.C. 352, 355) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: August 21, 1970.

Sam D. Fine,
Associate Commissioner for Compliance.

[F.R. Doc. 70-12433; Filed, Sept. 17, 1970; 8:45 a.m.]

[DESI 12179]

OTIC PREPARATIONS CONTAINING PROPYLENE GLYCOL DIACETATE, ACETIC ACID, AND BENZETHONIUM CHLORIDE WITH OR WITHOUT HYDROCORTISONE

Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following otic preparations:

1. VōSol Otic Solution containing propylene glycol diacetate, acetic acid, and benzethonium chloride (NDA 12-179), and

2. VōSol-*HC* Otic Solution containing hydrocortisone, propylene glycol diacetate, acetic acid, and benzethonium chloride (NDA 12-770), both marketed by Wampole Laboratories, 35 Commerce Road, Stamford, Conn. 06902.

These drugs are regarded as new drugs. The effectiveness classification and marketing status are described below.

A. *Effectiveness classification.* The Food and Drug Administration has considered the Academy reports and concludes that:

1. (a) Propylene glycol diacetate, acetic acid, and benzethonium chloride otic solution is probably effective for the treatment of otitis externa caused by bacterial and fungal pathogens.

(b) This drug is possibly effective for prophylaxis of otitis externa in swimmers and susceptible subjects.

2. Propylene glycol diacetate, acetic acid, and benzethonium chloride with hydrocortisone otic solution is probably effective for treatment of otitis externa complicated by inflammation or associated with seborrhea, allergic eczema, psoriasis, or other noninfectious conditions.

B. *Marketing status.* 1. Those indications for which each drug is described in paragraph A above as probably effective may continue to be used for 12 months, and the indication described as possibly effective may continue to be used for 6 months, following the date of this publication, to allow additional time within which holders of previously approved applications or persons marketing the drug without approval may obtain and submit to the Food and Drug Administration data to provide substantial evidence of effectiveness.

To be acceptable for consideration in support of the effectiveness of a drug, any such data must be previously unsubmitted, well-organized, and include data from adequate and well-controlled clinical investigations (identified for ready review) as described in § 130.12(a)(5) of the regulations published as a final order in the Federal Register of May 8, 1970 (35 F.R. 7250). Carefully conducted and documented clinical studies obtained under uncontrolled or partially controlled situations are not acceptable as a sole basis for the approval of claims of effectiveness, but such studies may be considered on their merits for corroborative support of efficacy and evidence of safety.

2. At the end of the 6-month and 12-month periods, any such data will be evaluated to determine whether there is substantial evidence of effectiveness of the drug for such uses. The conclusions concerning the drug will be published in the Federal Register. If no studies have been undertaken or if the studies do not provide substantial evidence of effectiveness, procedures will be initiated to withdraw approval of the new-drug application for the drug, pursuant to section 505 (e) of the Federal Food, Drug, and Cosmetic Act. Withdrawal of approval of the application will cause any such drug on the market to be a new drug for which an approval is not in effect.

3. Within 60 days from publication hereof in the Federal Register, the holder of any approved new-drug application for such drug is requested to submit a supplement to his application to provide for revised labeling as needed, which, taking into account the comments of the Academy, furnishes adequate information for safe and effective use of the drug, is in accord with the guidelines for uniform labeling published in the Federal Register of February 6, 1970 (21 CFR 3.74), and recommends use of the drug for the probably effective indications as follows: (The possibly effective indication may also be included for 6 months.)

Propylene Glycol Diacetate, Acetic Acid, and Benzethonium Chloride Solution

INDICATIONS

Otitis externa of bacterial or fungal origin.

Propylene Glycol Diacetate, Acetic Acid, and Benzethonium Chloride With Hydrocortisone Solution

INDICATIONS

Otitis externa of bacterial or fungal origin complicated by allergic, neurogenic, or seborrheic factors.

4. The supplement should be submitted under the provisions of § 130.9 (d) and (e) of the new-drug regulations (21 CFR 130.9 (d) and (e)), which permit certain changes to be put into effect at the earliest possible time and the revised labeling should be put into use within the 60-day period.

5. Within 60 days following publication hereof in the Federal Register, any such drug on the market without an approved new-drug application should be labeled in accordance with this announcement.

The above-named holder of the new-drug applications for these drugs has been mailed copies of the NAS-NRC reports. Any interested person may obtain copies of these reports by writing to the office named below.

Communications forwarded in response to this announcement should be identified with the reference number DESI 12179, directed to the attention of the appropriate office listed below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852:

Supplements (identify with NDA number): Office of Marketed Drugs (BD-200), Bureau of Drugs.
Original new-drug applications: Office of New Drugs (BD-100), Bureau of Drugs.
All other communications regarding this announcement: Special Assistant for Drug Efficacy Study Implementation (BD-201), Bureau of Drugs.
Requests for NAS-NRC report: Press Relations Staff (CE-200), Food and Drug Administration, 200 C Street SW., Washington, D.C. 20204.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050-53, as amended; 21 U.S.C. 352, 355) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: August 21, 1970.

Sam D. Fine,
Associate Commissioner for Compliance.

[F.R. Doc. 70-12434; Filed, Sept. 17, 1970; 8:45 a.m.]

Office of Education

ADULT EDUCATION

Notice of Establishment of Closing Date for Receipt of Applications for Special Experimental Demonstration Projects and for Teacher Training; Fiscal Year 1971 Funds

The Adult Education Act of 1966, Public Law 89–750, Title III, as amended by Pubic Law 91–230, Title III, provides for educational programs for adults to enable them to overcome English language limitations, to improve their education in preparation for occupational training and more profitable employment, and to become more productive and responsible citizens. Section 309 of the Act authorizes the U.S. Commissioner of Education to make grants

(1) To local educational agencies or other public or private nonprofit agencies, including educational television stations, for special experimental demonstration projects which (a) involve the use of innovative methods, systems, materials, or programs which the Commissioner determines may have national significance or be of special value in promoting effective programs under the Act or (b) involve programs of adult education, carried out in cooperation with other Federal, federally assisted, State, or local programs which the Commissioner determines have unusual promise in promoting a comprehensive or coordinated approach to the problems of persons with basic educational deficiencies; and

(2) To colleges or universities, State or local educational agencies, or other appropriate public or private agencies or organizations, to provide training for persons engaged, or preparing to engage, as personnel in adult education programs designed to carry out the purposes of the Act.

Applications may be submitted to the U.S. Commissioner of Education for grants for special experimental demonstration and teacher-training projects. Eligible applications for FY 1971 submitted prior to June 1, 1971, will be acted upon in the order of their receipt.

Application forms and instructions may be obtained from the Division of Adult Education Programs, Bureau of Adult, Vocational, and Technical Education, U.S. Office of Education, Washington, D.C. 20202.

Dated: September 3, 1970.

T. H. BELL,
Acting U.S. Commissioner of Education.

[F.R. Doc. 70-12424; Filed, Sept. 17, 1970; 8:45 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-336]

CONNECTICUT LIGHT AND POWER CO. ET AL.

Notice of Availability of Detailed Statement on Environmental Considerations

Pursuant to the National Environmental Policy Act of 1969 and to the Atomic Energy Commission's regulations in 10 CFR Part 50, notice is hereby given that a document entitled "Detailed Statement on the Environmental Considerations by the Division of Reactor Licensing, U.S. Atomic Energy Commission, Related to the Proposed Construction of Millstone Nuclear Power Station Unit 2 by The Connecticut Light and Power Co., The Hartford Electric Light Co., Western Massachusetts Electric Co., and The Millstone Point Co." is being placed in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and in the Office of the Town Clerk, Hall of Record, 200 Boston Post Road, Waterford, Conn., where it will be available for public inspection. Appended to the statement are the applicants' environmental report and the comments of various Federal, State, and local agencies. A public hearing on the application for a construction permit commenced September 15, 1970, in Waterford, Conn.

Single copies of the statement may be obtained by writing to the Director, Division of Reactor Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545.

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

For the Atomic Energy Commission.

CHRIS L. HENDERSON,
Acting Director,
Division of Reactor Licensing.

[F.R. Doc. 70-12504; Filed, Sept. 17, 1970; 8:48 a.m.]

[Docket No. 50-322]

LONG ISLAND LIGHTING CO.

Notice of Availability of Detailed Statement on Environmental Considerations

Pursuant to the National Environmental Policy Act of 1969 and to the Atomic Energy Commission's regulations in 10 CFR Part 50, notice is hereby given that a document entitled "Detailed Statement on the Environmental Considerations by the Division of Reactor Licensing, U.S. Atomic Energy Commission, Related to the Proposed Issuance of a Construction Permit to the Long Island Lighting Co. for the Shoreham Nuclear Power Station Unit 1" is being placed in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and the Office of the Principal, Joseph A. Edgar School, Route 25A, Rocky Point, N.Y., where it will be available for public inspection. Appended to the statement are the applicant's environmental report and the comments of various Federal, State, and local agencies. A public hearing on the application for a construction permit is scheduled to begin on September 21, 1970, in Rocky Point, Long Island, N.Y.

Single copies of the statement may be obtained by writing to the Director, Division of Reactor Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545.

Dated at Bethesda, Md., this 16th day of September 1970.

For the Atomic Energy Commission.

FRANK SCHROEDER,
Acting Director,
Division of Reactor Licensing.

[F.R. Doc. 70-12503; Filed, Sept. 17, 1970; 8:48 a.m.]

DEPARTMENT OF TRANSPORTATION

Office of Pipeline Safety

MINIMUM FEDERAL SAFETY STANDARDS FOR GAS PIPELINES

Notice of Regional Orientation Meetings

A series of meetings has been scheduled during the months of October and November 1970 with State gas pipeline regulatory agencies, industry and the general public to discuss the technical aspects of the Minimum Safety Standards for the Transportation of Natural and Other Gas by Pipeline.

Notice is hereby given that the meetings will be held at 1 p.m. on the dates and at the locations shown below:

Houston Tex	October 6	Sheraton-Lincoln Hotel	Keystone and Spindletop Room.
San Francisco, Calif	October 9	Sheraton Palace Hotel	(To be posted.)
Atlanta, Ga	October 20	Sheraton Biltmore Hotel	Texas Suite.
Kansas City, Mo	October 23	Continental Hotel	Georgian Room.
Philadelphia, Pa	November 3	Philadelphia Sheraton Hotel	Hall of Flags.
Boston, Mass	November 6	Parker House	Room 166.

This notice is issued under the authority of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. 1671 et seq.), Part 1 of the regulations of the Office of the Secretary of Transportation (49 CFR Part 1), and the delegation of Authority to the Director, Office of Pipeline Safety.

Issued in Washington, D.C., on September 15, 1970.

JOSEPH C. CALDWELL,
Acting Director,
Office of Pipeline Safety.

[F.R. Doc. 70-12458; Filed, Sept. 17, 1970; 8:47 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 18496]

SERVICE TO LINCOLN, NEBR.

Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled matter is assigned to be held on September 30, 1970, at 10 a.m., e.d.s.t., in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the Board.

Dated at Washington, D.C., September 14, 1970.

[SEAL] THOMAS L. WRENN, *Chief Examiner*.

[F.R. Doc. 70-12466; Filed, Sept. 17, 1970; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 509]

COMMON CARRIER SERVICES INFORMATION [1]

Domestic Public Radio Services Applications Accepted for Filing [2]

SEPTEMBER 14, 1970.

Pursuant to §§ 1.227(b)(3) and 21.30 (b) of the Commission's rules, an application, in order to be considered with any domestic public radio services application appearing on the list below, must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business 1 business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cutoff dates are set forth in the alternative—applications will be entitled to consideration with those listed below if filed by the end of the 60-day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

[1] All applications listed below are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations, and other requirements.

[2] The above alternative cutoff rules apply to those applications listed below as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio, and Local Television Transmission Services (Part 21 of the rules).

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to § 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

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

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

1303-C2-P-(3)71—Mobilfone (KKA403), C.P. to replace transmitters operating on frequencies 152.15 and 152.21 MHz at location No. 1: 2.5 miles north of U.S. Highway No. 83, on North 10th Street, McAllen, Tex., and operating on frequency 152.09 MHz at location No. 3: 4.8 miles north and 0.5 mile east of Edinburg, Tex.

1318-C2-P-71—Charlotte Electronics Corp. (New), C.P. for a new 2-way station to be located at 4 miles southeast of Immokalee, Fla., to operate on frequency 454.025 MHz.

1333-C2-AL-71—Telephone & Radio Answering Service Co., Inc., Consent to assignment of license from Telephone & Radio Answering Service Co., Inc., Assignor, to American Radio-Telephone Service, Inc., Assignee. Station, KGA590, Baltimore, Md.

1334-C2-P-71—RCC of Virginia, Inc. (KLF517), C.P. to replace transmitter operating on frequency 152.15 MHz. Station location: 508 Industry Drive, Hampton, Va.

1335-C2-P-71—National Communications System, Inc. (New), C.P. for a new 2-way station to be located at northeast slope of San Rafael Hill, San Rafael, Calif., to operate on frequency 454.175 MHz.

1336-C2-P-71—National Communications System, Inc. (New), C.P. for a new 2-way station to be located at Taylor Mountain, 1.5 miles southeast of Santa Rosa, Calif., to operate on frequency 454.15 MHz.

1337-C2-P-71—Indiana Bell Telephone Co. (KSC873), C.P. to replace transmitter operating on frequency 152.57 MHz and relocate facilities to near South 23d and Raible Streets, Anderson, Ind.

1338-C2-P-71—Mobilfone (KIY593), C.P. to relocate facilities operating 152.21 MHz to 11 Chestnut Avenue SE., Fort Walton Beach, Fla.

1339-C2-P-71—General Telephone Co. of California (KUA303), C.P. to change the antenna system on frequency 152.57 MHz located at 45330 Division Street, Indio, Calif.

1340-C2-P-71—Mobilfone (KLF639), C.P. to relocate 1-way facilities operating on frequency 152.24 MHz to 11 Chestnut Avenue SE, Fort Walton Beach, Fla.

1353-C2-P-71—Doctor's Exchange of Greenville (New), C.P. for a new 2-way station to be located at 2.6 miles south of Greenville, Miss., to operate on frequency 152.12 MHz.

1354-C2-P-71—New Jersey Bell Telephone Co. (KEA761), C.P. to replace the auxiliary test transmitter operating on frequencies 157.80, 158.01, and 158.07 MHz located at 95 William Street, Newark, N.J.

1355-C2-P-71—The Bell Telephone Co. of Pennsylvania (KGA585), C.P. for additional facilities at location No. 2: No. 12 South 12th Street, Philadelphia, Pa., to operate on frequencies 454.425, 454.475, 454.575, and 454.650 MHz and change the antenna system for same.

1356-C2-P-71—The Mountain States Telephone & Telegraph Co. (KKG417), C.P. for an additional channel to operate on frequency 152.78 MHz and change the antenna system located at Ranger Peak (Franklin Mountains), El Paso, Tex.

204-C2-P-71—The Pacific Telephone & Telegraph Co. (KA4326), Renewal of developmental station license expiring Oct. 10, 1970. Term: Oct. 10, 1970, to Oct. 10, 1971.

Informative

It appears that the following applications for air-ground base stations are mutually exclusive and subject to the Commission's rules regarding ex parte presentations.

ALABAMA

Troy:
- South Central Bell Telephone Co. (New), 6972-C2-P-70.
- Ram Broadcasting of Alabama, Inc. (New), 7-C2-P-71.
- Alabama Mobile Telephone Co. (New), 8-C2-P-71.

ARIZONA

Grand Canyon:
- Mountain States Telephone & Telegraph Co. (New), 4755—C2-P-70.
- Arizona Mobile Telephone Co. (New), 4743-C2-P-(2)-70.

Phoenix:
- Mountain States Telephone & Telegraph Co. (New), 4696-C2-P-70.
- Arizona Mobile Telephone Co. (New), 4743-C2-P-(2)-70.
- General Communications Service, Inc. (New), 5562-C2-P-(2)-70.
- Ram Broadcasting of Arizona, Inc. (New), 6946-C2-P-(2)-70.

ARKANSAS

Little Rock:
- Mobilefone Communications (New), 6945-C2-P-70.
- Arkansas Mobile Telephone Co. (New), 4751-C2-P-70.

CALIFORNIA

Los Angeles:
- California Mobile Telephone Co. (New), 5291-C2-P-(3)-70.
- Pacific Telephone & Telegraph Co. (New), 1919-C2-P-70.
- California Aircraft Telephone Co. (New), 6969-C2-P-(3)-70.

San Diego:
- Chalfont Communications (New), 5645-C2-P-(3)-70.
- California Mobile Telephone Co. (New), 5620-C2-P-70.
- Pacific Telephone & Telegraph Co. (New), 1918-C2-P-70.
- Ram Broadcasting of California, Inc. (New), 8092-C2-P-70.

CALIFORNIA—continued

Fresno:
- Pacific Telephone & Telegraph Co. (New), 6954–C2–P–70.
- California Mobile Telephone Co. (New), 5619–C2–P–(2)–70.
- Fresno Mobile Radio, Inc. (New), 5411–C2–P–(2)–70.
- Jack Loperena (New), 4737–C2–P–(3)–70.
- General Telephone Co. of California (New), 3844–C2–P–70.

San Francisco:
- Delta Valley Radiotelephone Co. (New), 6982–C2–P–(2)–70.
- Pacific Telephone & Telegraph Co. (New), 1917–C2–P–70.
- National Communications Systems, Inc. (New), 6964–C2–P–(2)–70.
- Western California Telephone Co. (New), 3525–C2–P–(2)–70.

COLORADO

Denver:
- Ram Broadcasting of Colorado, Inc. (New), 6013–C2–P–70.
- Colorado Mobile Telephone Co. (New), 4742–C2–P(3)–70.
- Answerphone, Inc. (New), 5850–C2–P(3)–70.
- Mountain States Telephone & Telegraph (New), 1104–C2–P–70.

Trinidad:
- Mountain States Telephone & Telegraph (New), 6166–C2–P–70.
- Colorado Mobile Telephone Co. (New), 8597–C2–P–70.

Grand Junction:
- Colorado Mobile Telephone Co. (New), 8598–C2–P–70.
- Mountain States Telephone & Telegraph (New), 6167–C2–P–70.

FLORIDA

Miami:
- Ram Broadcasting of Florida, Inc. (New), 6951–C2–P(4)–70.
- Southern Bell Telephone & Telegraph Co. (New), 1187–C2–P–70.
- Tel-Car Corp. (New), 6808–C2–P(4)–70.
- Georgia Mobile Telephone Co. (New), 4747–C2–P(4)–70.

Tampa:
- Georgia Mobile Telephone Co. (New), 5603–C2–P(2)–70.
- Ram Broadcasting of Florida, Inc. (New), 5601–C2–P(2)–70.
- General Telephone Co. of Florida (New), 1186–C2–P–70.

GEORGIA

Atlanta:
- Georgia Mobile Telephone Co. (New), 4739–C2–P(3)–70.
- Ram Broadcasting of Georgia, Inc. (New), 6014–C2–P(3)–70.
- Southern Bell Telephone & Telegraph Co. (New), 1120–C2–P–70.
- General Communications Service, Inc. (New), 4790–C2–P(3)–70.

HAWAII

Kahului (Maui):
- Hawaiian Telephone Co. (New), 5314–C2–P–70.
- Radiocall, Inc. (New), 7946–C2–P–70.

Honolulu (Oahu):
- Hawaiian Telephone Co. (New), 5315–C2–P–70.
- Radiocall, Inc. (New), 7945–C2–P–70.

IDAHO

Idaho Falls:
- Mountain States Telephone & Telegraph (New), 4695–C2–P–70.
- Oregon Mobile Telephone Co. (New), 5605–C2–P–70.

Boise:
- Oregon Mobile Telephone Co. (New), 5842–C2–P–70.
- Mountain States Telephone & Telegraph (New), 4697–C2–P–70.

IOWA

Waterloo:
- Northwestern Bell Telephone Co. (New), 560–C2–P–70.
- Texas Mobile Telephone Co. (New), 566–C2–P–70.

KANSAS

Salina:
- Texas Mobile Telephone Co. (New), 5613–C2–P–70.
- General Communication Systems, Inc. (New), 8081–C2–P–70.

KENTUCKY

Middlesboro:
- R. O. Deaderick Co. (New), 7379–C2–P–70.
- Kentucky Mobile Telephone Co. (New), 223–C2–P–71.

LOUISIANA

New Orleans:
- Radiofone (New), 5468–C2–P(2)–70.
- Texas Mobile Telephone Co. (New), 5611–C2–P(2)–70.
- South Central Bell Telephone Co. (New), 1983–C2–P–70.

Shreveport:
- Ram Broadcasting of Louisiana, Inc. (New), 7553–C2–P–70.
- Southern Message Service, Inc. (New), 8062–C2–P–70.
- Texas Mobile Telephone Co. (New), 6039–C2–P–70.

MISSISSIPPI

Jackson:
- Mississippi Mobile Telephone Co. (New), 4745–C2–P–70.
- Ram Broadcasting of Mississippi, Inc. (New), 7220–C2–P–70.
- AAA Answerphone, Inc. (New), 6009–C2–P–70.

MISSOURI

St. Louis:
- Missouri Telephone Co. (New), 5561–C2–P–70.
- Missouri Mobile Telephone Co. (New), 5609–C2–P(2)–70.
- Southwestern Bell Telephone Co. (New), 1935–C2–P–70.
- Ram Broadcasting of Missouri, Inc. (New), 6949–C2–P–70.

Kansas City:
- Southwestern Bell Telephone Co. (New), 1930–C2–P–70.
- Mobile Radio Communications, Inc. (New), 5292–C2–P(2)–70.
- Missouri Mobile Telephone Co. (New), 5610–C2–P(2)–70.

MONTANA

Glendive:
- Oregon Mobile Telephone Co. (New), 5606–C2–P–70.
- Mountain States Telephone Co. (New), 4701–C2–P–70.

Billings:
- Oregon Mobile Telephone Co. (New), 5607–C2–P–70.
- Mountain States Telephone Co. (New), 4699–C2–P–70.

Great Falls:
- Mountain States Telephone Co. (New), 4698–C2–P–70.
- Oregon Mobile Telephone Co. (New), 5604–C2–P(2)–70.

Missoula:
- Oregon Mobile Telephone Co. (New), 6813–C2–P–70.
- Mountain States Telephone Co. (New), 4700–C2–P–70.

NEVADA

Reno:
- Sierra Communications, Inc. (New), 6810–C2–P–70.
- Bell Telephone Co. of Nevada (New), 4586–C2–P–70.
- Ram Broadcasting of Nevada, Inc. (New), 6942–C2–P–70.

Las Vegas:
- Ram Broadcasting of Nevada, Inc. (New), 8196–C2–P–70.
- Oregon Mobile Telephone Co. (New), 8221–C2–P–70.
- Central Telephone Co. (New), 6038–C2–P–70.

NEW MEXICO

Albuquerque:
- Western Mobilphone, Inc. (New), 6968–C2–P–70.
- Texas Mobile Telephone Co. (New), 5612–C2–P–70.
- Ram Broadcasting of New Mexico, Inc. (New), 6950–C2–P–70.
- Mountain States Telephone Co. (New), 4702–C2–P–70.
- Air Communications Co. (New), 6967–C2–P(3)–70.

Silver City:
- Ram Broadcasting of New Mexico, Inc. (New), 6952–C2–P–70.
- Mountain States Telephone Co. (New), 4704–C2–P–70.
- Sierra Communications (New), 5563–C2–P(3)–70.

Artesia:
- Ram Broadcasting of New Mexico, Inc. (New), 6948–C2–P–70.
- Texas Mobile Telephone Co. (New), 5614–C2–P–70.
- Mountain States Telephone Co. (New), 4703–C2–P–70.

MINNESOTA

Minneapolis:
- Northwestern Bell Telephone Co. (New), 2546–C2–P–70.
- Ram Broadcasting of Minnesota, Inc. (New), 6943–C2–P(2)–70.
- Minnesota Mobile Telephone Co. (New), 4752–C2–P(2)–70.

Duluth:
- Northwestern Bell Telephone Co. (New), 8430–C2–P–70.
- Jan-En, Inc. (New), 372–C2–P–71.

NEW YORK

Albany:
- Empire State Mobile Telephone Co. (New), 6814–C2–P–70.
- Peter A. Bakal (New), 8198–C2–P–70.

NORTH CAROLINA

Charlotte:
- North Carolina Mobile Telephone Co. (New), 4746–C2–P–70.
- Ram Broadcasting of North Carolina, Inc. (New), 5843–C2–P–70.
- Two-Way Radio of Carolina, Inc. (New), 7205–C2–P–70.

OKLAHOMA

Oklahoma City:
- Mobilfone (New), 6941–C2–P–70.
- Oklahoma Mobile Telephone Co. (New), 4740–C2–P(2)–70.

OREGON

Pendleton:
- Pacific Northwest Bell Telephone Co. (New), 6815–C2–P–70.
- Ram Broadcasting of Oregon, Inc. (New), 8804–C2–P–70.

Klamath Falls:
- Pacific Northwest Bell Telephone Co. (New), 6809–C2–P–70.
- Ram Broadcasting of Oregon, Inc. (New), 8806–C2–P–70.

Salem:
- Ram Broadcasting of Oregon, Inc. (New), 7378–C2–P–70.
- Oregon Mobile Telephone Co. (New), 8799–C2–P(2)–70.
- Pacific Northwest Bell Telephone Co. (New), 6811–C2–P–70.

SOUTH CAROLINA

Charleston:
- South Carolina Mobile Telephone Co. (New), 5615–C2–P–70.
- Ram Broadcasting of South Carolina, Inc. (New), 7928–C2–P–70.

TENNESSEE

Columbia:
- South Central Bell Telephone Co. (New), 6971–C2–P–70.
- Georgia Mobile Telephone Co. (New), 9–C2–P–71.

TEXAS

Amarillo:
- Texas Mobile Telephone Co. (New), 7324–C2–P–70.
- Answerphone, Inc. (New), 6965–C2–P–70.
- Ram Broadcasting of Texas, Inc. (New), 8743–C2–P–70.

Dallas:
- Southwestern Bell Telephone Co. (New), 1916–C2–P–70.
- Texas Mobile Telephone Co. (New), 4738–C2–P(3)–70.
- Ram Broadcasting of Texas, Inc. (New), 6966–C2–P(3)–70.

El Paso:
- Answerphone, Inc. (New), 6962–C2–P(2)–70.
- Mountain States Telephone Co. (New), 4705–C2–P–70.
- Texas Mobile Telephone Co. (New), 4750–C2–P(2)–70.
- Contact of Texas (New), 6953–C2–P(2)–70.

Harlingen:
- Texas Mobile Telephone Co. (New), 6956–C2–P–70.
- Mobilfone (New), 7862–C2–P(4)–70.

Houston:
- Houston Radiophone Service (New), 6970–C2–P(2)–70.
- Ram Broadcasting of Texas, Inc. (New), 6944–C2–P(2)–70.
- Texas Mobile Telephone Co. (New), 4744–C2–P(2)–70.
- Southwestern Bell Telephone Co. (New), 1915–C2–P–70.

Sweetwater:
- Texas Mobile Telephone Co. (New), 6812–C2–P–70.
- Ram Broadcasting of Texas, Inc. (New), 8805–C2–P–70.

UTAH

Ogden:
- Mobile Radiotelephone Service, Inc. (New), 6806–C2–P(2)–70.
- Utah Mobile Telephone Co. (New), 5617–C2–P(2)–70.
- Mountain States Telephone Co. (New), 4638–C2–P–70.

Richfield:
- Mobile Radiotelephone Service, Inc. (New), 6807–C2–P(2)–70.
- Utah Mobile Telephone Co. (New), 5618–C2–P(2)–70.
- Mountain States Telephone Co. (New), 4639–C2–P–70.

WASHINGTON

Seattle:
- Pacific Northwest Bell Telephone Co. (New), 2545–C2–P–70.
- Evergreen State Mobile Telephone Co. (New), 4748–C2–P(4)–70.
- Ram Broadcasting of Washington, Inc. (New), 6168–C2–P(4)–70.
- Answerphone, Inc. (New), 6963–C2–P(4)–70.

Spokane:
- Evergreen State Mobile Telephone Co. (New), 6958–C2–P–70.
- Pacific Northwest Bell Telephone Co. (New), 6012–C2–P–70.
- Ram Broadcasting of Washington, Inc. (New), 8197–C2–P–70.

WYOMING

Casper:
- Mountain States Telephone Co. (New), 4640–C2–P–70.
- Oregon Mobile Telephone Co. (New), 5608–C2–P–70.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIER)

1304–C1–P/L–71—The Western Union Telegraph Co. (New), C.P. and license for a new station in any temporary fixed location within the territory of the Western Union Telegraph Co. Frequencies: 10,700–11,700 MHz; 5925–6425 MHz; 2110–2130 MHz.

1305–C1–P–71—Pacific Northwest Bell Telephone Co. (KPZ39), C.P. to add one amplifier, Collins 50G10–MW to Western Electric TL–2, located at 216 North I Street, Aberdeen, Wash. Frequency: 11,685 MHz toward Ocean Shores, Wash., via passive reflector.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIER)—continued

1306-C1-P-71—Pacific Northwest Bell Telephone Co. (KTF27), C.P. to add one amplifier, Collins 60G10-MW to Western Electric, TL-2, located at 80 feet north of Coho Street on the east side of Point Brown Avenue, Ocean Shores, Wash. Frequency: 10,755 MHz toward Aberdeen, Wash., via passive reflector.

1307-C1-P-71—Central Telephone Co. of Illinois (New), C.P. for a new station to be located at 1.78 miles south-southwest of Pekin, Ill. Frequency: 2178.0 MHz toward Peoria, Ill.

1319-C1-P-71—The Pacific Telephone & Telegraph Co. (KME46), C.P. to add frequency 3890 MHz toward Julian, Calif. Station location: 3848 Seventh Avenue, San Diego, Calif.

1320-C1-P-71—The Pacific Telephone & Telegraph Co. (KPP95), C.P. to add frequency 3930 MHz toward San Diego, Calif. Station location: 5.6 miles north of Julian, Calif.

1341-C1-P-71—Continental Telephone Co. of California (KMQ75), C.P. to add frequency 6093.5 MHz toward Kramer Hills, Calif. Station location: Government Peak, 1.4 miles southwest of Randsburg, Calif.

1342-C1-P-71—Continental Telephone Co. of California (KMQ79), C.P. to add frequency 5945.2 MHz toward Crestline, Calif. Station location: 1320 King Street, San Bernardino, Calif.

1343-C1-P-71—Continental Telephone Co. of California (KMQ76), C.P. to add frequency 6315.9 MHz toward Government Peak, Calif., and 6345.5 MHz toward Victorville, Calif. Station location: Kramer Hills, 9.4 miles southeast of Boron, Calif.

1344-C1-P-71—Continental Telephone Co. of California (KMQ78), C.P. to add frequency 6226.9 MHz toward San Bernardino, Calif., and 6345.5 MHz toward Victorville, Calif. Station location: 1.5 miles west-northwest of Crestline, Calif.

1345-C1-P-71—Continental Telephone Co. of California (KNL83), C.P. to add frequency 6063.8 MHz toward Kramer Hills and Crestline, Calif. Station location: 16461 Mojave Drive, Victorville, Calif.

1346-C1-P-71—Northwestern Bell Telephone Co. (KAV47), C.P. to add frequency 5989.7 MHz toward Oskaloosa and 11,115 MHz toward Oskaloosa, Iowa. Station location: 1 mile south Knoxville, Iowa.

1347-C1-P-71—Northwestern Bell Telephone Co. (KAV48), C.P. to add frequencies 6271.4 and 11,565 MHz toward Knoxville, Iowa. Station location: 1.3 miles west of Oskaloosa, Iowa.

1348-C1-P-71—The Mountain States Telephone & Telegraph Co. (KPN71), C.P. to add frequencies 11,445 and 11,685 MHz toward Idaho City, Idaho, via passive reflector. Station location: 10.8 miles north-northeast of Boise, Idaho.

1349-C1-P-71—The Mountain States Telephone & Telegraph Co. (New), C.P. for a new station to be located on Placerville Road, lot No. 9, Gold Hill Subdivision in Idaho City, Idaho. Frequencies: 10,755 and 10,995 MHz toward Idaho City, Idaho, via passive reflector.

1350-C1-P-71—The Pacific Telephone & Telegraph Co. (KNL59), C.P. to add frequency 4010 MHz toward Sage, Calif. Station location: Ranger, 6 miles south-southeast of Banning, Calif.

1351-C1-P-71—The Pacific Telephone & Telegraph Co. (KPP94), C.P. to add frequency 3970 MHz toward Julian, Calif. Station location: 0.7 mile north-northwest of Sage, Calif.

1352-C1-P-71—The Pacific Telephone & Telegraph Co. (KPP95), C.P. to add frequency 4010 MHz toward San Diego, Calif. Station location: 5.6 miles north of Julian, Calif.

1360-C1-P-71—The Mountain States Telephone & Telegraph Co. (KPB52), C.P. to add frequencies 11,285 and 11,525 MHz toward North Salt Lake, Utah. Station location: 70 South State Street, Salt Lake City, Utah.

1361-C1-P-71—The Mountain States Telephone & Telegraph Co. (KPR76), C.P. to add frequencies 10,835 and 11,075 MHz toward Salt Lake City, Utah, and 6271.4 and 6330.7 MHz toward Clearfield, Utah. Station location: 2 miles north of Salt Lake City, Utah.

1362-C1-P-71—The Mountain States Telephone & Telegraph Co. (KPX21), C.P. to add frequencies 5989.7 and 6049.0 MHz toward North Salt Lake, Utah. Station location: 363 North Main Street, Clearfield, Utah.

Correction

862-C1-P-71—Western Tele-Communications, Inc. (New), Correction: Add frequencies 6271.7 and 6390.0 MHz on azimuth 139°49′ at station located at Nelson Peak, Utah.

869-C1-P-71—Western Tele-Communications, Inc. (New), Correction: Change path azimuth from 79°54′, to: 255°28′ at station located at Almagre, Colo. (All other particulars same as reported in public notice dated Aug. 17, 1970.)

POINT-TO-POINT MICROWAVE RADIO SERVICE (NONTELEPHONE)

1363-C1-AL-(4)-71—Alabama Microwave, Inc., Consent to Assignment of license from: Alabama Microwave, Inc. Assignors, to: Microwave Service Co. of Florida, Inc. Assignee. Stations: KTG39, Acline, Fla.; KTG38, Fort Ogden, Fla.; KTG37, Edgeville, Fla.; KTF24, Verna, Fla.

INTERNATIONAL FIXED PUBLIC SERVICE

1365-C4-ML-71—RCA Global Communications, Inc. Modification of license to add point of communication to Buenos Aires, Argentina, at its station located at Rocky Point, N.Y.

[F.R. Doc. 70-12460; Filed, Sept. 17, 1970; 8:47 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-3073 etc.]

HUMBLE OIL & REFINING CO. ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

SEPTEMBER 9, 1970.

Take notice that each of the applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before October 2, 1970, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

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 all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

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

GORDON M. GRANT,
Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
G-3073 D 7-22-70	Humble Oil & Refining Co., Post Office Box 2180, Houston, Tex. 77001.	Texas Eastern Transmission Corp., Loma Alta Field, McMullen County, Tex.	[1]	--------
G-13780 D 8-20-70	Mobil Oil Corp., Post Office Box 1774, Houston, Tex. 77001 (partial abandonment).	Transcontinental Gas Pipe Line Corp., High Island Block 10, Offshore Jefferson County, Tex.	Depleted	--------
G-16367 D 8-20-70	Mobil Oil Corp. (Operator), et al.	Transwestern Pipeline Co., Feldman Field, Hemphill, and Lipscomb Counties, Tex.	Assigned	--------
CI62-603 D 8-20-70	Mobil Oil Corp.	Michigan Wisconsin Pipe Line Co., Laverne Field, Beaver and Harper Counties, Okla.	[2]	--------
CI62-1412 C 8-19-70	Sun Oil Co., 1608 Walnut St., Philadelphia, Pa. 19103.	Oklahoma Natural Gas Gathering Corp., and Pioneer Gas Products Co., Ringwood Field, Major County, Okla.	[3] 12.0 [4] 15.0	14.65
CI63-356 D 6-5-70	Marathon Oil Co., 539 South Main St., Findlay, Ohio 45840 (partial abandonment).	Lone Star Gas Co., East Durant Field, Bryan County, Okla.	Assigned	--------
CI63-655 E 8-17-70	Go Distribution Co., Inc. (successor to D.L.Y. Inc.[5]), 305 Frick Bldg., Pittsburgh, Pa. 15219.	Equitable Gas Co., Clay District, Ritchie County, W. Va.	25.0	15.325
CI63-1323 E 8-17-70	do [5]	do	25.0	15.325
CI64-377 (CI64-470) C 8-19-70 [6]	Pan American Petroleum Corp., Post Office Box 3092, Tulsa, Okla. 74102.	Natural Gas Pipeline Co. of America, Willamar Field, Willacy County, Tex.	16.06	14.65
CI64-647 E 8-17-70	Go Distribution Co., Inc. (successor to D.L.Y. Inc.[5]).	Equitable Gas Co., Union District, Ritchie County, W. Va.	25.0	15.325
CI66-148 D 8-26-70	Texaco, Inc. (Operator), et al., Post Office Box 52332, Houston, Tex. 77052.	Lone Star Gas Co., Sho-Vel-Tum Field, Carter County, Okla.	Uneconomical	--------
CI67-1847 C 7-2-70 [7]	Tamarack Petroleum Co., Inc.,[8] 910 Bank of the Southwest Bldg., Midland, Tex. 79701.	El Paso Natural Gas Co., Spraberry Trend Area, Reagan County, Tex.	19.0	14.65
CI67-1847 C 8-7-70 [7]	do [8]	do	19.0	14.65
CI68-969 (CS66-101) C 8-17-70 [9]	Humble Oil & Refining Co.	El Paso Natural Gas Co., Spraberry Field, Upton County, Tex.	14.5	14.65
CI68-1418 [10] D 8-26-70	Mobil Oil Corp. (partial abandonment).	Natural Gas Pipeline Co. of America, West Cameron Area, Block 163 Field, Offshore (Federal) Louisiana.	Depleted	--------
CI69-652 D 8-17-70	Crystal Oil Co., 411 Ray P. Oden Bldg., Shreveport, La 71101 (partial abandonment).	Transcontinental Gas Pipe Line Corp., Chapa Ranch and Clay West Fields, Live Oak County, Tex.	Depleted	--------
CI71-52 A 7-23-70	J. L. Gulley et al., 497 Petroleum Bldg., Tyler, Tex. 75701.	American Pipeline, Inc., Los Mogotes Field, Zapata County, Tex.	10.0	14.65
CI71-115 B 8-7-70	Anadarko Production Co., Post Office Box 9317, Fort Worth, Tex. 76107.	Texas Gas Transmission Corp., South Elton Field, Jefferson Davis Parish, La.	Depleted [12]	--------
CI71-141 B 8-18-70	General American Oil Co. of Texas (Operator) et al., Meadows Bldg., Dallas, Tex. 75206.	Arkansas Louisiana Gas Co., East Haynesville Field, Claiborne Parish, La.	Depleted	--------
CI71-142 B 8-18-70	do	do	[13]	--------
CI71-143 B 8-18-70	General American Oil Co. of Texas	Arkansas Louisiana Gas Co., Haynesville Field, Claiborne Parish, La.	Depleted	--------
CI71-144 B 8-18-70	General American Oil Co. of Texas (Operator) et al.	do	Depleted	--------
CI71-149 (CI65-630) F 8-17-70	Alfred C. Glassell, Jr. (successor to Continental Oil Co.), 2300 First City National Bank Bldg., Houston, Tex. 77002.	Lone Star Gas Co., J.G.S. Field, Panola County, Tex.	[14] 14.5250	14.65
CI71-150 (G-3668) F 8-17-70	do	Arkansas Louisiana Gas Co., Carthage Field, Panola County, Tex.	10.64702	14.65
CI71-151 (G-13633) F 8-17-70	PAR Oil Corp. (successor to Pennzoil Producing Co.), 504 Beck Bldg., Shreveport, La. 71101.	United Gas Pipe Line Co., Sligo Field, Bossier Parish, La.	[15] 13.5508	15.025
CI71-152 (G-6947) F 8-14-70	Alfred C. Glassell, Jr. (successor to Continental Oil Co.).	Texas Gas Transmission Corp., East Carthage Field, Panola County, Tex.	[16] 15.05625	14.65
CI71-157 (CS67-33) F 8-19-70	Triton Oil & Gas Corp. (successor to Sam Boren), 2310 Republic National Bank Tower, Dallas, Tex. 75201.	El Paso Natural Gas Co., Spraberry Area, Reagan County, Tex.	14.5	14.65
CI71-159 (CI66-824) F 8-17-70	White Shield Oil & Gas Corp. (successor to Marshall Exploration, Inc.), c/o Robert E. McCormack, Attorney, Suite 102, 5963 East 31st St., Tulsa, Okla. 74135.	Southern Natural Gas Co., Logansport Field, De Soto Parish, La.	13.82	15.025
CI71-160 A 8-17-70	James A. Crowson, Jr. and Robert R. Tatum, Jr., Post Office Box 7411, Shreveport, La. 71107.	United Gas Pipe Line Co., Bethany Field, Panola County, Tex.	15.0	14.65
CI71-162 (CI60-153) (CI60-159) F 8-21-70	Crown Petroleum, Inc. (successor to Cabot Corp. and Gulf Oil Corp.), 409 Bank of the Southwest Bldg., Amarillo, Tex. 79109.	Cities Service Gas Co., acreage in Seward County, Kans.	[17] 18.0	14.65
CI71-166 B 8-24-70	Rhodes & Hicks Drilling Corp.	Valley Gas Transmission, Inc., North Magnolia City Field, Jim Wells County, Tex.	Depleted	--------
CI71-167 B 8-26-70	Continental Oil Co., Post Office Box 2197, Houston, Tex. 77001.	Cities Service Gas Co., West Eureka Field, Alfalfa County, Okla.	Uneconomical	--------
CI71-171 (CI64-435) F 8-21-70	Texas Oil & Gas Corp. (successor to J. M. Huber Corp.), 1001 Americana Bldg., Houston, Tex. 77002.	Northern Natural Gas Co., Laverne Field, Harper County, Okla.	17.0	14.65
CI71-173 (CI70-831) F 8-27-70	Hill-Tex Co. (successor to Hill Oil & Gas Co.), 1411 West Ave., Austin, Tex. 78701.	Panhandle Eastern Pipe Line Co., Gage Northeast Field, Ellis County, Okla.	[18] 17.0	14.65
CI71-174 B 8-26-70	Mobile Oil Corp.	Cities Service Gas Co., Yellowstone Field, Woods County, Okla.	Depleted	--------
CI71-175 B 8-26-70	Pennzoil Producing Co., 900 Southwest Tower, Houston, Tex. 77002.	Arkansas Louisiana Gas Co., Sentell Field, Bossier and Caddo Parishes, La.	Depleted	--------

See footnotes at end of table.

[1] W. C. Miller filed an abandonment application which is being construed as a petition to amend Humble Oil & Refining Co.'s certificate to reflect deletion of nonproductive acreage.
[2] Deletes acreage leased to John H. Hill.
[3] Low-pressure gas.
[4] High-pressure gas.
[5] Successor in interest to Petroleum Drilling Co. and George L. Yaste d.b.a. Oil States Sales Co.
[6] Adds acreage acquired from Sun Oil Co., Docket No. CI64-470.
[7] Casinghead gas.
[8] By letter filed Aug. 19, 1970, applicant agreed to accept authorization conditioned as Opinion No. 468, as modified by Opinion No. 468-A.
[9] Adds acreage acquired from McGrath & Smith, Inc. (Operator), et al., Docket No. CS66-101.
[10] Pending certificate application.
[11] Joint application filed by J. L. Gulley, Jr., W. R. Hughey, Harris R. Fender, Fender Brothers Trust No. 1, Robert A. Mann, Howard G. Nichols, Dr. W. H. Sorensen, and H. Grant Nichols, Jr.
[12] Wells have ceased to produce gas, and are now producing oil.
[13] Abandons service due to expiration of lease.
[14] Includes 0.0350 cent per Mcf tax reimburxement. Rate in effect subject to refund in Docket No. RI70-439.
[15] Includes 1.5 cents per Mcf tax reimbursement.
[16] Includes 0.5625 cent per Mcf tax reimbursement. Rate in effect subject to refund in Docket No. RI70-440.
[17] Rate in effect subject to refund in Dockets Nos. RI65-549 and RI70-267.
[18] Subject to upward and downward B.t.u. adjustment.

[F.R. Doc. 70-12354; Filed, Sept. 17, 1970; 8:45 a.m.]

FEDERAL RESERVE SYSTEM

BORDENTOWN BANKING CO.

Order Approving Merger of Banks

In the matter of the application of Bordentown Banking Co. for approval of merger with The First National Bank in New Egypt.

There has come before the Board of Governors, pursuant to the Bank Merger Act (12 U.S.C. 1828(c)), an application by Bordentown Banking Co., Bordentown Township, N.J. (Bordentown Bank), a member State bank of the Federal Reserve System, for the Board's prior approval of the merger of that bank and The First National Bank in New Egypt,

New Egypt, N.J. (New Egypt Bank), under the charter of Bordentown Banking Co. and under the name Bank of Mid-Jersey. As an incident to the merger, the sole office of New Egypt Bank would become the fifth office of the resulting bank. Notice of the proposed merger, in form approved by the Board, has been published pursuant to said Act.

In accordance with the Act, the Board requested reports on the competitive factors involved from the Attorney General, the Comptroller of the Currency, and the Federal Deposit Insurance Corporation. The Board has considered all relevant material contained in the record in the light of the factors set forth in the Act, including the effect of the proposal on competition, the financial and managerial resources and prospects of the banks concerned, and the convenience and needs of the communities to be served, and finds that:

Bordentown Bank, with deposits of $28 million, operates four offices in Burlington County. New Egypt Bank, with deposits of $7 million, operates its sole office in adjacent Ocean County. Only the nearest office of Bordentown Bank, 7 miles from New Egypt, competes to any extent with New Egypt Bank, and the extent of such competition is not regarded as significant; the New Egypt area is served by branches of four other banks, all of which have larger total deposits than either of the merging banks or the proposed resulting bank. Under New Jersey law, neither bank could branch into the communities served by the other.

Based upon the foregoing, the Board concludes that the merger would have only a slightly adverse effect on competition. On consummation of the proposal, the New Egypt community would benefit from expanded banking hours and the initiation of fiduciary services, a wider variety of installment and mortgage loans, and various time deposit services. Considerations relating to the financial condition, management, and prospects of the merging banks and the resulting bank are consistent with approval of the application. It is the Board's judgment that consummation of the proposal would be in the public interest, and that the action should be approved.

It is hereby ordered, On the basis of the findings summarized above, that said application be and hereby is approved: *Provided,* That the action so approved shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Philadelphia pursuant to delegated authority.

By order of the Board of Governors,[1] September 14, 1970.

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

[F.R. Doc. 70-12449; Filed, Sept. 17, 1970; 8:47 a.m.]

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

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3421]

CONTINENTAL VENDING MACHINE CORP.

Order Suspending Trading

SEPTEMBER 11, 1970.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, 10 cents par value of Continental Vending Machine Corp., and the 6 percent convertible subordinated debentures due September 1, 1976, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period September 13, 1970, through September 22, 1970, both dates inclusive.

By the Commission.

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

[F.R. Doc. 70-12452; Filed, Sept. 17, 1970; 8:47 a.m.]

[81-99-1]

LAKE ONTARIO CEMENT, LTD.

Notice of and Order for Hearing on Application for Exemption

SEPTEMBER 10, 1970.

Notice is hereby given that Lake Ontario Cement, Ltd. (Applicant), 2 Carlton Street, Toronto 2, Ontario, Canada, has filed an application pursuant to section 12(h) of the Securities Exchange Act of 1934, as amended (Exchange Act), for a finding that by reason of Applicant's compliance with Rule 12(g)3-2(b) of the Exchange Act Rules it is entitled to an exemption from the reporting requirements of section 15(d) of the Exchange Act, and further that applicant is entitled to an exemption from section 15(d) under section 12(h) because the filings it would make under Rule 12(g)3-2(b) would be fairly equivalent to that required by section 15(d) so that an exemption would not be inconsistent with the public interest or the protection of investors.

Section 15(d) of the Exchange Act requires each issuer which has filed a registration statement containing an undertaking which is or becomes operative under section 15(d) as in effect prior to the date of enactment of the Securities Act Amendments of 1964, and each issuer which shall after such date file a registration statement which has become effective pursuant to the Securities Act of 1933, as amended, to file supplementary and periodic information, documents, and reports as the Commission may require pursuant to section 13 of the Exchange Act in respect of a security registered pursuant to section 12 of the Exchange Act. The duty to file is automatically suspended if the issuer is registered pursuant to section 12 of the Exchange Act. The duty is also automatically suspended as to any fiscal year, if, at the beginning of such fiscal year, the securities of each class to which the registration statement relates are held of record by less than 300 persons. The term "class" is construed to include all securities of an issuer which are of substantially similar character and the holders of which enjoy substantially similar rights and privileges.

Section 12(h) empowers the Commission to exempt, in whole or in part, any issuer or class of issuers from the registration, periodic reporting and proxy solicitation provisions and to grant exemptions from the insider reporting and trading provisions of the Exchange Act if the Commission finds, by reason of the number of public investors, amount of trading interest in the securities, the nature and extent of the activities of the issuer, or otherwise, that such exemption is not inconsistent with the public interest or the protection of investors.

The Applicant's application states, in part:

1. In 1956, the Applicant, pursuant to an effective registration statement, sold $6,497,400 of debentures, 232,050 convertible preferred shares, and 696,150 common shares. The convertible preferred shares have all been converted or redeemed.
2. In November 1958, the Applicant made a rights offering to holders of its common shares and, in connection therewith, registered under the Securities Act 671,376 common shares and 671,376 common share warrants.
3. Both the 1956 and 1958 registration statements contained undertakings to comply with section 15(d) of the Exchange Act and any rules and regulations thereunder. The aforementioned securities are being sold over-the-counter.
4. Approximately 1,270 residents of the United States hold 294,517 common shares of the Applicant. These shares represent 6.6 percent of the outstanding common shares of the Applicant; $211,400 of the debentures are now held by U.S. residents. The company has approximately $35 million in assets.

For a more detailed statement of the information presented, all persons are referred to said application which is on file in the offices of the Commission at 500 North Capitol Street, Washington, D.C.

It is ordered, Pursuant to section 12(h) of the Securities Exchange Act of 1934, as amended, that a hearing on the application of Lake Ontario Cement, Ltd., for an exemption from section 15(d) of the Exchange Act be held on October 7, 1970 at 10 a.m. at the offices of the Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. At such time, the hearing room clerk will designate the room in which such hearing will be held. An officer will be designated later to preside at the hearing. Any person desiring to be heard is directed to file with the Secretary of the Commission his request, as provided for by Rule 9(c) of

the Commission's rules of practice, setting forth any issues of fact or law which he desires to controvert and/or setting forth any additional issues which he feels should be considered.

The Division of Corporation Finance advises it has made a preliminary examination, and that it has recommended to the Commission that:

1. No exemption from the reporting requirements of section 15(d) of the Exchange Act is available by reason of compliance with Rule 12(g)3-2(b) of the Exchange Act rules.

2. Lake Ontario Cement, Ltd., should be granted a hearing to determine whether it is entitled to an exemption from section 15(d) under the provisions of 12(h) of the Exchange Act. The following matters and questions are to be presented for consideration at the hearing:

I. Any further presentation which the Applicant or any interested party may wish to make on the question of whether Applicant's compliance with Rule 12(g)3-2(b) of the Exchange Act rules entitles it to an exemption from the reporting requirements of section 15(d);

II. Whether the number of public investors and the amount of trading interest, actual or potential, in Applicant's securities is sufficiently limited as to justify the requested exemption; and,

III. Whether the nature and extent of the activities of the Applicant are such as to justify the requested exemption; and,

IV. Whether adequate information is and will be available to investors concerning the financial and business affairs of the Applicant, the management of the Applicant, the principal holders of the securities of the Applicant, any transaction of management in the securities of the Applicant, and the nature and description of the Applicant's securities; and,

V. Generally, whether the requested exemption is consistent with the public interest and with the protection of investors.

It is further ordered, That the Secretary of the Commission shall give notice of the aforesaid hearing by mailing a copy of this notice and order by registered mail to Lake Ontario Cement, Ltd., and its attorney and that notice to all other persons be given by publication of this notice and order in the FEDERAL REGISTER, and that a general release of this Commission in respect of this notice and order be distributed to the press and mailed to those persons whose names appear on the mailing list for releases.

By the Commission.

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

[F.R. Doc. 70-12453; Filed, Sept. 17, 1970; 8:47 a.m.]

SMALL BUSINESS ADMINISTRATION

DIXIE CAPITAL CORP.

Notice of Application for Transfer of Control of Licensed Small Business Investment Company

Notice is hereby given that an application has been filed with the Small Business Administration, pursuant to § 107.701 of the SBA rules and regulations governing Small Business Investment Companies (33 F.R. 326; 13 CFR Part 107), for transfer of control of Dixie Capital Corp. (Dixie), License No. 05/05-0085, 2400 First National Bank Building, Atlanta, Ga. 30303, a Federal licensee under the Small Business Investment Act of 1958, as amended (the Act) (15 U.S.C. 661 et seq.).

Dixie was licensed on February 26, 1964. Its present paid-in capital and paid-in surplus is $163,000. It has 16,300 shares of outstanding stock owned by two stockholders. The licensee has been granted permission to have up to 50 percent of its portfolio invested in real estate (real estate specialist).

The stockholders of Dixie entered into an agreement to sell their stock to Atlanta Capital, Inc. (ACI). ACI was recently incorporated under the laws of the State of Georgia. It has its principal place of business at 2210 Gas Light Tower, Atlanta, Ga. 30303. Dixie will become a wholly owned subsidiary of ACI (a holding company) and represent its principal asset. Dixie will be moved to the same address as ACI and retain its status as a real estate specialist.

The licensee's new officers and Board of Directors will be:

Joseph Biran Brooks, 3177 Chatham Road NW., Atlanta, Ga. 30305, Treasurer and Director.
Dudley Lester Moore, Jr., 3092 Rhodenhaven Drive NW., Atlanta, Ga. 30327, Director.
Donald Edward O'Brien, 2401 Alton Road, Atlanta, Ga. 30305, Director.
William John Stack, Jr., 1009 Clifton Road, NE., Atlanta, Ga. 30307, President and Director.
Fred Allen Tillman, 386 Herrington Drive NE., Atlanta, Ga. 30305, Secretary, General Manager, and Director.

The foregoing persons, with the exception of Mr. Fred Tillman, hold identical positions with ACI and, together with Mr. Benjamin Stalker Read, Jr., 3476 Paces Place NW., Atlanta, Ga. 30327, constitute all of its stockholders.

Matters involved in SBA's consideration of the proposed transaction include, the general business reputation of ACI and its officers, directors, and principal stockholders, as well as the probability of Dixie's successful operation as a wholly owned subsidiary of ACI, including such factors as, adequate profitability and financial soundness, in accordance with the Act and the regulations.

Prior to final action on the request made for SBA approval, consideration will be given to any comments pertaining to the proposed transaction which are submitted, in writing, to the Associate Administrator for Investment, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416, within ten (10) days of the date of publication of this notice.

A copy of this notice will be published by the proposed transferee in a newspaper of general circulation in Atlanta, Ga.

A. H. SINGER,
Associate Administrator for Investment.

SEPTEMBER 3, 1970.

[F.R. Doc. 70-12461; Filed, Sept. 17, 1970; 8:47 a.m.]

TARIFF COMMISSION

[332-65]

COMPETITIVE POSITION OF U.S. INDUSTRIES

Notice of Investigation and Hearing

In response to a request dated July 21, 1970, by the President of the United States, the U.S. Tariff Commission has instituted an investigation of the impact of imports on U.S. industries. The full text of the request is as follows:

Dear Dr. Sutton:

As you know, I recently sent a letter on trade to the Chairman of the Ways and Means Committee. I am enclosing a copy of that letter because it includes a statement of this Administration's approach to the problem of import competition. The pertinent paragraph read as follows:

"We need more information regarding the competitive position of U.S. industries. So that we will have an adequate factual base, I am requesting that the Tariff Commission make a broad survey of the competitiveness of particular industries. I believe that such a broad study, which the Tariff Commission is best suited to conduct, will be of great assistance to us in our future policies and trade actions and in the work of my Commission on International Trade and Investment Policy."

Our high standard of living, coupled with our vast market and its efficient distribution system, has attracted a wide variety of foreign goods into this country. The entry of foreign products in large volume, however, has given rise to numerous complaints about the impact of imports on our economy, our communities, our industries, and their firms and workers. Evidence of this concern is the large number of bills introduced into the Congress proposing restrictions on a wide range of imported products.

Consequently, I request that the Tariff Commission make a comprehensive examination and report to me on the impact of imports on U.S. industries. I request that the Commission hold public hearings on this issue to elicit the views of all interested parties. The information obtained in this investigation will be particularly useful in

determining our future policies and trade actions, including the possible need for any detailed investigation under section 301 of the Trade Expansion Act.

Sincerely,

RICHARD NIXON.

In making the requested study, the Commission will investigate the competition of imported and domestic products in the U.S. market and the effect of that competition on U.S. industries. Among other matters, the Commission, in surveying the competitiveness of particular industries, will analyze the nature of the articles produced, the organization of the industry, the makeup of industry's productive facilities, the relationship of U.S. consumption, production, imports, and exports of the articles involved, the trend of employment and labor costs in the industry, the prices of domestic and imported articles, and, in general, the causation of changes in competitive relationships in the U.S. market.

A hearing will be held in the Hearing Room, Tariff Commission Building, Eighth and E Streets NW., Washington, D.C., beginning at 10 a.m., on November 4, 1970. Interested parties desiring to appear and to be heard should notify the Secretary of the Commission, in writing, on or before October 23, 1970. It is suggested that parties who have a common interest endeavor wherever possible to arrange for a consolidated presentation of their views.

Requests to appear must contain the following information:

a. The products or industry segments on which testimony will be presented.

b. The name and organization of the witness or witnesses who will testify, and the name, address, telephone number, and organization of the person filing the request.

c. A statement indicating whether the testimony to be presented will be on behalf of importer, domestic producer, labor, or consumer interests.

d. A careful estimate of the aggregate time desired for presentation of oral testimony by all witnesses for whose appearances the request is filed.

Because of the limited time available, the Commission reserves the right to limit the time assigned to witnesses. In this connection, experience in similar previous hearings has indicated that in most cases the essential information can be effectively summarized in an oral presentation of 15 to 20 minutes. Parties desiring an allowance of time in excess of this amount should set forth any special circumstances in support of such request. Witnesses may supplement their oral testimony with written statements of any desired length. These should be submitted when the oral testimony is presented.

Persons who have properly filed requests to appear will be individually notified of the date on which they will be scheduled to present oral testimony and of the time allotted for presentation of such testimony.

Questioning of witnesses will be limited to members of the Commission and the Commission's staff.

Written information and views in lieu of appearance at the public hearings may be submitted by interested persons. The Commission will accept such statements until further notice. A signed original and 19 true copies must be submitted. Business data which are deemed confidential should be submitted on separate sheets, each clearly marked at the top "Business Confidential." All written statements, except for confidential business data, will be made available for inspection by interested persons.

All communications regarding the Commission's investigation should be addressed to the Secretary, U.S. Tariff Commission, Washington, D.C. 20436.

Issued: September 15, 1970.

By order of the Commission.

[SEAL] KENNETH R. MASON, *Secretary.*

[F.R. Doc. 70-12462; Filed, Sept. 17, 1970; 8:47 a.m.]

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